

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the 20th day of March, 1793, and thence continued by several prorogations to the 6th day of June, 1797 ; in the 37th Year of the Reign of our Sovereign Lord George the Third of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. being the Fifth Session of the Seventh GENERAL ASSEMBLY, convened in the said Province.\*

\* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor ; Henry Newton, President of Council ; Thomas Barclay, Speaker of the Assembly ; James Gautier, Secretary of Council ; and James B. Franklin, Clerk of Assembly.

## CAP. I.

An ACT for appointing Commissioners to determine upon a proper situation, in the town of Halifax, and to purchase Lots of Ground, if necessary, to erect a Public Building, for the accommodation of the General Assembly, Court of Chancery, Supreme Court, and Court of Admiralty, and Public Offices, and for procuring plans and estimates for a building hereafter to be erected for the residence of the Governor, Lieutenant-Governor, or Commander in Chief, for the time being.

For Acts in amendment, or addition to this Act, see 39th George 3d Cap. 9, and 40th Geo. 3d. Cap. 4.

**W**HEREAS, from the present state of the Province, it is become necessary, that, as soon as mechanics and labour can be procured on reasonable terms, a public building should be erected, wherein the General Assembly of the Province may convene, and where the Court of Chancery, Supreme Court, and Court of Admiralty, may be provided with a hall, and suitable apartments, for the administration of justice, and public offices :

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the Honorable Charles Morris, the Honorable Thomas Cochran, and the Honorable Sampson Salter Blowers, of His Majesty's Council : Jonathan Starns, Michael Wallace, and Lawrence Hartshorne, Esquires, of the House of Assembly, and Richard John Uniacke, Esquire, His Majesty's Solicitor General, be appointed Commissioners for the purpose of determining upon proper sites, purchasing lots of ground where it may be deemed necessary, and for erecting thereon a range of public buildings, of stone or brick, wherein the General Assembly may hold its Sessions, and the Court of Chancery, Supreme Court and Court of Admiralty, their respective sittings, and the public offices may be held ; which said Commissioners, or the major part of them, are hereby authorized, to make purchase of the lots of ground herein before mentioned, and to proceed to the purchase of materials, for the aforesaid range of public buildings, when they can be reasonably

Commissioners to determine site, and to purchase grounds for erecting public buildings, of stone or brick.

For sittings of the General Assembly, and Courts of Justice.

Buildings not to exceed certain dimensions.

A plan, and estimate, of building for the residence of the Governor to be procured.

Contracts made by Commissioners, to be approved by the Governor.

Money allowed for the building.

Governor empowered to appoint a Special Court to ascertain the value of any Lots purchased.

Officers comprising said Court.

How said Court are to proceed.

reasonably procured, after a Peace takes place : when the price of labour shall be reduced to a reasonable standard to employ mechanicks, workmen and labourers, to erect and complete the said range of buildings, which said range of public buildings, shall not exceed the following dimensions, That is to say, in front and rear, one hundred and twenty-nine feet ; in depth, fifty feet ; and, in height, forty-one feet.

II. *And be it further enacted, by the authority aforesaid,* That the said Commissioners, or the major part of them, shall procure proper plans, and sections, of a House to be erected for the residence of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with particular estimates of the probable cost and expences of the materials, and workmanship, necessary to complete the said building : which plans, sections and estimates, shall be laid before the General Assembly, at their next Session ; and to report to the General Assembly, in their next Session, the site the said Commissioners may think most eligible for a Government House.

III. *And be it further enacted, by the authority aforesaid,* That all contracts entered into by the aforesaid Commissioners, with any person or persons for the purchase of lots of ground, materials and workmanship, shall, previous to their being executed, be laid before the Governor, Lieutenant-Governor, or Commander in Chief for the time being, for his approbation.

IV. *And be it further enacted, by the authority aforesaid,* That a sum, not exceeding three thousand pounds, shall and may be drawn from the Treasury of the Province, for the purpose of purchasing the materials and lots of ground aforesaid, and for paying the workmen to be employed, in erecting and completing a range of buildings for the General Assembly, Courts of Justice, and Public Offices abovementioned ; and the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, is hereby empowered to draw warrants on the Treasury, at the requisition of the said Commissioners, or the major part of them, for the aforesaid sum, or any part thereof, at such times, and in such proportions, as they may deem necessary.

*AND WHEREAS there may not be a public ground sufficient, in the situation the said Commissioners may judge most convenient for the erection of such building, and that the said Commissioners cannot procure other lots of ground, from the proprietors, at a fair and reasonable price :*

V. *Be it further enacted, by the authority aforesaid,* That in case the herein named Commissioners shall think it necessary, to make a purchase of any lot or lots of ground, for the purposes aforesaid, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, on application of the said Commissioners, or the major part of them, to commission and appoint a Special Court, for the purpose of ascertaining the value of such lot or lots of ground ; which Court shall be composed of, at least, one of His Majesty's Justices of the Supreme Court, and such other Justices of the Court of Common Pleas, for the town of Halifax, as, by the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, may be deemed necessary.

VI. *And be it further enacted, by the authority aforesaid,* That such Court, so appointed as aforesaid, shall forthwith issue a *venire facias*, directed to the Sheriff of the County of Halifax, to summon twenty-four good and lawful men of his bailwick, freeholders of land, situate within the town of Halifax, to be and appear before the said Justices, at such place, and on such day and hour, as by the said Justices shall be directed : twelve of whom shall be sworn by the said Court, to appraise and value such lot or lots of ground, at a fair and reasonable price, according to the best of their knowledge ; and the twelve jurors so sworn, shall proceed to view, and value, the lot or lots of ground, so required by the aforesaid Commissioners for the said building, and shall deliver in a verdict to the said Court, under the hands and seals.

feals of, at least, nine of the said jurors, wherein the value of such lot or lots of ground shall be expressed, in which said verdict the jurors aforesaid, shall give a particular description of the metes and bounds of such lot or lots, specifying each lot, distinct and separate from the others, according to the number of proprietors, and such verdict, so delivered into the said Court, shall be duly entered, and become a record of the said Court.

VII. *And be it further enacted, by the authority aforesaid,* That the value of such lot or lots of ground in money, so ascertained by the said verdict, shall be paid by the said Commissioners, to the proprietor or proprietors thereof; and in case the said lot, or lots, shall appertain to absent persons or minors, or the proprietor or proprietors thereof shall abscond, so as that the sum of money awarded cannot be paid, or tendered, to them, or shall neglect, or refuse, to receive the same when tendered, the said money shall be lodged in the Treasury for their use, there to remain until some person, duly authorised by law, shall apply for the same, and the said lands shall thereupon be vested in His Majesty, His heirs and successors, for ever.

Commissioners to pay the value to proprietors & the Lands appertaining to absent persons or minors; the value to be lodged in Treasury 'till applied for.

VIII. *And be it further enacted, by the authority aforesaid,* That if the Sheriff shall refuse, or neglect, to summons a jury as aforesaid, he shall forfeit, and pay, the sum of twenty pounds, for each, and every offence, and in case any of the jurors, duly summoned, shall not attend, or shall refuse to be sworn, such juror shall forfeit, and pay, for such neglect, or refusal, the sum of five pounds, to be levied by warrant, from the said Court, of distress and sale of the offender's goods and chattles.

Neglect of the Sheriff to summon a jury.

Non-attendance of jurors, after summoned,

IX. *And be it further enacted, by the authority aforesaid,* That an Act, made in the twenty eighth year of the reign of His present Majesty, entitled, An Act for enabling Commissioners to make sale of the Public Buildings, therein named, for public uses, and to erect on the lower parade, in the town of Halifax, a commodious building, and also to provide, or build, a common jail; and every matter and thing, in the said Act contained, (saving, and except such parts of the said Act, as have been already carried into effect) shall be, and the same are hereby, repealed, and no longer in force or effect.

Former Act made in 1788, repealed, except such parts as have been carried into effect.

## CAP. II.

An ACT to enable the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint Trustees, for the Common of the Town of Dartmouth, on the death, or removal, of the Trustees holding the same, and to vacate that part of the grant of the Common aforesaid, which vests the trust in the heirs, executors or administrators, of the Trustees, named in the said grant, on the death of such Trustees.

See 20th Geo. 3d. cap. 6.

**W**HEREAS by letters patent under the great seal of this Province, bearing date the 4th day of September, in the year of our Lord one thousand seven hundred and eighty-eight; His Majesty was pleased to grant to Thomas Cochran, Timothy Folger, and Samuel Starbuck, their heirs, executors, and administrators, the common of the township of Dartmouth; situate on the eastern side of the harbour of Halifax, in special trust, for the use of the inhabitants settled and resident in the town plat, or that might thereafter settle, and actually reside, within the township of Dartmouth, during such residence only; as a common, for the general benefit of such resident settlers, and not otherwise. And whereas the said Timothy Folger and Samuel Starbuck, have removed from this Province, by reason whereof the good intent of the said grant, is in a great measure defeated; and whereas many, and great inconveniences

Preamble.

may arise from the trust aforesaid, on the death of either, or the whole, of the said trustees, devolving to their heirs, executors, or administrators; for remedy whereof:

Governor to appoint Trustees for the Common at Dartmouth.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint fit and proper persons, trustees for the common of the town of Dartmouth, which trustees, so nominated and appointed, shall hold the said common on the same terms and conditions, as the trustees, named in the aforesaid grant, are authorised to hold the same, by virtue of the said grant.

And on the death of any Trustee, to appoint another to exercise the trust.

II. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, from time to time, and at all times hereafter, on the death, or removal out of this Province of any of the aforesaid trustees, to nominate and appoint another person, to exercise the said trust.

Former trust vacated.

III. *And be it further enacted,* That so much of the said grant as relates to the appointing the before named *Timothy Folger*, and *Samuel Starbuck*, trustees, as aforesaid, and such part thereof, as, on the death of either of the trustees, therein named, devolves the trust on the heirs, executors or administrators, of the trustee so deceased; and every matter and thing, in the said grant contained, relating to the same, shall be, and the same is hereby, vacated, and no longer in force or effect.

Power of Trustees appointed under this Act.

IV. *And be it further enacted,* That the trustees to be named, in and under this Act, shall exercise, and use, every right, power and privilege, heretofore given to the trustees, named in the aforesaid grant, and referred to in an Act, passed in the twenty-ninth year of His Majesty's reign, entitled, An Act to enable the inhabitants of the town plot of Dartmouth, to use, and occupy, the common field, granted by His Excellency the Lieutenant-Governor, in such way as may be most beneficial to them.

### CAP. III.

An ACT in amendment of an Act, passed in the Twenty-ninth year of the reign of His present Majesty, entitled, An Act for the better regulation of Elections.

Preamble.

**W**HEREAS conveyances have heretofore been made, for the purpose of qualifying persons to vote in counties and towns within this Province, for members to represent them in General Assembly:

What constitutes the right of voting at an election, and of an individual to be elected.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That each person hereafter to be chosen a member of Assembly, and each elector, at the time of giving his vote, in any election hereafter to be held in this Province, shall actually have an income of forty shillings per annum, in freehold estate, or shall have, within the county or town for which he shall vote, or be elected, in his own right in fee simple, a dwelling-house, with the ground on which the same stands; or one hundred acres of land, whereof five acres, at least, shall be under cultivation: such person, or persons, possessing any one of the before mentioned interests, shall be entitled to vote, or be elected, for the county, or town, wherein the same shall be situate. *Provided always,* That no person shall be entitled to vote in any election, to be hereafter held in this Province, or shall be eligible to serve as a member of Assembly, who shall not have had the grant or conveyance, under which he holds as aforesaid, registered six months before the test of the writ for holding the election. *Provided also,* That nothing in this Act contained, shall be construed to extend to any person, or persons, holding, by descent or devise, of the yearly value aforesaid.

## CAP. IV.

An ACT to explain and amend an Act, passed in the seventh year of His present Majesty's Reign, entitled, An Act for partition of Lands in Coparcenary, Joint Tenancy, and Tenancy in Common, and, thereby, for the more effectual collecting His Majesty's Quit Rents, in the Colony of Nova-Scotia.

For Acts on this subject, see note on 7 and 8, Geo. 3d Cap. 2.

**W**HEREAS doubts have arisen, whether the said Act doth extend to, and enable, persons, who are Coparceners, Joint Tenants, and Tenants in Common, other than the proprietors of Townships, to make partition of lands to them belonging.

Preamble.

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the said Act, and all Acts heretofore made, in amendment thereof, shall be construed to extend to all persons, who do, or shall, hold lands in coparcenary, joint tenancy, and tenancy in common.

The Acts for making partition of Lands, to extend to all persons holding as Joint Tenants, Coparceners, or Tenants in Common.

## CAP. V.

An ACT in amendment of an Act, passed in the twenty-ninth year of His present Majesty's Reign, entitled, An Act for altering the Times appointed for holding the Court of Common Pleas, and General Sessions of the Peace, in the County of Sydney.

**W**HEREAS the times, specified in the afore recited Act, for holding the Inferior Court of Common Pleas, and General Sessions of the Peace, within the County of Sydney, have been found inconvenient to the inhabitants of the said District; for remedy whereof:

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, shall, after the present year, be held at Guysborough, in the said County, on the first Tuesday of March, and first Tuesday of October, annually. Any law, usage or custom, to the contrary notwithstanding.

General Sessions and Inferior Court, for County of Sydney, to be held at Guysborough; at times stated.

## CAP. VI.

An ACT in amendment of an Act, passed in the Thirty-fifth year of His Majesty's Reign, entitled, An Act to amend, and reduce into one Act, the several Laws, now in being, relating to a Militia in this Province.

**W**HEREAS the drafting of militia men, employed as mechanics or labourers in His Majesty's Ordnance Stores, and Naval or Carcening-Yard, and in the department of the Royal Engineers, is frequently injurious to His Majesty's service, for remedy whereof:

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, whenever a proportion of the militia of the town of Halifax, shall be called into service, it shall and may be lawful for the Colonel, or officer commanding the Regiment of militia to which mechanics or labourers belong, who are employed in His Majesty's Ordnance Stores, or in the Navy or Carcening Yard, or in the Royal Engineer Department, to apportion the number of drafts such mechanics and labourers, in each of the said departments, respectively ought to furnish, and to procure good

Substitutes to be procured for men employed in the navy-yard, and ordnance and engineer departments.

Expence to be  
assessed on men  
so employed, in  
proportion to  
their pay.

Amount of as-  
sessment to be  
paid to the com-  
manding officer.

On refusal to pay  
after no ice, Jus-  
tice to issue War-  
rant of Distress  
and Sale to levy  
the same,

in default thereof  
to commit offen-  
der to Gaol.

Provide that such  
persons may find  
their own substi-  
tutes, or serve in  
person.

Act to continue  
to 1st July, 1798.  
Continued by  
subsequent Acts.

good and sufficient substitutes in the place or stead of such mechanics or labourers, on the most reasonable terms; the amount of which cost and expence, for procuring such substitutes, shall be duly assessed by the Colonel, Lieutenant-Colonel, or officer commanding the regiment, with the assistance of two captains of the said regiment, on each mechanic and labourer so employed in each of the aforesaid departments respectively, in proportion to the daily pay of each and every of the said mechanics and labourers.

II. *And be it further enacted, by the authority aforesaid,* That each and every such mechanick or labourer so assessed, as aforesaid, shall, on due notice thereof, pay the amount of such rate or assessment, to the officer commanding the regiment, or to any person by him duly authorised to receive the same. And if any such mechanick, or labourer, refuse or neglect to pay, such rate or assessment, it shall and may be lawful for any of His Majesty's Justices of the Peace, for the town of Halifax, on complaint of the officer commanding the regiment, and on due proof of such mechanick or labourer having been notified of the amount of his rate or assessment, and of his neglect or refusal to pay the same, to issue his Warrant to any of the constables of the town of Halifax, directing them to levy, by distress and sale of the goods and chattels of such mechanick or labourer, the sum so proved to be by him due and owing, as his proportion, rate, or assessment aforesaid, with costs of suit; and for want of goods and chattels, to commit such mechanick or labourer to jail; there to remain, until the amount, so specified in the warrant be duly paid. *Provided always,* That nothing, in this Act contained, shall extend, or be construed to extend, to prevent the said mechanicks or labourers, in each of the aforesaid departments respectively, from procuring substitutes agreeable to law, or performing the aforesaid Militia duty in person; on due notice given them of such duty, and on their declaring such their intention at the time of notification, and carrying the same into effect.

III. *And be it further enacted, by the authority aforesaid,* That this Act shall be, and continue, in force to the first day of July, in the year of our Lord one thousand seven hundred and ninety eight, and no longer.

## CAP. VII.

Expired.

An ACT to continue in force the several Acts therein mentioned.

## CAP. VIII.

An ACT to amend, and continue for one year, an Act, passed in the thirty-third year of His present Majesty's Reign, entitled, An Act for granting to His Majesty certain duties on Wine, Rum, and all other distilled Spirituous Liquors, and Brown Sugar, for the purpose of paying the interest, and reducing the principal, of the Public Debt of this Province.

Preamble.

**W**HEREAS it is necessary, for defraying the expence of public buildings, and other expenditures, that the Act, whereof this is in amendment, be further continued. And whereas doubts have arisen, whether articles forfeit to His Majesty, on account of illegal importation, or otherwise, are subject, on the sale of such articles, to the duties by law imposed thereon, the same as if they had been legally imported, for remedy whereof:

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That all articles, subject to duties by the Laws of this Province; which shall hereafter become forfeit to His Majesty, on account of illegal importation, or for any other causes whatsoever; shall be liable to all the duties the same are, or may be, liable to, by the laws of the Province, in case they had been legally imported; which duties shall be paid by the purchasers of the same.

Articles forfeited to His Majesty for illegal importation, &c. subject to the usual provincial duties, as when legally imported.

II. *And be it further enacted, by the authority aforesaid,* That this Act, and the Act whereof this is in amendment, and every matter and thing therein contained, shall be, and continue, and the same is hereby continued in force, to the first day of July, which will be in the year of our Lord, one thousand seven hundred and ninety-eight, and no longer.

Continued by subsequent Acts.

## CAP. IX.

An ACT to revive and continue an Act, passed in the Thirty-third year of the reign of His present Majesty, entitled, An Act in amendment of, and in addition to, an Act, made in thirty-third year of the reign of His late Majesty, entitled, An Act for regulating and maintaining a Light-House on Sambro Island; and in addition to, and amendment of, an Act, passed in the twenty-eighth year of His present Majesty's reign, entitled, An Act for regulating and maintaining a Light-House at the entrance of the harbour of Shelburne.

**W**HEREAS the before recited Act, passed in the thirty-third year of the reign of His present Majesty, expired on the first day of July, one thousand seven hundred and ninety six, and it is expedient that the same should be revived and continued:

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the said Act, and every matter and clause therein contained, shall be, and is hereby, revived and continued to the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety-eight, and no longer.

Act for maintaining Light Houses at Shelburne and Sambro Island, revived and continued to 1st July, 1798.

## CAP. X.

An ACT for applying certain monies, therein mentioned, for the service of the year of our Lord one thousand seven hundred and ninety seven, and for appropriating such part of the supplies, granted in this session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

This Act executed.