

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Tuesday, the Twelfth day of December, 1820, in the First Year of the reign of our Sovereign Lord **GEORGE** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. and ended on the Third Day of March, in the Second Year of the Reign of our Sovereign Lord George the Fourth, being the First Session of the Twelfth General Assembly, convened in the said Province.\*

\*In the time of Sir James Kempt, Knight Grand Cross of the Most Honourable Military Order of the Bath; S. S. Blowers, Chief-Justice and President of Council; Simon Bradstreet Robie, Speaker of the Assembly; Rupert D. George, Secretary of the Council; and James B. Franklin, Clerk of Assembly.

## CAP. I.

An ACT for applying certain Monies therein mentioned Executed for the Service of the year of Our Lord One Thousand Eight Hundred and Twenty-One, and for appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of the Province.

## CAP. II.

An ACT to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force.

Continued and altered by 4, Geo. IV Cap 4; 4 and 5, Geo. IV Cap 18; and 7 Geo. IV Cap 16

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That every man residing, or who shall come to reside, within this Province, from sixteen to sixty years of age, (excepting such as are hereinafter excepted) shall be enrolled in the Militia, and be bound to serve in the Militia of the County, District, Town or Place, wherein he resides.

Persons liable to be enrolled

II. And be it further enacted, That the Militia shall be formed into Regiments, by Counties or Districts, being divisions of Counties. And if any such County or District shall be sufficiently populous to admit of the Regiment's being subdivided into two or more Battalions, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, to subdivide the said Regiment into Battalions, to consist of not less than three hundred, nor more than eight hundred Men each, and to affix the limits of the District composing such Battalions. And all Companies, (Flank Companies excepted) shall be formed by Districts in such manner as

Formation of Militia

Officers

that such Companies may be assembled as conveniently as possible : and such Company shall consist of not less than thirty, nor more than eighty, men, to be commanded by one Captain and two Subalterns, and when it shall exceed sixty men, one additional Officer may be appointed thereto. And the Field Officers, and Officers Commanding Companies, at their meeting hereinafter directed, shall regulate the limits of the Company Districts, and the number of men to be enrolled in each Company, and the Clerk of the Company is hereby required to register in a book, to be provided and kept for that purpose by him, the names of all persons belonging to such Company, which Book is to be ready at all times for the inspection of the Captain and other Officers of the Company.

Militia in Har-  
bours and Settle-  
ments

III. *Provided always, and be it further enacted,* That in Harbours and Settlements, where the persons liable to serve in the Militia are not so numerous as to form a complete Company, it shall be lawful to form the same into smaller Companies, and if they shall not amount to more than twenty men, then only one Officer shall be appointed for such Company, and if more than twenty, and not exceeding thirty, only two Officers shall be appointed to such Company.

Flank Companies

IV. *And be it further enacted,* That there shall not be more than two Flank Companies to any Regiment, or Battalion of Militia, which Flank Companies shall consist of Light Infantry or Riflemen only, (except the Regiment at Halifax, in which Grenadier Companies are already formed) and such Flank Companies shall be composed of such numbers as the Governor, Lieutenant-Governor, or Commander in Chief, shall think proper to determine.

Artillery Companies

V. *And be it further enacted,* That it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief, for the time being, to establish one or more Artillery Companies, in any County or District in the Province, and to limit the numbers of which such Company shall consist; and all persons who are now enrolled, or who shall hereafter enrol themselves, to serve either in the Artillery Companies, or in the Grenadier Companies of the Regiments at Halifax, or in any Light-Infantry or Rifle Company, of any Regiment or Battalion of Militia, in this Province, shall continue in such Company for five years from the date of his enrolment, unless in case of removal from the County or District, or being discharged by the Commanding Officer of such Company.

Troops of Cavalry

VI. *And be it further enacted,* That it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief, to establish one or more Troop or Troops of Cavalry, in any County or District in this Province, and to limit the number of Officers and Men, of which such Troop shall consist; and all persons who shall enrol themselves in any Troop shall continue in such Troop for five years from the date of his enrolment, unless in case of removal from the County or District, or being discharged by the Captain or Officer commanding such Troop.

Cavalry Horses—  
Penalty for dis-  
posing or ex-  
changing them

VII. *And be it further enacted,* That if any Non-Commissioned Officer or Private, enrolled in any such Troop or Troops of Cavalry, shall, at any time during his enrolment, sell, exchange, or otherwise dispose of, his horse, belonging to such Troop, without the consent and approbation of the Captain, or Officer commanding such Troop, he shall forfeit and pay the sum of ten pounds, to be recovered in manner as is hereinafter mentioned, and applied to the repairing the arms and accoutrements belonging to the Troop, and other incidental charges attending the same.

Drummers and  
Fifers

VIII. *And be it further enacted,* That when any person shall be enrolled as Drummer or Fifer in any Company, he shall remain in such Company, notwithstanding he may not reside in the District which composes the same; *Provided,* That no Drummer or Fifer shall be obliged to serve in any Company but in the Town where he resides, unless ordered on a march.

IX.

IX. *And be it further enacted*, That every Captain, or Officer commanding a Company of Militia, or who may be thereto appointed by the Governor, Lieutenant-Governor, or Commander in Chief, shall, as soon as conveniently may be after the passing of this Act, enrol all the Militia Men who reside within the limits which shall be assigned for his Company, and every Militia-Man (not being already enrolled in such Company) who, after the publication of this Act, shall neglect to present himself in person, to the Captain or Officer commanding the Company in which he resides, and give in his name, age and place of residence, or cause the same to be made known, in some certain way, to the Captain or Officer commanding the Company, shall, for such neglect, forfeit and pay a fine of ten shillings; and every Militia-Man who shall remove out of the limits assigned for the Company in which he is, or ought to be, enrolled, and shall not within ten days after his removal, at the place of his new residence, or where he shall hire himself, either present himself for enrolment, or cause his name, age, and place of residence, with that from which he last removed, to be made known to the Captain or Officer commanding the Company of Militia, of his new place of residence, shall, for such neglect, forfeit and pay a fine of ten shillings; and every person who shall not, within thirty days after he shall have attained the age of sixteen years, either present himself for enrolment, or cause his name, age, and place of residence, to be made known as aforesaid, so that he may be enrolled in the Militia Company of the limits wherein his place of residence may be, shall, for such neglect, forfeit and pay a fine of five shillings; and every man, within the ages hereinbefore described, who shall come to reside in the Province, and shall not, within thirty days after his arrival therein, present himself for enrolment, or cause his name, age, and place of residence, to be made known as aforesaid, so that he may be enrolled in the Militia Company of the limits wherein he shall have come to reside, shall forfeit and pay a fine of ten shillings.

Enrolment of  
Militia-MenPersons neglect-  
ing to enrol them-  
selves

X. *Provided always, and be it enacted*, That the neglect of any such persons to cause themselves to be enrolled, shall not be construed to prevent the Captain or Officer commanding a Company of Militia, to enter, and he is hereby required to enter, on the roll of his Company, the name of every such person, residing within the limits of his company, as shall come to his knowledge, and when so entered, every such person shall be subject to perform all Militia duties, under the same penalties as if he had personally presented himself for enrolment; and if any difference shall arise between a Captain or Officer commanding a Militia Company, and any Militia-Man, touching the age of such Militia-Man, it shall be incumbent on the Militia-Man to prove his age.

Proviso

And Whereas, *Arms have been heretofore granted by Government, for the use of the Militia, and others may be hereafter issued for the use thereof, and it is necessary to provide for their safe keeping*:

XI. *Be it therefore enacted*, That every Freeholder enrolled in the Militia who is of the age of twenty-one years or upwards, shall, within twenty days after Public Notice given, that arms, accoutrements and ammunition, of the kind hereinafter described, are lodged within the Precinct of the Company, Regiment or Battalion, to which such Freeholder shall belong, for the use of the Militia-Men, of such Company, Regiment or Battalion, furnish and provide himself with a good and sufficient Musquet, and a Bayonet, suitable thereto, of the same kind and size with those used in His Majesty's Service, or if such Freeholder shall be enrolled in any Company of Riflemen, he shall provide himself with a good and sufficient Rifle Gun, and a Bayonet or Sword suitable thereto; and shall also, in addition to such Musquet or Rifle, provide himself with a cartouch box sufficient to contain eighteen ball cartridges, a bayonet or sword belt,

Arms

## Accoutrements

By the 4th Geo. IV. Cap. 4 Sec. 2 the Lt. Gov. may suspend the operation of this part of the clause during pleasure

## Penalties

Bond to be given for Arms, &c.

## Form of Bond

Bond lodged with Clerk of the Peace

Penalty for refusing to give Bond

Fee to be paid on giving Bond

To whom Arms, &c. will be furnished

Accoutrements to be found by Militia-Men

belt, a cartouch box belt, a set of straps for the purpose of carrying a great coat or blanket; a pricker and brush to clean the pan of such musquet or rifle gun, a leathern or canvas knapsack with straps and buckles, three good flints and eighteen ball cartridges of a size to fit such musquet or rifle gun, and also forty buck shot; with all which aforesaid arms, ammunition and accoutrements, such Freeholder shall appear at each and every meeting of the Company, Regiment or Battalion, to which he may belong, (and on other occasions of duty whereon he may be ordered to appear with his arms) under the penalty of forfeiting and paying for the want of a musquet or rifle gun, a fine of ten shillings, and the sum of one shilling for each and every other appurtenance: the flints, cartridges and buck shot, to be considered only as three appurtenances.

**XII. And be it further enacted,** That every Freeholder of the above description shall be entitled to receive the arms, cartouch box, sword and belt, above-mentioned from the Captain or Officer commanding his Company, upon such Freeholder producing and leaving with him a Bond with one sufficient surety in the sum of five pounds, with a condition thereunder written in the form following:

**KNOW ALL MEN BY THESE PRESENTS,** that We, A. B. and C D. are held and firmly bound to our Sovereign Lord the King, in the penal sum of five pounds, to be paid to our said Sovereign Lord the King, his Heirs or Successors, for which payment, well and truly to be made, we bind ourselves, and either of us by himself, our and each of our Heirs, Executors and Administrators, firmly by these Presents, Sealed with our Seals, and dated this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_

The Condition of this Obligation is such, that if the said A. B. shall at all times hereafter safely keep in good and serviceable order, and have ready to return when called for by the Officer commanding the Regiment or Battalion, one King's musquet, &c. which have been issued to him under and pursuant to an Act, entitled, An Act to provide for the greater security of the Province by a better regulation of the Militia, and to repeal the Militia Laws now in force, and shall in all things well and truly perform the provisions of the said Act, touching the same, then this Obligation shall be void, otherwise shall remain in full force and effect.

Which Bond shall be, by the said Captain or Officer Commanding such Company, lodged with the Clerk of the Peace for the County or District; and if any Freeholder of the description aforesaid, shall neglect or refuse to enter into such Bond, and receive such Arms, or shall not within the time before limited provided himself with Arms, Accoutrements and Ammunition, of the like kind, at his own expence, he shall forfeit and pay the sum of two pounds, to be recovered and applied in the manner and for the purposes hereinafter mentioned.

**XIII. And be it further enacted,** That every person who shall give such security shall pay therefor a fee of one shilling at the time of the delivery of the Bond as aforesaid, one half of which shall go to the Clerk of the Company for his trouble in filling up the Bond, and the other half of said fee shall be paid over to the Clerk of the Peace for receiving and filing such Bond.

**XIV. And be it further enacted,** That persons who are bound to serve in the Militia, but are not of the above description, shall be entitled to receive Arms and Accoutrements as aforesaid, upon their entering into a Bond with one sufficient surety, being a freeholder, in manner hereinbefore directed: provided that in cases where any such person is under the age of twenty-one years, he shall find two good sureties for his due performance of the condition of the Bond.

**XV. And be it further enacted,** That every person who is by law bound to enrol himself in the Militia, shall provide himself, at his own expence, with a set of straps for



for the purpose of carrying a great coat or blanket, a pricker and brush, to clean the pan of his musquet or rifle-gun, a leathern or canvass knapsack, with straps and buckles, three good flints, eighteen ball cartridges of a size to fit his musquet or rifle, and forty buck shot, under the penalty of ten shillings, to be recovered and applied as hereinafter directed.

Sec 4 Geo. IV:  
Cap. 4 Sec. 2

And Whereas, in many Companies, there may be Minors, and other Persons, who cannot get security for the safe keeping of arms and accoutrements :

XVI. *BE it enacted*, That the Captain, or other Officer commanding a Company, shall make out a regular list of the names of the persons in his Company, who are not compellable to give security, or to provide themselves with Arms at their own expense, and shall immediately receive a complete set of Arms and Accoutrements from the person having the Custody of Arms, for each and every person contained in the above list, for the safe keeping, and returning which, such Captain shall be responsible, and shall give two receipts for the same, one of which shall be entered in the Orderly Book of the Battalion, and the other shall be lodged in the Office of the Clerk of the Peace of the County or District. And if any Captain or other Officer commanding a Company, shall neglect or refuse to make the list, or give the receipts herein directed, he shall forfeit and pay the sum of five pounds, and, on complaint to the Governor, Lieutenant-Governor, or Commander in Chief, such Officer may be deprived of his Commission, and shall not thereafter be entitled to any exemption from being enrolled, and performing all the duties of a private Militiaman.

Inability of Minors and others to give security for Arms

XVII. *And be it further enacted*, That all arms to be issued in pursuance of this Act, shall be distinctly numbered and marked with a brand on the left side of the broad part of the butt, with the name of the County or District to which the Militiaman, who shall receive the same, shall belong, and with the letter M immediately following the same ; such brand to be provided by the Treasurer of the respective Counties or Districts ; and the Commanding-Officer of each Regiment or Battalion shall cause the arms to be marked and numbered before they are issued to such Regiment or Battalion.

Issue of Arms

XVIII. *And be it further enacted*, That the Captain, or other Officer commanding a Company, shall lodge the Arms and Accoutrements so received by him, in some suitable and convenient place or places, within the limits of his Company, where they may be delivered out to persons for whom they are intended, upon all days of training, or muster, or such other times as the said Captain or Officer shall direct ; and the Minors, or other persons, who shall receive any of the said Arms and Accoutrements, for the purpose of training, muster or otherwise, shall return the same, and every part thereof, to the place of deposit, within twenty-four hours after such training, muster or other service, shall be over, under the penalty of five shillings for every day's neglect, to be recovered in the manner, and for the purposes, hereinafter directed.

Lodgment of Arms

XIX. *And be it further enacted*, That every person having such Arms or Accoutrements in his possession, under the provisions of this Act, who shall vend, pledge, or exchange the same, or any part thereof, or shall convey, or cause the same, or any part thereof, to be conveyed out of the limits of the Regiment or Battalion to which such Arms and Accoutrements were issued (except when ordered on real service) and and every person who shall buy, receive, or accept in exchange, any such Arms or Accoutrements, shall severally forfeit and pay a fine of five pounds for each Firelock, and a fine of ten shillings, for each Accoutrement so sold, purchased, exchanged, or conveyed, out of the limits of the Regiment or Battalion ; and every person or persons, who shall convey, or cause to be conveyed, any such Arms or Accoutrements, on board of any boat, ship, or vessel, with intent to have the same carried out of the

Embezzlement of Arms, &c.

County

County or Province ; and the Master of any such boat, ship or vessel, who shall knowingly receive into his boat, ship or vessel, any such Arms or Accoutrements, so intended to be conveyed out of the County or Province, shall, for each and every offence, forfeit and pay the sum of ten pounds, which fines shall and may be recovered, on the Oath of one credible Witness, before any one of His Majesty's Justices of the Peace for the County or District wherein such offence shall be committed ; and, in case of non-payment of any such fines, the said Justice shall, by his Warrant, cause each and every offender to be committed to the County or District Jail, for the term hereinafter mentioned, that is to say, for each fine of ten shillings, four days ; for each of five pounds, forty days ; and for each fine of ten pounds, three months, unless such fine shall sooner be paid ; and one fourth part of all fines recovered by virtue of this clause, shall be paid to the Informer, and the residue thereof shall be applied, first of all, to make good all deficiencies of Arms or Accoutrements, and the residue to the purpose of defraying the expenses incurred in repairing such Arms and Accoutrements.

Information against such as embezzle Arms, &c.

XX. *And be it further enacted*, That if information shall be given, on oath, to the Justice, that the person or persons, so offending (not being a Freeholder) is about to leave the Province, or to remove out of the County or District with such Arms or Accoutrements, it shall and may be lawful for the said Justice, before whom such information, on oath, shall be made, to issue his Warrant to the Deputy-Sheriff, or either of the Constables of the County or District, to apprehend such person or persons, and to bring him, her or them, forthwith, before such Justice to answer such complaint.

Recovery of Arms

XXI. *And be it further enacted*, That any person or persons charged with selling, purchasing, or receiving, any Arms or Accoutrements as aforesaid, who shall immediately restore such Arms or Accoutrements, and cause the same to be delivered to such Justice, shall be entitled to a remission of one half the fine, or imprisonment, hereinbefore imposed for such offence.

Remission of punishment

Inspection of Arms, &c.

XXII. *And be it further enacted*, That the Colonel or Officer commanding any Regiment or Battalion, shall, once in every year, or as often as he may think necessary, besides the usual days of training, order an inspection of the Arms, Accoutrements and Ammunition, of the several Companies under his command, to be made at one and the same time, by one Subaltern, from each Company, attended by the Clerk thereof, and by calling on each and every man of the said Company at the usual place of his or their abode ; which Subaltern shall make an exact return of such Arms, Accoutrements and Ammunition, describing the state and condition thereof, and every person required by law to be provided with Arms, Accoutrements and Ammunition, who shall, at such Inspection, have such Arms in unserviceable condition, or shall be deficient in any of the Appurtenances abovementioned, shall forfeit and pay, for each deficiency, the like sum, as if such deficiency had happened at a muster or training.

Arms to be returned by Militia Men removing from Province or District

XXIII. *And be it further enacted*, That any Militia-Man, who hath, or may hereafter receive, Arms and Accoutrements, under the provisions of any Act relating to the Militia of the Province, and shall remove out of the District of the Company in which he may be enrolled, shall, before such removal, return to the Captain or Officer commanding the company, in good and perfect order, the Arms and Accoutrements so received by him, under the penalty of five pounds.

Arms issued under the late Act

XXIV. *And be it further enacted*, That every person who has received Arms, Ammunition or Accoutrements, issued from His Majesty's Stores, under the provisions of any of the Acts hertofore in force relating to the Militia of the Province, and

and any person who shall have in his possession any of the Arms, Ammunition or Accoutrements, issued from His Majesty's Stores, for the use of the Militia, and all persons liable to account for such Arms, Ammunition and Accoutrements, under the said Acts, shall be liable, and are hereby made liable, for the same, in the same manner as if the said Acts had not been repealed: any thing herein contained to the contrary notwithstanding.

XXV. *And be it further enacted*, That if any person enrolled in the Militia of this Province, shall appear on the respective days of Muster and Training, with Arms and Accoutrements, any of which in the opinion of the Captain or Officer commanding the Company to which he belongs, are dirty and not in good and serviceable order, such person shall forfeit and pay a sum not less than two shillings and six-pence, nor more than ten shillings.

XXVI. *And be it further enacted*, That if any person enrolled as aforesaid, who has received, or shall hereafter receive, Militia Arms and Accoutrements, shall use the said Militia Arms or Accoutrements, for fowling, or the like private purposes, shall forfeit and pay for each offence, the sum of five shillings.

XXVII. *And be it further enacted*, That every Regiment, Battalion or Company, of Militia, shall be called out and assemble four times in each and every year, that is to say: by Companies twice, and by every Regiment or Battalion twice, either entire or by such detachments as the Commanding-Officers of the respective Regiments or Battalions, from local or other circumstances, shall judge fit and direct, for the purpose of training, disciplining and improving; in martial exercises: the times and places of assembling for the Companies, Battalions, Regiments and Detachments, to be appointed by the Colonel or Commanding Officer of the Regiment or Battalion, and arranged on different days, that the Field or Staff Officers may have an opportunity of attending the several Companies, Detachments, Battalions and Regiments, exercised in detail, in order to introduce uniformity in the manœuvres and discipline of the Regiment or Battalion; of all which several and respective days of assembling for the purposes aforesaid, previous notice shall be given, at least three days, by notice or warning to every Militia-Man, from the Commanding Officer or any other Commissioned or Non-Commissioned Officer of the Regiment, Battalion or Company, to which such Militia-Man may belong; or by any Private Militia-Man, provided such private Militia-Man hath the written orders of the Commanding-Officer of such Regiment, Battalion or Company, to that effect, or public notice at one meeting of the time of holding the next meeting: and when a Militia-Man is not found at his own usual place of Dwelling, to receive personal notice, the leaving notice either verbally or in writing, with such Militia man's master, parent, or wife, or with his child or servant, of the years of discretion, or giving him notice in any other reasonable and discreet manner, according to the special circumstances of the case, shall be deemed a sufficient notice, until the delinquent Militia-man shall fully satisfy the Commanding Officer of his Company, or a Board of Officers, that he was ignorant of such notice having been given him.

XXVIII. *And be it further enacted*, That every Field-Officer, commanding a Regiment or Battalion, neglecting to give orders for assembling his Regiment or Battalion, by Companies or otherwise, the number of days mentioned aforesaid, for the purpose of training, disciplining and improving, the Men, belonging to his Regiment or Battalion shall forfeit and pay the sum of twenty pounds, and every Officer commanding a Company, having received orders from the commanding Officer of the Regiment or Battalion, to which he belongs, to call out and discipline his Company, in the manner prescribed by this Act, and neglecting so to do, shall, for each and every offence,

Arms not in order

Improper use of Arms, &c.

Assembling Militia for training, &c

See 7 Geo. 4. Cap. 16

Notice to be given

Officers commanding Regiments, &c. neglecting to call out their Men for training

offence, forfeit and pay the sum of five pounds; which said sum shall and may be recovered as hereinafter provided: the one half thereof, to go to the person prosecuting, and the other half to be applied as hereinafter directed; and every person enrolled as aforesaid, who shall refuse or neglect to appear, agreeably to the provisions of this Act, when called upon, by warning or notice, as hereinbefore prescribed, to attend any Company, Regiment or Battalion, meeting, not being prevented by sickness, unavoidable accident, or other reasonable excuse, satisfactory to the Commanding Officer of his Company, shall be subject, for the first offence, to a fine of five shillings; for the second offence, to a fine of ten shillings; for the third offence, to a fine of fifteen shillings, and for every subsequent offence, to a fine of twenty shillings. And every Militia-man, enrolled as aforesaid, appearing on Parade, who shall refuse or neglect to perform such Militia duty as shall be required of him, or shall, on the day of muster or training, depart from such Company, without leave from the Commanding Officer of the Regiment, Battalion or Company, to which he shall belong, shall forfeit and pay, for each and every offence, a sum not exceeding twenty shillings, and not less than five shillings, which fine shall be imposed by the Commanding Officer of the Company present, and on Parade.

Improper conduct  
of Militia-Men

Notice of Fine

**XXIX. And be it further enacted,** That notice of the imposition of the fines aforesaid, shall be given by the Clerk or Non-commissioned Officer, or such person as shall, for the time being, perform the duty of Clerk of the Company such Militia-man shall belong to, either personally, or in writing, left with the master, parent or wife, or with his child or servant, of the age of discretion.

Appeal against  
fine

**XXX. And be it further enacted,** That it shall and may be lawful for every Militia-man, upon whom a fine shall be imposed as aforesaid, within the period of four days, if he shall adjudge himself aggrieved, to appeal to a Board of Officers, to be formed as hereafter is directed, and any person or persons so appealing shall give notice thereof to the Clerk or person doing the duty of Clerk, within the period hereinbefore limited.

Officers neglecting  
to attend trainings

**XXXI. And be it further enacted,** That all Officers under the rank of Lieutenant-Colonel, who shall fail to attend any meeting of the Regiment, Battalion or Company, of Militia, to which they respectively belong, without reasonable excuse, to be adjudged by a Board of Officers, to be appointed as is hereinafter directed, for the purpose of hearing and determining appeals, shall respectively forfeit and pay, for each and every default, according to their rank, that is to say, if a Major, five pounds; if a Captain, three pounds; and if a Subaltern Officer, two Pounds; which fines shall be sued for by the Adjutant of the Regiment or Battalion, and recovered in like manner as fines are that are imposed upon Militia-men for non-attendance. And out of the said fines, the said Adjutant shall deduct to his own use one fourth part for his trouble of collecting, and the other three fourths parts he shall pay over to the Quarter Master of the Regiment or Battalion, to the use of the Regiment or Battalion.

Board of Officers  
may be formed for  
the purpose of  
hearing appeals a-  
gains. fines

**XXXII. And be it further enacted,** That it shall be lawful for the Lieutenant-Colonel, or Commanding-Officer of each Regiment or Battalion, from time to time, as occasion may require, to form a Board of Officers of his Regiment or Battalion, consisting of three Captains, or of a Field-Officer and two Captains, for the purpose of hearing and determining all appeals which shall be made by any Militia-Man, under the provisions of this Act; and if the said Board shall confirm the proceedings of the Officers who shall have imposed the fine or fines upon the Militia-men, the said Board shall certify the same in a Schedule, signed by the Field-Officer or President of the said Board, and the said fines shall be levied and collected as in and by this Act is directed.

Recovery of fines

**XXXIII. And be it further enacted,** That all fines incurred by this Act for non-attendance,

attendance, and imposed upon any Militia-man conformable to the provisions of the same, shall be recovered before any one of His Majesty's Justices of the Peace, not being an Officer of the Company to which the Militia-man belongs, which Justice of the Peace shall have no power to remit any such fine or fines; but, on proof that the delinquent Militia-man had the notice by this Act required of the imposition of the fine, and that he had not been relieved upon appeal, the said Justice shall issue process for collecting the same, as in cases of debt.

And Whereas, great inconvenience is experienced by reason of the frequent changing of the Militia-Men of the Halifax Regiments of Militia, out of one Company thereof, into another :

XXXIV. *Be it further enacted*, That each and every Militia-Man, of the Halifax Regiments of Militia, shall be bound to do and perform his several Militia Duties in and with that Company of Militia in which he is properly enrolled before the first day of April, in each and every year, to which Company he shall be deemed as belonging for the year next following such enrolment, any transfer of his residence within the limits of his Regiment or Battalion notwithstanding.

Removal of Militia-men from one Company to another

XXXV. *And be it further enacted*, That any Militia-man of the said Regiments or Battalions, who shall remove from the limits of the Company District, in which he is enrolled, shall, one week after the removal to another Company District, give notice to the Clerk of his Company of his new place of residence, and in like manner shall notify the said Clerk of any removal, and in case of neglect the said Militia-man shall, for each offence, forfeit and pay a fine of ten shillings.

Militia-men to give notice of removal

XXXVI. *And be it further enacted*, That where Militia Guards shall be appointed for the purpose of watching and warding, that the said duties shall be equally and fairly distributed to and amongst, and equally and fairly borne by, each and every able-bodied Man of the District, as well Officers and those exempted from Militia Trainings, as others in his turn, according to a list or roster, to be kept by the Commanding Officer of each Militia Company, and every person refusing or neglecting by himself or sufficient Substitute, to perform his fair term of watching and warding in manner, and at the time directed by the Commanding Officer of his Company, shall forfeit and pay, for each and every neglect or refusal, a fine of ten shillings, to the use of the Company, and to be disposed of for the use and benefit of the Company in such manner as the Commanding Officer of the said Company shall direct.

Watching and Warding

*Provided always*, That nothing in this Act contained shall extend, or be construed to extend, the number of days required for training to be performed by Militia-men between the ages of forty-five and sixty-years, or to subject any Militia-Man above forty-five years of age, to any of the fines imposed by this Act for non-attendance at Company or Battalion trainings.

Proviso

XXXVII. *And be it further enacted*, That where, from the exposed situation of the District, and the appearance or threatenings of the Enemy, or by direction of the Governor, Lieutenant-Governor or Commander in Chief for the time being, Militia Guards shall be so appointed and kept, as that any Militia-man's duty of watching and warding shall exceed the number of six days or nights in any one year, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to cause every such Militia-Man's service, over and above the said number of six days or nights, to be paid for out of the Treasury of the Province, according to the rate of Militia-Pay by this Act allowed, upon such over service being duly stated and certified by the Commander of each Battalion or Regiment of Militia respectively, in manner and form as shall be prescribed by the said Governor, Lieutenant-Governor, or Commander in Chief.

Watching and Warding by Militia Men over six days to be paid for

False Alarms

XXXVIII. *And be it further enacted*, That every person or persons, who shall wilfully make, or cause to be made, any false alarm, shall forfeit and pay, for each and every offence, the sum of ten pounds, to be recovered by Bill, plaint or information, in any Court of Record in this Province: one half thereof to the person who shall prosecute for the same, the other half to the use of the Battalion in the District of which the offence shall be committed.

Militia Courts of Enquiry

XXXIX. *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, to draw, by Warrant, from the Treasury of the Province, such sum and sums of money as may be necessary to defray the expense attending such Militia Courts of Inquiry, as the Governor, Lieutenant-Governor, or Commander in Chief, may, from time to time, think proper to form, for the purpose of enquiring into such charges and allegations as may be exhibited against Militia Officers.

Exemptions from Militia Duty

Sec. 4 Geo. IV.  
Cap 4 Sec. 8

XI. *And be it further enacted*, That no established or licensed Clergyman, or regularly ordained Minister of the Gospel, shall be liable to any of the provisions of this Act; and that the persons hereinafter named shall be exempted from all musters and trainings, (except such as shall receive Commissions in the Militia) viz: The Members of His Majesty's Council; the Members of the Assembly, for the time being; the Chief-Justice, and Judges of Courts; the Attorney and Solicitor-General; Justices of the Peace, who have taken the Oath of Office; High-Sheriffs, Coroners; the Secretary, Surveyor-General, and Treasurer, of the Province; Officers of His Majesty's Customs and of the Excise, and established Waiters; the Naval Officer and his Deputies; Physicians, Surgeons, and Attornies at Law, Clerks, Storekeepers, and other Persons, actually employed in the Civil and Military Departments of the Army, constant Ferry-men, (being licensed as such,) one Miller to each Grist Mill, Post Masters and Carriers, actually appointed and employed as such, and persons usually called Quakers, and duly certified as such by their Society. *Provided always*, That all persons, so exempted from training, shall be at all times furnished with Arms and Ammunition in manner prescribed by this Act, and under the like penalties, for neglect thereof, and shall be liable to attend all other duties directed by this Act, for persons enrolled in the Militia, by themselves, or sufficient substitutes, excepting only the following persons, viz: the Members of His Majesty's Council, the Judges of the Supreme Court, the Secretary of the Province, and Persons commonly called Quakers, certified as such by their Society, for which exemptions every such Quaker shall pay annually the sum of twenty shillings.

Drunkenness or contemptuous behaviour

XLI. *And be it further enacted*, That if any non-commissioned Officer or Private of any Company of Militia shall be guilty of drunkenness or contemptuous behaviour, disobedience of orders, or shall otherwise misbehave himself at any muster or training whatever, whether in Regiment, Battalion or Company, in such case it shall and may be lawful for the Officer commanding the Regiment, Battalion or Company, to cause such persons, so offending, to be immediately apprehended and committed to the County Jail, for a time not exceeding three days, nor less than twelve hours, there to remain without bail or mainprize; and the Captain or Officer commanding such Regiment, Battalion or Company, shall, with the person to be committed, send to the Sheriff of the County, or his Jailer, a Warrant, under his hand and seal, for the receiving and keeping the said offender, in the words following, that is to say:

To A. B. Sheriff of the County or his Jailer,  
You are hereby required to receive C. D. of my  
guilty of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ who was  
year of our Lord 18 \_\_\_\_\_ at a muster or training, and him closely confine in your Jail



Jail for the space of        hours from the time of his being delivered into your custody, and at the expiration whereof you are to release the said C. D. on his paying your fees, and this to you, or either of you, shall be your sufficient Warrant.

And on refusal or neglect of the said Sheriff or Jailor to receive such person so committed, into his custody, he shall forfeit and pay the sum of five pounds for each and every offence; and the Serjeant or Corporal, who shall be ordered by the Officer commanding the said Regiment, Battalion or Company, to escort the said offender to Jail, shall, in case of neglect or refusal, be reduced to the ranks, and shall, for each and every such offence, forfeit and pay the sum of forty shillings; and each and every private, who shall be ordered by the Commanding-Officer as aforesaid, for the purpose of escorting the said offender, as aforesaid, who shall neglect or refuse to do the same, shall forfeit and pay the sum of ten shillings.

**XLII.** *And be it further enacted,* That there shall be an Adjutant appointed to each Regiment or Battalion in the Province, whose duty it shall be to attend at the place of assembling each Company, Regiment, Battalion and Detachment, of the Regiment or Battalion, when called out as aforesaid, then and there, under the direction of the Officer commanding, to inspect their Arms, Ammunition and Accoutrements, to superintend their exercise and manœuvres, and introduce a proper system of military discipline, agreeable to such orders as he shall receive, from time to time, from the Colonel or Commanding Officer of the Regiment or Battalion, and to do and perform such other duties and services suitable for an Adjutant, as the Colonel or Commanding-Officer of the Regiment or Battalion shall, from time to time, order and direct, and that every such Adjutant shall be allowed, as a full compensation for all the service he is required to perform by this Act, the sum of fifteen pounds per year, to be paid out of the Provincial Treasury by Warrants from the Governor, Lieutenant-Governor or Commander in Chief for the time being, on the Certificate of the Field-Officer, and a majority of the Captains of the Regiment or Battalion, and of the Inspecting Field-Officer, if any, of the District for which the Adjutant may be appointed, that such Adjutant is duly qualified, and has attended all the Regimental and Company trainings, distributed the orders, and made up the returns of the Regiment or Battalion, and faithfully performed the other services prescribed by this Act.

**XLIII.** *And be it further enacted,* That the Captain or Officer commanding each Company, shall, and is hereby fully empowered, with the approbation of the Officer commanding the Regiment or Battalion, to nominate and appoint proper persons to serve as Sergeants, Corporals, Clerks, Drummers or Fifers, in the Company which such Captain or Officer commands, and so to displace them, and appoint others in their room; and if any person, so appointed, shall refuse to accept such appointment, he shall forfeit and pay a fine of forty shillings, and another shall be appointed in his room, who, in case of refusal, shall be liable to the same fine, and so on until one do accept; and in case any Sergeant, Corporal, Drummer or Fifer, accepting such appointment, and refusing or neglecting the duty thereof, he shall forfeit and pay, for each offence, forty shillings.

**XLIV.** *And be it further enacted,* That all Clerks of Companies, before they enter on the execution of their duty, shall take an Oath before some one of His Majesty's Justices of Peace, who is hereby authorised to administer the same. The form of the Oath to be as follows, viz.

I do swear truly to perform the Office of Clerk of the Militia Company, under the Command of A. B. to the utmost of my skill and power, in all things appertaining to my Office, according to Law. So help me God.

And

Appointment of  
Adjutant

His Duty

Compensation to  
Adjutant

Appointment of  
Sergeants,  
Corporals,  
Clerks &c.

Clerks to be sworn

Form of Oath



## Duty of Clerks

And the duties of Clerks of Companies shall be, to keep Registers of their respective Companies, to furnish the Non-Commissioned Officers with lists of the men whom they are directed to warn for training, and other duties prescribed by this Act, and to take lists of the Companies as often as required by the Officers Commanding them; to attend Commissioned Officers making inspection of Arms; to attend all musters, and to prosecute for all fines, and sue for all penalties, incurred by this Act, applicable to the use of their respective Companies, when so ordered by the Officers commanding such Company; and such Clerk shall be allowed and paid one fourth of all fines and forfeitures he shall recover by virtue of this Act, as a reward for his trouble in doing the duties enjoined thereby, and shall be exempt from being drafted or ballotted for actual service.

## Refusal to serve as Clerk.

**XLV. And be it further enacted,** That if any Clerk of a Militia Company shall refuse or neglect to perform the duties hereinbefore enjoined, he shall forfeit and pay for each offence, or neglect of duty, a fine not exceeding five pounds, nor less than twenty shillings, to be prosecuted for by the Officer commanding the Company.

## Appointment of Sergeant-Major and Clerk to each Battalion

**XLVI. And be it further enacted,** That it shall and may be lawful for the Colonel, or Officer commanding any Regiment or Battalion of Militia, to appoint a Sergeant-Major and Clerk, for such Regiment or Battalion (and in those Counties or Districts where, from local circumstances, the Regiment or Battalion cannot be assembled entire, one additional Clerk for such Division of said Regiment or Battalion, which cannot be assembled at the place of general rendezvous,) provided there be but one additional Clerk to any Regiment or Battalion, and to displace such Sergeant-Major and Clerks, and appoint others in their room, as he shall see occasion; and the Sergeant-Major and the Clerks, so appointed, shall be exempted from all ballotting for actual service; and the Clerks, so appointed, shall take the Oath for the faithful discharge of their duties, in manner as is hereinbefore prescribed for Clerks of Companies, and shall be subject to the same penalties as the Clerks of Companies for any neglect of duty.

## Returns of strength of Battalions

## Returns of Arms, &amp;c.

## Accounts of Fines collected and their application

## Returns of the strength of Companies, with their Arms, &amp;c.

**XLVII. And be it further enacted,** That twice in every year, viz: on or before the last day of March and November, the Colonels or other Officers commanding Regiments or Battalions shall make out, and transmit to the Adjutant-General of the Militia, for the information of the Governor, Lieutenant-Governor, or Commander in Chief, returns of the strength of their Regiments, Battalions or Companies; and also returns of Arms, and an account of all fines collected or paid to them, and of the expenditure thereof, with certified copies of the vouchers for each expenditure; and all Captains or Officers commanding Companies are hereby required to make out and transmit to the Officers commanding the Regiment or Battalion to which such Companies belong, twice in every year, viz. on or before the fifteenth days of March and November, annually, and as often further as required by the Commanding Officer of the Regiment, returns of the strength of their respective Companies, with fair rolls thereof, and also returns of Arms: all forms of returns prescribed by the Adjutant-General to be uniformly adopted; and any Officer guilty of wilfully making any false returns, shall be cashiered by the sentence of a General Court-Martial, to be appointed as is hereinafter directed, and shall moreover be liable to a fine not exceeding twenty pounds; and if any Colonel or other Officer commanding a Regiment or Battalion, shall neglect to make the returns required of him as aforesaid, he shall, for every such neglect, forfeit and pay a fine of twenty pounds; and if any Captain or other Officer commanding a Company, shall neglect to make the return required of him as aforesaid, he shall forfeit and pay a fine of five pounds, for every such neglect.

XLVIII.

**XLVIII.** *And be it further enacted,* That if any person shall wilfully interrupt any Regiment, Battalion, Company or Detachment, of Militia, at exercise, or on any duty prescribed by this Act, it shall and may be lawful for the Officer commanding such Regiment, Battalion, Company or Detachment, to confine such persons during the time of such exercise or duty, (if necessary) to prevent the continuance of such insult or wilful interruption; and the person so offending shall forfeit and pay the sum of ten shillings for each and every offence.

Interruption of  
Militia in their  
exercise

**XLIX.** *And be it further enacted,* That when any person enrolled in the Militia shall complain to the Officer commanding the Regiment or Battalion to which he belongs, that, by reason of sickness, or accidental or natural infirmity, he is unable to perform the Militia duties required by this Act, it shall and may be lawful for the Colonel, or other Field-Officer, to order a Board of one Field-Officer and two Captains to inquire into, and decide on, the said complaint; and it shall be lawful for such Board to apply, or to cause the party complaining to apply, to any able Physician or Surgeon, residing within the County or District to which the Regiment or Battalion belongs, for his certificate or opinion respecting the nature and extent of the sickness or infirmity of the complainant, which opinion or certificate the said Physician or Surgeon is hereby required to give forthwith without fee, or reward, under penalty of forfeiting forty shillings for each refusal or neglect; and if, after a full consideration of the said complaint, the Board shall report thereon to the Officer commanding the Regiment or Battalion, that the party complaining is really unable to perform the said Militia duties, the said Commanding Officer shall grant a certificate thereof accordingly, which shall exempt the complainant from such duties so long as the disability shall exist, and every Physician or Surgeon who shall give a certificate or opinion of the actual existence of any sickness, complaint or disability, of any Militia-man, knowing that such sickness, complaint or disability, is false or pretended, shall forfeit and pay a fine of ten pounds for every such offence.

Infirmities

**L.** *And be it further enacted,* That the Colonel, or Officer commanding any Regiment or Battalion, shall, once in every year, within the first fourteen days of the Month of March, and as often further as, with the advice of three Captains of his Regiment, he shall judge fit, require the Field-Officers, Captains, and Officers commanding Companies, to meet at such time and place as he shall appoint, and there, with them, confer and take order for the better regulation of their Companies; for establishing and altering the limits of Company Districts; and prescribing the number of men in each Company; appropriating such fines as, by this Act, are to be applied to the service of the Regiment or Battalion; and to make such rules and regulations as to them, or the major part of them, may seem meet, for the promotion of subordination and military discipline, in the Regiment or Battalion to which they belong; and all Officers shall yield obedience to the warrants or commands of their superior Officers, and shall observe such regulations, being in writing, as may be made at the Meetings herein prescribed, under a penalty not exceeding five pounds, to be adjudged at the next Meeting as aforesaid. *Provided always,* That no Officer shall be bound by any regulation regarding his dress or appointments, unless two thirds of all the commissioned Officers of the Regiment or Battalion shall have concurred therein; *and provided also,* that an account of all fines, with their appropriations as aforesaid, shall, from time to time, be rendered to the Secretary's Office, by the Colonels, or other Officers commanding Regiments or Battalions, and subject to the like penalty for defaults; and that no rule or regulation made at any of the aforesaid meetings (excepting only such as may relate to the establishing the limits of Districts, and numbers of men in each company, or to the appropriation of fines) or any warrant or command thereupon, shall

Conferences of  
Officers, for better  
regulation of  
Militia

Dress of Officers

shall be of any force or validity, until the same shall have been transmitted to the Governor, Lieutenant-Governor or Commander in Chief, and shall have received his approbation.

Officers removing  
from the District  
to which their  
Battalions belong

**LI. And be it further enacted,** That every Militia Officer who shall remove from the County or District to which his Regiment or Battalion belongs, or who from other causes is not attached to any Regiment, or Battalion, but retains a Commission in the Militia, shall be liable to sit on Courts-Martial, and to perform the other duties of his rank when thereto required by his Superior Officer, and may in cases of necessity or vacancy, be ordered to take his station in the Regiment or Battalion of the County or District in which he shall reside, and in case of refusal or neglect to obey such orders, such Officer shall be tried by a General Court Martial, and on conviction of such offence be deprived of his Commission.

Reduced Officers

**LII. And be it further enacted,** That no Officer who has been, or hereafter may be, cashiered by the sentence of a General Court-Martial; no Officer who may hereafter resign his commission in the Militia; and no Officer who has been heretofore dismissed His Majesty's Service, or who shall neglect within six months after the publication of this Act to qualify himself for the duties of his station, (and shall upon the representation of the Commanding Officer of the Regiment or Battalion to which he belongs, and the Inspecting Field-Officer of the District, be on that account deprived of his Commission by the Governor, Lieutenant-Governor or Commander in Chief) shall be entitled to any rank or privilege from having held such Commission, or exempted from enrolment, or the performance of the duties of a private Militia-man.

Actual Service

**LIII. And be it further enacted,** That the Governor, Lieutenant-Governor or Commander in Chief, shall be, and is hereby authorised and empowered, in case of any invasion or sudden attack made or threatened by His Majesty's Enemies, to call into real service the Militia of the several Counties, or any part thereof, as he in his discretion shall think fit; and that the Militia, or any part thereof, so called into real service, by virtue of the Provisions of this Act, shall and may be ordered to march from one County or part of the Province to another, on any necessary service occasioned by any such invasion or sudden attack made or threatened.

When the Governor  
cannot be consulted  
on any sudden  
attack

**LIV. And be it further enacted,** That in case of any invasion or sudden attack made or threatened to be made as aforesaid, in any County where the Commander in Chief cannot be immediately consulted, the Commanding Officer of the Militia in such County shall have power, if he in his discretion shall think it absolutely necessary, to call out the Militia of such County, or any part thereof, into real service; and in case of any such invasion or sudden attack being made, or threatened to be made, in any Town, Parish or District, in any County where the Colonel or Commanding-Officer of the Militia of such County cannot be immediately consulted, the Officer commanding the Militia in such Town, Parish or District, shall have power, if he, in his discretion, shall think it absolutely necessary or expedient, to call out the Militia under his command, or any part thereof, into real service; and such Officer, last mentioned, shall forthwith report his proceedings, and the reasons and grounds thereof, to the Colonel or Commanding-Officer of the Militia of the County, who is hereby empowered and required, in case he shall call out or continue in real service, any part of the Militia under his command, forthwith to dispatch, if necessary, an express to the Governor, Lieutenant-Governor or Commander in Chief for the time being, notifying the danger, and the strength and motions of the Enemy, and the said Colonel or Commanding-Officer is hereby empowered to impress men and horses, boats, carts, or waggon, as the service may require; and all expresses, so ordered, and the men so im-  
pressed,

pressed, or owners of such horses, shall be allowed a reasonable compensation for such service, to be paid out of the Provincial Treasury, by Warrant from the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council, and on certificate of such Colonel or Commanding Officer, and two Captains of the Militia of such County, that such expenses have been justly incurred.

**LV. And be it further enacted,** That when, in consequence of the order of the Commander in Chief, or in the cases hereinbefore mentioned, of the Colonel or Officer commanding the Militia of any County, or any part thereof, shall be called into real service, in the County to which they belong, all duties to be performed, except in cases of great emergency, shall be regulated by rosters, to be kept of the Militia fit for duty, so that such service may be equitably distributed; and every Officer, or person enrolled in the Militia, when called into actual service, is hereby bound and required to yield obedience to all lawful commands of his superior Officers, for mounting Guards, erecting Works, and other Military Services, for repelling, resisting, or guarding against, the attacks of the Enemy, under penalty of incurring the forfeitures appointed by this Act, for disobedience of Orders.

Regulation of duty  
in actual service

**LVI. And be it further enacted,** That, as soon after the publication of this Act as the Governor, Lieutenant-Governor, or the Commander in Chief for the time being, shall appoint, and thereafter in time of War, between the tenth and twentieth days of March, in each and every year, unless otherwise directed by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, the Officers commanding the several Regiments or Battalions of Militia, shall cause the Captains or Commanding-Officers of Companies, in their respective Regiments or Battalions, to divide the men enrolled in such Companies into two classes: the first class to consist of all the able men, from the age of eighteen to the age of forty-five years, inclusive, which is to be considered as the first class for service; and the second class to consist of men above the age of forty-five, and under the age of eighteen years, which is to be considered as the second class for service; and in case a sufficiency of Arms and Accoutrements shall not be provided, at the expense of the Province, or otherwise, for arming the whole of the Militia, the men of the first class shall be completed with Arms and Accoutrements, before any other person shall be furnished therewith.

Companies to be  
formed into two  
classes

**LVII. And be it further enacted,** That soon as the classes shall be formed as aforesaid, the Commanding-Officers of the respective Companies shall cause a draft or ballot to be made of the first class, as hereinafter mentioned, for the purpose of framing a list or roster, by which the men of such class may be called into actual service; when required, that is to say: the names of each and every person in such class shall be written on separate pieces of paper, all, as near as may be, of equal size, which shall be rolled or folded up, as near as may be, in the same manner, and put into a hat, and therein be well mixed and shaken together; and in like manner, numbers from one to the extent of the number of Men contained in such class, shall be written on distinct pieces of paper of equal size, as near as may be, and separately rolled or folded up, as nearly alike as possible, and put into another hat, and well mixed or shaken together; and two indifferent persons shall be nominated by the Commanding Officer of the Company, publicly to draw the same, and the said persons shall respectively begin by drawing out of each hat one of the said papers; and the Clerk of the Company, if present, or otherwise a person appointed to officiate as Clerk, shall form a list on a paper, to be provided for that purpose, and shall first set down thereon the name of the person first drawn out of the hat and opposite to such name the number first drawn out of the other hat, and then the person appointed to conduct the drawing,

Rosters to be  
formed by ballot

ing, as aforesaid, shall draw another name and another number, respectively, and the Clerk shall set down, as aforesaid, such name so secondly drawn, and opposite thereto the number secondly drawn; and the drawing shall proceed in like manner, until the whole of the names and numbers of such first class shall be drawn, and set down in writing, as aforesaid; and, from such list, the Clerk of the Company shall form a new list or roster, beginning with the name of the person against whom the number one stands in the list, and proceeding, in numerical order, to the name of the person who drew the last or highest number.

Cavalry and Ar-  
tillery Companies  
to be classed

**LVIII. And be it further enacted,** That the Men enrolled in any Troop of Cavalry or Company of Artillery, shall be drafted and classed for service in the manner hereinbefore prescribed for Companies of Regiments or Battalions.

Drafts for actual  
service

**LIX. And be it further enacted,** That when the Commanding-Officers of any Regiment or Battalion, or of any Troop of Cavalry or Company of Artillery, shall be ordered by the Governor, Lieutenant-Governor or Commander in Chief, to furnish or embody any number of Men of his Regiment, Battalion, Troop or Company, for actual service, they shall be furnished in as exact proportion as possible to the number of effective Men of each Company or Troop; and each Company or Troop shall furnish its proportion of Men out of the first class, beginning with number one, in the list or roster formed by draft as aforesaid, and proceeding in the order as the names stand in such list or roster, until the numbers required are completed; and each and every person so liable to serve, unless prevented by sickness or other sufficient cause, shall go in his proper person, or find a sufficient substitute, to be approved of by the Officer commanding the Detachment, or the Field-Officer of the Regiment; and, in case of any wilful absence, neglect or disobedience herein, of any person so liable to serve, he shall be confined by the Commanding-Officer, and shall pay a fine of ten pounds, or remain in jail three months; and the person next on the list or roster shall be called out to serve in his place, who shall have the whole of the said fine, if he shall not neglect or refuse to go, or to find a sufficient substitute in his room, to be approved as aforesaid; but if he also shall refuse or neglect, he shall be subject to the like fine and imprisonment; and the person then next in rotation on the list or roster, shall be called out to serve, who shall have the whole of the last mentioned fine, if he shall not neglect or refuse to go, or find a sufficient substitute as aforesaid, and so as often as such case shall happen. *Provided always, and it is hereby declared,* That the fines, if more than one, shall accumulate and be recoverable to the use of the Regiment or Battalion, Troop or Artillery Company, wherein they have been incurred. *And provided,* That if any part of the Militia, in any County, shall not be called out oftener than once within four years, no Man who has been called out, and served in person, or by a sufficient substitute, shall be liable to serve again, until all the other effective Men of his Company shall have served in their turns, personally or by substitute.

Fines

Quakers

*Provided also,* That no Quaker, duly certified as such, shall be liable to the foregoing fine, but in case he shall stand for service on the list, and shall refuse to go, or find a proper substitute, it shall be lawful for the Officer commanding the Company to which such Quaker belongs, to procure a substitute in his place, and such Quaker shall be liable to pay the expense of such hiring, so as the same do not exceed ten pounds, to be recovered before any two Justices of the Peace.

Removal of Mil-  
itia-man from one  
Company District  
to another

**LX. And be it further enacted,** That when any Militia-man shall remove from one Company District to another, and shall be enrolled in the Company of the District to which he has removed, he shall fall in immediately before the person who has drawn the same number as the said Militia-man held in his former Company, and shall stand there ready to be called on for actual service, as if he had originally drawn such number in the Company to which he has so removed.

LXI.

**LXI.** *Provided always, and be it further enacted,* That when it shall happen that there are two or more sons residing in the house or family of their father or mother, and who shall have resided therein for one year preceding, then in case such sons shall stand on the list or roster aforesaid, so as to be liable to be ordered for service at the same time, one of the said sons shall be excused from serving; and the next on the list or roster shall be called out in his stead; and if any person aged sixty years or upwards, or any Widow having a son, grandson or an apprentice, on whom he or she depends for support, living with such aged person or widow for the space of twelve months before the ordering of any draft as aforesaid, such son, grandson or apprentice, shall be exempted from serving so long as he resides in the House or Family of such aged Person or Widow, and contributes to his or her support.

And Whereas, the drafting of Militia-men employed as Clerks, Storekeepers, Mechanics or Labourers, in His Majesty's Ordnance Stores, and Naval or Careening Yard, and in the Civil and Military Departments of the Army, is frequently injurious to His Majesty's service, for remedy thereof:

**LXII.** *Be it further enacted,* 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 Clerks, Storekeepers, Mechanics or Labourers, belong, who are employed in His Majesty's Ordnance Stores, or in the Navy or Careening Yard, or in the Departments of the Army, to apportion the number of drafts such Clerks, Storekeepers, Mechanics and Labourers, which each of the said Departments respectively ought to furnish, and to procure good and sufficient substitutes in the place or stead of such Clerks, Storekeepers, Mechanics and Labourers, on the most reasonable terms, the amount of which cost and expense 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 Clerk, Storekeeper, Mechanic or Labourer, so employed in each of the aforesaid Departments respectively, in proportion to the daily pay of each and every of the said Clerks, Storekeepers, Mechanics and Labourers.

**LXIII.** *And be it further enacted,* That each and every such Clerk, Storekeeper, Mechanic 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 Clerk, Storekeeper, Mechanic or Labourer, shall 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 Clerk, Storekeeper, Mechanic 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 Chattles of such Clerk, Storekeeper, Mechanic 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 Chattles to commit such Clerk, Storekeeper, Mechanic 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 Clerks, Storekeepers, Mechanics or Labourers, in each of the aforesaid departments respectively, from procuring substitutes agreeably to law, or performing the aforesaid militia duty in person, on due notice given to them of such duty, and on their declaring such their intention at the time of notification and carrying the same into effect.

Exemption of  
Clerks, &c.  
in Government  
employ

Refusal of Clerks,  
&c. to pay  
assessment

Provide



Refusal of Mi-  
litia, when order-  
ed into actual  
service

**LXIV. And be it further enacted,** That whenever, agreeably to the authority granted by this Act, the Governor, Lieutenant-Governor, or Commander in Chief, or the Colonel or Officer commanding any Regiment or Battalion, or the Officer commanding in any Township, shall order any part of the Militia into actual service, any Non-commissioned Officer or Private, enrolled in the Militia, who shall neglect or refuse to obey such order, or shall not by himself or sufficient substitute, march and proceed to perform such service as may be legally required of him, that such Non-commissioned Officer or Man shall be confined by the Officer commanding the Battalion, Regiment or Company, to which such person belongs, and shall be subject to a fine of ten pounds, to be recovered before any two of His Majesty's Justices of the Peace for the County wherein the offence is committed, to be levied of his goods and chattels, by warrant of distress under the hands and seals of such Justices, or, in default of such distress, to be liable to three months close imprisonment.

Pay of Militia  
when ordered into  
actual service

**LXV. And be it further enacted,** That whenever any part of the Militia of this Province shall be called out into actual service, the Officers, Non-commissioned Officers, Trumpeters, Drummers, Fifers and Privates, shall be entitled to the same pay and allowances as the Officers, Non-commissioned Officers, Trumpeters, Drummers, Fifers and Privates, of His Majesty's regular Troops respectively receive, to be reckoned from the day that they march from the rendezvous of their respective Companies, to go on actual service, until they shall be dismissed by order of the Governor, Lieutenant-Governor or Commander in Chief, and at the time of their dismissal they shall be allowed respectively a number of days pay to defray their expenses to their usual places of residence, according to the distance, at the rate of fifteen miles per day. And the Militia, when called out into actual service, shall, on their arrival at the first Military Post, or at the place of general rendezvous, where they are to be embodied into Regiments, Battalions or Companies, be furnished with rations in the same manner, and on the same terms, as they are supplied to His Majesty's Troops.

Pay of Sergeants,  
Corporals, Trum-  
peters, Drummers  
and Fifers.

**LXVI. Provided always, and be it further enacted,** That if the pay so to be allowed to persons under the rank of Commissioned Officers shall not amount to the rates of pay hereinafter mentioned, clear of all deductions, that is to say, to every Serjeant two shillings per day, to every Corporal, Trumpeter, Drummer or Fifer, one shilling and six pence per day, and to every Private Man, one shilling and three pence per day; it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief, at the monthly or other periods of paying the Militia, to cause the said deficiency to be made up to the Non-commissioned Officers, Trumpeters, Drummers, Fifers and Private Men, out of the Treasury of the Province, and to draw his Warrants therefor accordingly, by and with the advice and consent of His Majesty's Council.

Armed Boats may  
be provided

**LXVII. And be it further enacted,** That in any County or District exposed to the attack of an Enemy, by water, it shall and may be lawful for the General Sessions of the Peace, on presentment of the Grand Jury of such County or District, to assess such sum or sums of money, as may be so presented, for the providing one or more armed Boats, for the defence of such County or District; such Boat or Boats to be under the direction of the Officer commanding the Militia in such County or District, until by the Sessions, and on presentment of the Grand Jury aforesaid, such Boat or Boats shall be judged no longer necessary, when they shall be at the disposal of such Sessions, on the presentment of the said Grand Jury, for the benefit of such County or District.

Armed boats how  
employed

**LXVIII. And be it further enacted,** That whenever the Colonel or Commanding Officer



Officer of the Militia in any County or District where such Boats are provided, shall find it necessary to order the Boats so provided, or any other Boats or Vessels with which he may be furnished, to proceed in repelling the Enemy, or to the assistance of any neighbouring District or Place, or to be stationed as a watch for the defence of any such place, the Militia of such County shall, on the orders of such Commanding Officer, proceed in such Boats accordingly. *Provided always*, That the Officer commanding the Party of Militia on board such Boat or Boats shall have the command also of such Boat or Boats, and that the Militia shall not be obliged to proceed more than three leagues from the Land when so ordered.

**LXIX.** *And be it further enacted*, That if any person be wounded or disabled upon any invasion or attack of the Enemy, he shall be taken care of at the expence of the Province, during the time of such disability. Persons wounded or disabled by the Enemy

**LXX.** *And be it further enacted*, That in cases of invasion of an Enemy, or imminent danger thereof, when any part of the Militia shall be drawn out and embodied for actual service in the manner hereinbefore directed, from the time that such part of the Militia shall be so embodied until they shall be discharged by order of the Governor, Lieutenant-Governor, or Commander in Chief, such of the Articles of War now in force for the Government of His Majesty's Forces in this Province, as the Governor, Lieutenant-Governor, or Commander in Chief, by and with the advice and consent of His Majesty's Council, shall consider applicable, and shall alter so as to render the same conformable to the restrictions hereinafter mentioned, shall be printed agreeable to such alterations, and such of the said Articles when so altered and printed (until otherwise provided for by the Legislature) shall be judicially taken notice of by all Judges and all Courts whatsoever, and shall be binding on, and extend to, all the Officers, Non-commissioned Officers, and private Men, of the Militia embodied as aforesaid, in all cases whatsoever not provided for by this Act; which Articles of War, the Governor, Lieutenant-Governor or Commander in Chief, may cause to be made and published, as soon after the publication of this Act as he may think proper. Articles of War

**LXXI.** *Provided always, and be it further enacted*, That no officer serving in His Majesty's Regular Forces shall sit on any Court-Martial, upon the Trial of any Officer, Non-commissioned Officer or Private Man, serving in the Militia; nor shall any sentence of any General Court-Martial extend to death, unless for desertion to the Enemy, for mutiny and sedition, for traitorous correspondence with, or traitorously delivering up to, the Enemy, any Garrison, Fortress, Post or Guard; nor shall any man, serving in the Militia, be subject to be whipped, or otherwise corporally punished, in any case whatsoever, except by imprisonment, nor shall the sentence of any General Court-Martial be carried into execution until it has been approved of by the Governor, Lieutenant-Governor, or Commander in Chief, for the time being. Officers of His Majesty's Regular Forces, no allowed to sit on Courts Martial Punishments

**LXXII.** *And be it further enacted*, That the Governor, Lieutenant-Governor or Commander in Chief, for the time being, shall have power, and is hereby empowered, by Warrant under his hand and seal, to constitute and appoint General Courts-Martial, for the trial of all offences made cognizable by such Courts, by virtue of this Act, or which shall be made cognizable by such Courts, under such Articles of War as shall be published for the government of the Militia, as hereinbefore-mentioned; which Court shall consist of not less than thirteen commissioned Officers, the President whereof shall not be under the rank of Field-Officer. Formation of Courts Martial

**LXXIII.** *And be it further enacted*, That in all trials by General Court-Martial, every Officer, before any proceedings be had, shall take the following Oath, and the Judge Advocate is hereby authorised to administer the same, viz. Members of Courts Martial to be sworn

I, A. B.

Form of Oath

I, A. B. do swear that I will duly administer Justice, according to the Laws of this Province, now in force for the better regulating the Militia, without partiality, favor or affection ; and I further swear that I will not divulge the sentence of this Court until it shall be approved by His Majesty, or some person duly authorised by him ; neither will I, upon any account whatsoever, disclose or discover the vote or opinion of any particular Member of the Court-Martial, unless required to give evidence thereof as a witness, by a Court of Justice, in a due course of Law. So help me God.

Judge Advocate  
to be sworn

And no sentence of death shall be given against any offender, by such General Court-Martial, unless twelve Officers present shall concur therein, and the Governor, Lieutenant-Governor or Commander in Chief, shall have power to appoint any one of His Majesty's Justices of the Peace for said Province, or other, a fit person, to act as Judge Advocate at any such General Court-Martial ; and *Provided always*, that the Judge Advocate, previous to any proceedings had on the trial of any Prisoner, takes the following Oath, to be administered by the President of the Court Martial, to wit :

Form of Oath

I, A. B. do swear that I will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular Member of the Court-Martial, unless required to give evidence thereof as a witness by a Court of Justice in a due course of Law. So help me God.

Persons sentenced  
to death by a  
Court-Martial

**LXXIV. And be it further enacted,** That no person shall be put to death under the sentence of a General Court-Martial, until a Warrant, under the hand and seal of the Governor, Lieutenant-Governor or Commander in Chief, shall issue for the execution of such sentence: which Warrant shall direct the time and place, when and where the person sentenced to death shall be executed, and all sentences of death shall be executed by either shooting or hanging the offender, as the same may be directed and ordered in the said Warrant, which Warrant shall be a sufficient justification to the Officer or Officers to whom the same may be directed, and to all those lawfully employed under them in executing such sentence. *Provided always*, that previous to any persons being put to death, pursuant to the sentence of a General Court-Martial, such sentence, and the Warrant for the execution thereof, shall be publicly read in the hearing of the bye-standers, at the time and place appointed for such execution.

Rank of Officers  
composing  
Courts-Martial

**LXXV. And be it further enacted,** That no Officer under the rank of Captain, shall sit upon a Court-Martial for the trial of any Field-Officer.

Power of Regi-  
mental Courts-  
Martial

**LXXVI. And be it further enacted,** That General Courts-Martial shall have power, and they are hereby empowered, upon an appeal being made from the sentence of Regimental Courts-Martial, to enquire into, and to confirm or annul, the said sentence, as to the same Court shall appear fit any right ; and in case it shall appear to the Court that an appeal hath been made without any sufficient cause by a person sentenced by such Regimental Court-Martial, then and in that case the said General Courts-Martial shall have power, and they are hereby empowered, to increase the punishment of such appellant by imprisonment in the Jail of the County, where such appellant doth reside, for a time not exceeding thirty days.

Regimental  
Courts Martial

**LXXVII. And be it further enacted,** That Officers commanding Regiments, Battalions or Detachments, not under the rank of Captains, shall have power, and they are hereby empowered, to order a Regimental Court-Martial for the trial of all offences cognizable by such Court, under and by virtue of this Act, or any other Act made, or that shall be made, for the better regulating the Militia, and that such Regimental Court-Martial shall consist of five members at the least, the President whereof shall not be under the rank of Captain.

**LXXVIII.**

**LXXVIII.** *And be it further enacted,* That the said Regimental Courts-Martial shall have power, and they are hereby empowered, to fine or imprison offenders for offences, made by Law cognizable by such Court, in their discretion, according to the nature of the offence, provided that the fine, to be by them imposed, shall in no case exceed the sum of five pounds; and the imprisonment shall in no case exceed thirty days.

Sentence of Regimental Courts-Martial

**LXXIX.** *And be it further enacted,* That no sentence of a Regimental Court-Martial shall be executed, until the same shall be approved of, and confirmed, by the Officer commanding the Regiment, Battalion or Detachment, of Militia, in which the person prosecuted shall serve, nor shall the same be executed without an order under the hand of such Commanding Officer, for that purpose.

Execution of Sentence

**LXXX.** *And be it further enacted,* That all Courts-Martial shall have power, and they are hereby empowered, to administer an Oath to Witnesses, in the same manner as is accustomed by the Courts-Martial in the British Regular Army; and to punish all and every person or persons for contempt of the Court, by disobedience of its orders, made in pursuance of the power and authority vested in them; or gross abuse of the said Court, in presence of the said Court, by fine or imprisonment, so as the said fine, by them imposed, shall in no case exceed the sum of five pounds; and the imprisonment shall in no case exceed twenty days.

Witnesses to be sworn

**LXXXI.** *And be it further enacted,* That no person shall sit as a Member of any Court Martial for the trial of any offender, who shall be related, within the fourth degree, either to the prosecutor, or to the person or persons prosecuted; nor shall any accuser sit as a Member of the Court for the trial of the person accused.

Consanguinity of Members of Courts-Martial to delinquents

**LXXXII.** *And be it further enacted,* That the Quarter-Master of every Regiment or Battalion shall, before he commences the duties of his office, give bond with two sufficient sureties to the Colonel or Officer commanding such Regiment or Battalion, for his faithful discharge of such duties, and for his duly accounting for and applying all monies he may receive by virtue of this Act, and for all Provisions and Stores he may receive as Quarter-Master of such Regiment or Battalion; and the Quarter-Master of every Regiment or Battalion shall receive all fines and forfeitures applicable to the service of his Regiment or Battalion, for collecting, receiving and paying over which, he shall be entitled to a commission of ten per cent. to be allowed in his General Accounts; and such Quarter-Master shall annually, at the General Meeting of the commissioned Officers of the Regiment or Battalion to which he belongs, and three times further if thereto required by the Officer commanding such Regiment or Battalion, exhibit fair accounts of the receipt and disbursement of all Monies coming into his hands for the use of his Regiment or Battalion, and it shall and may be lawful for every Quarter-Master, with the approbation of the Officer commanding the Regiment or Battalion to which he belongs, to appoint a Quarter-Master Sergeant, and with the like approbation to remove him, and to appoint another in his stead; and the Quarter-Master shall be, and he is hereby made, responsible for all monies applicable to the use of the Battalion or Regiment which shall come into the hands of such Quarter-Master Sergeant.

Quarter-Master

**LXXXIII.** *And be it further enacted,* That all fines and forfeitures incurred by this Act, not exceeding three pounds, shall be recovered before any one of His Majesty's Justices of the Peace, not being an Officer of the Company in which such fines shall be incurred; and all fines and forfeitures above three pounds, and not exceeding five pounds, shall be recovered before two Justices, not being Officers of the said Company, and all other fines and forfeitures above five pounds, shall be recovered in

Fines, how recovered

in any of His Majesty's Courts of Record within this Province, unless the recovery of the same be otherwise provided for by this Act. *Provided*, That no person or persons whomsoever shall be prosecuted by virtue of any clause in this Act, for any breach thereof, after the expiration of three months from the commission of the offence, and all fines, penalties and forfeitures, recovered by virtue of this Act, not exceeding ten shillings, nor otherwise disposed of therein, shall be paid into the hands of the Clerk of the Company, to whose use such fine may be applicable, or, if applicable to the use of the Regiment or Battalion, into the hands of the Quarter-Master of such Regiment or Battalion, to be applied under direction of the Officers commanding such Companies, to the use of such Companies, according to the directions of this Act, or by the Colonel or Officer commanding any Regiment or Battalion, for providing or repairing of Arms, Drums or Colours, or for other contingent charges, of such Regiment or Battalion.

Fines, how applied

**LXXXIV.** *And be it further enacted*, That all fines and forfeitures not exceeding ten shillings, to be recovered by the Clerks of Companies, shall be applied, by the Captain or Officer commanding each Company, for the keeping in order the Arms and Accoutrements of such Company, for the purchase of Drums and Fifes for the same, and other incidental charges attending the said Company; and if any surplus shall arise the same shall be paid into the hands of the Quarter-Master of the Regiment or Battalion, to be applied to such uses as the Field-Officers and Captains, in their annual or other meeting shall direct and appoint.

Desertion from actual service

**LXXXV.** *And be it further enacted*, That if any person or persons whomsoever, shall encourage, persuade, entice or procure, or endeavour to encourage, persuade, entice or procure, any Non-commissioned Officer or Private Man of the Militia, on actual service, to desert, or shall harbour, conceal or assist, any deserter from the Militia, on actual service, knowing him to be such, it shall and may be lawful for the Commanding Officer of the Regiment, Battalion, Company or Detachment, to which such Non-commissioned Officer, Private Man or Deserter, may belong, at his option, to cause the person or persons so offending, to be prosecuted, by information in His Majesty's Supreme Court, or before two of His Majesty's Justices of the Peace, according to the nature and circumstances of the case. And if the person or persons, or such prosecution in the Supreme Court, shall, by a verdict of a Jury, be convicted of any or either of the foregoing offences, such person or persons shall severally forfeit and pay, for each and every offence, a sum not exceeding twenty pounds, or be liable to close imprisonment, not exceeding the term of three months; and if such prosecution shall be carried on before two of His Majesty's Justices of the Peace, the person or persons who, on the oath of one or more credible witnesses, shall be convicted by such Justices, of any or either of the said offences, shall severally forfeit and pay, for each and every offence, the sum of five pounds, and in default of such payment such offender or offenders shall, by such Justice, be committed to Jail, and closely confined for a term of twenty days, or until he, she or they, shall pay and discharge the said penalty of five pounds, together with the costs of prosecution.

Prosecution for any thing done in pursuance of this Act

Actions

**LXXXVI.** *And be it further enacted*, That if any Action shall be brought against any person or persons for any thing done in pursuance of this Act, such Action or Suit shall be commenced within three months next after the fact committed, and not afterwards; and the defendant or defendants, in any such Action or Suit, may plead the general issue, and give this Act, and the special matter, in evidence at any trial to be had thereupon.

Sections of this Act, and Articles of War, to be read

**LXXXVII.** *And be it further enacted*, That so many Sections of this Act as the Governor, Lieutenant-Governor or Commander in Chief, for the time being, shall, from

from time to time, order and appoint, together with the Articles of War, when made and published, shall be read so many times in each year, as the Governor, Lieutenant-Governor or Commander in Chief, shall direct.

**LXXXVIII.** *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, to commission and appoint proper Officers to inspect and command all the Regiments or Battalions of the Militia throughout the Province, or to limit the command and inspection of such Officers to a particular number of Regiments or Battalions, or to the inspection and command of all the Militia in particular divisions of the Province, or particular Counties or Districts, as may be considered most convenient, fit and proper; and all such Officers, when so commissioned and published in General Orders to the Militia, shall be obeyed in all things lawful by all persons who shall be so placed under their respective commands.

Appointment of  
Inspecting Field-  
Officers

**LXXXIX.** *And be it further enacted,* That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to accept the voluntary service of any one or more of the embodied Militia-men of this Province, for the defence of the neighbouring Province of New-Brunswick, against the common Enemy; and such Militia-men, while serving in the said Province of New-Brunswick, shall be subject to, and governed by, the Laws and Regulations made for the ordering and government of the embodied Militia of this Province, and to none other.

Volunteering in  
defence of New-  
Brunswick

**XC.** *And be it further enacted,* That all Negro Militia-men, or People of Colour, commonly so called, shall be set apart by the Commanding Officer of each and every Regiment or Battalion respectively, and formed into District Companies, or Bands of Pioneers, as their numbers may admit, to be commanded by such trusty non-commissioned Officer of Colour or otherwise, as the said Commanding Officer may appoint; under which non-commissioned Officer such Companies, or Bands of Pioneers, shall assemble and train at such times as the Commanding Officer of the Regiment or Battalion shall direct, so as that no greater share of Militia Training, or other Militia Duty, be imposed on such Men of Colour, than is or may be authorised by this or any subsequent Acts to be imposed on other Militia-men.

Negro Militia-  
Men

**XCI.** *And be it further enacted,* That all persons enrolled in, and belonging to, the Fire-Engine Companies, and Fire-men, of the Town of Halifax, certified by the Captains of such Companies respectively, shall, in consideration of their services as Engine and Fire-men, be exempt from the performance of Militia Trainings, during the continuance of this Act.

Fire Engine Men,  
exempted from  
Militia  
Trainings

**XCII.** *And be it further enacted,* That all and every Act and Acts heretofore made and passed relative to the Militia of the Province, together with all additions to, and amendments and alterations of, the said Acts, shall be, and the same are hereby repealed; and the Militia, raised by virtue of the said former Acts, shall be subject to all the provisions and regulations herein contained, in lieu thereof.

Repeal of all  
other Militia  
Laws

**XCIII.** *And be it further enacted,* That this Act shall be and continue in force for one year from the publication hereof, and from thence to the end of the next Session of the General Assembly, and no longer.

Continuation of  
Act

## CAP. III.

Expired, but the provisions of this Act extended to the Township of Onslow, by the 3 Geo. 4. Cap. 7

# An ACT to enable the Proprietors of Wilderness Lands in the Township of Truro, to open Roads through the same.

Preamble

**W**HEREAS the second division of Wilderness Lands in the Township of Truro have been located and laid off, by partition, in several ranges East and West, in lots of one hundred acres each, with lands for roads on those several ranges, which roads are not yet opened or cut out, for want of which the said Lands are of little value to the Proprietors:

Names of Proprietors of Wilderness Lands to be returned to Court of Sessions

Application of majority for authority to open Roads

Appointment of Surveyor

Surveyor to be sworn

Allowance to Surveyor

Proviso

Extra Labour to be provided by Proprietors

**I. BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That** it shall and may be lawful for the Proprietors of said Lands to return to the Justices at the first, or any future General Sessions of the Peace, to be held after the passing of this Act, in and for the District of Colchester, the names of the Proprietors of each and every of the one hundred acre lots, by them respectively owned in the said second division of Wilderness Land, in the said Township of Truro; and when a majority of the said Proprietors, named in such list, shall, by memorial in writing, signed by them, make known to the said Justices, at the said next, or any subsequent, General Sessions of the Peace, that it is the desire of such majority to commence opening of such roads; and, in such memorial, shall express and set forth the rules and regulations which such majority desire may be pursued and followed in making such roads; and also recommend six fit and proper persons, to act as Surveyors to open such Roads: it shall and may be lawful for the said Justices to nominate and appoint two, out of the six persons so recommended, to act as Overseers and Surveyors of the Roads, in such Wilderness Lands, and the two persons so chosen and nominated, shall be sworn in like manner, and be subject to the like penalties; for not accepting or neglecting their duty, as Surveyors of Highways are made liable to, under, and pursuant to, an Act, made and passed in the first year of His late Majesty's Reign, entitled, An Act for the repairing and mending Highways, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships of this Province; and shall, thereby, be vested with all the powers and authority that Surveyors of Highways have, throughout the several Towns and Settlements of this Province; and shall be allowed, for each and every day actually employed as Surveyor of Highways, in opening and improving the Wilderness Lands aforesaid, the sum of five shillings each per day, to be paid out of the License Money, raised from Licenced Public Houses in said Township, to be allowed and approved of by the Grand Jurors and Justices, in Sessions aforesaid; and the said Justices, by an order of Sessions, shall direct such Overseers to proceed to open and make such roads, agreeably to the rules and regulations specified in such memorial.

**Provided always, That** before the said Justices shall act upon such memorial, it must be made appear, to their satisfaction, that the majority of Proprietors, who have signed the same, do actually own, at least, one half of the one hundred acre lots, laid out in the said second division of Wilderness Lands.

**II. And be it further enacted, That** each and every person, being the Owner or Owners of Wilderness Lands, in the Township of Truro aforesaid, (called Second Division Lands,) or that may hereafter own any of the Wilderness Lands aforesaid, in said Township, by purchase or otherwise, shall and are hereby made liable for each one hundred acre lot, and so in proportion for every fifty acres by them respectively owned, during the continuance of this Act, to labour one day in every year, between the



the first day of April and the first day of November, in opening and making such Roads, under the direction of such Overseers; such labour to be over and above what they now are, or may be, by law, subject to perform in the Statute Labour of said Township; which additional work is to be performed by the said Owner or Owners, or by an able Man or Men to be procured by them respectively, and provided, at their expence, with suitable tools according to the work he or they may be called upon to perform; and every person or persons, being the Owner or Owners of Second Division Wilderness Lands in the Township of Truro aforesaid, neglecting or refusing to execute or perform the said labour, shall, for each and every day's work, so neglected or refused to be performed, forfeit and pay the sum of five shillings, and in the same proportion for a less space of time; the same to be recovered by the Surveyors of the Highways for said second division, appointed as aforesaid, in like manner as debts of the like value are recovered, before one or more Justices of the Peace, or other Courts having jurisdiction in the said Township: the same to be applied and laid out by the Surveyors in opening and improving Roads and making Bridges, through the second division lands aforesaid.

III. *And be it further enacted*, That if, on any lot of one hundred acres, of said second division lands, or any lot containing a less quantity thereof, there now is, or hereafter may be, cut down, cleared and burnt off, and made ready for a crop, five acres of the Wood Land belonging thereto, or a House built thereon, and a person or persons residing therein, it shall be lawful for such Surveyors to excuse such person or persons so residing upon said lot, and the Owner or Owners thereof, from performing the labour by this Act required for such lot; but it shall and may be lawful for the said Surveyors to compel the person or persons residing upon such lot or lots as aforesaid, to work on such new roads for the number of days he or they are bound to labour, under and by virtue of the several Statutes now in force, or that may be hereafter enacted, for the repairing of Highways, Bridges and Streets, throughout the Province; and the person or persons refusing or neglecting to perform on such new Roads the Statute Labour required of them by law, are hereby made liable to all the fines and penalties in the said several Statutes contained.

Exemption  
from the extra  
Labour

IV. *And be it further enacted*, That when the said Surveyors shall be unable to recover, from any proprietor or proprietors of said land, the value of the labour he or they are bound to perform as aforesaid, the lands of such proprietor or proprietors shall be held charged with the same; and in case, at the end of three years, no person shall perform such labour, or pay the arrears due for the same, from such delinquent proprietor or proprietors, it shall and may be lawful for the Judges who hold the Supreme Court in that District, upon complaint thereof made to them by the said Surveyor or Surveyors, at any sitting of said Court, in said District, to order public notice to be given in the Royal Gazette, to such delinquent proprietor or proprietors, that unless they shall, within three months from the date of such notice, pay to the said overseers the arrears due by them respectively, together with the costs of such complaint and notice, that so much of the said Lands by them respectively owned, as will be sufficient to pay their said several arrears, will be sold; and in case it shall afterwards be made appear to the said Supreme Court, either sitting in said District or at Halifax, that all or any of the said arrears remain due and unpaid; it shall and may be lawful for the said Court to direct an order to the Sheriff of the County, or his Deputy, to sell at Public Auction, in the same manner as if taken in Execution, so much of such proprietors' said Wilderness Land as will be sufficient to pay their said respective arrears, together with such costs of complaint, charge and expenses of the sale, and conveyance of such lands, as the said Court shall tax and allow, and the said

Refusal of Proprietors to perform extra labour



said Sheriff shall return his doing on such order, at the next term for the sitting of the said Court, when it shall be lawful for the Court to confirm the doings of the Sheriff or to set the same aside, and order another sale as the case may require; and it shall be lawful for the said Court, when it shall approve of such sale, to order the Sheriff to execute a Deed or deeds, in fee simple, to the Purchaser or Purchasers, which when executed, shall make, to such Purchaser or Purchasers, a title as good and valid in law, as if executed by the person or persons owning the same, or their Heirs or Assigns; and the said Court shall order the Sheriff to pay over the amount of the arrears so recovered to the said Surveyors, to be by them expended on said Roads, and, out of the residue of the proceeds of such sale, to pay such costs and charges as the said Court shall have taxed and allowed.

Proviso

*Provided always*, That no sale shall take place of the Lands of any absent proprietor, until the Overseers, or some one of them, which shall have been appointed under this Act, shall make and file an Affidavit in the Supreme Court, stating that the proprietors of the lots, who are residing within the Province, have fully performed all the labour upon the Roads, passing through the said second division of Wilderness Lands in the Township of Truro, which by this Act they are bound to perform.

Appointment of  
Successors to  
Overseers

V. *And be it further enacted*, That in each and every year, during the continuance of this Act, it shall be lawful for the said Justices to appoint annual Successors to the Overseers for such Roads, and to order them to proceed in opening and making the same, pursuant to the Rules and Regulations which the said proprietors may, from time to time, make and set forth in their memorials to the said Justices; provided that all such memorials be signed and agreed to, pursuant to the provisions contained in the first section of this Act.

Continuation of  
Act

VI. *And be it further enacted*, That this Act shall be and continue in force for three years, and from thence to the end of the next Session of the General Assembly, and no longer.

#### CAP. IV.

### An ACT to authorise the cancelling of Treasury Notes, and to issue others in lieu thereof.

Treasury Notes  
to be cancelled

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the first day of June next, it shall and may be lawful for the Treasurer of the Province, and he is hereby directed, to deliver to the Commissioners, to be appointed under this Act, all such Treasury Notes heretofore issued under any Act of the General Assembly, as shall and may, from time to time, be paid into the Treasury, to be cancelled by the said Commissioners, in the presence of the Treasurer, by cutting off the name of the Treasurer, and the year in which the same were issued, and by them delivered to the Secretary of the Province, to be examined and destroyed by the Joint Committee of His Majesty's Council and House of Assembly, appointed to examine the Public Accounts.

Commissioners to  
be appointed to  
issue Treasury  
Notes

Amount and des-  
cription of Notes  
to be kept in cir-  
culation

II. *And be it further enacted*, That it shall and may be lawful, for the Lieutenant-Governor, or Commander in Chief, for the time being, by and with the advice of His Majesty's Council, to appoint three fit and proper persons, as Commissioners, to issue Treasury Notes, in lieu of the Notes to be cancelled under this Act, and to the amount of the Notes so to be cancelled, and to be issued at such times and to such amount as may be required; to keep in circulation a sum not exceeding Sixty-Six Thousand Two Hundred and Twenty-Seven Pounds, as the Lieutenant-Governor or Commander

mander in Chief, by and with the advice of His Majesty's Council, may, by his warrant or warrants, order and direct: which Notes, so to be issued, shall be Five Pound Notes; Two Pound Notes; One Pound Notes; Ten Shilling Notes; and Five Shilling Notes; and shall be of the same form, signed, countersigned and delivered, and shall be paid, and received in payment, in like manner, and again re-issued, under the rules, regulations, restrictions and provisions, as are mentioned, expressed and contained, in the Act, passed in the fifty-third year of His late Majesty's Reign, entitled, An Act to authorise the Treasurer of the Province to call in and pay the Treasury Notes heretofore issued, and to empower the Lieutenant-Governor or Commander in Chief, for the time being, to appoint Commissioners to issue Treasury Notes.

Commissioners to  
be sworn

III. *And be it further enacted*, That the said Commissioners, so to be appointed as aforesaid, before they enter upon the duties imposed by this Act, shall respectively take and subscribe, before any one of His Majesty's Justices of the Peace the following Oath:—

I. A. B, do swear, that I will well and and faithfully do and perform what I am directed and empowered to do, as a Commissioner, to issue Treasury Notes, under an Act, entitled, An Act to authorise the cancelling of Treasury Notes, and to issue others in lieu thereof; and that I will not knowingly sign any more or greater amount of Treasury Notes than I am authorised to do under the said Act—So help me God. Which affidavit shall be filed in the Office of the Secretary of the Province.

Form of Oath

IV. *And be it further enacted*, That the Treasury Notes which shall be issued under this Act, between the first day of January and the first day of July, in any year, shall bear date the first Monday of January, in such year; and the said Treasury Notes, which shall be issued under this Act, between the first day of July and the first day of January following, in any year, shall bear date the first Monday of July, in such year.

Dates of Notes to  
be issued

V. *And be it further enacted*, That if any person or persons whosever, shall counterfeit any Treasury Notes issued by virtue of this Act, or alter any of the same, so that they shall appear to be of greater value than when originally issued, or shall knowingly pass, or give in payment, any of the said Notes so counterfeited or altered: every person convicted thereof, shall be set in the pillory for the space of one whole hour, and one of the ears of such offender shall be nailed thereto; and such offender shall be publicly whipped through the streets of the Town or Place where such offence shall have been committed, and shall pay all charges of the prosecution.

Counterfeiting of  
Notes

VI. *And be it further enacted*, That in case the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall, by his Warrant or Warrants, require the Treasurer of the Province to re-issue Notes that may be issued under this Act, and received in payment at the Treasury; or to require the Commissioners to issue other Notes in lieu of those so received or any part thereof; it shall and may be lawful for the Treasurer to re-issue the said Notes, or the Commissioners to issue other Notes, agreeably to the said Warrants; provided the new Notes, so to be re-issued, shall not exceed the amount of the Notes so, from time to time, received in payment at the Treasury.

Re-issue of Notes

VII. *And be it further enacted*, That, from and after the expiration of two years from the date of any of the Treasury Notes which shall be issued under this Act, it shall and may be lawful for the Treasurer of the Province, and he is hereby directed, so often as such Notes shall be paid into the Treasury, to deliver the same to the said Commissioners to be appointed under this Act, to be cancelled by them in the presence of the Treasurer, and delivered to the Secretary of the Province, in manner as is mentioned in the first section of this Act.

Notes issued under  
this Act to be  
cancelled two  
years after date

VIII.

Payment of Notes

VIII. *And be it further enacted*, That, at the expiration of three years from the date of any Treasury Note or Notes issued under this Act, it shall and may be lawful for the holders of any such Treasury Note or Notes to present the same for payment at the Office of the Treasurer of the Province, and the Treasurer is hereby directed and required to pay all such Treasury Note or Notes on demand, in Gold and Silver.

Amount of Notes to be in circulation

IX. *Provided always, and be it further enacted*, That nothing herein contained shall extend, or be construed to extend, to authorise any issue or re-issue of Treasury Notes under this Act, or that may be issued or re-issued under any other Act heretofore made, so as to have in circulation, at any one time, a greater sum than Sixty-Six Thousand Two Hundred and Twenty-Seven Pounds.

Notes may be funded

X. *And be it further enacted*, That if any person, at any quarterly period, after the expiration of three years from the date of any Treasury Notes issued under this Act, that is to say, at the thirty-first day of March; the thirtieth day of June; the thirtieth day September; and the thirty-first day of December, in any succeeding year, shall tender for payment at the Treasury any number of the said Treasury Notes, issued under and in virtue of, this Act, so having been issued for three years since the date thereof, amounting in value to One Hundred Pounds or upwards; in case the Treasurer shall not be able to pay the same in Gold and Silver, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, by Warrant under his hand and seal, to direct the Commissioners aforesaid to fund such sum or sums of Money in Treasury Notes, as shall be so tendered in payment from time to time as aforesaid, and to grant Certificates to the amount thereof on Interest; and the said Commissioners shall, in presence of the said Treasurer, cancel the said Notes, by cutting therefrom the name of the Treasurer and the year in which they are issued, and shall deliver the same to the Secretary of the Province, to be examined and destroyed, as by the first section of this Act is directed.

Proviso

XI. *Provided always, and be it further enacted*, That nothing in this Act contained shall authorise the issue of Treasury Notes in lieu of such Treasury Notes as may be funded under this Act, or any other Act heretofore passed, authorising the issue of Treasury Notes.

Payment of Certificates of Notes funded

XII. *And be it further enacted*, That it shall and may be lawful for the Treasurer, and he is hereby directed, when and as soon as he shall receive a sum of Money, in Gold and Silver, sufficient to pay and discharge the amount, Principal and Interest, due upon any Certificate granted under this Act, he shall give sixty days notice of his intention to pay such Certificate, and fix a day for the payment thereof; and as Gold and Silver shall be received into the Treasury, sufficient to pay the Principal and Interest due upon any other Certificate or Certificates granted as aforesaid, he shall give the same notice, and continue to do so, paying and discharging the smaller Certificates before the larger ones, until the whole of the Principal and Interest due upon the Certificates granted as aforesaid shall be fully paid and satisfied; and the person or persons holding such Certificate or Certificates, failing to attend and produce the same at the times respectively limited, all future Interest thereon shall cease, and no other or greater amount of interest shall be paid on such Certificates, so called in, than was due and payable at the time the same were required to be presented to the Treasury, as aforesaid.

Payment of Interest on Notes funded

XIII. *And be it further enacted*, That it shall and may be lawful for the said Treasurer, and he is hereby directed, to pay to the Person or Persons duly authorised to receive the same, yearly, and every year, the Interest, as the same may become due upon

upon any Certificate or Certificates, granted under this Act, until the Principal thereof shall be fully paid and discharged.

## CAP. V.

## An ACT to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.

**W**HEREAS His Majesty has been graciously pleased to re-annex the Island of Cape-Breton, as an integral part of the Province, and a distinct and several County thereof; to be called and known by the name of the County of Cape-Breton, and to be represented in the General Assembly of the Province by two Members, to be chosen in and for the said County:

Preamble

I. *BE it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That the Civil Government, and the Administration of Justice, in the said Island, shall be conformable to the usage and practice of the Province of Nova-Scotia; and the Judges, Justices, Jurors, Constables, and other Civil Officers therein, shall be appointed and commissioned as such Officers are appointed and commissioned in other Counties of the said Province, and have the like powers and authority, and be subject to the same rules, fines, and restrictions, as similar Officers in other Counties of the said Province are by law liable.

Civil Government and Administration of Justice  
Appointment of Civil Officers

II. *And be it further enacted,* That the Supreme Court shall be held by the Chief Justice, or, in his absence, by two of the Assistant Justices, or by one of the Assistant Justices and the Associate Circuit Judge of the said Court, at Sydney, in the said County, on the last Tuesday of August, and at Arichat, in the said County, on the first Tuesday of September in each year, and may continue its sittings, at each of the said Courts, for four successive days, and no longer.

Supreme Court  
—by whom and when to be held at Sydney and Arichat

III. *And be it further enacted,* That it shall and may be lawful for His Excellency the Lieutenant-Governor to commission and appoint five fit and proper persons to be Justices of the Inferior Court of Common Pleas, in the said County, which Persons, so commissioned and appointed, shall possess all the privileges, and exercise the same jurisdiction, within the said County of Cape-Breton, as the Justices of the several Courts of Common Pleas, in the Province of Nova-Scotia, do possess and exercise in the respective Counties for which they are commissioned and appointed. And whenever vacancies shall occur in the said Courts, by the death, or removal from Office, of any Justice or Justices so appointed, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint such other person or persons as he shall deem fit and proper to fill the said vacancy or vacancies. And the said Inferior Court of Common Pleas, shall be opened and held at Sydney on the second Tuesday of January, and on the second Tuesday of July, in each year; and at Arichat on the second Tuesday of February, and on the second Tuesday of August, in each year, and may continue its sittings, at each of the said times and places, for five successive days, and no longer.

Inferior Court—  
appointment of Justices

Inferior Court to be held at Sydney and Arichat

IV. *And be it further enacted,* That for the convenience of Jurors, and other persons, whose duty obliges them to attend the several Courts, the General Sessions of the Peace shall be held in the said County, at the several times and places herein before directed and appointed for the Sittings of the Inferior Court of Common Pleas, in the same manner as the same are held in the several Counties of Nova-Scotia.

General Sessions of the Peace

V. *And be it further enacted,* That it shall and may be lawful, for the Chief-Justice of His Majesty's Supreme Court, on or before the first day of January next,

Appointment of High Sheriff

to

to nominate three fit and proper persons, to fill the Office of High-Sheriff in the said County of Cape-Breton, a list of the names of which persons he is hereby directed to present to the Lieutenant-Governor or Commander in Chief, for the time being, who is hereby empowered, immediately, to prick one out of the said number to serve the Office of High-Sheriff, which Sheriff, being resident in the said County, and having entered, in the Secretary's Office, at Halifax, good and sufficient Security for the faithful execution of his Office, shall, immediately upon receiving his Patent, and upon taking the Oath prescribed for all Sheriffs in Nova-Scotia, be fully invested with all the powers and authorities of a High-Sheriff, and be subject to all such laws, customs ordinances, regulations and directions, as the High-Sheriffs in the several Counties, of Nova-Scotia are subject to ; and shall continue in Office until another shall be sworn in his stead.

Grand and Petty  
Jurors

VI. *And be it further enacted*, That it shall and may be lawful for the Chief-Justice of the Supreme Court, after the said Sheriff shall be nominated and appointed, to issue and direct a Precept to him, commanding him to summon twenty-four persons to attend the Supreme Court and the General Sessions of the Peace, at the first sittings of the said Courts, to serve as Grand Jurors ; and thirty-six persons to attend the said Courts, and also the Inferior Courts of Common Pleas, at its first sittings, as Petty Jurors : which persons, so to be summoned, shall be respectively qualified to serve as Grand and Petty Jurors as the Laws of Nova-Scotia require and direct :— and the said persons, so summoned, shall be bound to attend the said Courts, and to perform the duties of Grand and Petty Jurors thereat, and shall be liable to all the fines and penalties for non-attendance, to which Grand and Petty Jurors are liable in the Province of Nova-Scotia.

Jurors drawn, &c.  
Sheriffs, Coroners,  
&c.—how appointed

VII. *And be it further enacted*, That the Grand and Petty Jurors shall hereafter be drawn, summoned and returned, and the Sheriffs, Coroners, Constables, and other Civil Officers, nominated and appointed, as such Officers are summoned and appointed in the said Province, and be subject to the same rules and restrictions. And Justices of the Peace, and Commissioners appointed for the trial of small Causes, shall have the same powers and authority, and be subject to the same rules and restrictions, as such Officers are liable to by Law in the said Province.

Persons excused  
from attending the  
Courts at Sydney  
and Arichat, as  
Petty Jurors

VIII. *And be it further enacted*, That it shall and may be lawful for the Justices of the Supreme Court, and of the Court of Common Pleas, and Sessions of the Peace, to excuse the Inhabitants of the Northern and Middle Parts of the said County of Cape-Breton, from being drawn as Petty Jurors, to serve at the sittings of the said Courts at Arichat ; and in like manner to excuse the Inhabitants of the Southern Parts of the said County from being drawn as Petty Jurors to serve at the said Courts to be held at Sydney.

Causes pending in  
any of the Courts  
at Cape-Breton.

IX. *And be it further enacted*, That such Causes as may have been commenced, and are now pending, in any of the Courts of the said Island, prior to its re-annexation, may be transferred and continued, at the instance of either party, to the respective Courts by this Act established, and may be there heard and determined as if such Causes had been originally commenced therein, any law or usage to the contrary notwithstanding.

Court of Probate  
of Wills

Registry of Deeds

X. *And be it further enacted*, That the Court of Probate of Wills, and granting Letters of Administration, shall be held at Sydney, in the said County of Cape-Breton, at such time as the Judge of the said Court may appoint ;—and the Office for the registry of Deeds shall be kept at Sydney, and at Arichat in the said County.

Attornies and  
Barristers

XI. *And be it further enacted*, That it shall and may be lawful for such Persons as have

have been heretofore admitted to practise as Attornies in the Supreme Court of the said Island, to continue to practice as Attornies and Barristers in the several Courts established by this Act within the said Island, but not elsewhere out of the said Island, unless they shall be admitted as Attornies of the Supreme Court at Halifax, under such rules and regulations as the said Court shall establish. *Provided always*, That if it shall appear to His Majesty's Supreme Court at Halifax, upon the representation of the Circuit Judges, that any of the persons now practising as Attornies in the said Island, are not qualified to act as such, it shall be lawful for the said Court to direct their names to be struck from the Roll.

**XII.** *And be it further enacted*, That the Laws now in force, as to the Militia in Nova-Scotia, be, and the same are hereby, extended to the said County of Cape-Breton.

**XIII.** *And be it further enacted*, That in all questions which may arise relative to the Government, the Administration of Justice, the appointment and qualification of Officers, the collection of the Revenue, the management of the Militia, and all other matters and things touching the good government and welfare of the said County of Cape-Breton and its People, the Law and Usage of Nova-Scotia shall be the rule and example to be followed.

Determination of questions relative to the Government, &c. of Cape-Breton

**XIV.** *And be it further enacted*, That, from and after the first day of January, all Commissions, which have issued under the authority of the late Government of Cape-Breton shall cease to have any effect, and be utterly null and void to all intents and purposes whatsoever.

Commissions issued by the late Government of Cape-Breton

And whereas, *in and by this Act, it is enacted, that the Supreme Court shall hold its sittings at Arichat on the first Tuesday of September, on which day it has hitherto sat at Dorchester in the County of Sydney :*

**XV.** *Be it therefore enacted, by the authority aforesaid*, That the Supreme Court shall in future commence its sittings at Dorchester, in the County of Sydney, on the second Tuesday of September, in each year, instead of the said first Tuesday of September; and at Pictou, in the District of Pictou, on the third Tuesday in September in each year, instead of the second Tuesday; and at Truro, in the District of Colchester, on the fourth Tuesday of September, in each year, instead of the third Tuesday of the said month of September; and that all writs, process, recognizances and complaints, which are or shall be made returnable to the said Court, at its next sittings in the said County of Sydney, and in the District of Pictou and Colchester, shall be returned on the days herein appointed for such respective sittings of the said Courts; and all parties and persons who are bound or summoned, or who ought to appear at the said Courts, or any of them at the next sittings thereof, in any of the said Counties, or Districts, shall be held and obliged to appear at such Court at the days and times on which such sittings respectively are hereby directed to be held.

Sitting of Supreme Court at Dorchester—Pictou—Truro

**XVI.** *And be it further enacted, by the authority aforesaid*, That this Act may be altered or amended during the present Session or Assembly.

Act may be altered

## CAP. VI.

**An ACT to extend the provisions of an Act, passed in the first year of His late Majesty's Reign, entitled, An Act in addition to and amendment of an Act, entitled, An Act for preventing Trespasses.**

Repealed by 3 Geo. 4 Cap. 32



## CAP. VII.

**An ACT to make perpetual an Act in addition to an Act for regulating the Common belonging to the Township of Lunenburg.**

Act 58th Geo. III.  
Cap. 34. made  
perpetual

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-eighth year of His late Majesty's Reign, entitled, An Act in addition to an Act, passed in the thirty-fourth year of His late Majesty's Reign, entitled, An Act for regulating the Common belonging to the Township of Lunenburg and every matter, clause and thing, therein contained, shall be, and the same is hereby, made perpetual.

## CAP. VIII.

Expired

**An ACT to continue the several Acts, for regulating the Summary Trial of Actions before His Majesty's Justices of the Peace in the Town and Peninsula of Halifax.**

## CAP. IX.

**An ACT to revive and make perpetual an Act to enable the Inhabitants of each Township to raise money for defraying the expense attending the running or perambulating the Lines and Bounds of the respective Townships in this Province.**

Act 51st Geo. III.  
Cap 4, revived and  
made perpetual

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-first year of His late Majesty's Reign, entitled, An Act to enable the Inhabitants of each Township to raise money for defraying the expense attending the running or perambulating the Lines and Bounds of the respective Townships in this Province, and every matter, clause and thing, therein contained, shall be, and the same is hereby, made perpetual.

## CAP. X.

**An ACT to make perpetual an Act to encourage Persons engaged in the Lumber Trade, and authorising Courts of Sessions to make regulations for preventing obstructions in bringing the same, with other articles, down the several Rivers of the Province; and also, the Act in addition to and amendment thereof.**

Acts 58th Geo. III.  
Cap 31, and 59th  
Geo. III. cap 27  
made perpetual

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-eighth year of His late Majesty's Reign, entitled, An Act to encourage



encourage Persons engaged in the Lumber Trade, and authorising Courts of Sessions to make regulations for preventing obstructions in bringing the same, with other articles, down the several Rivers of the Province; and also the Act, passed in the fifty-ninth year of His late Majesty's Reign, in addition to and amendment of the before recited Act, and every matter, clause and thing, in the said Acts contained, shall be, and the same are hereby, made perpetual.

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**CAP. XI.**

An ACT to continue an Act for raising an additional duty of Excise on all Goods, Wares and Merchandise, imported into this Province Expired.

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**CAP. XII.**

An ACT to continue the several Acts of the General Assembly for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province. Expired.

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**CAP. XIII.**

An ACT to continue the several Acts of the General Assembly for raising a Revenue to repair the roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses and Shops for the retail of Spirituous Liquors. Expired.

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**CAP. XIV.**

An ACT to continue an Act, entitled, An Act for the Summary Trial of Actions; and also, the Act in addition to and in amendment thereof. Expired.

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**CAP. XV.**

An ACT to continue an Act, entitled, An Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night. Expired.

## CAP. XVI.

Expired.

**An ACT to continue an Act for granting a Drawback of the Duties on Brown or Raw Sugar, used in the Manufacture of Refined Sugar within the Province, and for regulating the mode of obtaining the same.**

## CAP. XVII.

**An ACT to regulate the Trials of Controverted Elections, or Returns of Members to serve in the House of Assembly of this Province.**

Preamble.

**W**HEREAS the present mode of decision upon Petitions complaining of undue Elections, or Returns of Members to serve in the House of Assembly of this Province, frequently obstructs public business, occasions much expense, trouble and delay, to the Parties, is defective for want of those sanctions and solemnities which are established by Law, in other trials, and is attended with many other inconveniences, for remedy thereof:

Petitions complaining of undue Elections.

**I. BE it enacted by the Lieutenant-Governor, Council and Assembly, That,** after the end of the present Sessions of Assembly, whenever a Petition, complaining of an undue Election or Return of a Member or Members to serve in the House of Assembly, shall be presented to the said House, a day and hour shall be appointed by the said House for taking the same into consideration, and notice in writing shall be forthwith given by the Speaker, to the Petitioner or Petitioners, and the sitting Member or Members, or their respective Agents, accompanied with an order to them to attend the House at the time appointed by themselves, their Counsel or Agents.

Members specially summoned.

**II. And be it further enacted, That** at the time appointed for taking such Petition into consideration, and previous to the reading the Order of the Day, for that purpose, the Sergeant at Arms shall be directed to go to the places adjacent, and require the immediate attendance of the Members, on the business of the said House; and that after his Return the House shall be counted, and if there be less than twenty-seven Members present, the Order for taking such Petition into consideration, shall be immediately adjourned to a particular hour on the following day, (Sunday, Christmas Day and Good Friday, always excepted) and on the following day the House shall proceed in the same manner, and so from day to day till there be an attendance of twenty-seven Members, at the reading of the Order of the Day, to take such Petition into consideration.

Fifteen Members ballotted for.

**III. And be it further enacted, That** if after summoning the Members, and counting the House, as aforesaid, twenty-seven Members shall be found to be present, the Petitioner or Petitioners, their Counsel or Agents, and the Counsel or Agents of the sitting Member or Members, shall be ordered to attend at the Bar, and then the door of the House shall be locked, and no Member shall be suffered to enter into, or depart from, the House, until the Petitioner or Petitioners, their Counsel or Agents, and the Counsel or Agent, for the sitting Member or Members, shall be directed to withdraw, as hereinafter is mentioned; and when the door shall be locked, as aforesaid, the Order of the Day shall be read, and the names of all the Members of the House, written on distinct pieces of paper, being in as near as may be of equal size, and rolled up

up in the same manner, shall be equally divided and put into several boxes, to be placed on the table for that purpose ; and shall then be shaken together ; and then the Clerk shall publicly draw out of the said two boxes, alternately, the said pieces of paper, and deliver the same to the Speaker, to be by him read to the House, and so shall continue to do, until fifteen names of the Members then present be drawn. *Provided always*, That if the name of any Member, who shall have given his vote at the Election so complained of, as aforesaid, or against whose return a Petition shall be then depending, shall be drawn, his name shall be set aside.

IV. *And be it further enacted*, That if any Member shall offer, and verify under Oath, any excuse, the substance of the allegations so verified upon oath shall be taken down by the Clerk, in order that the same may be afterwards entered on the Journals, and the opinion of the House shall be taken thereon ; and if the House shall resolve, that the said Member is unable to serve, or cannot, without great and manifest detriment, serve in such select Committee, he shall be excused from such service.

Excuses of Members chosen.

V. *And be it further enacted*, That instead of the Members so set aside and excused, the names of other Members shall be drawn, who may in like manner be set aside and excused, and others drawn to supply their place, until the whole number of fifteen Members, not liable to be set aside or excused, shall be complete, and the Petitioners or their Agents shall then name one, and the sitting Members or their Agents another, from among the Members then present, whose names shall not have been drawn, to be added to those who shall have been so chosen by lot.

Other Members ballotted for.

VI. *And be it further enacted*, That as soon as the said fifteen Members shall have been so chosen by lot, and the two Members to be added thereto, shall have been so nominated as aforesaid, the door of the House shall be opened, and the House may proceed upon any other business ; and lists of the fifteen Members so chosen by lot, shall be given to the Petitioner or Petitioners, his or their Counsel or Agents, and the sitting Member or Members, his or their Counsel or Agents, who shall immediately withdraw, together with the Clerk or his Assistant : and the said Petitioners and sitting Members, their Counsel or Agents, beginning on the part of the Petitioners, shall alternately strike off one of the fifteen Members, until the said number be reduced to seven, and the said Clerk or his Assistant, within one hour at farthest from the parties so withdrawing from the House, shall deliver into the House the names of the seven Members then remaining, and the said seven Members, together with the said two Members nominated as aforesaid, shall be sworn at the table, well and truly to try the matter of the Petition referred to them, and a true judgment to give according to the evidence ; and shall be a select Committee, to try and determine the merits of the Return or Election appointed by the House to be that day taken into consideration ; and the House shall order the said select Committee to meet at a certain time, to be fixed by the House, and the place of their meeting shall be some one of the Committee-Rooms of the said House, properly prepared for that purpose, which said select Committee shall sit every day (Sunday, Christmas Day and Good Friday, excepted) and shall not adjourn for a longer period than twenty-four hours, without leave obtained from the said House, upon special cause assigned for such longer adjournment.

Lists of the Members drawn given to Petitioners and sitting Members.

The Members reduced to seven, and petition referred to their consideration.

Oath to be taken by Committee.

VII. *And be it further enacted*, That the said select Committee shall, on their meeting, elect a Chairman from among such of the Members as shall have been chosen by lot, and if in the election of a Chairman there be an equal number of voices, the Member whose name was first drawn in the House shall have a casting voice, so likewise in case there should ever be occasion to elect a new Chairman, on the death or necessary absence of the Chairman first elected.

Chairman of the Committee.

VIII.

Power vested in  
Committee

VIII. *And be it further enacted*, That the said select Committee shall have power to send for persons, papers and records, and shall examine all the witnesses who come before them on oath, and shall try the merits of the return, or the election, or both, and shall determine by a majority of voices, of the said select Committee, whether the Petitioner or Petitioners, or the sitting Member or Members, or either of them, be duly returned or elected, or whether the Election be void : which determination shall be final between the Parties, to all intents and purposes ; and the House, on being informed thereof by the Chairman of the said select Committee, shall order the same to be entered on their Journals, and give the necessary directions for confirming or altering the Return, or for carrying the said determination into execution, as the case may require.

Members of the  
Committee absent-  
ing themselves.

IX. *And be it further enacted*, That no Member of the said select Committee, shall be allowed to absent himself from the same, without leave obtained from the House ; and that the Chairman of the said select Committee shall always report the name of every Member thereof, who shall so absent himself without such leave as aforesaid, who shall, for such neglect of his duty, be punished or censured at the discretion of the House.

Committee una-  
voidably reduced  
to five.

X. *And be it further enacted*, That in case the Member or Members of the said select Committee shall, by death or otherwise, be unavoidably reduced to less than five, and shall so continue for the space of three days, the said select Committee shall be dissolved, and another chosen in manner aforesaid.

Persons summon-  
ed by the Commit-  
tee.

XI. *And be it further enacted*, That if any person, summoned by the said select Committee, shall disobey such summons ; or if any witness before such select Committee shall prevaricate, or shall otherwise misbehave, in giving or refusing to give evidence, the Chairman of the said select Committee, by their direction, may, at any time during the course of their proceedings, report the same to the House, for the interposition of their authority or censure, as the case may require.

Deliberations and  
decisions of Com-  
mittee.

XII. *And be it further enacted*, That whenever the said select Committee shall think it necessary to deliberate among themselves upon any question which shall arise in the course of the trial, or upon the determination thereof, or upon any Resolution concerning the matter of any Petition referred to them as aforesaid, as soon as the said select Committee shall have heard the Evidence and Counsel on both sides relative thereunto, the room or place where they shall sit shall be cleared, if they shall think proper, while the Members of the said select Committee consider thereof, and all such questions as well as such determination, and all other resolutions, shall be by a majority of voices, and if the voices shall be equal the Chairman shall have the casting vote.

Decision of Com-  
mittee not concur-  
red in.

XIII. *And be it further enacted*, That in any case when the decision of the said Committee shall not be concurred in by five at least of the persons composing the same, it shall and may be lawful for the House, upon sufficient ground being laid for that purpose, to order a new trial to take place by a Committee to be chosen as aforesaid.

Oaths to be taken.

XIV. *And be it further enacted*, That the Oaths by this Act directed to be taken in the House, shall be administered by the said Clerk ; and that the said Oaths by this Act directed to be taken before the said select Committee, shall be administered by the Chairman of the said Committee ; and that all persons who shall be guilty of wilful and corrupt perjury in any evidence which they shall give before the House, or the said select Committee, in consequence of the Oath which they shall have taken by the direction of this Act, shall, on conviction thereof, incur and suffer the like Pains and Penalties to which any other person convicted of wilful and corrupt perjury is liable by the Laws and Statutes of this Province.

XV. *And be it further enacted*, That every such Committee, at the time they report to the House their final determination on the merits of the Petition which they were sworn to try, shall also report to the House, whether such Petition did or did not appear to them to be frivolous or vexatious; and that whenever any such committee shall report to the House with respect to any such Petition that the same appeared to them to be frivolous or vexatious, the party or parties, if any, who shall have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the Person or Persons, or any of them, who shall have signed such Petition, the full costs and expenses which such party or parties shall have incurred in opposing the same; such costs and expenses to be ascertained in the manner hereinafter directed.

Report of Committee to the House of Assembly.

XVI. *And be it further enacted*, That the costs and expenses of opposing any such Petition shall be ascertained in manner following, that is to say: that on application made to the Speaker of the House, by the party or parties who shall have appeared before the Committee in opposition to such Petition, for ascertaining such costs and expenses, he shall direct the same to be taxed by two persons, of whom the Clerk of the House shall always be one, and one of the Masters in the Court of Chancery, in this Province. And the persons to be authorised and directed to tax such costs and expenses shall, and they are hereby required to, examine the same, and to report the amount thereof to the Speaker of the said House, who, if the said costs shall be approved of by the House, shall, on application made to him, deliver to the party or parties a certificate, signed by himself, expressing the amount of the costs and expenses allowed in such report; and the persons so appointed to tax such costs, and report the amount thereof, are hereby authorised to demand and receive for such taxation and report, such fees as shall, from time to time, be fixed by any resolution of the House.

Costs and Expenses.

XVII. *And be it further enacted*, That it shall and may be lawful for the party or parties, entitled to such costs and expenses, to demand the whole amount thereof, so certified as above, from any one or more of the persons respectively who are hereinbefore made liable to the payment thereof; and in case of non-payment thereof, to recover the same by Action of Debt, in the Supreme Court of this Province, in which Action it shall be sufficient for the Plaintiff or Plaintiffs to declare that the Defendant or Defendants are indebted to him or them, in the sum to which the costs and expenses ascertained in manner aforesaid shall amount, by virtue of this Act. And the certificate of the Speaker of the House of Assembly, under his Signature, of the amount of such costs and expenses, together with an examined copy of the entries on the Journals of the House of the Resolution or Resolutions of the said select Committee, shall be deemed full and sufficient evidence in support of such Action of Debt; and *provided always*, That the party or parties in whose favour Judgment shall be given in any such Action, shall recover his or their costs.

Costs and Expenses demanded.

### CAP. XXIII.

An ACT in amendment of an Act, passed in the first year of His late Majesty's Reign, entitled, An Act to enable Creditors to receive their just Debts out of the Effects of their Absent or Absconding Debtors.

WHEREAS much inconvenience has arisen from the course of proceeding against absent or absconding Debtors, authorised by the second section of the

Preamble,

the

*the above mentioned Act, whereby creditors are enabled to attach the Goods, Effects or Credits, of absent Persons, in their hands of their Attorney, Factor, Agent or Trustee, without making any Affidavit that a debt is actually due to them by such absent Person, for remedy thereof :*

Affidavit of Debt  
to be made before  
process is issued.

**I. BE it enacted,** That, from and after the passing of this Act, it shall not be lawful for any person to sue out any process under the second section of the said Act, unless the person applying for the said process shall, previous to the issuing thereof, make an affidavit before one of the Judges of the Court from which such process shall be required, or in the absence of all the Judges of the said Court, before some one of His Majesty's Justices of the Peace, that the Defendant is justly indebted to the Plaintiff in a sum to be specifically mentioned and set forth in the said affidavit, which affidavit shall be filed in the Office of the Clerk of the Court from whence the Writ shall issue—and the sum specified in such affidavit shall be indorsed on the back of the said Writ, in Words at length, and signed by the Judge or Justice of the Peace, before whom such affidavit shall be made, and shall also make oath that he verily believes that the person or persons whom he is about to summon, is the Factor, Agent, or Trustee, of such Absent or Absconding Person, or that he hath Goods, Effects or Credits, of such Absent Person in his possession, or under his management and controul.

Sum to be retained  
by Agent, &c. of  
Absconding Debt-  
or.

**II. And be it further enacted,** That the Person so served with any process, as Factor, Agent, or Trustee, of any Absent or Absconding Person, shall not be bound to retain, nor shall he retain, in his hands, to respond the Judgment which may be recovered against such Absent or Absconding Person, any greater sum than shall be indorsed by the Judge or Justice of the Peace as aforesaid, upon the back of the Writ of Summons, together with a sum not exceeding Thirty Pounds, out of which to pay such costs as may be due to himself and the Plaintiff, in case the Plaintiff shall obtain Judgment.

Declaration to be  
made by Agent,  
&c. of Property in  
his hands belong-  
ing to Absconding  
Debtor.

**III. And be it further enacted,** That the Plaintiff shall not proceed to the Trial of his Cause, against such Absent or Absconding Person, until the Agent shall have appeared in Court, and declared that he hath Goods, Effects or Credits, of the said absent or absconding Person, in his hands or under his controul. *Provided always,* That if any Person, summoned as the Attorney, Agent, Factor or Trustee, after being duly summoned, shall refuse or neglect to appear, and disclose, as hereinbefore directed, that it shall and may be lawful for the Court, out of which the said Writ of Summons shall have issued, to proceed against such Attorney, Agent, Factor or Trustee, for a contempt of the process of the said Court, and shall also be liable to pay the Plaintiff his costs.

Agent, &c. bound  
to make Declara-  
tion of Effects in  
his hands.

**IV. And be it further enacted,** That whenever the said Attorney, Factor, Agent or Trustee, appears in Court, in obedience to the said Summons, he shall be bound, if required by the Plaintiff, to state whether he hath Goods, Effects or Credits, of the Defendant, in his hands, or under his management or controul, to the amount of the sum indorsed on the said Writ, or, if a less amount, that he shall be bound to state the specific amount thereof.

Agent, &c. not  
residing in Coun-  
ty where Action  
is brought.

**V. And be it further enacted,** That where the supposed Agent, Factor or Trustee, shall be resident in any other County than that in which the Action is commenced, he shall not be obliged to appear in that County, but may appear in the Supreme Court of the County in which he lives, at its first sitting, after his being served with process, in the same manner as if he had been required to appear there by the process served upon him.



## CAP. XIX.

An ACT to make perpetual an Act for the Security of Navigation, and for preserving all Ships, Vessels and Goods, which may be found on Shore, wrecked or stranded, upon the Coasts of this Province; and for punishing Persons who shall steal Shipwrecked Goods, and for the relief of Persons suffering loss thereby.

**B**E it enacted, by the Lieutenant-Governor, Council, and Assembly, That an Act, passed in the forty-first year of His late Majesty's Reign, entitled, An Act for the security of Navigation, and for preserving all Ships, Vessels and Goods, which may be found on shore, wrecked or stranded, upon the coasts of this Province, and for punishing persons who shall steal shipwrecked Goods, and for the relief of persons suffering loss thereby, and every matter, clause and thing, therein contained, except the tenth and eleventh sections of the said Act, shall be, and the same is hereby, made perpetual.

Act 41st Geo. III.  
cap. 14. made per-  
petual.

## CAP. XX.

An ACT to continue an Act, entitled, An Act in addition to an Act, passed in the thirty-third year of the Reign of His late Majesty King George the Second, entitled, An Act for regulating the rates and prices of Carriages.

Expired.

## CAP. XXI.

An ACT to extend part of an Act, passed in the fiftieth year of His late Majesty's Reign, in amendment of an Act relating to the repairing and paving the Streets in the Town of Halifax, to the Towns of Annapolis and Digby.

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the first clause of the Act, passed in the fiftieth year of His late Majesty's Reign, entitled, An Act in addition to and in amendment of an Act, passed in the forty-first year of His Majesty's Reign, entitled, An Act for repairing, cleansing and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein; and also, the Act in amendment thereof, passed in the forty-second year of His present Majesty's Reign, and every part of the said clause, be extended, and the same is hereby extended, to the Towns of Annapolis and Digby.

1st Sec. 50th Geo.  
III Cap. 11. ex-  
tended to Annapo-  
lis and Digby.

## CAP. XXII.

Expired.

An ACT to continue an Act, made and passed in the thirty-eighth year of His late Majesty's reign, entitled, An Act to amend and render more effectual an Act, passed in the eighteenth year of His present Majesty's reign, entitled, An Act to prevent forestalling, regrating, and monopolizing, of Cord Wood, in the Town of Halifax, and also the Act now in force in addition thereto.

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## CAP. XXIII.

Expired.

An ACT to continue the Act for regulating the exportation of Red or Smoked Herrings, and in amendment of an Act, passed in the second year of His present Majesty's reign, entitled, An Act for regulating the Exportation of Fish, and the Assize of Barrels, Hoops, Boards, and all other kinds of Lumber, and for appointing Officers to survey the same; and also the several Acts in amendment thereof.

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## CAP. XXIV.

Expired.

An ACT to continue the several Acts respecting the Liverpool and Cranberry Island Light-Houses.

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## CAP. XXV.

Expired.

An ACT to continue an Act respecting Aliens coming into this Province, or residing therein.

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## CAP. XXVI.

Expired.

An ACT to continue an Act for establishing a Bridewell or House of Correction for the County of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same.

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CAP.

**CAP. XXVII.**

An ACT to continue an Act entitled, An Act in addition to and amendment of an Act, passed in the forty-first year of His Majesty's reign, entitled, An Act for repairing, cleansing and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein ; and also the Act, in amendment thereof, passed in the forty-second year of His present Majesty's reign. Expired.

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**CAP. XXVIII.**

An ACT in addition to, and alteration of, an Act, made and passed in the present Session of the General Assembly, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton. Expired

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**CAP. XXIX.**

An ACT to continue an Act, entitled, An Act to provide for the Accommodation and Billetting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another ; and also the several Acts in amendment thereof. Expired

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**CAP. XXX.**

An ACT to continue and amend the several Acts now in force, for encouraging the Establishment of Schools throughout the Province. Expired

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**CAP. XXXI.**

An ACT to regulate Sales at Auction.

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Expired

## CAP. XXXII.

**An ACT to extend an Act for appointing Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of Fire, and also the Acts in addition to and amendment thereof, to the Town of Dartmouth.**

Act 2d Geo. III.  
Cap 5 extended to  
Dartmouth.

**BE** it enacted by the Lieutenant-Governor, Council and Assembly, That, the Act of the General Assembly, made and passed in the second year of His late Majesty's Reign, entitled, An Act for appointing Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of Fire; and also, all the several Acts, since made, in addition to or amendment of the said Act, and now in force, and every matter, clause and thing, in the said Acts contained, shall be extended, and the same are hereby extended, to the Town of Dartmouth.

## CAP. XXXIII.

Repealed by 7  
Geo. 4 Cap 36

**An ACT to impose an additional Duty on Wine, hereafter to be imported into this Province, and to appropriate the same for the payment of the Interest of the Funded Debt of the Province.**

## CAP. XXXIV.

Expired.

**An ACT to continue the several Acts, now in force, regulating the expenditure of Monies for the service of Roads and Bridges.**

## CAP. XXXV.

Expired

**An ACT to amend and continue the several Acts imposing a Duty on Articles to be imported from the United States of America.**

## CAP. XXXVI.

Expired

**An ACT to amend and continue the several Acts of the General Assembly, for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of the Province.**

CAP.

## CAP. XXXVII.

An ACT to alter and amend an Act, passed in the last Session of the General Assembly, entitled, An Act to authorize the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes, to an amount not exceeding Twenty Thousand Pounds.

**WHEREAS** the sum of Eight Thousand Pounds, part of the said Twenty Thousand Pounds, remains unissued under the provisions of the said Act:— Preamble  
 And Whereas, from the great scarcity of the small Coins current in the Province, it is deemed expedient to issue Treasury Notes for smaller sums, in lieu of those prescribed by the said Act, to the amount of the said Eight Thousand Pounds:

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Commissioners appointed under the said Act, to issue Treasury Notes to the amount of Eight Thousand Pounds, being the residue of the said Twenty Thousand Pounds, in small Notes as follows:

Eight Thousand Notes of Ten Shillings each.

And Sixteen Thousand Notes of Five Shillings each.

To bear date the first day of June, One Thousand Eight Hundred and Twenty, and be of the same form, signed, countersigned, and delivered; and shall be paid and received in payment, in like manner, and again re-issued, under the rules, regulations, restrictions and provisions, as are mentioned, expressed, and contained, in the Act, passed in the fifty-third year of His late Majesty's reign, entitled, An Act to authorise the Treasurer of the Province to call in and pay the Treasury Notes heretofore issued; and to empower the Lieutenant-Governor, or Commander in Chief for the time being, to appoint Commissioners to issue Treasury Notes.

II. And be it further enacted, That it shall not be lawful for the said Commissioners to issue Treasury Notes for the said sum of Eight Thousand Pounds, or any part thereof, in Notes for any greater or other sum or sums of Money, than is mentioned and prescribed by this Act.

III. And be it further enacted, That the said Treasury Notes, so to be issued, under the provisions of this Act, shall be deemed to be part and parcel of the said sum of Twenty Thousand Pounds, so to have been issued under the Act of which this is an amendment, and shall be substituted in the lieu thereof; and shall be subject to all the rules, regulations, pains, penalties and provisions, as are mentioned and contained in said Act.

Treasury Notes to be issued to the amount of £8,000

Ten shilling Notes  
Five Shilling Notes  
Date  
Signature

Ten and Five Shilling Notes only to be issued

The Act under which the issue is made

## CAP. XXXVIII.

An ACT to restrain and prohibit the Negotiation, within this Province, of Promissory Notes, or Inland Bills of Exchange, under a limited Sum.

**WHEREAS**, various Notes, Bills, and Draughts for Money, for very small Sums, have been circulated, or negotiated, for some time past, in lieu of Cash, within this Province, to the great prejudice of Trade and Public Credit: Preamble

I.

Notes in circulation declared void

**I. BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly,** That all Promissory or other Notes, Bills of Exchange, Draughts, or undertakings, in writing or printing, or being partly written and partly printed, being made payable to the Bearer, or in any other shape negotiable or transferable, for the payment of any sum of Money less in the whole than the sum of Twenty-six Shillings, which shall be made or issued at any time after the Publication of this Act, shall be, and the same are hereby declared to be, absolutely void, and of no effect; any Law, Statute, Usage, or Custom, to the contrary thereof in anywise notwithstanding.

Penalty for issuing other Notes

**II. And be it further enacted, by the authority aforesaid,** That if any Person or Persons shall, at any time or times, from and after the publication hereof, by any act, device, or means whatsoever, publish, circulate, or utter, any such Notes, Bill, Draughts or Engagements, or shall circulate any Notes that have been already issued, for a less sum than Twenty-six Shillings, or on which less than the sum of Twenty-six Shillings shall be due, or promised to be paid, or which shall be in any shape made negotiable; or shall circulate or negotiate the same—every such person shall, on conviction before any two of His Majesty's Justices of the Peace, forfeit and pay the sum of Twenty Shillings, for each and every Note so issued or circulated.

Recovery of Penalties

**III. And be it further enacted, by the authority aforesaid,** That the Penalties hereby imposed and made payable, shall and may be recovered in a summary way, before any two of His Majesty's Justices of the Peace; and shall and may be levied by Execution in the usual form; one moiety of such Penalties, when so levied and recovered, to be paid to the informer, and the other moiety to the Poor of the County, Town, Parish and District, in which the offence shall be committed.

Notes in circulation to be paid on demand

**IV. And be it further enacted by the authority aforesaid,** That, from and after the publication of this Act, all and every such Notes, Bills, Draughts, or Undertakings, in writing, for any sum or sums of Money less than the sum of twenty-six Shillings, and which are negotiable or transferable, or which have been negotiated or circulated, previous to the publication of this Act, shall be, and they are hereby adjudged and declared to be, payable on demand; any terms, restrictions, or conditions, therein contained, to the contrary thereof notwithstanding.

Persons neglecting or refusing to pay Notes on demand

**V. And be it further enacted by the authority aforesaid,** That if any Person, liable to the Payment of any such Notes, Bills, Draughts or Undertakings in writing, shall neglect or refuse to make full payment, in Gold or Silver, of the sum or sums for which such Notes, Bills, Draughts or Undertakings, shall be respectively given, issued or circulated, it shall and may be lawful for the Holder or Holders of such Notes, Bills, Draughts, or Undertakings, to recover the same by a Suit, to be commenced and tried in a summary way before any one of His Majesty's Justices of the Peace, any Law, Usage or Custom, to the contrary notwithstanding.

Promissory Notes under 26s. not affected by this Act, provided they be given by actual debtors, and not negotiated

**VI. And be it further enacted by the authority aforesaid,** That nothing herein contained shall extend, or be construed to extend, to prevent any person actually indebted to another, in any sum or sums of money less than twenty-six shillings, to enter into a Promissory Note, or engagement in writing, promising to pay his or her Creditor, any such sum or sums of money less than twenty-six shillings; and such Note, or engagement in writing, shall be good and valid in Law, as between the original Parties to the same; *Provided*, that such Note or Notes in writing shall remain and continue to be held by the Person or Persons to whom the same shall have been made in the first instance, and shall not have been negotiated, circulated, or passed, to any third person whatsoever.

Proviso

Act not to extend to Treasury Notes

**VII. Provided always,** That nothing in this Act shall extend, or be construed to extend, to any Treasury Notes, which have been issued, or may be issued, under the authority of any Act of the General Assembly.

CAP.



## CAP. XXXIX.

## A BILL to Incorporate the Governors of the Dalhousie College, at Halifax.

**W**HEREAS, Our Most Excellent Sovereign George the Fourth, hath been graciously pleased to signify His Royal Will and Pleasure, to the Right Honorable George, Earl of Dalhousie, late His Majesty's Lieutenant-Governor of this Province of Nova-Scotia, and now His Majesty's Governor-General of His Majesty's North American Dominions, that a College for the Education of Youth in the higher branches of Science and Literature, as they are taught in the College or University of Edinburgh, in Great-Britain, should be Established at Halifax in Nova-Scotia; and that the sum of Nine Thousand Seven Hundred and Fifty Pounds, of Current Money of Nova-Scotia, belonging to His Majesty, in the hands of the said Earl of Dalhousie, should be appropriated and applied to the use and service of the said College; And Whereas, the sum of Two Thousand Pounds of like Money has been granted by the General Assembly of Nova-Scotia, for the purpose of finishing and completing a Building to be erected. And Whereas, the sum of Four Thousand Seven Hundred and Fifty Pounds have been expended on a Building erected for the purpose, on the Lot of Ground, the property of His Majesty, known by the name of the Grand Parade, facing St. Paul's Church in Halifax, and the residue of the said sum of Nine Thousand Seven Hundred and Fifty Pounds hath been expended in the purchase of Eight Thousand Two Hundred and Eighty-Nine Pounds Nine Shillings and Six Pence, in the three per cent. Consolidated Annuities, standing in the name of the Right Honorable George, Earl of Dalhousie, the Honorable Sampson Salter Blowers, and the Honorable Michael Wallace, as an endowment for the use and service of the said College or Seminary of Learning at Halifax.

Preamble

And Whereas, it is expedient for the more perfect establishment of the said College, and for incorporating the Trustees and Members thereof, for the purposes aforesaid, and for such further endowment thereof, as to His Majesty shall seem meet:

**I. BE** it therefore enacted by the Lieutenant-Governor, Council and Assembly, and by authority of the same, That, upon the same Land, and in the Building or Buildings so erected or to be erected thereon, in the Town of Halifax aforesaid, there shall be established, from this time, one College, for the education of Youth and Students in the higher branches of Science and Literature, as they are commonly taught in the College or University of Edinburgh aforesaid, and to be called **DALHOUSIE COLLEGE**; and that the said George, Earl of Dalhousie, Governor-General of His Majesty's North-American Dominions, or the Governor-General thereof for the time being; Sir James Kempt, Knight Grand Cross of the Most Honorable Military Order of the Bath, Lieutenant-Governor of the said Province of Nova-Scotia, or the Lieutenant-Governor of the said Province for the time being; the Right Reverend Father in God, Robert Stanser, Bishop of the Diocese of Nova-Scotia, or the Bishop of the said Diocese for the time being; the Honourable Sampson Salter Blowers, Chief-Justice of the said Province, and President of the Council, or the Chief-Justice and President of the Council of the said Province, for the time being; the Honourable Michael Wallace, Treasurer of the said Province, or the Treasurer of the said Province for the time being; Simon Bradstreet Robie, Esquire, Speaker of the House of Assembly of the said Province, or the Speaker of the House of Assembly for the time being; together with such Person as shall be elected President of the said College, in manner hereinafter mentioned, shall be Governors of the said College;

Establishment of  
DALHOUSIE  
COLLEGE

Governor

Professorships.

College; and that the said College shall consist of three or more Chairs or Professorships—The first of the Greek and Latin Classics—The second of the Mathematics, Natural and Experimental Philosophy—and the third, of Theology and Moral Philosophy, at such Salaries, and subject to such provisions, regulations, and limitations, as shall be appointed by the rules and ordinances of the College; and that the said Governors, or the major part of them, shall have the power of electing the President of the said College for the time being, to be a Governor of the said College.

Governors incorporated

II. *And be it further enacted by the authority aforesaid,* That the said Governors and their Successors, shall be one distinct and separate body, politic and corporate, in deed and in name, by the name and style of the Governors of Dalhousie College at Halifax, in the Province of Nova-Scotia, and by the same name they shall have succession and a common Seal, and they and their Successors, or the major part of them, as a body corporate in deed and in law, shall be capable to have, receive, purchase, hold, possess and retain, to and for the use of the said College, any messuages, lands, tenements, and hereditaments, of what kind, nature or quality, soever, so as the same do not exceed, in yearly value, the sum of Five Thousand Pounds, above all charges; and also any goods and chattles, gifts and benefactions whatsoever; and that the said Governors, and their Successors, by the same name, shall and may be capable in law, to sue and be sued, implead, and be impleaded, in all or any Court or Courts of Record, or places of Judicature, in any or all of His Majesty's Dominions; and in all actions, causes, matters and demands, whatsoever, and of what nature or kind soever, in as large and ample manner and form, as any other body politic or corporate, or any other liege subjects, may or can do.

Rules and Ordinances

III. *And be it further enacted, by the authority aforesaid,* That the Governors of the said College, or the major part of them, resident in the said Province, shall have power and authority to make rules and ordinances, touching and concerning the good government of the said College, the studies, lectures, and exercises thereof; the election, qualification and residence, of the President, Professors, and Students; the management of the revenues and property of the said College; the salaries and provisions of the President, Professors, Students and Officers, of the said College; and also touching and concerning any other matter and thing respecting the said College, which to them shall seem fit and useful thereto; and also from time to time to revoke or alter the said rules and ordinances as to them, or the major part of them, shall seem meet and expedient. *Provided,* That the said rules and ordinances shall not be repugnant to the Laws and Statutes of the Realm, or of the said Province of Nova-Scotia. *Provided also,* That no test or engagement shall be required of the Students, except the Sponsio Academica, according to the form used in the said College of Edinburgh; and that the internal management and regulation of the said College and Institution, shall be committed to the Senatus Academicus formed by the respective Chairs or Professorships thereof.

Test or Engagement required of Students

Professorships may be increased

IV. *And be it further enacted, by the authority aforesaid,* That the said Governors, or the major part of them, shall have full power and authority, as the circumstances and funds of the College may render expedient and proper, to increase the number of Chairs or Professors, and to authorise the establishment and courses of Lectures on subjects of Science and Literature, and to fix and determine the Salaries of Lecturers, and the prices to be paid by the Students for the tickets of admission, and instruction afforded to them.

Visitor of College

V. *And be it further enacted,* That such Person or Persons as His Majesty, His Heirs and Successors, may see fit from time to time to appoint, shall be visitor or visitors of said College.

VI. *And be it further enacted*, That this Act shall not be in force, until His Majesty's Royal Approbation be thereunto had and declared.

Act suspended  
Assented to by  
His Majesty

### CAP. XL.

## An ACT to regulate and establish Fees in the Court of Chancery.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the several Officers of the said Court of Chancery shall, for services to be performed by them, take and receive the following Fees:

#### CHANCELLOR'S FEES.

Every hearing of a Cause, each day, twenty shillings.  
Pronouncing decree, and signing and sealing the same, two pounds six shillings and eight pence.

Fees to be taken  
by Chancellor.

#### COUNSEL'S AND SOLICITOR'S FEES.

Retaining Fee for Counsel, one pound three shillings and four pence.  
Making draught of a Bill or Answer, for every ninety words one shilling.  
Engrossing the same, every ninety words, six pence.  
Entering an appearance in each cause, three shillings and four pence.  
Every Subpœna, Injunction or other writ, five shillings.  
Copies for service, each one shilling and six pence.  
Drawing Affidavit of service of Subpœna, Injunction or Master's Report, two shillings.  
Every Petition necessary in the conducting of a Cause, three shillings and four pence.  
Counsel's Fee for making or defending every special motion to be taxed, not to exceed one pound three shillings and four pence.  
Drawing Brief in every cause, every ninety words, one shilling.  
Replications and all other pleadings in a cause, every ninety words, one shilling.  
Engrossing the same, every ninety words, six pence.  
Counsel's Fee for examining and signing each pleading, eleven shillings and eight pence.  
Draughts of Interrogatories, every ninety words, one shilling.  
Engrossing Interrogatories, every ninety words, six pence.  
Counsel Fee on trial of a Cause, to be taxed by the Court, but not to exceed three pounds ten shillings.  
Making up Bill of Costs, three shillings and four pence.  
For serving every Subpœna or other Writ, or Master's Report, three shillings and six pence.  
Travel actually performed, per mile, from the residence of the person making the service to the place of service, three pence, and no more.  
Draught of Decree, every ninety words, sixpence.  
Attending Registrar to compare Decree before signing and sealing, six shillings and eight pence.  
Engrossing the same, every ninety words, six pence.

Counsel or  
Solicitor.

#### MASTER OF THE ROLLS, OR MASTER'S FEES.

Each day hearing a Cause, six shillings and eight pence.  
Taking examination of Witnesses, each day, eleven shillings and eight pence.  
References for taxing Costs, seven shillings and six pence—and all other references on which a special report shall be made, eleven shillings and eight pence, and no more.

Master of Rolls  
and Masters  
Sec. 7 Geo. 4  
Cap. 11.

Poundage

Poundage on all Sales, for receiving and paying the Money, if less than three hundred pounds, two pound per cent. and all above, one pound per cent. including Auctioneer's charges.

Drawing and Executing every Deed, one pound three shillings and four pence.

REGISTRAR'S FEES.

Registrar

Copies of all Papers, six pence for every ninety words.

For drawing and signing every Rule or Order, one shilling.

Sealing every Writ, including order therefor, filing Præcipe, and certifying Copies, two shillings and six pence.

Every search, one shilling.

Entering and filing every Bill, two shillings.

Entering and filing every Answer, Plea, Replication or Demurrer, one shilling and six pence.

Filing all other Papers, each paper, six pence.

Attending every hearing, each day, five shillings.

Making up final Decree, enrolling, and getting the same sealed, six shillings and eight pence.

Registrar to receive the Chancellor's Fees

II. *And be it further enacted*, That the Registrar of the Court shall receive the Chancellor's Fees, and be accountable therefor to him without fee or reward; and that no other or greater Fees than are herein specified, shall be received or taken for any of the services mentioned.

Charges for unnecessary Services

III. *And be it further enacted*, That the Master who shall tax the Bill of Costs, in any Cause, shall deduct from, and disallow, any Fees or charges claimed or made for services, in his opinion, unnecessary to have been performed in the prosecution or defence of the said Cause.

No other Fees allowed by this Act

IV. *And be it further enacted*, That no services for which the Fees are not particularly regulated by this Act, shall be taxed for or allowed, except the expenses of advertising.

Officers

V. *And be it further enacted*, That no Master, or other Officer of the said Court, shall hold more than one Office in the said Court.

Act 42d Geo. III. Cap 4 repealed

VI. *And be it further enacted*, That an Act, made and passed in the forty-second year of His late Majesty's reign, entitled, An Act to regulate and establish Fees in the Court of Chancery, be, and the same is hereby, repealed.