

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Monday, the Second Day of October, 1758, and in the 32<sup>nd</sup> year of His Majesty's Reign.*

32 George II – [Chapter 37]\*

**The several Resolutions or Acts referred to in the foregoing Act, are as follow, viz.**

\*Note from editors: originally published as a separate act in 1758, this chapter was not included in Uniacke's 1805 compiled edition of the Nova Scotia edition. It has been assigned a chapter number by the BNALD team in order to include it with the rest of the 1758 material within the database.

In council the second of February, 1749, 50. Resolved, that from this day to the Second of February 1750, 1 no debts contracted in England or in any of the colonies, prior to the establishment of this settlement, or to the debtors arrival here as a settler, shall be pleadable in any court of judicature in this Province, except for goods imported or ordered to be imported into the Province. In council the fourteenth of January 1750, 51. Resolved, that the aforesaid regulation made by authority of the Governor and Council of this Province, on the second day of February last, be renewed and continued, and construed to extend to any valuable confederation (necessary wearing apparel of the person and his family excepted) imported or ordered to be imported: And that, for the encouragement of any such person's wife and children, who by their industry, and frugality, may be assisting in acquiring any substance, within this Province, in which case it seems reasonable that they should not be utterly deprived of the benefit thereof, and left destitute upon the man's decease: When any such person shall, at their decease, leave a lawful wife, or legitimate children, they shall be intitled to the same benefit, as to any estate, goods, or chattles of the deceased, as the Deceased himself had and enjoyed during his life time by virtue of this regulation, and that in such proportion as shall be by him ordered in his last will and testament or if intestate, as the law directs in cases of intestate estates; but if, at his decease, he shall not leave a lawful wife, or any legitimate child or children, then his estate and effects, (after payment of all debts contracted within this Province) shall be liable to payment of such debts, and the remainder, if any shall be, to his heir or heirs at law.

And in order to prevent evil minded Persons from secretly conveying their creditors effects into this Province, in order to defraud them of their just dues, so far as it may be in their power to pay the same; No person coming into this Province, from this time forward, shall be intitled to the benefit of this regulation, unless he or she shall, upon being sued for such debt or debts, make solemn oath before some magistrate, that they have not directly, or indirectly, taken any measures whereby to deprive or debar any of their creditors, from receiving out of their estate or effects in any place whatsoever, the debts to them due, or such part thereof as the same is sufficient to pay; and if the contrary shall, at any time afterwards be proved against them, they shall be deprived of the benefit hereof, and be liable to the utmost rigour of the law.

2. In council the fourteenth of January 1750, 1. Resolved, that for fraudulently taking any materials for building, or fire wood, or other effects, the property of another person, from any part of the beach, or streets, or wharves, of this town and suburbs, or from any lott of land granted to any person in any place about this harbour, provided the same be inclosed, or if uninclosed, after warning given the proprietor; The offender, upon conviction, shall pay fourfold, or in case of refusal or inability to pay the same, shall be publickly whipt a number of stripes not exceeding forty as shall be ordered by the sessions of the peace, or court where the offender shall be convicted. And for the better preventing fraudulent practices of this kind, all such effects, taken up by persons who are not the lawful owners thereof, shall be by the finder forthwith publickly advertised, by the common cryer, and by polling up notifications in the most public places of the town, and in case any owner shall appear and prove his claim thereunto, before any Justice of the Peace, within twenty days after, he shall have the same restored, paying reasonable salvage to the finder.

In council the twentyninth of April, 1751. Resolved, that (whereas a doubt has arisen whether by the late order of the governor and council, of the fourteenth January last, persons convicted of fraudulently taking effects, the property of another, from any part of the beach or streets or wharves of this town or from any lott of land granted to any person about this harbour &c. should upon their conviction, be liable to pay the charges of the prosecution) such offender shall, upon conviction, pay fourfold the value of the effects so taken, and pay the charges of prosecution, and further shall be publickly whipt for said offence, at the discretion of the court before whom they shall be convicted; and in case of their refusal to make said payment, they shall be imprisoned till the money shall be paid.

3. In council the sixth of March, 1752. Resolved, that from and after the publication hereof, no person or persons within this province, shall presume to sell, or offer to sale, any flour other wise than by weight, upon penalty of three pounds for each barrel of flour so sold, or offered to be sold, (and in the same proportion for any other quantity) the said three pounds to be for the use and benefit of the informer, upon conviction, by the oath of the said informer, before any one of His Majesty's Justices of the peace, to be levied by distress on the offenders goods and chattels.

4. In council the twenty ninth of September, 1752. Resolved, that when any fire shall break out in the town of Halifax, or the suburbs thereof, two or three of the magistrates of the said town, shall and may, and are hereby impowered, to give directions for pulling down or blowing up any such house or houses, as shall be by them adjudged meet to be pulled down or blown up, for the stopping and preventing the further spreading of the fire. And if it shall so happen that the pulling down or blowing up of any such house or houses, by the directions aforesaid, shall be the occasion of stopping the said fire, or that the said fire shall stop, before it come to the same, that then all and every owner of such house and houses, shall receive reasonable satisfaction, and be paid for the same by the rest of the inhabitants of the said town and suburbs, (to be accounted from the river called fresh Water River, to Mr. Mangers Distilling-House inclusive) whose houses shall not be burnt, at such rate or rates as shall be thought just, (in proportion to the value of the houses that are to be taxed)

by the Justices of the said town and county, in court assembled at their next quarterly sessions; the said tax to be levied, in case of nonpayment, by Warrant of Distress from the said Justices, and for want of sufficient distress, the offender to suffer one months imprisonment. Provided always, that if the house where the fire did begin, and break out, shall be adjudged fit to be pulled down, or blown up, to hinder the increase and further spreading of the same, that then the owner of such house shall receive no manner of satisfaction for the same, any thing herein contained to the contrary notwithstanding.

That it shall and may be lawful to and for the Justices of the Peace for the town and county of Halifax, from time to time, annually, to appoint such number of prudent persons of known fidelity, not exceeding ten, in the several parts of the said town and suburbs, as they may think fit, who shall be denominated and called fire wards, and have a proper badge assigned, to distinguish them in their office, viz a staff of six feet in length, coloured red, and headed with a bright brass spear of six inches long; And at times of the breaking forth of fire, and during the continuance thereof, shall and are hereby authorized and impowered, to command and require assistance for the extinguishing and putting out the fire, and for removing of Household stuff and furniture, goods and merchandizes, out of any dwelling houses, storehouses or other buildings actually on fire, or in danger thereof, and guards to secure and take care of the same, as also to require assistance for the pulling down or blowing up of any houses, or any other service relating thereto, by direction of two or three of the magistrates of the town as aforesaid, to stop and prevent the further spreading of the fire, and to suppress all tumults and disorders. And the officers appointed, from time to time, as aforesaid, are required, upon the notice of fire breaking forth, (taking their badge with them) immediately to repair to the place, and vigorously exert their authority for the requiring or assistance, and using their utmost endeavours to extinguish and prevent the spreading of the fire, and to preserve and secure the estate and effects of the inhabitants: And due obedience is required to be yielded unto them and each of them accordingly, for that service. And all disobedience, neglect, or refusal in any, shall be informed of, to some of His Majesty's Justices of the Peace, within two days next after, and the offenders therein, upon conviction thereof before any two of the Justices aforesaid (Quorum unus) shall forfeit and pay the sum of Forty Shillings each, to be levied and distributed by the discretion of such Justices, among the poor most distressed by the fire. And in case the offenders are unable to satisfy the fine, then they shall suffer ten days imprisonment.

That if any evil minded wicked persons shall take the advantage of such calamity, to rob, plunder, purloin, embezzle, convey away, or conceal any goods, merchandize or effects, of the distressed inhabitants, whose houses are on fire, or endangered thereby, and put upon removing their goods; and shall not restore, and give notice thereof to the owner or owners, if known, or bring them into such public place as shall be appointed and assigned, by the governor and council, within the space of two days next after proclamation made for that purpose, the person or persons so offending and being thereof convicted, shall be deemed felons and suffer death, as in cases of felony, without benefit of clergy.

5. In council the first of December, 1752. Resolved, that all bills of exchange drawn before this day, by persons resident within this Province, upon persons in Europe, that are already, or may be hereafter sent back protested, be subject to ten per cent. Damages, and five per cent, per annum interest, from the day of the date of the protest to the time of payment.

And all bills drawn as above, on or after this day, and sent back protested, be subject to fifteen per cent. Damages only,

And all bills of exchange drawn by persons residing within this province, on persons in the colonies, and sent back protested, be subject to damages, at the rate of ten per cent, per annum; from the day of the the date of the protest, to the time of payment.

6. In council the sixth of December, 1752. Resolved, that if any person or persons now charged, or who shall or may hereafter be charged in execution, for any sum or sums of money, that from and after the publication hereof, shall be minded to deliver up to his, her, or their creditors, all his, her, or their effects, towards the satisfaction of the debts wherewith he, she, or they stand charged; It shall and may be lawful to and for such prisoner to exhibit a petition to any of the courts of law within the said province, or during the intervals of the sitting of such courts, to any two of the justices of any such courts from whence the process issued, upon which he, she, or they was or were taken or charged in execution, certifying the cause or causes of his, her, or their imprisonment, and an account of his, her, or their whole real or personal estate, with the dates of the securities wherein any part of it consists, and the deeds or notes relating thereto, and the names of the witnesses thereto, as far as his, her, or their knowledge extends therein: And upon such petition the said court, or the said two justices, may and are hereby required, by order or rule of the said court, or by order under the hands and seals of the said two justices, to cause the said prisoner to be brought up to the said court, or before them the said two justices, and the several creditors at whole suit he, she, or they stand charged as aforesaid, to be summoned to appear personally, or by their attorney, in the said court, or before them the said two Justices, at a day to be appointed for that purpose, and upon the day of such appearance, if any of the creditors summoned, refute or neglect to appear, upon affidavit of the due service of such rule or order of the said court, or order of the said two Justices, the said court, or the said two justices, shall and may, in a summary way, examine into the matter of such petition, and hear what can or shall be alledged on either side, for or against the discharge of such prisoner; and upon such examination, the said court, or the said two Justices, may and are hereby required to administer or tender to the prisoner an oath, to the effect following; which oath the said court, or the said two Justices, are hereby empowered to administer.

I A. B. Do solemnly swear, in the presence of Almighty GOD, that the Account by me delivered into

in my petition to

doth contain a true and full account of all my real and personal estate, debts, credits, and effects whatsoever, which I, or any in trust for me, have, or at the time of my said petition had, or am, or was in any respect intitled to, in possession, remainder, or reversion, (except the wearing-apparel and bedding for me or my family, and the tools or instruments of my trade or calling, not exceeding ten pounds in the whole) and that I have not at any time since my imprisonment, or before, directly or indirectly, sold, leased, assigned, or otherways disposed of, or made over in trust, for myself or otherwise, other than as mentioned in such account, any part of my lands, estate, goods, stock, money, debts, or other real or personal estate, whereby to have or expect any Benefit or Profit to myself, or to defraud any of my Creditors to whom I am indebted.

So help me GOD.

And in case the said prisoner shall in open court, or before the said two Justices, take the said oath, and upon such examination, and his or her taking the said oath, the creditors shall be satisfied with the truth thereof, the said court, or the said two justices, may immediately order the lands, goods, or effects contained in such account, or so much of them as may be efficient to satisfy the debts wherewith he or she is or shall be charged, and the Fees due to the Provost-Marshal of the said Province, and the keeper of the goal or prison from which the prisoner was brought, to be by a short indorsement on the back of the said petition signed by the prisoner, assigned to the said creditors; or to one or more of them in trust for the rest of the said creditors, and by such assignment the estate, interest and property of the lands, goods, debts, and effects so assigned, shall be vetted in the person or persons to whom such assignment is or shall be made, who may take possession of, or due for the same, in his or their own name or names, in like manner as assignees of commissioners of bankrupts, to which suit no release of the prisoner, his or her executors or administrators, or any trustees for him or her, subsequent to such alignment, shall be any barr; and immediately upon such assignment executed, the said prisoner shall be discharged out of custody by order of the said court, or of the said two Justices: And such order shall be a sufficient warrant to the Provost-Marshal, goaler, or keeper of such prison, to discharge the said prisoner, if detained for the causes mentioned in such petition, and no other; and he is hereby required to discharge and let him or her at liberty forthwith without fee: nor shall such Provost-Marshal or goaler be liable to any Action of Escape, or other suit or information upon that account; and the person or persons to whom the said effects shall be assigned, paying the fees to said Provost-Marshal, goaler or keeper of the prison in whose custody the party discharged was, shall and are hereby required to divide the effects so assigned, among themselves and all the persons for whom they shall be entrusted, in proportion to their respective debts: but in case the person or persons at whose suit such prisoner was charged in execuion, or any of them, shall not be satisfied with the truth of the oath of such prisoner before the two Justices as aforesaid, and shall desire further time to inform himself of the matters contained therein, and shall insist upon his or her being detained longer in prison at his or their suit, then the said Justices shall and may remand the said prisoner, and direct the said prisoner and the person or persons dissatisfied with such oath, to appear before the court whence the process issued as aforesaid, at a certain day during the sitting of the said

court then next following such examination, and to be by them at that time appointed for the further examination of the matters contained in the said oath, provided the said person or persons so dissatisfied, do agree by writing under his or their hands, to supply and allow weekly the full quantity of eight pounds of good and wholesome biscuit bread per week, unto the said prisoner, to be so supplied and allowed the first day of every week, from and after the time of such prisoner's being so remanded, until the said day so appointed for the further examination of the truth of the matters contained in the aforesaid oath, before the said court as aforesaid; on failure of the supplying of which weekly allowance at any time, the said prisoner shall forthwith, upon application to the said court, or to the said two Justices, be discharged by such order as aforesaid. But in case the said prisoner shall refuse to take the said oath before the said two Justices, or having taken the same, shall be detected of falsity therein, he or she shall be presently remanded.

That such judgment, relief, and directions by the said two Justices so to be given as aforesaid, shall be as good and effectual, to all intents and purposes, as if the same had been made in the court, out of which the process issued on which such prisoner was taken in execution, and the like proceedings shall be had thereupon, and a record of such judgment shall be made up in the same form, and return'd and certified under the hands of such two Justices before whom it shall be made, unto the Court from whence the process, on which such prisoner was taken in execution, issued, to be a record of the said court, and to be kept as such amongst the records there.

That if, on the appearance of such prisoner or prisoners before the said court as aforesaid, at such second day so to be appointed by the said two Justices, the creditor or creditors of such prisoner or prisoners dissatisfied with the truth of such oath before the said two Justices, shall make default in appearing, or in case he, she, or they shall appear, but shall be unable to discover any estate or effects of the prisoner, omitted in such his or her petition, or to shew any probability of his or her having been forsworn in the said oath, then the said court shall immediately cause the said prisoner to be discharged upon such assignment of his or her effects in manner as aforesaid, unless such creditor or creditors do insist upon his or her being detained longer in prison at their suit, and do agree, by writing under his, her, or their hands, to supply and allow weekly the full quantity of eight pounds of good and wholesome biscuit bread per week unto the said prisoner, to be supply'd and allowed the first day of every week, so long as he or she shall continue in prison, at his, her, or their suit as aforesaid; on failure of the supply of which weekly allowance at any time, the prisoner shall forthwith, upon application to the said court, or during the interval of such courts sittings, to the said two justices, be discharged by such order as aforesaid.

That in case on the appearance of the said prisoner before any of the said courts of law in this Province, on his petition to them at any time during their sitting preferred as aforesaid, the person or persons at whole suit such prisoner was charged in execution, or any of them, shall not be satisfied with the truth of the said prisoner's oath at that time made, but shall desire further time to inform himself of the matters contained therein, the said court may and shall remand the said prisoner, and direct the said prisoner and the person or persons

dissatisfied with such oath, to appear at another day to be appointed by the said court, some time within and during their then present sessions for that purpose; subject in the mean time, and until such second day, to the same allowance to the said prisoner, by such person or persons so dissatisfied with the said prisoner's oath, and liable to the like discharge in case of default of such allowance, as is herein before directed, upon application to the said two Justices as aforesaid; and if at such second day so to be appointed, the creditor or creditors dissatisfied with such oath, shall make default in appearing, or in case he, she, or they shall appear, but shall be unable to discover any estate, or efforts of the prisoner, omitted in such his or her petition, or to shew any probability of his or her having been forsworn in the said oath, then the said court shall immediately cause the said prisoner to be discharged, upon such assignment of his or her effects in manner as aforesaid, unless such creditor or creditors do insist upon his or her being longer detained in prison at their suit, and do agree, by writing under his, her or their hands, to supply and allow weekly, the quantity of eight pounds of good and wholesome biscuit bread per week, unto the said prisoner, to be supplied and allowed the first day of every week, so long as he or she shall continue in goal at his, her or their suit; on failure of the supplying of which weekly allowance at any time, the said prisoner shall forthwith, upon application to the court, or during the interval of such courts sittings, to any two of the Justices of the said court, be discharged by such order as aforesaid. But in case the said prisoner shall refuse to take the said oath, or having taken the same, shall be detected of falsity therein, he or she shall be presently remanded.

And to prevent persons who may be charged in Execution, from lying in prison until they have spent their substance, wherewith they should satisfy their creditors, and afterwards taking the benefit of this Act, when they have nothing left to deliver up to their creditors; That, from and immediately after the publication hereof, no person charged or to be charged in execution, shall be allowed or permitted to exhibit a petition to any of the courts of law in this Province, or to any of the laid two Justices or such courts from whence the process issued, as is before provided; unless such petition be exhibited, if before the court, within four days next after the first meeting of the said court, which shall be next after such person shall be so charged in execution, and if before the said two Justices, within ten days next after such person shall be so charged in execution.

Provided always, that tho' the persons of the debtor or debtors so discharged, shall never after be arrested for the same debt or debts, yet notwithstanding such discharge, the judgment against him or her shall stand and remain in force, and execution may be taken out thereon against his or her lands, tenements, or hereditaments, goods and chattels, (his or her wearing-apparel, bedding for him or herself and family, and necessary tools for the use of his or her trade or occupation, excepted) in the same manner as it he or she had never been taken in execution for the said debt.

Provided also, that if any person who shall take such oath as aforesaid, before the said two Justices, or before the said court as aforesaid, shall, upon any indictment for perjury in any matter or particular contained in the said oath, be convicted by his or her own confession, or

by verdict of men, as he or she may be by force of this Act, the person so convicted, shall suffer all the pains and forfeitures, which by law be inflicted on any person convicted of wilful perjury, and shall be liable to be taken upon any process, De Novo, and charged in execution for the said debt, in the same manner as if he or she had never been discharged or taken in execution before, and shall never afterwards have the benefit of this Act.

Provided also, that if the effects so assigned shall not extend to satisfy the whole debts due to the persons at whole suit, he or she was charged, and the fees due to the said Provost-Marshal or goaler, there shall be an abatement in proportion; and such Provost-Marshal or goaler shall come in as a creditor, for what shall be then due to him for his fees, in proportion with the creditors at whose suit he or she was charged in execution.

That where there are mutual debts between the plaintiff and defendant, or if either party sue or be sued as executor or administrator, where there are mutual debts between the testator or intestate, and either party, one debt may be set against the other, and such matter may be given in evidence upon the general issue or pleaded in barr, as the nature of the case shall require, so as at the Time of his or her pleading the general where any such debt of the defendant, his testator or intestate, is intended to be insisted on in evidence, notice shall be given of the particular sum or debt so intended to be insisted on, and upon what account it became due; or otherwise such matter shall not be allowed in evidence, upon such general issue.

That every Provost-Marshal or his deputy, bailiff or other officer or minister aforesaid, offending against this Act, shall (over and above such penalties or punishments, as he shall be liable unto by the law now in force) for every offence against this present Act, forfeit and pay to the party thereby grieved, the sum of fifty pounds, to be recovered, with treble costs of suit, by action of debt, bill, plaint, or information, in any of the courts of law within this Province, wherein no essoign, protection, or Wager of Law, or more than one imparlance shall be allowed.

That in all cases wherein, by this Act, an oath is required, the solemn affirmation of any person, being a Quaker, shall and may be accepted and taken in lieu thereof, and every person making such affirmation, who shall be convicted of wilful and false affirming, shall incur and suffer such and the same pains, penalties and forfeitures, as are inflicted and implied, by the laws and statutes now in force, upon persons convicted of wilful and corrupt perjury.

That this Act, and the several matters and things, therein contained, shall continue in force until disapproved of by His Majesty in council or be repealed by the legislature of this Province.

7. In council the twenty second of December, 1752. Resolved, that all proprietors of land be obliged to fence their quota; on failure to be liable to an action on the case, for the recovery of the charges of fencing the same.

8. In council the twenty sixth of March, 1753. Resolved, that from and after the publication hereof if any person or persons shall cut up, break down, real, take, carry away, or any other ways destroy, any fence or fences or any part thereof, which already are, or shall or may hereafter be erected by the proprietor or proprietors of any such farms, five acre lots, or any other lots of land on this peninsula or otherwise scituate as aforesaid, such offender or offenders being thereof lawfully convicted before His Majesty's court of general quarter sessions of the peace, to be held for the town and county of Halifax, shall, by the said court, be sentenced to be publicly whipped at the common whipping post in the said town, any number of stripes not exceeding forty at the discretion of the said court, and shall likewise be committed to the house of correction, for the space of six months, there to be kept to hard labour, and to receive the discipline of the said house, in such manner as by the said court shall be directed; or otherwise, and until such house of correction shall be erected, to receive such corporal punishment as aforesaid, and be committed to His Majesty's goal in Halifax aforesaid, thereto remain for the like space of six months, without bail or mainprize,

9. In council the twenty third of April, 1753. Resolved, that all persons whatsoever making fast to the said buoys, their vessels, boats, rafts, or any other thing which may possibly tend to destroy the same, or who shall remove, attempt to remove, cut away, or otherwise damage the said buoys, or any thing thereunto belonging, shall forfeit and pay the sum of ten pounds sterling, upon conviction before any one of His Majesty's Justices of the Peace, on the oath of one or more credible witnesses, to be levied by warrant of distress and sale of the goods and chattels of the offender or offenders, and for want of sufficient distress, such offender or offenders to suffer six months imprisonment and hard labour.

10. In council the twenty fourth of October, 1754. Resolved, that from and after the Thirty first day of December next ensuing, all pickled fish for exportation, shall be put in none but full gage barrels of thirty two gallons at least, being London assize; that the fish be all of one kind, well saved, sweet, free from rust, and close packt, the Barrels tight, and full of sweet and strong pickle.

That herring be free from oil.

That merchantable cod-fish have the qualities that make them so in Newfoundland.

That boards shall be full one inch thick, and no boards to be exported to any of the islands or territories commonly called or known by the name of the West-Indies, but what are square-edged.

That all hogshead staves be six inches broad, three quarters inch thick at the thin edge, and forty inches long.

That barrel staves be four inches broad, and half inch thick at the thin edge, and thirty inches long.

That barrel staves for the Irish Market be thirty inches long, five inches broad clear of sap, and three quarters inch thick at the thin edge.

That hogshead hoops be fifteen feet long, substantial and well shaved, and three quarters inch broad at the thin end.

That barrel hoops be nine Feet long, and a half inch broad at the small end.

That shingles be eighteen inches long, and at lead four inches broad, and a half inch thick at the thick end.

That clapboards be five inches broad, half inch thick at the back, and feet four inches long.

That cord-wood be full four feet long each stick, accounting half the carf, the pile to be solid, four feet high, or an allowance for wants, and eight feet long, and each cord found hard wood.

That from and after the said thirty-first day of December next, all sorts and kinds of tight casks used for any liquor, or fish, or any other commodity within this Province, shall be of London assize. That is to say, butts to contain one hundred and twenty-six gallons, puncheons eighty four gallons, hogsheads sixty-three gallons, tearces forty-two gallons, barrels thirty-two gallons, and to be made of found and well seasoned timber, and free of sap; and that fit persons be appointed from time to time in all places needful, to view and gauge all such casks, and such as shall be found of due assize shall be marked with the gauger's mark, who shall have for his pains four pence per ton; and every cooper shall set his distinct brand-mark on all cask made by him, on penalty of forty shillings.

And whosoever shall put to sale any new cask, or any cask new made up from old stuff, being deficient either in workmanship, timber, or assize as aforesaid, upon proof thereof made, by one sufficient witness, before any one of His Majesty's Justices of the Peace, he shall forfeit such cask, and be fined and pay the sum of ten shillings for every cask that shall be so found defective, to be levied by Warrant of Distress and Sale of the Offender's Goods, under the hand and seal of such Justice, and for want of sufficient distress to be found, the offender to suffer ten days imprisonment for every cask so found defective, provided the said imprisonment do not, in the whole, exceed the term of three months.

That the Grand Jury for the county of Halifax, summoned to appear and serve at the Supreme Court [Supreme Court], to be held on the last Tuesday in October, in and for this Province, shall annually at their said meeting, and before the rising of the said court, nominate and appoint fit persons to serve in the town and suburbs of Halifax, and places thereto adjacent, as Gaugers of Casks, Cullers and Surveyors of dry and pickled fish, boards,

staves, shingles, clapboards, hoops and cord-wood; and shall report to the said court the names of the several persons by them so nominated and appointed for the service aforesaid, that they may be sworn by the said court to the due execution of their several offices, which, if any so nominated and appointed shall refuse, he shall pay the sum of forty shillings, and another shall be nominated and appointed in like manner in his stead.

Provided always, that if it shall happen that any one of the officers so nominated and appointed as aforesaid, should happen to die or misbehave, or depart the Province during the interval of the sitting of the said court, that then another fit person shall and may be nominated and appointed in his stead by his Excellency the Governor, Lieutenant Governor or Commander in chief of the said Province for the time being; such officer so appointed shall and may be sworn to the due execution of his office, before any one of His Majesty's Justices of the Peace, and shall and may continue in and execute such office, until another shall be appointed by the Grand Jury, at their next meeting before the said Supreme Court, any thing herein contained to the contrary notwithstanding.

That the Grand Jury to be summoned to appear and serve at the Supreme Court, to be held on the last Tuesday of this present month of October, shall and may, and they are hereby empowered to nominate and appoint the several officers to be appointed for the year ensuing, to put this Act in execution, and such officers shall and may be sworn by the said court, to the due execution of their several offices.

That the Justices of the Peace, at their general quarter-sessions of the peace, to be holden in and for the town and county of Halifax in the said Province, shall yearly, or as often as there shall be occasion by means of death, misconduct, or removal out of the Province, in any other town or place in the said Province needful thereof, nominate and appoint a fit person or persons to serve in such town or place as Gaugers of Cask, Cullers and Surveyors of dry and pickled fish, boards, staves, shingles, clapboards, hoops and cord-wood, and such person so nominated and appointed shall and may be sworn to the due execution of his office, before any one of His Majesty's Justices of the Peace; and if any person shall refuse to serve in the said office, to which he shall be so nominated and appointed, he shall pay the sum of forty shillings, and another shall be appointed in like manner in his stead.

And every Gauger of Cask appointed as aforesaid, shall take care that such cask by him viewed and marked as herein before directed, be of true and full assize, and agreeable to the other qualifications by this Act required, and that he mark no cask whatsoever defective in any of the aforesaid particulars, on penalty of ten shillings for every cask so by him marked, that shall be found defective in any of the aforesaid respects.

And for preventing of fraud and deceit in the packing of pickled fish to be put to sale, that in every town within this Province, where such pickled fish are packed for sale, the surveyor or surveyors of fish of such town, or of the town where they are put to sale or shipped, shall see that it be well and orderly performed, and that said fish be packed all of one kind, and that all cask so packed be full, and in all other respects answerable to the regulations herein

specified in that behalf, setting his brand or mark on all casks so by him examined and surveyed, and he shall receive of the purchaser or purchasers of such fish, for surveying and marking, one penny per barrel, and three pence per mile for his travel, if out of the town or suburbs of Halifax aforesaid. And if any such pickled fish be put to sale or shipped off without the surveyor's brand or mark, they shall be forfeited, or the value thereof, by the seller or shipper thereof.

That all sorts of green or pickled fish, that shall be put up for transportation to a foreign market, shall be searched, surveyed and approved by the sworn surveyor, who shall take strict care that the same be in all respects agreeable to the regulations herein before specified, and shall and may open the head of any one barrel the buyer shall chuse for that purpose, and such as shall be so found good and merchantable, the surveyor shall mark with such brand-mark as shall be assigned to him by the said court, or by such Justices of the Peace, (where they by this Act are empowered to appoint him) and such other cut-mark as may denote the kind of fish and time when packed. And if any Master of any ship or vessel, or any officers or mariners belonging thereto, shall receive such pickled fish, not marked and branded as aforesaid, on board any of their ships or vessels, he or they who shall offend therein, shall forfeit double the value of all such fish, and he or they who shall own such fish shall forfeit the same, or the value thereof. And if any cooper or other person shall shift any fish, either on board or on shore, after the same hath been so marked and branded by the surveyor, and ship and export the same, the surveyor not having allowed thereof, and a new marked and branded the cask where into such fish shall be so shifted, all persons acting, ordering, or assisting therein, upon conviction thereof before any one of His Majesty's Justices of the Peace, by the oath of one credible witness, for the first offence shall suffer six months imprisonment, for the second offence nine months imprisonment, and for the third offence twelve months imprisonment without bail or mainprize; and shall likewise pay double damages to the person wronged thereby. And if any person or persons shall presume to counterfeit the brand-mark of any surveyor or gauger, or certificate of any culler; upon due proof or conviction, he or they shall incur, forfeit and pay the sum of ten pounds, and suffer one month's imprisonment.

That the Culler of Fish thereto appointed as aforesaid, shall cull all merchantable fish that shall be sold or exported, and shall have one penny per quintal for every quintal of merchantable fish by him culled, to be paid by the purchaser or shipper, and three pence per mile for his travel, if out of the town or suburbs of Halifax aforesaid, and such culler shall give a certificate under his hand, specifying the quantity of fish so by him culled, and the name of the owner, seller, or shipper thereof, and of the time and place where culled: and if any dry fish shall be put to sale, or shipped for exportation, without having been so culled by the culler, or without having such certificate thereof as before directed, the same shall be forfeited, or the value thereof, by the seller or shipper thereof.

That all boards, plank, timber and slit-work that shall be imported, or brought for sale to any town within this Province, or exported from thence to any foreign market, before their delivery on sale, shall be viewed, surveyed, and also measured, by one of the surveyors

thereto appointed, (where he shall have any doubt of the measure) having consideration for drying and shrinking, also shall mark a new all such to the just contents, making allowance for rotts, splits and wains; the buyer to pay the officer four pence per thousand feet, for viewing only, and six pence per thousand feet more for measuring and marking; and so pro rato, for a lesser quantity than a thousand feet, and three pence per mile for his travel as aforesaid. And no boards, plank, timber, or slitt-work, shall be delivered upon sale, or shipped for exportation beyond sea, before they have been viewed and surveyed by the surveyor, and by him found to answer the descriptions in this Act mentioned, and also measured (if occasion be) and marked a-new by one of the officers thereto appointed, on pain of being forfeited, or the value thereof, by the seller or shipper thereof.

That all shingles and clapboards exposed to sale by quantities in bundles, that do not hold out the number they are marked for, unless it shall appear that some have been drawn or shaken out of the bundle after packing, shall be forfeited; the charge of searching and telling to be paid thereout. That every bundle of shingles and clapboards, that, according to the judgment of the surveyor, will hold out eighteen inches long, four inches broad, and half an inch thick, agreeable to the dimensions by this Act prescribed for shingles, and if clapboards, inches broad, half inch thick at the back, and four feet four inches long, being the dimensions by this Act prescribed for clapboards, shall be accounted merchantable, and all that are otherwise to be culled out and burnt, 'till what be left of said bundle, will bear the proportions before described, according to the judgment of the said surveyor, who shall have for his service, if shingles, one peny per thousand, if clapboards, two pence per thousand surveying, and penny more per thousand telling, to be paid by the buyer where no forfeiture is found for want of tale to satisfy such charge, and for every thousand he culls and binds up again, six pence per thousand, and proportionably for a lesser quantity; to be paid by the owner or seller of the said shingles or clapboards, returning the remainder to the owner, it any be, after the charges are paid.

That if any boards, plank, timber, or slit-work, or any shingles or clapboards shall be exposed for sale, or shipped for exportation, without such survey, as above directed, had before the delivery thereof, the whole of such boards, plank, timber, slit-work, shingles, or clapboards, or the value thereof, shall be forfeited by the seller or shipper.

That all hogshead staves, barrel staves, hogshead hoops, and barrel hoops, that shall be imported or brought for sale to any town within this Province, or exported for thence to any foreign market, before their delivery on sale, shall be viewed and surveyed by one of the surveyors thereto appointed, who shall take strict care that the same be severally conformable to the directions of this Act, and that all staves and hoops, that according to the judgement of the said surveyor, shall be agreeable to the directions of the Act, and none other, shall be accounted merchantable, and all that shall be found otherwise, to be culled out and burnt, 'till what be left will bear the several proportions by this Act described according to the judgement of the said surveyor, who shall have for his service, if staves, six pence per thousand, if hoops, three pence per thousand, to be paid by the buyer.

That all hoops exposed to sale by quantities in bundles, that do not hold out the number they are so exported to sale for, unless it appear that some are drawn or shaken out of the bundle after packing, shall be forfeited: the charge of surveying and three pence per thousand telling, and so in proportions for the lesser quantity, being paid thereout. And if any staves or hoops shall be delivered upon sale, or shipped for exportation to any foreign market, before they have been surveyed by the surveyor, and by him found to answer the descriptions in this Act mentioned, the same shall be forfeited, or the value thereof, by the seller or shipper thereof.

That all cord-wood exposed to sale, shall on the sale, and before the delivery thereof, be surveyed by the officer for the purpose appointed, who shall measure the same, and take care that each cord do answer the qualifications by this Act required, and he shall receive of the buyer for such survey and examination, two pence per cord and no more; and if any cord-wood shall be sold and delivered without such survey, the same shall be forfeited, or the value thereof, by the seller.

And if any person shall refuse to satisfy the officer or officers by this Act appointed, his fees beforementioned, he shall have power to detain so much of the commodity, as will make him satisfactions for his fees and travel aforesaid; provided that such fees do not exceed such sum of twenty shillings, then so be levied by Warrant of Distress and Sale of the offenders goods and chattels, under the hand and deal of any one of His Majesty's Justices of the Peace; the surplus, if any be, after paying the officer's fees and charges of distress and sale, to be returned to the owner of the said goods.

That an oath shall be administered so the several officers those shall be chosen to gauge, survey and search the several articles in this Act mentioned, in the follow form, viz.

You swear, that you will from time to time, diligently and faithfully discharge and execute the office at \_\_\_\_\_ within the limits whereto you are appointed for the ensuing year, and until another be chosen in your place, and that in and by all the particulars mentioned in the laws, whereto your office hath relation; and that you will do therein impartially according to law, without fear or favour.

So help you God.

That all fines, penalties, and forfeitures arising by force and virtue of this Act, shall be one half to His Majesty, towards the support of His Majesty's government of this Province, and the other half to him or them that shall inform or sue for the same; to be recovered in manner following; That is to say, where the forfeiture or value thereof shall not exceed the sum of twenty shillings, the same to be recoverable before any one of His Majesty's Justices of the Peace, by the oath of one credible witness, to be levied by Warrant of Distress and Salt of the offender's goods and chattels, under the hand and seal of such Justice, and for want of sufficient distress, such offender to suffer twenty days imprisonment; and where the forfeiture or value thereof shall amount to above twenty shillings, but shall not exceed the

sum of three pounds, then the same to be recoverable before any two of His Majesty's said Justices, upon the like proof as above, and to be levied by like warrant under the hands and seals of such Justices, and for want of sufficient distress, the offender to suffer sixty days imprisonment; and in case such forfeiture or the value thereof shall exceed three pounds, the same to be recoverable by him or them who shall inform or sue for the same, in any of His Majesty's Courts of Record in this Province.

That this Act be read and published once every year, at the opening of the Supream Court, and also at the opening of the Court of General Quarter Sessions of the Peace for the town and county of Halifax.

11. In council the fourteenth of April, 1755. Resolved, that after the publication hereof, no butcher whatsoever, by himself or any other person, shall gash, cut, or split any hide of ox, bull, steer, or cow, or any calf-skin, in fleaing thereof or otherwise, whereby the same shall be impaired or damaged, on pain of forfeiting the sum of twenty shillings for splitting, gashing or cutting any such hide or skin.

That no tanner or other person whatsoever, shall sell, or expose to sale, any leather tanned, curried, or otherwise dressed or manufactured within this Province, or imported into the same from any of the neighbouring colonies, 'till the same has been viewed, stamped, and marked by the officer for that purpose to be appointed and sworn in manner hereafter prescribed, on pain of forfeiting the sum of twenty shillings for every hide or skin so sold or offered to be sold.

That the Grand Jury for the County of Halifax, summoned to appear and serve at the Supream Court to be held on the last Tuesday in April, in and for this Province, shall annually, at their said meeting, and before the rising of the said court, nominate and appoint two fit persons to serve in the town and suburbs of Halifax, and places thereto adjacent, as surveyors of all such hides and skins; who shall be sworn by the said Court to the due execution of their office, in the words following, viz.

"You swear, that you will from time to time diligently and faithfully discharge and execute the office of \_\_\_\_\_ within the limits whereto you are appointed for the ensuing year, and until another be chosen in your place, and that in and by all the particulars mentioned in the laws whereto your office hath relation; and that you will do therein impartially, according to law, without fear or favour.

So help you God."

And every surveyor so appointed and sworn, shall, from time to time, view all such hides or skins as aforesaid, and shall stamp and mark all such as he shall find to be efficiently tanned, curried, or otherwise dressed or manufactured; and if any such hides or skins shall have been manufactured within this Province, the same shall be stamped and marked with the first letter of the name of the town wherein they have been so manufactured: And such

surveyor shall be paid for his trouble in viewing and marking such hides and skins at the following rates, that is to say, three pence for every ox, bull, steer, or cow-hides and for every calf-skin one penny.

And if any person or persons shall presume to counterfeit the stamp or mark by this Act required, and shall be thereof convicted, he shall forfeit the sum of ten pounds.

That the Justices of the Peace, at their General Quarter-Sessions of the Peace, to be holden in and for the town and county of Halifax aforesaid, shall yearly, or as often as there shall be occasion by means of death, misconduct, or removal out of the Province, in any other town or place in the said Province needful thereof, nominate and appoint a fit person or persons in such town or place, as surveyors of all such hides or skins; and such person so nominated and appointed, shall and may be sworn to the due execution of his office, before any one of His Majesty's Justices of the Peace: And if any person shall refuse to serve in the said office, to which he shall be so nominated and appointed, he shall pay the sum of forty shillings, and another shall be appointed, in like manner in his stead.

All forfeitures and penalties arising by force and virtue of this Act, to be one half to the informer, and the other half to the life of the poor; and to be recovered before any one of His Majesty's Justices of the Peace within this Province, and to be levied, upon due conviction, by Warrant of Distress and sale of the offender's goods and chattels, under the hand and seal of such Justice; and for want of efficient distress, the offender to suffer twenty days imprisonment.

12. In Council the fourteenth of April, 1755. Resolved, that all casks of pork and beef which shall be sold, exposed to sale, or bartered or bargained for in any way, within this Province, from and after the publication of this Act, shall contain at the rate of two hundred and twenty pounds of nett meat per barrel or cask of thirty two gallons.

And for the better preventing any deceit or imposition upon purchasers, who may be unskilled in the just and proper methods of packing meat in casks for sale.

That all persons exposing to sale, or bartering any casks of pork or beef within the said Province, shall (when so required by the person or persons purchasing, bartering or bargaining therefor) suffer the said cask or casks of meat to be opened and inspected by such person as shall be appointed to, and sworn to justice and fidelity in the said service in manner hereafter prescribed; which person shall after careful inspection and examination, ascertain any deficiency of the before-mentioned weight, which shall to him appear to be therein.

That all persons selling, offering to sale, or bartering away any such casks of pork or beef, shall deduct and allow to the purchaser thereof at the rate of one penny on every twenty shillings of the purchase money, for each pound weight of meat, which shall, upon such

inspection and examination, appear to be wanting in the said cask or casks, at the aforesaid rate of two hundred and twenty pounds per barrel.

That any person or persons selling, exposing to sale, or bartering away any casks of pork or beef within this Province, who shall refuse to suffer such inspection and examination, or that shall after the same may have been made, refuse to deduct and allow to the purchaser at the rate herein before-mentioned, for the deficiency of the weight thereof, the person or persons so offending shall forfeit and pay the sum of twenty shillings for each such cask.

That the next Grand Jury of the County of Halifax, may and shall at some time during the next sitting of the Supream Court, nominate some one or more suitable person or persons for the service of inspecting, examining and ascertaining the deficiency in the weight of such cask of pork or beef at Halifax; who shall in the said court, take an oath for the just and faithful performance of the said service, in the words following, viz.

“You swear, that you will from time to time diligently and faithfully discharge and execute the office of \_\_\_\_\_ within the limits whereto you are appointed for the ensuing year, and until another be chosen in your place, and that in and by all the particulars mentioned in the laws whereto your office hath relation; and that you will do therein impartially, according to law, without fear or favour.

So help you God.”

And that future Grand Juries may and shall, as occasion may require, nominate other persons to the said service, to be sworn at the then next to be holden Supream Court or Quarter Sessions. And at the other ports within this Province, where His Majesty has or shall have troops or settlements, the commanding-officer for the time being, in each such port, may and shall appoint some suitable person to that service, who shall take such oath as before-mentioned, in presence of the said commanding-officer.

That if such person or persons as shall be nominated for the aforesaid service, shall refuse to be sworn thereunto, he or they shall forfeit the sum of forty shillings for the uses of this His Majesty’s government. And if such person or persons, after having been nominated and sworn in manner before-mentioned, shall refuse or neglect the said service when thereunto required, he or they shall (without reasonable cause appearing for his or their refusal or neglect) forfeit the sum of five shillings for each offence, to the person or persons aggrieved, and complaining thereof within the term of three days after the same. The said offence to be enquired of and determined before any one of His Majesty’s Justices of the Peace within the said Province.

That such person or persons as shall be nominated and sworn to the aforesaid service, shall, when employed therein, by any person or persons, be paid therefor in manner following, viz.

For a single cask, eight pence.

For any other number not exceeding ten, four pence half-penny each.

For any number exceeding ten, four pence each.

The same to be paid by the seller, on each cask which shall be found deficient in weight, and by the purchaser on each cask which shall be found not deficient in weight, at the rate herein before affixed. Any dispute arising herein, to be enquired of and determined before any one of His Majesty's Justices of the Peace within the said Province.

That all the penalties and forfeitures arising by force and virtue of this Act (excepting those, the recovery and disposition whereof are in the said Act already provided for) shall be divided and disposed of in manner following, viz.

One moiety for the use of this His Majesty's government, and the other moiety to the person or persons who shall inform or sue for the same, and shall be recovered, with costs, by action of debt, bill, plaint or information, in any Court of Record within this His Majesty's Province, in which no essoign, protection or wager of law shall be allowed.