

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twenty Eighth Day of May, Anno Domini 1765, in the Fifth Year of the Reign of Our Sovereign Lord George the Third, of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c. and there continued by several Prorogations until the Twenty second Day of October, 1768, in the Eighth Year of His said Majesty's Reign; being the Seventh Session of the Fourth General Assembly convened in the said Province.*

* A part of this Session was during the time of Michael Franklin, Lieutenant-Governor; Jonathan Belcher, Chief Justice and President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deschamps, Clerk of Assembly—and a part of it during the time of Lord William Campbell, Governor; and Charles Morris, President of Council.

CAP. I.

An ACT in further addition to and amendment of an Act, made in the third year of His present Majesty's Reign, entitled, An Act to enable the Inhabitants of the several Townships within this Province to maintain their Poor.

For Acts in amendment or addition to this Act, see, note on 3d. and 4th. Gco. 3d. cap. 7.

Preamble.

Meeting of freeholders to be on the last Tuesday in November annually.

Notice of the meetings annually, shall be given by the overseers of the poor, on penalty of 10l.
* See 2d and 3d. sections of chap. 7th. the present session.

WHEREAS by an amendment made in the last session of the General Assembly, to an Act, entitled, An Act to enable the Inhabitants of the several Townships in this Province to maintain their Poor, the freeholders are directed to meet on the last Tuesday in October annually, to make provision for the relief of the poor; and whereas it is found inconvenient to have the meeting on that day, Be it enacted by the Lieutenant-Governor, Council, and Assembly, That the said meeting of the freeholders for the purposes aforesaid, shall be on the last Tuesday of November, annually.

II. And be it further enacted, That the overseers of the poor, for the time being, shall issue their precept to the constables of the several townships within this province, requiring them to notify the inhabitants to meet on the day appointed by this Act, and make provision for the support of the poor, agreeable to the directions of the Act to enable the inhabitants of the several townships to maintain their poor; and if such overseers shall neglect to issue their precept as aforesaid, each of the said overseers shall forfeit and pay to the treasurer of the province, for the use of the poor, the sum of ten pounds, to be recovered by bill, plaint or information, in any of His Majesty's Courts of Record in this province.*

III. And whereas in and by the afore-recited Act, it is enacted, ' That if any of the assessors or collectors chosen and appointed, shall refuse to serve in their respective offices, each person so refusing shall

‘ shall forfeit and pay to the overseers of the poor, for the use of the poor of said township, the sum of forty shillings ;’ but no provision is made for recovering the said forfeiture, be it enacted, That all such forfeitures shall and may be recovered by complaint, or information, before any two of His Majesty’s Justices of the Peace for the county wherein the same shall arise, and be levied by warrant of distress and sale of the offender’s goods and chattels.

Penalties on assessors and collectors for refusing to serve in their respective offices, to be recovered before two Justices of the Peace.

CAP. II.

An ACT for the rating and levying of the Charges for conveying Malefactors and Offenders to the Goal.

WHEREAS His Majesty’s subjects are much charged and burthened in conveying felons and other malefactors and offenders against His Majesty’s laws, unto the goal, punishable by imprisonment there, the said felons and other malefactors and offenders having goods and chattels of their own whereby to defray the same charges themselves, to the great encouragement of such malefactors and offenders in their said wicked and bad courses, and to the discouragement of His Majesty’s said subjects in prosecuting the said malefactors and offenders to be punished according to their demerits ; Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That all and every person and persons whatsoever, that shall hereafter be committed to the common or usual goal within any county in this province, by any Justice or Justices of the Peace, for any offence or misdemeanor, that the said person or persons so to be committed as aforesaid, having means or ability thereunto, shall bear their own reasonable charges for so conveying or sending them to the said goal, and the charges also of such as shall be appointed to guard them to such gaol, and shall so guard them thither : And if any such person or persons, so to be committed as aforesaid, shall refuse at the time of their commitment and sending to the said goal, to defray the said charges, or shall not then pay or bear the same, that then such Justice or Justices of the Peace shall and may by writing under his or their hand and seal, or hands and seals, give warrant to the constable or constables of the town or place where such person or persons shall be dwelling and inhabit, or from whence he or they shall be committed as aforesaid, or where he or they shall have any goods within the county, town or place, to sell such and so much of the goods and chattels of the said persons, so to be committed, as by the discretion of the said Justice or Justices of the Peace, shall satisfy and pay the charge of such his or their conveying and sending to the said goal ; the appraisement to be made by four of the honest inhabitants of the town or place where such goods or chattels shall remain and be, and the overplus of the money which shall be made thereof to be delivered to the party to whom the said goods shall belong.

II. And be it further enacted, That if the said person or persons, so to be committed as aforesaid, shall not have, or be known to have, any goods or chattels which may be sold for the purpose aforesaid, within the county, town or place, that then the said Justice or Justices, on application by any constable or other officer who so conveyed such person or persons to goal, shall, upon oath, examine into and ascertain the reasonable expences to be allowed such constable or other officer, and shall forthwith, without fee or reward, by warrant under his or their hand and seal, or hands and seals, order the treasurer of the county to pay the same, which the said treasurer is hereby required to do as soon as he receives such warrant ; and any sum so paid shall be allowed in his accounts.

III. And whereas the expence, as well as loss of time, in attending Courts of Justice, is a discouragement to the poorer sort to appear as witnesses against offenders, who thereby escape the public justice, and the punishment due to their crimes, Be it further enacted, That when any poor person shall appear on recognizance in any Court, to give evidence against another accused of any Grand or Petit Larceny, or other felony, it shall and may be in the power the of Court, at the prayer and on the oath of such person, and on consideration of his circumstances, in open Court to order the treasurer of the county in which the offence shall have been committed, to pay unto such person

Preamble.

Eng. stat. 3. Jac.
I. C. 10.

Offender’s to be conveyed to goal at their own charge.

How the charges shall be levied if the prisoner refuse to pay.

If the offender be not able to bear his charges, the same to be paid by the county treasurer.

Brit. stat. 27.
Geo. 2. C. 3.
Charges of poor witnesses to be paid by the county treasurer, by order of court.