

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Sixth Day of June, 1770, in the Tenth 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 Sixth Day of October, 1774, in the Fourteenth Year of his said Majesty's Reign, being the Second Session of the Fifth General Assembly convened in the said Province.*

14 George III – Chapter 5

### **An Act for punishing Rogues, Vagabonds, and other idle and disorderly Persons.**

Be it enacted, by the Governor, council and assembly, that all soldiers belonging to his Majesty's troops in this province, or seamen or mariners belonging to any of his Majesty's ships or vessels, who shall be travelling or wandering within the said province, and shall not have a pass from the commanding officer of the regiment, company or ship or vessel, to which they belong; and all idle and wandering persons, who shall not have a pass, or testimonial from some justice of the peace, setting forth, the place from whence such soldier, seaman or mariner, or such other idle and wandering person shall have come, and the place to which they are to pass; every such soldier, mariner or seaman or other person, shall be deemed idle and disorderly persons, and shall be proceeded against, as is herein after directed.

II. And be it also enacted, that all persons who run away, or threaten to run away, and leave their wives or children upon any township, and all persons who unlawfully return to such township, or place from whence they have been legally removed by order of two justices of the peace, without bringing a certificate from the township whereunto they belong, and all persons who not having wherewith to maintain themselves, live idle and refuse to work for the usual wages, and all persons going about to beg alms, shall be deemed idle and disorderly persons; and it shall be lawful for any justice of peace to commit such offenders (being convicted by his own view or by confession, or by the oath of one credible witness) to prison, or to the house of correction, there to be kept to hard labour for any time, not exceeding one month.

III. And be it also further enacted, that it shall be lawful for any person to apprehend offenders against this act, and convey to some justice of peace, the persons so apprehended to be proceeded against as is herein after directed, and in case any constable or other such officer refuse or neglect to use his best endeavours to apprehend or convey to the some justice any such offender, it shall be deemed a neglect of duty, and he shall be punished as is herein after directed; and in case any other person charged by any justice so to do, refuse or neglect to use his best endeavours to apprehend and deliver to the constable, or such other officer, or to carry such offender before some justice, where no officer can be found being convicted upon view, or by the oath of one witness before a justice, he shall forfeit ten shillings to the use of the poor of the township, to be levied by distress and sale of goods by warrant from any justice, and in case any person not being a constable or officer, apprehend

any deserted or idle wandering servant, or other person, and deliver him to a constable or convey him to a justice, or if any constable so apprehend and convey such deserter or idle wandering servant, or other person, it shall be lawful for such justice to reward any such constable or other person, by making an order under his hand and seal on the treasurer of the county to pay ten shillings to the person so apprehending him on producing such order and giving a receipt, and the justices at the general sessions, shall allow the same to such treasurer in his accounts, upon his producing the vouchers aforesaid.

IV. And be it enacted, that any one or more justices of the peace on receiving information, that deserters or any idle and disorderly persons are in any place within his or their jurisdiction, shall issue his or their warrant to the constables to search for and apprehend such deserters or idle and disorderly persons, and in case any person apprehended upon any such search be charged before such justice or justices with being a deserter from his Majesty's Navy, or Army, or an idle and disorderly person, or with suspicion of Felony (altho' no direct proof be then made thereof) to examine such person, not only as to the place from whence he came, and where he was last legally settled, but also, as to his manner of livelihood, the substance of which examination shall be put in writing and be signed by the person so examined, and the said justice or justices shall sign the same and transmit it to the next general sessions of the peace for the county, or special sessions for the district where such justice or justices reside, to be filed and kept on record, and if such person make it not appear to such justice or justices, that he is not a deserter, and that he has a lawful way of getting his livelihood by labour or otherwise, or procure not some responsible house-keeper to appear to his character, and give security for his appearance before such justice or justices, at some other day (in case the same be required) to commit such person to some prison or house of correction for any time not exceeding fourteen days, and in the mean time to order the overseers of the poor of the township or place, in which such person is apprehended, insert advertisement in the public news paper, describing such suspicious person, and any thing found upon him or in his custody, and which he is suspected not to have come honestly by, and mentioning the place to which such person is committed, and specifying when and where such person is to be again brought before the said justice or justices to be examined, and if no accusation be then laid against him, such person shall be discharged, or otherwise dealt with according to law.

V. And be it also further enacted, that if any constable or other officer, or master of any house of correction be negligent in his duty in the execution of this act, or in case any person disturb the execution of this act, or rescue any person apprehended or passing by virtue thereof, or be assisting to his or her escape, and be convicted thereof upon the oath of one credible witness before one justice of the peace, where such offence is committed, the person so offending, for every such offence, shall forfeit any sum not exceeding five pounds, nor less than ten shillings, to the use of the poor of the township, to be levied by distress and sale of the offenders goods, by warrant from such justice, and if sufficient distress cannot be found, it shall be lawful for such justice to commit the persons so offending to prison, or to the house of correction, there to be kept to hard labour for any time not exceeding two months.

VI. And be it enacted, that if any person shall knowingly permit any deserted or idle and wandering servant or vagabond to lodge in his or her house, barn or other outhouse or buildings, and shall not apprehend and carry such deserter or idle servant or vagabond before some justice, or give notice to some constable or other officer so to do, such person being thereof convicted, either on confession or upon oath of one credible witness, before a justice where such offence is committed, shall forfeit any sum not exceeding forty shillings, nor less than ten shillings, one moiety to the informer, and the other moiety to the poor of the township, to be levied by distress and sale of goods by warrant from such justice, and if any charge be brought upon any township or place by means of any such offence, the same shall be answered to the said township by such offender, and be levied by distress and sale of goods, and if sufficient distress cannot be found, such offender shall be committed to prison or to the house of correction by the justice for any time, not exceeding one month.

Provided, that any person who shall have been prosecuted and fined on the act of parliament for concealing or harbouring deserters shall not be again prosecuted for the same, on this act.

VII. And be it also enacted, that where persons by lunacy or otherwise, are furiously mad, and dangerous to be permitted to go abroad, it shall be lawful for two justices where such lunatic is found, by warrant directed to the constables, church wardens and overseers of the poor of the township or place, to cause such person to be apprehended, and kept safely locked up in some secure place within the county, as such justices direct, and if such justices find it necessary to be there chained, if the last legal settlement of such person be in any place within such county, and if such settlement be not there, such person shall be sent to the place of his last legal settlement by a pass, and shall be locked up and chained by warrant of two justices of the county to which such person is to be sent, and the charges of removing and maintaining and curing such person during such restraint (which shall be for such time only as such madness continues) shall be paid, being first proved upon oath, by order of two justices directing the church wardens or overseers of the poor, where any goods lands or tenements of such person be, to sieze and sell so much of the goods or receive so much of the rents of the lands as is necessary to pay the same, and to account for what is so seized, sold or received to the next session of the peace; but if such person hath not an estate to pay the same over and above what is sufficient to maintain his or her family, then such charge shall be paid by the township or place to which such person belongs, by order of two justices, directed to the church wardens or overseers.

VIII. Provided, that nothing herein contained, shall extend or be construed to extend to abridge the prerogative of his Majesty, or of the Chancellor, concerning such lunatics, or restrain any friend or relation of such lunatics from taking them under their own care.

IX. And be it also further enacted, that if any person or persons shall be sued for any matter or thing, which he or they shall do in execution of this act, he or they may plead the general issue, and give the special matter in evidence, and if a verdict shall pass for the defendant or

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the plaintiff shall be non suited, or discontinued his suit, the defendant may recover treble costs.