

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 32nd year of His Majesty's Reign.

32 George II – Chapter 20

An Act for punishing Criminal Offenders.

Be it enacted by His Excellency the Governor, Council, and assembly and by the authority of the same it is hereby enacted, that if any person shall presume willfully to blaspheme the holy name of God, Father, Son, or Holy Ghost, or to deny, curse or reproach the true God, his creation or government of the world, or to deny, curse, or reproach the holy word of God, that is, the canonical Scriptures in the books of the Old and New Testament; every such offender, being thereof duly convicted at the Court of Assize and Government Goal Delivery, or Sessions of the Peace, shall be set twice in the pillory, for the space of one hour each time, or be imprisoned for three months, at the discretion of the court where such offender shall be convicted.

And be it further enacted, that if any person shall prophanely swear or curse in the presence or hearing of any Justice of the Peace, or shall be thereof convicted by the oath of one credible Witness, or by the confession of the party, before any Justice of the Peace, every person offending shall forfeit, to the use of the poor of the town where such offence shall be committed, for the first offence two shillings, and in case such person shall, after conviction, offend a second time, such person shall forfeit double, and if a third time, treble the sum to be paid for the first offence, and upon neglect of payment, the Justice shall issue his warrant to a constable, commanding him to levy the said forfeitures by distress and sale of the goods of such offender, and the forfeiture, when paid or levied, shall be delivered to the overseers of the poor for the use of the poor as aforesaid; and in case no distress can be had, such offender, being above the age of sixteen years, shall by warrant of the Justice, be let in the publick stocks for one hour for every single offence, and for any number of offences whereof he shall be convicted at one time, two hours; and if the party offending be under the age of sixteen years, and shall not pay the forfeitures, he shall, by warrant of the Justice, be whipped by the constable, or by the parent, guardian, or master of such offender, in presence of the constable; Provided always, that every such offence be proved or prosecuted within ten days after the offence committed.

And be it further enacted, that every person who shall by view of any Justice of the Peace, or confession of the party, or oath of one credible witness before any such Justice, be convicted of drunkenness, shall forfeit and pay for the use of the poor of the town where such offence is committed, the sum of five shillings, to be levied, on neglect or refusal to pay the same, by Warrant of Distress and sale of the offenders goods, and the said sum, when paid or levied, shall be delivered to the overseers of the poor for the use of the poor as aforesaid, and for want of such distress, such offender shall be set in the stocks, for any time not exceeding three hours, at the discretion of the Justice or Justices before whom such offender shall be convicted. And upon a second conviction of drunkenness in like manner as aforesaid, every

such offender shall, over and above the penalty aforesaid, be bound with two sureties, in the sum of ten pounds, with condition for the good behaviour, and for want of such sureties, such offender shall be committed to the common gaol, untill he shall find the same; Provided, that every such offence be proved or prosecuted within ten days after the offence committed.

And be it further enacted, that the Justices of the Peace shall register all the convictions made before them, of such prophane swearing, cursing or drunkenness, and shall certify the same to the next Quarter Sessions, to be kept upon record by the Clerks of the Peace, to be seen without fee.

And be it also enacted, that if any action shall be brought against any Justice of the Peace or officer for any proceedings on the said offences in pursuance of this Act, the defendant may plead the general issue, and give the special matter in evidence, and if the plaintiff shall be non suit, or a verdict shall be found for the defendant, such defendant shall have treble costs.

And be it further enacted, that every person duly convicted at the Court of General Gaol Delivery, or Quarter Sessions, of counterfeiting or impairing, diminishing or imbasing any foreign coins, current in the Province, by washing, clipping, rounding, filing, or scaling of the same, or of uttering any counterfeited or impaired coin, knowing the same to be so counterfeited or impaired, shall be set in the pillory, by the space of one whole hour, and of the ears of such offender shall be nailed thereto, and such offender shall also be publickly whipped thro' the streets of the town where such offence shall be committed, and shall pay all charges of the prosecution.

And be it further enacted, that every person convicted as aforesaid, of buying or receiving any clippings, scalings, or filings of money, shall forfeit the sum of twenty pounds, one moiety thereof for the support of His Majesty's Government in this Province, and the other moiety, to him or them who shall inform and sue for the same, and also be imprisoned for the space of three months.

And be it further enacted, that if any person shall forge or counterfeit, or procure to be forged or counterfeit or willingly assist in the forging or counterfeiting, any deed or writing sealed, or last will or testament, or shall publish or shew forth in evidence, any such forged or counterfeit deed, writing sealed, or last will or testament, as true, knowing the same to be false; or if any person shall forge or counterfeit, or procure to be forged or counterfeited, or willingly assist in the forging or counterfeiting, any bond, writing obligatory, bill of exchange, promissory note for the payment of money, or any indorsement, or assignment of any bill of exchange, or such promissory note for payment of money, or any acquittance or receipt either for money or goods, or any discharge of any action, account, debt, demand, or any personal thing, with intention to defraud any person, or shall utter or publish as true, any forged or counterfeited bond, writing obligatory, bill or exchange, or such promissory note for the payment of money, or such acquittance, receipt, or discharge, with intention to

defraud any person, knowing the same to be forged or counterfeited; every such person, being thereof convicted at the court of assize, and General Gaol Delivery, or Sessions of the Peace, shall be set in the pillory, and there have one of his ears cut off, and shall also suffer imprisonment for the space of one year without bail or mainprize; and the party grieved shall recover his double costs and damages, to be assessed in the court where such conviction shall be: Provided always, and it is hereby enacted, that this Act nor any thing herein contained, shall not extend to charge any Judge of Probate, or any register, for any of the offences aforesaid, for putting their seal of office to any will to be exhibited to them, not knowing the same to be forged or counterfeited, or for writing of the said will or probate of the same, nor to any other person or persons that shall shew forth or give in evidence, any false or forged writing for true or good, being not party or privy to the forging of the same, not knowing the same to be false or forged.

And be it further enacted, that if any person or persons, either by the subornation, unlawful procurement, sinister persuasion or means of any other, or by their own Act, consent, or agreement, shall willfully or corruptly commit perjury, by his, her, or their deposition in any Court of Record, or being examined ad perpetuam rei memoriam, every person so offending, and being thereof duly convicted, shall forfeit twenty pounds, the one moiety thereof for the support of this His Majesty's Government, and the other moiety to such person or persons as shall be grieved by reason of the offence, that shall sue for the same by any action of debt, bill, plaint, or information in any Court of Record; and shall also be imprisoned by the space of six months without bail or mainprize. And the Oath of such person or persons shall not be received in any Court of Record; until such time as the judgment given against the said person or persons shall be reversed, and upon every such reversal, the parties aggrieved shall recover their damages against: such person or persons, as did procure the said judgment so reversed, to be given against them or any of them, by his, her, or their action upon the case, according to the course of the common law.

And if the said offender or offenders shall not have any goods or chattels to the value of twenty pounds, then he, she, or they shall be set on the pillory, by the space of one whole hour, and both his ears shall be nailed to the pillory, and from thenceforth such offender shall be discredited and disabled for ever to be sworn in any Court of Record, until such time as the judgment shall be reversed.

And be it further enacted, that every person and persons who shall unlawfully and corruptly procure any witness or witnesses, by letters, rewards, promises, or by any other sinister and unlawful labour or means whatsoever, to commit any willful and corrupt perjury in any matter or cause whatsoever, depending or that shall depend in suit and variance by any writ, action, bill, complaint or information in any Court of Record, or to testify in perpetuam rei memoriam; every such offender being thereof duly convicted, shall suffer the like pains, penalties, forfeitures, and disabilities in all respects as are hereby directed for the like offences, and the said forfeiture to be recovered and applied in manner as aforesaid.

And be it further enacted, that as well the judges of the said courts, where such perjury shall be committed, as also the Justices of Assize and Gaol Delivery, and the Justices of the Peace at their Quarter Sessions, shall have power to inquire of all the said offences of willful perjury, and subornation of perjury thereupon to give judgment, award process and execution of the same.

Provided that the authority of any judge, having absolute power to punish perjury before the making this Act, shall not be restrained, but that they may proceed in the punishment of the same, in such wife as they might have and used to do, so that they set not upon such offenders, less punishment than is before directed.

And be it further enacted, that if any person or persons shall falsely and deceitfully obtain or get into his, her, or their hands or possession, any money, goods, chattels, jewels or other things of any other person or persons, by colour and means of any privy false token, or counterfeit letter made in another mans name, to a special friend or acquaintance, for the obtaining of money, goods, chattels, jewels or other things, and shall be thereof convicted in any Court of Oyer and Terminer, Court of Assize and General Gaol Delivery, or Quarter Sessions of the Peace; every such offender shall suffer such punishment by imprisonment, setting upon the pillory, publick whipping, or hard labour in the house of correction, as such court where the offender shall be convicted, shall in their discretion adjudge.

And be it further enacted, that if any person or persons, above the age of fourteen years, shall be convicted by confession, or by the oath of one credible witness, before any Justice of the Peace, of making or publishing any lye, libel, or scandalous report, tending to the defamation or damage of any person, or shall, with intent to abuse and deceive others, invent or spread any false news; every such offender shall be fined at the discretion of such Justice, in any sum, not exceeding five pounds, to be paid to the Overseers of the Poor, for the use of the poor of the town where the offence shall be committed, and shall be bound in a recognizance, with two sureties, for the good behaviour, during such time as the Justice shall think meet, and upon the neglect or refusal of such offender to pay the fine, such Justice may issue his warrant for levying the same by distress and sale of the offenders goods; and in default of such distress, may either commit the offender for one month, or may order such offender to be set in the stocks for three hours, or to be whipped, at the discretion of the Justice, upon the nature and circumstances of the offence, and such offender may be committed untill the sureties hereby required, shall be found for the good behaviour. And the party or parties injured shall and may be at liberty, notwithstanding such fine or punishment, to proceed against such offender or offenders by suit in any Court of Record, for any special damage sustained by reason of such defamation.