

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 23

An Act for preventing Persons leaving the Province without a Pass.

Whereas injustice may be done to creditors by persons in their debt, privately leaving the province, and great inconveniences have likewise arisen, from seamen in the Royal Navy and soldiers being secretly conveyed away. For preventing thereof,

Be it enacted by His Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, that all and every person or persons, intending to leave this Province, shall put up their names publickly at secretary's office, for the space seven days, before they shall obtain any pass, with the day and year when they put up their names, and in case said person or persons are not, within said seven days, underwrote in manner as has been usual, that then and in such case, it shall and may be lawful for the secretary or his deputy, and they are hereby required, to grant said person a pass, for which he shall receive one shilling only. And in case said secretary or his deputy shall refuse a pass to any person or persons that have complied with the rules prescribed by this Act, he or they shall forfeit the sum of fifty pounds, to be recovered by bill, plaint or information in any of His Majesty's Courts of Record in this Province, and for the use of the person grieved.

And be it further enacted, that the pass for persons leaving this Province shall be in the following words.

“Province of Nova-Scotia { Permit _____ to depart this Province in the _____ master, bound for _____ he or they having complied with an Act of this Province, for that purpose.

Dated”

And be it further enacted, that whosoever shall underwrite any person or persons, so having their names set up as aforesaid, shall produce at the secretary's office an affidavit made before one of His Majesty's Justices of the Peace, which affidavit shall remain in the said office setting forth the cause in writing, if a debt, the sum or sums of money that is due or owing to him or them, to be ascertained as near as they possibly can, and by what means it doth arise, whether by bill, bond, judgment, promise, covenant, or account. And when any person so setting up their names in the secretary's office as aforesaid, shall be underwrote by any person in mannner aforesaid, that then and in such case, it shall be lawful for the secretary or his deputy, to take good and sufficient security from the person or persons so

underwritten, for the sum or sums that he or she is underwrote for; which security shall be in the following words.

“Know all men by these presents, that we _____ and
of Halifax are firmly bound unto _____ in the sum of
to the true payment of which, we bind ourselves, our heirs and assigns firmly by these
presents. Witness our hands and seals this _____ day of

The condition of the above obligation is such, that whereas the above bound
is underwrote by _____ of Halifax aforesaid, for the sum of
now if the said _____ or
they, their heirs and assigns will pay or cause to be paid to said
the said sum of _____ or such sum as shall
legally, upon trial, appear to be due to said _____ then the
above obligation to be void, otherwise to remain in full force and virtue.”

For taking of which bond the secretary shall receive two shillings and six pence only.

Provided always, and it is the full intention and meaning of this Act, that the persons so underwriting, file their actions in the next Interior Court, after security be given for their debts then due, otherwise the same being pleaded, shall be a sufficient barr to thar action or actions.

And be it further enacted, that any person or persons that have been underwrote as aforesaid, upon their giving security, as before directed, are hereby intituled to receive their pass, in like manner as if they had not been underwrote. And the secretary or his deputy are hereby impowered to deliver the said bond so taken as aforesaid, to the person or persons that underwrote the person so going away. And said bond shall be good and valid against the security for the recovery of such sum or sums as the person or persons, to whom the said bond is delivered, can make appear, upon trial, was really due to him by the person he underwrote, with the costs thereon.

And be it further enacted, that in case any person intending to leave the Province before the seven days are expired, after setting: up his or her name, may obtain their pass from the secertary or his deputy, by giving sufficient security and entering into bond as aforesaid, that said security will pay all the debts said person going away, has contracted in the Province; which bond shall be good and valid against said security.

And it is hereby further enacted, that in the out ports of this Province, passes may be obtained from the commanding officer for the time being, or from any other person, whom the Governor or Commander in Chief shall appoint for that purpose, who are hereby impowered to grant the same, in manner as prescribed by this Act.

Provided always, that nothing in this Act shall be construed to extend to the redrawing any military person or persons from immediately departing the Province, with a special permission under the hand of the Commander in Chief of the troops.

And be it further enacted by the authority aforesaid, that if upon trial, it shall appear that the cause for underwriting any person or persons, letting up their names in the secretary's office, to depart this Province, be vexatious and groundless, that then and in such case, the person so underwriting, shall be liable to an Action of Damages, to be recovered as aforesaid.

And be it further enacted, that no master of any ship or vessel, going from the port of Halifax, shall carry away any person whatsoever, without a pass signed by the secretary of this Province or his deputy, (except the crew or seamen brought with him in such vessel, at his last arrival) nor shall leave the said harbour without permission in writing, from His Excellency the Governor, Lieutenant Governor, or Commander in Chief for the time being of this His Majesty's Province: And the master of any ship or vessel so offending contrary to the tenor of this Act, shall forfeit the sum of fifty pounds, to the use of this government, and be liable to pay all damages, to be recovered by bill, plaint, or information in any of His Majesty's Courts of Record in this Province, to be levied by sale of the offenders goods and chattels, by warrant under the seal of said court, and for want of such goods and chattels, the person convicted, to be committed to some of His Majesty's gaols, for the space of six months.