

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the 4th day of December 1759, and in the 33^d year of His Majesty's Reign, and there continued by several Prorogations until Monday the 8th Day of September, 1760, in the 34th Year of His Majesty's Reign.

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An Act in Amendment of an Act intituled, “an Act for the better Observation and Keeping of the Lord's Day.”

Be it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, that in order that all persons may, on the Lords-day, apply themselves to duties of religion and piety, both publickly and privately, that no tradesman, warehouse-keeper, shop-keeper, or other person whatsoever shall, for the future, open his, her, or their shop or warehouse; or either by himself or herself, or by his or her servant or servants, child or children, sell, expose or offer to sale, upon any bulk, stall, or shed, or send or carry out, any manner of goods or merchandize, on the Lord's day or any part thereof. Provided nevertheless that this Act shall not extend to prohibit any persons from selling or exposing to sale, milk and fresh-fish, before the hour of nine of the clock in the morning, and after five of the clock in the afternoon, on the said day.

And be it further enacted by the authority aforesaid, that no person whatsoever for the future, shall do or exercise any labour, work, or business of his or their ordinary callings, or other worldly labour, or suffer the same to be done, by his or their servant or servants, child or children, either by land or by water, (works of necessity and charity only excepted) or use or suffer to be used any sport, game, play, or pastime, on the Lord's day, or any part thereof; upon pain, that every person or persons, so offending in any of the particulars beforementioned, upon conviction thereof upon the oath of one credible witness, before any one of His Majesty's Justices of the Peace of this Province, or upon view of any Justice of the Peace, for every such offence shall forfeit, and pay the sum of ten shillings.

And be it further enacted by the authroity aforesaid, that no tavernkeeper, retailer of spirituous liquors, vintner, or other person keeping a public house of entertainment within this Province, shall, for the future on any pretence whatsoever, entertain or suffer any of the inhabitants or town dwellers of Halifax, or any of the towns respectively, where such tavern-keepers, retailers of spirituous liquors, vintners, or other persons keeping public houses of entertainment, respectively dwell, or others not being strangers or lodgers in such houses, or such as come thither for necessary dieting and victualling only, to abide or remain in their dwelling houses, out-houses, or yards, drinking or idly spending their time on the Lord's day; but shall keep their doors shut during the time of divine service, on penalty of forfeiting and paying the sum of ten shillings, for every person and persons respectively so found drinking or abiding in such public houses or dependencies thereof as aforesaid; and every such person or persons, who shall be found so drinking or abiding in any such public house or dependencies thereof as aforesaid, shall respectively forfeit and pay the sum of five shillings.

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And be it further enacted, that the church wardens and the constables, or any one or more of them, shall once in the forenoon, and once in the afternoon, in the time of divine service, walk through the town to observe and suppress all disorders, and apprehend all offenders whatsoever contrary to the true intent and meaning of this Act: And they are thereby authorized and impowered to enter into any public house of entertainment, to search for any such offenders, and in case they are denied entrance, they are hereby impowered to break open, or cause to be broke open, any of the doors of the said house, and enter therein; and all persons whatsoever are strictly required and commanded to be aiding and assisting to any constables or other officers in their execution of this Act, on the penalty of ten shillings current money for every neglect.

And be it further enacted by the Authority aforesaid, that if any person or persons whatsoever, being of the age of twelve years or upwards, being able of body, and not otherwise necessarily prevented by real sickness, or other unavoidable necessity, shall for the space of three months together, absent himself or herself from the public worship on the Lord's day, shall be subject to a fine, that is to say, for every head of a family ten shillings, and for every child or servant five shillings, to be recovered, upon complaint before any one of His Majesty's Justices of the Peace, who is hereby impowered to cause the same to be levied.

All fines and penalties incurred by this Act are to be to the use of the poor of the town where such offence is committed; and the Justice and Justices before whom any person or persons shall be convicted of offending against this Act, are required to make a record thereof, in a book to be kept by him or them.

Provided, that no person shall be prosecuted for any offence beforementioned, unless they be prosecuted for the same within ten days after the offence committed.

And be it further enacted, that every Justice of the Peace shall have full power and authority, either upon his own view, or other legal conviction, of any offender or offenders against this Act or any part thereof, to levy the penalties herein before respectively mentioned, in case the same shall not, upon such conviction, be paid by the offender or offenders, by distress and sale of the offender or offenders goods and chattels with costs, and in default of distress, to commit such offender or offenders to the common gaol of the county, there to remain in close confinement for a time not exceeding forty-eight hours, nor less than twenty-four hours.

And be it further enacted, that this Act shall be publickly read four times in every year, viz. At the opening of every Court of General Sessions of the Peace, immediately after the Grand Jury are sworn: And also twice every year, viz, on every first Sunday of December, and on every first Sunday in June, in all public places of worship within this Province, immediately after divine service.