

the use of the poor in the town wherein they reside, a sum not exceeding three pounds, to be recovered before any two of His Majesty's Justices of the Peace, for the same county.

or negligent therein, shall pay 3l.

VII. *And be it further enacted*, That all grain, salt, coals and lime, imported into this Province, shall be subject to the foregoing regulations.

CAP. V.

An ACT to alter and amend an Act, passed in the Thirty-third year of His late Majesty's reign, entitled, an Act for regulating and maintaining an House of Correction, or Work-House, within the Town of Halifax, and binding out Poor Children, and to extend certain provisions therein, to the whole of the Province.

For Acts on this subject, see note on 33d. Geo. 1st. cap. 1.

WHEREAS it is necessary for preserving the peace and good order of society, that idle, and disorderly persons, should be restrained and punished, and that the establishment of work-houses, or houses of correction, in the several counties, where none are provided, would be highly conducive to this salutary purpose, and a measure of great public utility :

Preamble.

I. *Be it therefore enacted*, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Justices of the Peace, and Grand Juries, of the several counties or districts, in their General Session, when they shall think necessary, to provide proper buildings, or to appropriate a certain part of the county or district jail, as a work-house, or house of correction; the expence of establishing which, and all other incidental charges, to be defrayed by the counties and districts, and raised in the usual mode of presentment and assessment on the Inhabitants.

Mode for Providing work houses or houses of correction.

II. *And be it further enacted*, That it shall and may be lawful for the said Justices in their Sessions, or for any one Justice out of Court, in any of the counties or districts in the Province, to commit to such work-houses, or houses of correction, all or any person or persons, of the description mentioned in the second clause of the Act hereby altered and amended, in the manner specified in the said clause, which is hereby extended to the whole Province.

Commitment of persons to the work-house.

III. *And be it further enacted*, That the said Justices are hereby empowered to agree with any suitable persons, on the best terms they can, to be masters, or keepers, of said houses of correction, or work-houses; and that any person, appointed by them for that purpose, shall have power and authority, to let all such persons as shall be duly sent, or committed to his or their custody, to work and labour if they be able, for such time as they shall continue or remain in said house.

Appointment of keeper of said house.

IV. *And be it further enacted*, That the keepers of the said house, when appointed as aforesaid, shall keep regular accounts of all expences attending the same, and of all earnings arising from the labour of the offenders, and render them upon oath to the Justices in their General Session, and that all expences of keeping such offenders, shall be defrayed out of the produce of their labour, if the same shall be found sufficient; any deficiency to be made good in manner as is herein after directed.

Keeper to keep regular accounts to be rendered on oath.

V. *And be it further enacted*, That when any person committed as above, shall be unable to labour, by reason of sickness, or otherwise, or that his or her earnings shall be found insufficient for his or her support, if such person shall have a legal settlement in any township within the county where such work house may be situated, the expence of keeping and maintaining such offender, or such part thereof, as may exceed the amount of his or her earnings, shall be defrayed by the township, to which such offender may belong, and shall be paid by the Overseers of the Poor of such township, on the certificate of the Clerk of the Peace, by order of the Justices in their Sessions, that such expence has been fairly incurred; and in case such offender

Defraying mode of the expence of maintaining persons unable to work in the work-house.

shall

The Justice previous to commitment to examine the offender as to his or her place of settlement.

shall have no legal settlement in any township within the county, the expence of maintaining him or her, or the part thereof, exceeding the amount of his or her earnings, shall be defrayed by said county, and the Justice of the Peace committing any offender, shall examine him or her, as to his or her place of settlement, if any, and note the same, in the warrant of commitment.

Appointment of Inspectors of work house.

VI. *And be it further enacted*, That it shall and may be lawful for the Justices aforesaid, in their General Session, to make such further bye laws, rules and ordinances, for the better regulation and government of said houses of correction, or work houses, as to them may seem meet and proper, not being repugnant to the common law of England, or the statutes of this Province; and the said Justices, shall, at each General Sessions of the Peace, in each county or district, nominate three of their bench, to have the inspection of said work house in each county or district, one of which Justices, in rotation, shall visit the same, at least once in every month, to see that such persons, as shall be committed thereto, shall be kept diligently at work, and to rectify any abuses that may be found in the management thereof, and in concurrence with the other Justices, and such Justice shall report the same, without delay, to the Justices in their Sessions, and the said Justices in their Sessions, shall have power to remove the keeper of said house, and appoint another in his place, in case of any disobedience of orders, neglect, or misconduct, in said keeper.

Inspectors to make report to the Sessions.

Removal of keeper for misconduct.

Keeper subject to a fine of 20l. if found guilty of cruelty.

VII. *And be it further enacted*, That in case the keeper of said house, shall be guilty of any cruelty to the offenders, committed to his charge, or shall fraudulently deprive them of any part of their allowance of provision, he shall, on conviction of any such offence, before the Justices in General Session, be subject to a fine, not exceeding twenty pounds; and moreover, shall be imprisoned, for a term not exceeding six months.

Persons aggrieved may appeal to the General Sessions of the Peace.

VIII. *And be it further enacted*, That any person or persons, aggrieved by any Act of any Justice, or Justices of the Peace, out of Sessions, in, or concerning the execution of this Act, may appeal to the next General Sessions of the Peace, for the county or district, giving reasonable notice thereof, whose order thereon, shall be final.

Of the detention and discharge of prisoners.

IX. *And be it further enacted*, That the term for which persons shall be committed to the houses of correction, or work-houses, established, or to be established, as aforesaid, shall be, until the meeting of the next General Sessions of the Peace, for the county, or district, or until otherwise discharged by law, at which time the keeper of such house, or houses, shall deliver to the said Justices, a list of the names of all persons confined therein, and for what, and by whom, they are so confined, and the said Justices shall make particular enquiry into the behaviour of such persons, and shall cause such as merit the same, to be discharged; *Provided always*, That it shall and may be lawful, for the said Justices, who shall be appointed as aforesaid, to visit such houses, or for any other two of the Justices of the Peace, for the said county, or district, at any time to discharge any person committed to the said work-house, if they shall think it fit, and proper, so to do.

Keeper refusing to deliver up possession.

X. *And be it further enacted*, That if the master, keeper, or any other person or persons, having the care or management of any work house, or house of correction, shall refuse to deliver up the possession thereof, in ten days from the time the Justices in their Sessions shall order him so to do, it shall and may be lawful, for any two of His Majesty's Justices of the Peace, for the same county, on due proof of such refusal, by warrant, under their hands and seals to direct the Sheriff of the county, to remove him, or them, out of such house of correction, and to clear the possession thereof, as upon a writ of *Habere facias possessionem*; and to take and secure all the furniture, implements and materials of every kind, belonging to such house of correction, and to prevent any person, from removing, or taking the same away.

Persons sued may plead the general issue.

Defendant allowed treble costs taxed.

XI. *And be it further enacted*, That if any person or persons, shall hereafter be sued for any 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 the

the plaintiff shall be non-suited, or discontinue his cause, the defendant shall have treble costs taxed, and allowed him or them.

XII. *And be it further enacted*, That all monies necessary for the support and maintenance of such work houses, over and above the earnings thereof, shall be raised by the Grand Juries for the several counties and districts respectively, by presentment, to be levied and assessed, in the manner already by law appointed, for the levying certain county rates, and charges.

XIII. *And be it further enacted*, That the Overseers of the Poor, for the town of Halifax, shall no longer support or maintain, any poor person or persons, as out pensioners, in manner hitherto practised, but shall maintain and support the poor chargeable on said town, in that part of the work house allotted by the Act hereby amended, for the reception of such poor; and all such poor persons, who shall refuse to accept of the provision made for their maintenance in said house, shall be entitled to receive nothing from said town of Halifax, and the Overseers of the Poor, after the publication hereof, shall not be allowed, in their account, any charge whatsoever, except what has been actually incurred for the support of the poor, maintained in said House.

Raising of monies for support of said work-house.

No out pensioners allowed, at Halifax, and no expence to be paid but what has been actually incurred in said house.

CAP. VI.

An ACT to prevent the Windsor and Hammond Plain Road, being injured by heavy loaded Carriages.

For Acts respecting Highways, see note on 1st Geo. 3d. cap. 14.

Preamble

WHEREAS great injury hath been done in time past, in the spring of the year, on the road leading from the head of Bedford Basin, towards Windsor, by carts, trucks, waggons and other carriages, with narrow wheels, heavily laden with logs and timber, passing and repassing on the said road:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the first day of October next, no cart, truck, waggon or other wheel carriage, laden with logs, timber, cord wood or any kind of lumber, shall hereafter pass, or repass, or when the snow is off the ground, no such logs, timber or lumber, shall be trailed, or drawn, without wheels, on the said road, between the said basin, and the boundaries of the county of Hants, or on the road leading to Hammond Plain, unless the felloes of the wheels of such cart, truck, waggon or other wheel carriage, shall be of the breadth of nine inches, at the least; under pain of the forfeiture, of the sum of five pounds, to be recovered from the driver or drivers, owner or owners, of such cart, truck, waggon or other wheel carriage, by bill, plaint or information, in any of His Majesty's Courts of Record, within the county of Halifax, by any person or persons, who shall sue or prosecute for the same, together with the costs of suit; to be applied, one half to the use of such person or persons, as shall prosecute for the same, the other half, of the said sum, to be applied to the purpose of repairing the said road, by the surveyor appointed to oversee the repairs thereof.

After 1st October, all wheels be nine inches under penalty of 5l.

How to be recovered.

Application.

CAP. VII.

An ACT in addition to an Act, entitled, an Act for establishing the Times of holding an Inferior Court of Common Pleas, and General Sessions of the Peace, in the Township of Yarmouth.

For Acts respecting this subject, see note on 29th Geo. 3d. cap. 5.

Preamble.

WHEREAS it is necessary for the administration of Justice, and execution of the Laws, within the township of Yarmouth, and Argyle, that a Court House and Jail, should be erected within the district of Yarmouth, in the county of Shelburne: