

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday, the Thirteenth Day of February, 1823, in the Fourth year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. being the Third Session of the Twelfth General Assembly, convened in the said Province.

4 George IV – Chapter 6

An Act for amending, and reducing into one, the several acts, now in force, relating to the support and management of the Poor throughout the Province, excepting such parts thereof as relate to their support in the Town of Halifax.

Be it enacted by the Lieutenant-Governor, Council and Assembly, that, from and after the publication hereof, it shall and may be lawful for the freeholders of each and every township within this province, (the town of Halifax excepted) or of any settlement or place not comprehended within any such township, and where there are twenty or more freeholders resident, to hold two meetings annually, if necessary, to make provision for the support of their poor: which meetings shall be held on the first Monday in April, and on the first Monday of November; and of which meeting, with the place or places of holding the same, the constables for the said townships and settlements respectively, upon a precept directed to them, being issued as hereinafter prescribed, shall give notice, at least ten days before the said times of meeting respectively; at which meetings the said freeholders present, having first elected a chairman to preside at the same, shall and may vote such sums of money as they shall judge necessary for the support of their poor for the current year, or for the next ensuing six months of the same, and shall choose and appoint five freeholders of such township or settlement, any three of whom shall be a quorum, to assess as hereinafter mentioned for the sum or sums of money so voted; and in case the business to be transacted at the said meetings cannot be completed on the said days respectively, it shall and may be lawful for the said chairman, with the consent of the majority of the freeholders then present, to adjourn the said meeting to the day following, or to any other day, and then to conclude the business of the same.

II. And be it further enacted, that if the sum of money voted at any such meeting as aforesaid, for the support of the poor, be insufficient for that purpose, the freeholders as aforesaid, in such their next meeting, shall be, and they are hereby, empowered to vote as aforesaid, such further sums as shall be determined to be necessary for making good such deficiency.

III. And be it further enacted, that the assessors, appointed as aforesaid, and any three of whom shall be a quorum, and be empowered to perform all the duties hereby required of them, and, being first duly sworn to perform such duties, shall, forthwith, assess the inhabitants of the townships or settlements, respectively, for which they have been so appointed, in just and equal proportion, and as near as may be, according to the known estate, either real or personal, of such inhabitants, for making up the sums of money

respectively voted for the purpose aforesaid, and shall appoint collectors to collect and receive the same, and if any person, so assessed, shall neglect or refuse to pay the sum of money for which he or she was assessed as aforesaid, the same shall and may be levied from him or her by warrant of distress from any one of His Majesty's justices of the peace for the county wherein such person shall reside.

IV. Provided nevertheless, and be it enacted, that no person shall be assessed any sum towards the support of the poor, unless in the opinion of the assessors, he shall be able to pay annually the sum of one shilling at least; and provided also, that if any person shall think him or herself overrated, such person may appeal for redress to the next general sessions of the peace, or the next special sessions, which may be held for the hearing of such appeals in the county or district wherein such assessment was made; and the justices in such sessions are hereby required and empowered to examine, hear and determine, each and every such appeal or complaint, and to give redress, as they in their judgment shall think equitable, and their order and judgment on such appeal shall be final, and bind all parties.

V. And be it further enacted, that the overseers of the poor throughout the province, (the town of Halifax excepted) shall continue to be nominated, recommended and appointed, in the manner now by law provided and directed; and after taking upon them the said situation, and being duly sworn to the faithful execution of the duties of the same as heretofore, shall, at least twenty days before the times herein before respectively appointed for meeting as aforesaid, to make provision for the support of the poor, issue their precepts to the constables of the several townships and settlements respectively requiring them to notify the inhabitants thereof to meet on the said several days respectively, for the purpose aforesaid; and the said overseers shall dispose of and apply all sums of money voted as aforesaid, and received by them in their said capacity for the before mentioned purpose only; and if any collector or collectors shall neglect or refuse to pay over to the said overseers respectively, any sum of money collected by him or them, for the purpose aforesaid, they, the said overseers, shall prosecute such collector or collectors for the recovery of the same in any court of record in this province; and the said overseers shall, within one month after the expiration of their office, render to the clerk of the peace of the county in which they reside, to be by him laid before the justices at their next sessions, an account of all sums of money received and expended by them for the support of the poor; and shall account, on oath, if required before the general sessions of the peace, within the several counties and districts respectively held next after the expiration of their office, for all sums of money received and applied, and expended by them for the purpose aforesaid; and they shall enter their proceedings in a book to be kept for the purpose, and, at the expiration of their office, they shall deliver the same to their successors, and shall pay into their hands any balance of money received by them as aforesaid, and remaining unexpended.

VI. And be it further enacted, that the justices of the peace in their respective sessions, in the several counties throughout the province, the town of Halifax excepted, shall and may examine the accounts of the overseers of the poor, submitted to them as before directed,

and shall allow such accounts, if they appear just, and may refuse to allow any sums of money, charged in such accounts, which the said justices shall have reasonable grounds to believe unduly or unfairly charged or expended.

VII. And be it further enacted, that each and every person who has been duly nominated and appointed an overseer of the poor, and who shall refuse to serve in that office, shall forfeit and pay the sum of five pounds for such refusal, which sum shall be sued for and recovered before any two justices of the peace, by the overseers of the poor who shall be in office next after such refusal, within and for the township or settlement for which such person refused to serve as aforesaid; and the overseers of the poor for the time being, of the several townships and settlements respectively, who shall neglect to issue their precept, as before directed, to the constables, requiring them to notify the inhabitants to meet on the days appointed by this act, for the purpose of voting money as aforesaid, shall severally forfeit and pay the sum of ten pounds, which shall be sued for and recovered by the clerk of the peace for the county or district wherein such fine was incurred, or by any other person who will sue for the same, and before any court of record within such county or district; and all such overseers of the poor as shall not, hereafter, within one month after the expiration of their office, render to the clerk of the peace an account of all sums of money, received and expended by them for the support of the poor, in manner directed by the fifth section of this act, shall, on complaint of the said clerk, or of any one or more inhabitants, forfeit and pay the sum of five pounds each, which shall be levied, on non-payment thereof, by warrant, under the hands and seals of any two of His Majesty's justices of the peace; and all fines, in and by this section imposed, when recovered, shall be applied and expended towards the support of the poor of the townships and settlements, respectively, within which such fines were incurred.

VIII. And be it further enacted, that in case the freeholders of any township or settlement as aforesaid, shall neglect to meet on any of the days herein before appointed for the purpose of making provision for the support of their poor, as before directed, or, having so met, shall neglect to make any such provision, or one adequate and sufficient for the said purpose, in any or either case, the justices of the peace in the general sessions, held for the county or district within which such township or settlement is situated, or in any special sessions to be called and held for the purpose, shall, on the application of the overseers of the poor for such township or settlement, amerce such township or settlement in such a sum as shall appear to them to be necessary for the purpose aforesaid, and shall appoint five freeholders of such township or settlement, (any three of whom shall form a quorum) to assess the same upon the inhabitants of such township or settlement, in manner herein before directed, which assessors shall nominate and appoint collectors, as herein before provided, to collect and receive the sum or sums of money so assessed, and the assessment, so made, shall be affixed in some public place within such township or settlement, at least three days before the end of the same sessions, in order that any of the inhabitants so assessed, may, if they see cause, appeal against such assessment, and that the justices may determine thereon during the same sessions; and all sums of money for which such amercements and assessments shall be made, shall be levied and collected by the same ways and means as are

herein before directed and provided, where assessments are made by the freeholders at their meetings aforesaid, and shall be paid over in like manner, and be applied and expended for the purpose aforesaid.

IX. And be it further enacted, that where any person or persons appointed an assessor or assessors under this act, shall refuse to serve in that capacity, the freeholders or justices in each case respectively, as aforesaid, shall appoint another or others in the stead or place of the person or persons so refusing, and each and every person appointed an assessor, who shall refuse to serve as aforesaid, shall forfeit and pay the sum of forty shillings; and each and every person who has accepted the said office, and who shall neglect or refuse to make the assessment required within twenty days after his appointment, shall be subject to a fine of five pounds: which fines respectively shall, on failure of payment thereof, be recovered, by complaint or information, by the overseers of the poor, before any two justices of the peace of the county wherein such fines were incurred, and shall be levied by warrant of distress from the said justices, and by sale of the offenders goods and chattles; and all such fines, when recovered, shall be applied and expended towards the support of the poor of the township or settlement within which such fines were incurred. Provided always, that no person shall be obliged to serve as an assessor more than once in three years.

X. And be it further enacted, that each and every person appointed a collector to collect any sum of money assessed under this act, who shall refuse to serve in that capacity, shall forfeit and pay the sum of forty shillings for such refusal, and another person shall forthwith be appointed in like manner to serve as aforesaid, which fine, for such refusal, on failure of payment thereof, shall and may be recovered by the overseers of the poor of the township or settlement within which such fine was incurred, before any two justices of the peace for the county wherein such township or settlement is situated, and be levied by warrant of distress from the said justices, and by sale of the offender's goods and chattles, and be applied and expended for the use of the poor within such township or settlement.

XI. And be it further enacted, that each and every collector of any sum or sums of money, assessed by virtue of this act, shall, once in every three months, account with, and pay into the hands of, the overseers of the poor of the township or settlement wherein he was acting as such collector, all such sums of money as he may have collected or received in that capacity; and, upon his neglect or refusal so to account and pay, he shall and may be prosecuted for the recovery of the said sums, by the overseers of the poor for the time being, of such township or settlement, by bill, plaint or information, in any of His Majesty's courts of record within this province; and each and every person who has accepted the said office of a collector, and who shall neglect, for the space of thirty days thereafter, to perform the duty required of him by this act, of enforcing, agreeable to the directions of the same, the payment of the sum or sums of money which he was appointed to collect, shall forfeit and pay the sum of five pounds for each and every such neglect, which shall, in like manner, be sued for and recovered, and shall be applied and expended for the use of the poor of the township or settlement wherein such fine was incurred.

XII. And be it further enacted, that all assessments, heretofore made for the maintenance of the poor, shall be, and they are hereby, confirmed, and the arrears due thereon shall and may be collected and levied by the collectors for the time being, notwithstanding any want of form in the said assessments, or length of time since the same have been made.

XIII. And be it further enacted, that when any person shall apply for and obtain relief, from the overseers of the poor of any town or place, and it shall happen that such person, at the time of his or her application, or relief, was possessed of, or entitled to, any property, real or personal, out of which the expenses incurred for his or her relief may be repaid, it shall and may be lawful for such overseers, as creditors to such person in behalf of the public, to demand and receive from him or her a repayment of all, or any part of, the expenses so incurred for the relief of such person, and if need be to enforce the payment thereof by the usual remedies of attachment, arrest, or other legal process, and all monies thereof by the usual remedies of attachment, arrest, or other legal process, and all monies, so received or recovered, shall be accounted for by such overseers as other monies received for the use of the poor.

XIV. And be it further enacted, that if any person assessed under and by virtue of this act, shall refuse or neglect to pay the sum for which he was so assessed, it shall and may be lawful for the collector or collectors appointed to receive the rates for the purpose aforesaid, notwithstanding any such appeal as aforesaid, to levy for the amount of such person's rate by warrant of distress in manner herein before provided for the recovery of the same.

XV. And be it further enacted, that if the persons so appealing to the next general or special sessions of the peace as herein before provided, shall make it appear to the justices thereof, that he or they hath or have been assessed or taxed more than his or their just share or proportion of the amount of the said assessment, then, and in such case, it shall and may be lawful for the said justices, to cause such appellant or appellants, to be relieved and reimbursed the excess of such rate, by order to the overseers of the poor for the township or settlement within which such person or persons, was or were so rated, which overseers are hereby directed to refund the same.

XVI. And be it further enacted, that this act or any part thereof, shall not extend, or be construed to extend, to repeal, alter or affect, any of the laws now in force within the province, relating to the settlement of the poor.

XVII. And be it further enacted, that the act, made and passed in the third and fourth years of the reign of His late Majesty King George the Third, entitled, "An Act to enable the Inhabitants of the several Townships within this Province to maintain their Poor," and all acts since made in addition to, or in amendment of the same, and every matter, clause and thing, therein contained, except so far as the said acts relate to the support of the poor in the town of Halifax, be and the same are hereby repealed.