

CAP. XX.

Expired

An ACT for further prolonging a Resolution of the Governor and Council, revived and put in force by the General Assembly, in the thirty-second year of His Majesty's Reign.

CAP. XXI.

Expired

An ACT for extending the bounty on Stone Walls built, and Hay raised within the peninsula of Halifax.

CAP. XXII.

Expired, and re-enacted

An ACT for the Summary Trial of Actions.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the fourth day of December, Anno Domini 1759, and in the thirty-third year of the reign of Our Sovereign Lord GEORGE the Second, of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c. and there continued by several prorogations until the eighth day of September, Anno Domini 1760, in the thirty fourth year of His Majesty's reign, being the second and last Session of the second General Assembly convened in the said Province.*

* In the time of Charles Lawrence, Governor, Jonathan Belcher, Chief Justice, Wm. Nesbit, Speaker, John Dupont, Secretary of Council, Isaac Deschamps, Clerk of Assembly.

CAP. I.

* Cap. 12

An ACT for the making perpetual an Act made and passed in the 32d year of His Majesty's Reign,* entitled, An Act to prevent the Sale of Slop Cloathing, and for punishing the Concealers and Harbourers of Seamen or Marines deserting from the Royal Navy.

Preamble
 †† viz. the Act
 named in the 32.
 Geo. 2. c. 12.

WHEREAS the said Act † was made only to continue and be in force until the end of this present war; and whereas the said Law † has been found to be very useful and beneficial to the public,

lic, Be it therefore enacted by His Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That the said Act to prevent the sale of stop cloathing, and for punishing the concealers and harbourers of seamen and marines deserting from the Royal Navy, shall be, and the same is hereby made perpetual, any proviso or limitation in the said Act, notwithstanding,

Act made perpetual

CAP. II.

An ACT for the ascertaining Damages on protested Bills of Exchange.

BE it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That from and after the second day of October, one thousand seven hundred and sixty, all bills of exchange drawn from and after said time by persons residing within this province, upon persons in Europe, that may be sent back protested, shall be subject to ten per cent. damages, and six per cent. per annum interest, from the day of the date of the protest on said bill, to the time of payment. And be it also enacted, by the authority aforesaid, that all bills of exchange drawn by persons residing within the province, after said time, on persons in the other colonies, and sent back protested, shall be subject to five per cent. damages, and six per cent. per annum interest, from the day of the date of the protest to the time of payment.

Foreign bills of exchange

Cro. Car. 308.
Barnaby versus
Rigalt, 1 Vent.
45.
Inland bills of
exchange.
Eng. stat. 9 and
10. Will. 3. c.
17.
Eng. stat. 3 and
4. Ann. c. 9.
made perpetual
by 7, Ann. c. 25.
sec. 3.
1 Salk. 131. Bo
rough versus Per
kins

II. And be it further enacted by the authority aforesaid, That all bills and orders drawn from and after the said second day of October next, by persons residing within the province on persons living or residing in the same, that shall be protested, shall be subject to six per cent. interest from the date of the protest to the time of payment.

CAP. III.

An ACT, to explain an Act, made and passed in the Thirty-third Year of His Majesty's Reign, entitled, "An Act to enable Proprietors to divide their Lands held in common and undivided.

Repealed by His Majesty in Council

CAP. IV.

An ACT, in amendment of an Act, entitled, An Act, for confirming Titles to Lands and quieting Possessions.

For Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. cap. 2.

WHEREAS some inconveniences have already and frequently do arise to the purchasers of Lands in this Province, from the difficulty of producing, before the register or his deputy, one of the witnesses to the execution of any deed or conveyance brought by them to be registered, either from such deed or conveyance having been executed in Great-Britain or Ireland, or in some of his Majesty's colonies or plantations distant from this province, in the presence of witnesses resident there, who cannot be produced before the said register or his deputy, to prove the execution thereof on oath; thereby preventing the due registering of such deed or conveyance, agreeable to the directions of an Act made and passed by the Governor, Council and Assembly of this province, in the thirty-second year of His Majesty's reign, entitled, "An Act for confirming titles to lands and quieting possessions:" For remedy whereof, Be it therefore enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That from and after the publication hereof, the Register of deeds and

Preamble

Cap. 2

All deeds, &c. to be registered, on proof of the execution thereof, either by the acknowledgment of the grantor, or by the oath of one of the witnesses, before a Justice of the Peace, where such deeds &c. have been executed.

conveyances in this province, or his deputy, shall and may duly register, as directed by the aforesaid Act, all such deeds and conveyances of lands in this province, as shall have been made and executed in Great-Britain or Ireland, or in any of His Majesty's colonies or plantations, distant from this province, (though one of the witnesses thereto should not come before him or his deputy, to prove the same as directed by the said Act) *Provided* the execution thereof shall appear to him, either to have been properly acknowledged by the grantor himself named in such deed or conveyance, or be proved by the oath of one of the subscribing witnesses thereto, before some or one of His Majesty's Justices of the Peace, of the place where such deed or conveyance shall have been executed, and duly attested by him; and such attestation being also authenticated (if in the plantations) under the hand and seal of the Governor, Lieutenant-Governor, or Commander in Chief of the province, where the same shall be made, or of a public notary there residing; and if in Great-Britain or Ireland, under the public seal of some corporation there, or by the attestation and certificate of some notary public lawfully constituted, resident there, certifying that such person so subscribing as a Justice of the Peace is really so, and that all faith and credit ought to be given to his attestations.

CAP. V.

An ACT, in amendment of an Act, made and passed in General Assembly, at the Session begun and holden at Halifax, on the second of October, 1758, entitled, An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates.

For Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. cap. 11.

Preamble.

By Prov. Act respecting the guardianship of minors, 32. Geo. 2. c. 26. sec. 9. posthumous children are entitled to share in the father's estate.

WHEREAS by an Act made and passed in General Assembly, at the Session begun and holden at Halifax, on the second day of October, 1758, entitled, An Act relating to Wills, Legacies, and Executors, and for the settlement and distribution of the Estates of Intestates, it is, amongst other matters, enacted, 'That in case that personal assets shall be deficient for the payment of any debts or legacies, and it shall be found necessary by any executor or administrator, to make sale of any part of the real estate of the deceased for the payment of any debts or legacies, such executor or administrator shall apply to the General Assembly, to grant a licence for the sale of such part of such real estate as may be most convenient, for the payment of such debts or legacies; and before any sale be made of any real estate, the executor or administrator shall give thirty days public notice, by posting up notifications in the most public places, in the town where the deceased person last dwelt, and in the public prints, if any such there be; and whoever will give most shall have the preference in such sale: And in case the estate of such intestate shall be insolvent, the executor or administrator shall make like application to the General Assembly for an inquiry, and for the appointment of commissioners to enquire into such insolvency, and to examine and settle the claims of all creditors, and the amount of the estate of such insolvent, and to authorise such executor or administrator to sell all the lands and tenements of such insolvent, and to divide the produce of the whole of such estate, in due proportion to and among the creditors.' *And whereas inconveniences have already arisen, and may hereafter arise by the delays hereby necessarily occasioned, during intermissions of the convention of the General Assembly, Be it therefore enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That all such applications as by the before recited clause of the said Act, are to be made by any executor or administrator to the General Assembly shall, from and after the publication hereof, be made to the Governor, or Commander in Chief, for the time being, and His Majesty's Council of this*

Applications for the sale of real Estates, for payment of debts, &c.

this province, who are hereby authorized and empowered to take cognizance thereof, and to proceed thereon in like manner, as by the before recited clause of the said Act, should have been done by the General Assembly.

to be made to the Governor and Council, instead of the General Assembly.

II. *And be it further enacted*, that every executor or administrator, who may, by virtue of this Act, be authorized and empowered to make sale of any real estate, shall, before such sale made, give bond by himself, or his lawful Attorney, with two sureties, at the office of the Register of the Court of Probates, in the county where such real estate shall lie, for the just and legal distribution of the monies arising from such sale, in the full value which, by the report of the commissioners for that purpose appointed, shall be certified to be necessary to be raised by such sale.

Executors to give security for a just distribution.

III. *And be it further enacted by the authority aforesaid*, That all lands, tenements, or hereditaments, sold by any executor or administrator, by virtue of this Act, shall become the absolute and undoubted right and property of the purchaser or purchasers thereof, from and after the time of such sale.

Lands, &c. sold by virtue of this Act to be the absolute property of the purchaser.

CAP. VI.

An ACT for establishing a Public Market at the Market House in Halifax, and for regulating the same.

This Act repealed by the 39th Geo. 3d. cap. 1. sec. 15.

CAP. VII.

An ACT for appointing Commissioners of Sewers.

Acts in amendment of this Act, 3d and 4th Geo. 3d. cap. 1, 5th Geo. 3d. cap. 4, 8th Geo. 3d. cap. 9, 9th Geo. 3d. cap. 2, 11th Geo. 3d. cap. 9, 21st Geo. 3d. cap. 3, 30th Geo. 3d. c. 7, 33d. Geo. 3. c. 4

WHEREAS great quantities of marsh, meadows, and low grounds in this province, and particularly in the Bay of Fundy, and rivers, bays and creeks, branching therefrom, are spoiled by overflowing of the sea, and other waters which by industry may be greatly improved, as well for the general good as for the benefit and profit of the owners; and also much meadow and pasture land might be gained out of swamps, and other rough and unprofitable grounds by drowning and draining the same: to the intent therefore, that the new settlers and other proprietors of such marshes, meadows and low grounds, may be encouraged and enabled to raise dykes, and remove such obstructions, as prevent these lands from being immediately useful; Be it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That it shall be in the power of the Governor or Commander in Chief, with the advice of his Majesty's Council, upon request of any of the proprietors of such lands, to grant commissions of sewers (a), to such and so many able and discreet persons (b) as to them shall seem meet, for the building and repairing such dykes and wears as are necessary to prevent inundations; and also for the damming and flowing of swamps, and other unprofitable grounds, and draining of them: By which commissions the said commissioners shall be empowered to meet and convene together from time to time as occasion may require, to view, consider, consult, and contrive such ways and methods for building and repairing such dykes and wears, as are necessary to prevent inundations, and for the drowning and draining of swamps, and other unprofitable grounds; and to employ workmen and labourers, for such reasonable

Preamble.

Commissioners of Sewers to be appointed by the Governor and Council,

Their power and authority.

(a) Eng. stat. 23. H. 8. c. 5. sec. 1. Containing the commissions issued in England under this statute. Commission at common law, vide Registr. Brev. 126. 127. F. N. B. 113. 114.

Under the commissions both at common law and by statute, the proceedings and inquiries before a Court of Sewers, are by juries.

(b) By Eng. stat. 13. Eliz. c. 9. sec. 4 and 7. Farmer of Lands chargeable not to be a commissioner, but may act for other lands.

reasonable wages as may be agreed on, for the effecting the premises; and from time to time to assess and tax all such persons as may or shall be owners of such meadows, marshes, or such unprofitable swamps and lands as aforesaid, towards the charge thereof, having regard to each person's quantity of land and benefits to be received thereby, as equally, according to their best judgment, as they can; and also to appoint and swear a collector or collectors for the collecting, gathering, and paying the same, to such persons as by the said commissioners shall be appointed to receive it; with powers to distrain all such persons as shall neglect or refuse to make payment of his, her, or their parts or proportions, set and assessed as aforesaid, in such manner as is usually done in the like cases; and to call before themselves the said collector or collectors, to account for his or their trusts with reference to the premises; and likewise to value such repairs as may have been made to the said weirs and dykes, by the present settlers before the date of their said commissions, and to proportion an assessment for payment of the same by those who have been or may be benefited thereby, in the same manner as if such repairs had been made by their own order, in virtue of their said commissions.

3. Sid. 145.

to be sworn and have salaries.

II. *And be it further enacted by the authority aforesaid*, That the said commissioners shall be sworn for the faithful discharge of their trust, and shall receive such salaries out of the said assessment, for their time and expences touching the premises, as the Governor and Council shall appoint, unto whom the said commissioners shall be accountable, when they shall be thereto required.

Lands liable to payment of assessments.

III. *And be it further enacted, by the authority aforesaid*, That in case it shall so happen, that any proprietor of any such lands, marshes, or meadows, to be dyked and drained as aforesaid, shall be unable, or otherwise neglect to pay his, her, or their part or proportion of the said rates or assessments, it shall and may be lawful to and for the other proprietors concerned therein, to pay the said assessments, and to hold the said lands and meadows so long until the rents and profits to be received of those lands may reimburse them, and the commissioners aforesaid shall determine the time how long (c).

Appeal to the Governor and Council.

IV. *Provided always*, That any person thinking himself aggrieved at any procedure had or made by the said commissioners, or any others in pursuance of this act, may appeal therefrom to the Governor and Council for relief (d), who are hereby empowered to order the possession of all such lands as are held for payment of the assessments beforementioned, to be restored to the proprietor on proof before them, that the said assessments have been received out of the profits of the same.

(c) By Eng. stat. 23. Hen. 8. c. 5. sec. 8. The lands may be sold for non payment of the assessment.

(d) Proceedings of Court of Sewers removable into B. R. by *Certiorari*, 5. Co. Rep. 99. b. Rook's case. 4. inst. 276. Cro. Ja. 336. 3. inst. 125. 1. Lev 288. 1. Vent. 66. 1. Salk. 145.

CAP. VIII.

An ACT for encouraging the improvement of Lands in the Peninsula of Halifax, and further quieting of Possessions.

For Acts in amendment or addition to this Act, see 34. Geo. ad. cap. 2.

Preamble.

Lands within the peninsula of Halifax, not improved for seven years past, may be granted by the Governor and Council.

WHEREAS great inconveniences and prejudices have arisen on account of not improving the lands on the peninsula of Halifax: And whereas by the absence of several Grantees, and the neglect and death of others, many of the lots lie waste: In order therefore to encourage the improvement of the Lands within the said peninsula, Be it enacted by His Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That in all cases where the Grantees of Lands within the said peninsula, have been absent from the province, or have lived therein, for the space of seven years, and no improvement made thereon for that time; and likewise in such cases where any Grantees of Lands are dead, and no persons, in right of such Grantees, have claimed

claimed said lands (a); it shall and may be lawful, upon an inquest of office, on the oaths of twelve men, sworn for that purpose, held before the commissioner of Escheats and Forfeitures, according to the commission to him granted*, and duly returned into the office of Register of the Court of Chancery, for the Governor, or Commander in Chief, for the time being, with the advice and consent of His Majesty's Council, to make grants and conveyances of such lands so returned, which grants and conveyances shall be good, valid and effectual, to all intents and purposes whatsoever (b).

II. *Provided*, That it shall and may be lawful, for all persons interested or entitled to such lands as are comprized in said office, to traverse the same, within twelve months from the date of such inquest. And if the said office shall not be traversed within said time, the grant of said lands, by virtue of such inquest, by the Governor, or Commander in Chief, with advice as aforesaid, shall be absolute according to the form and effect of such grant (c).

III. *And whereas it may be doubtful, whether the Registry of Lots of Land (granted simply as Lots without any formal conveyance under the seal of the Province) within the said Peninsula of Halifax, or elsewhere in this Province, import a conveyance in fee simple to the persons in whose names the same are registred: for the quieting such persons in their possessions, Be it enacted by the authority aforesaid, That all and every person, having a right to claim by virtue of such registry (excepting the persons absent or neglecting to improve as aforesaid) (d), shall be entitled to a full and absolute estate in fee simple, in the lands so registred, any want of form in the said registry notwithstanding.**

(a) This clause can have respect only to grants by virtue of registries (in nature of licences for improvement in order to future grants) but not to grants by record under seal of government, which must operate and be tried by the terms of the patents, and are not voidable by general revocations or any conditions not imposed by the grants.

(b) The King's title to resume must appear by office on oath, by record ministerial before the Escheator &c. 4. Rep. 54. b. and by Eng. stat. 18. Hen. 6. c. 6. letters patent granting lands before the King's title is found by inquisition returned into Chancery, are void. Vide Eng. stat. 21. Jac. 1. c. 25.

For the nature of the Escheator's office, and the writ to him *de inquirendo*, vide F.N.B. 321. C. D. Reg. Brev. 165. a. and Eng. stat. 8. Hen. 6. c. 16. 23. Hen. 6. c. 16. sec. 1. 12. Ed. 4. c. 9. 1. Hen. 8. c. 8. and Co. Lit. 13. a. b. and 92. b.

Vide 4. inst. c. 43. pa. 225. entitled "Court of the Escheator and of Commissioners for finding of Offices, &c." and 4. Bac. Abr. C. L. pa. 154. b. Tit. Prerogative, letter B. Division. 2. Prerogative in Escheats, where the Escheator's office is considered as still subsisting for finding offices by inquest to vest titles in the Crown, and not as an officer useless by abolishing the court of wards and liveries, by Eng. stat. 12. Car. 2. c. 24.

(c) By Eng. stat. 1. Hen. 8. c. 10. sec. 3. After office found before any Escheator, the lands seized may be let to the traverser. How offices may be traversed, vide Eng. stat. 2 and 3. Ed. 6. c. 8. sec. 6. 7. 13. and by sec. 14. after judgment upon the traverse if it shall appear by record that the King has any other title, it shall be saved to the King.

(d) This exception absolutely excludes absentees, &c. from deriving in fee simple, by virtue of any registry, for so is the manifest design of the Act.

* This institution is, by due authority deemed expedient as a mode of short process, and without expence, for entitling the Crown to resume and grant lands forfeited by breach of conditions.

* This reference seems to establish the commission *in toto*, and not for the particular purposes of absent grantees, &c.

Persons interested in such lands may traverse within twelve months otherwise the grant to be absolute.

Registry of such lands to be a fee simple.

CAP. IX.

An ACT, in amendment of an Act, entitled, An Act relating to Treasons and Felonies.

WHEREAS by an Act, entitled, *An Act relating to Treasons and Felonies*, it is, amongst other matters enacted, 'That if any person or persons indicted of any offence, for which they are excluded from the benefit of clergy, or of the said Act, shall challenge peremptorily above twenty of the jury, judgment shall be pronounced, and execution awarded against such person or persons, as if such person or persons had been convicted of such offence by verdict or confession.' *And whereas it will be more agreeable to the common course of justice, to allow the benefit of defence and trial; Be it therefore enacted by His Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That in all cases where any prisoner shall*

For Acts in amendment or addition to this Act see note on Geo. 2d. cap. 13.

If a prisoner challenges above 20 jurors, such challenge to be over-ruled, and the jury sworn.

shall challenge peremptorily above twenty of the Jury, such challenge shall be overruled, and the jurors shall be sworn for the trial of such prisoner, as if no such challenge had been peremptorily made.*

* Co. P. C. 102. pa. 227, 228. 2. Hale's hist. P. C. 270. adjudged, on Eng. Stat. 22. H. 8. c. 14. that Challenge above twenty shall be overruled.

CAP. X.

An ACT in addition to and amendment of an Act, entitled, An Act for the better and more effectual establishment of the Church of England in this Province.

For acts in amendment or addition to this act see note on 32d Geo. 4d, cap. 5.

Preamble.

Ministers may sue the church wardens for money received by them, &c.

WHEREAS great detriment and inconvenience may arise to the Ministers of Saint Paul's Church, in the town of Halifax, as well as the ministers of churches, which may be hereafter established within this Province, for want of sufficient power to sue and recover from the church wardens, such sum or sums of money, as they may have received from time to time, for the use of said ministers, Be it therefore enacted by His Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That the said ministers shall be and are hereby empowered to sue for and recover from the said church wardens, all such sums as they may have received, or shall neglect to sue for and recover, for the use and benefit of said ministers.

CAP. XI.

An ACT for continuing an Act, entitled, An Act, to prevent any private Trade or Commerce with the Indians.

Repealed by his Majesty in Council.

CAP. XII.

An ACT for regulating the Common belonging to the Township of Lunenburg.

Act which respect other commons 10th Geo. 3d. cap. 4. 29th Geo. 3d. cap. 6. 33d. Geo. 3d. c. 9. 37th. Geo. 3d. cap. 2.

Preamble.

Grand jury, at March sessions, to make regulations for the common, for one year, to be approved by the Justices.

WHEREAS His Excellency the Governor has granted and set apart, a tract of land lying in the peninsula of Lunenburg, to serve as a Common for the inhabitants of said Town; And whereas it is necessary, that some regulations should be made by proper persons, for the common benefit of the said inhabitants from time to time, as their situation and circumstances may require, Be it therefore enacted by His Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That the Justices in their quarter sessions, to be next held in March for the said town and county, shall give it in charge to the grand jury then and there summoned, to affix and settle such regulations, as they may think most proper and convenient to be observed and followed by the inhabitants of Lunenburg; to continue for one year, from such session; and such regulations as shall be approved of by the Justices of said sessions, shall be and are hereby declared to be the stated rules, to be kept, observed, and followed with relation to the said common, by the aforesaid inhabitants, for and during the space aforesaid.

The like to be done annually at March sessions.

II. And be it further enacted, That the said Justices shall, in the like manner at their annual sessions, thereafter to be held in March, proceed and give in charge to the grand jury in manner aforesaid, and settle and approve of such rules and regulations for the said common, to serve for the year then next ensuing, as to them shall appear most proper and convenient.

III. *And be it also further enacted,* That the said Justices shall be, and are hereby empowered to settle, and appoint such pains and penalties, to be inflicted upon the person or persons, who shall neglect or refuse to obey the rules and regulations so to be settled at the said annual sessions of the peace, as to them shall appear to be just and equitable.

Justices to appoint penalties for not obeying such regulations

IV. *Provided,* That such pains or penalties to be inflicted, shall not exceed the sum of forty shillings each.

Not to exceed 40s.

CAP. XIII.

An ACT for building a public Slaughter House in the Town of Halifax, and for regulating the same.

This act was executed, but the building and ground having been sold under the authority of the 28th Geo. 3d. cap. 10. the same is not reprinted.

CAP. XIV.

An ACT for further continuing an Act, entitled An Act for the reviving and putting in full force, several of the Resolutions or Acts of His Majesty's Governors and Council of this Province heretofore made.

Expired.

CAP. XV.

An ACT in amendment of an Act, entitled An Act for the better observation and keeping of the Lord's Day.

Expired.

CAP. XVI.

An ACT for further prolonging an Act, made and passed in the thirty-second year of His Majesty's reign, entitled An Act for granting to His Majesty an Excise upon Wine, Rum, and other distilled Spirituous Liquors, sold by retail; as also of an Act, entitled An Act for the better discovering, and more effectually suppressing, unlicensed Houses.

Expired.

CAP. XVII.

An ACT for continuing an Act, entitled An Act for confirming the past proceedings of the Courts of Judicature, and for regulating the further proceedings of the same; and also an Act in addition to, and explanation of, an Act, entitled An Act for confirming the past proceedings of the Courts of Judicature, and for regulating the further proceedings of the same.

Expired.

CAP. XVIII.

Expired.

An ACT for granting and establishing an allowance to the Collector or Collectors of the Impost and Excise Duties:

CAP. XIX.

Expired.

An ACT for further extending of Bounties and Premiums:

CAP. XX.

Expired.

An ACT for further prolonging the several Acts hereinafter mentioned, relating to the Duties of Impost and Excise, heretofore granted by the General Assembly of this Province, on Wines, Beer, Rum, and other distilled Spirituous Liquors.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the first day of July, Anno Domini 1761, and in the first year of the reign of Our Sovereign Lord GEORGE the Third, of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c. being the first Session of the third General Assembly convened in the said Province.*

* In the time of Jonathan Belcher, Governor, John Collier, Speaker of the Council, Wm. Nesbit, Speaker of the Assembly, John Dupont, Secretary of Council, Archibald Hinshelwood, and Isaac Deschamps, Clerk of Assembly.

CAP. I.

Acts in amendment of this Act, 31st Geo. 3d. cap. 3. 39th Geo. 3d. cap. 1. sec. 5.

Eng. stat. 29. Car. 2. cap. 7.

No Tradesman, &c. to open his Shop, or sell any Goods on the Lord's Day.

An ACT for the better observation and keeping of the Lord's Day.

BE it enacted by the Honorable the Commander in Chief, the Council, and Assembly, in order that all persons may, on the Lord's Day, apply themselves to duties of religion and piety, both publickly and privately, no tradesman, warehouse keeper, shopkeeper, 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