

At the *General-Assembly* of the Province of *Nova-Scotia*, begun and holden at *Halifax*, on Tuesday the 28th Day of *May* 1765, in the *Fifth* Year of His Majesty's Reign, and there continued by several Prorogations, to Tuesday the *Third* Day of *June*, 1766, in the *Sixth* Year of His Majesty's Reign.

An Act for prescribing the Forms of Writs and the Manner of issuing the same.

Be it enacted, by the Commander in Chief, the Council and Assembly, That all Processess and Writs for the bringing any Suit into any of the Courts of Justice within this Province, shall issue out of the Clerk's Office of the same Court where the Cause is to be tried, under the Seal of the said Court in his Majesty's Name, and be directed to the Provost Marshall, or his Deputy, and if such Process

or

or Writs be against the Provost-Marshal, then it shall be directed to the Coroner of the County, who is hereby empowered to execute the same. And all Writts as well original as judicial issuing out of the Clerk's Office as aforesaid, shall run through the Province, and be executed by the Officer and Officers to whom they shall be directed. *Provided always, That* all local Actions or where the Plaintiff and Defendant shall both reside in one County, in that Case the Action shall commence and be tried in the *Inferior Court* of that County.

And be it further enacted, That all Processes and Writts, as well original as judicial issuing out of the clerk's Office of the respective Courts, shall bear Teste of the first Justice, and upon any Vacancy by Death or Removal, or other Impediment then of the Justice next named in the Commission for the Time being; and all original Process in the said Courts shall be by Summons or Attachment, or *Capias ad respondendum*, and shall be made returnable *Twelve Days* before the Sitting of the said Court, and shall be executed at least *Fourteen Days* before the Sitting of the said Court, to which the same is returnable, (except such Writts as are served in other Counties, or in any other part of the Province distant from the County wherein the Cause is commenced, which may be returned at any Time during the Sitting of the Court) and that the Forms herein prescribed shall be the Form of the original Summons, Writ of attachment, *Capias ad respondendum*, Writ of Execution, and Writ of *Habere facias Possessionem*.

FORM of the SUMMONS.

ff. GEORGE the Third, by the Grace of
G O D, of Great-Britain, France, and Ire-
L. S. land KING, Defender of the Faith, &c.

To the Provost-Marshal or his Deputy, Greeting.

*WE command you that you summon A. B. of C. in our Coun-
ty of (Occupation) if he may be found
in your Precinct, to be and appear before our Justices of our
Court next to be held at Halifax, (or other County Town,) on the
day*

• Day of next, then and there to answer the Suit of
C. D. of in the County of to
the Damage of the said C. D. as he says the Sum of
Pounds. Hereof fail not and have you then there this Writt with
your D.ings therein according to Law, upon the Day
of next. Witness Esqr; this Day of
in the Year of Our Reign, Annoque Domini,
Clerk.

FORM of an ATTACHMENT,

L. S. H. GEORGE the Third, by the Grace of
 GOD, of Great-Britain, France, and Ire-
 land KING, Defender of the Faith, &c.

To the Provost-Marshal or his Deputy, Greeting.

W E command you to attach the Goods Chattels or Estate of A:
 B: of C: within the County of (Occupation)
 to the Value of Pounds, and for Want thereof to arrest
 the Body of A: B: if he may be found in your Precinct, and him
 safe keep; so that he may be had before the Justices of Our
 Court next to be held at on the Day of
 next, then and there to answer to the Suit of C: D: of
 to the Damage of the said C: D: as he says, the Sum of
 Pounds, and have you there this Writ with your Doings thereon
 according to Law, upon the said Day of next.
 Witness Esqr; this Day of
 in the Year of our Reign, Annoque Domini. Clerk.

FORM of the *WRIT* of *Capias ad respondendum* empowering the Sheriff to arrest.

L. S. H. GEORGE the Third, by the Grace of
GOD, of Great Britain, France, and Ire-
land KING, Defender of the Faith, and so
forth.

To the Provost Marshall or His Deputy, Greeting.

“ *WE* command you, that you take A : B : of if he
 “ may be found in your precinct, and safely keep him so
 “, that you may have him before us in our *Supream*
Inferior

“ Court on the Day of to answer
 “ to C : D : of of a Plea, that whereas the said A : on
 “ the Day of (as in the Declaration) did
 “ assume, &c. To the Damage of Pounds
 “ as is said, and have you then this Writ. Witness, &c.

And be it further enacted, That before such Process shall be served, the Plaintiff or his Attorney shall indorse his Name thereon, and annex to such Process a Copy of his Declaration, with which the Defendant shall be served, as also a Copy of the original Process at least *Fourteen* Days before the Sitting of the Court, or left at the Defendant's House or last Place of abode, which shall be judged a sufficient Service; and that all Goods, Chattels or Estate attached by the Officer, shall remain under such Attachment for the Space of *Thirty* Days after Judgement given, that Execution may be thereon levied.

Provided always, That in all Cases where it may be necessary to set forth several Counts in a Declaration, that then it shall and may be lawful for the Plaintiff to file his Declaration with the Clerk of the Court, and to cause the Defendant to be served with a copy of the same at least *Four* Days before the Sitting of the Court, at the Expence of the Plaintiff.

Provided nevertheless, That the Sheriff or Officer serving such Attachment shall make an Account in Writing of the several Articles of Goods and Chattels so attached, and shall permit the same to remain on the Premises for the Use of such Party as shall appear to be intitled to the same upon the Event of the Cause, and if the Person so attached shall alien the same in the mean Time, such Alienation shall be void, and such Person shall be liable to the Penalty of *Fifty Pounds*, to be recovered by Action of Debt or Information in any Court of Record, the one Moiety to be paid to the Prosecutor, the other Moiety to his Majesty for the Uses of this Government.

FORM of EXECUTION,

H. GEORGE the Third, by the Grace of
GOD, of *Great Britain, France, and Ire-*
land KING, Defender of the Faith, &c.

To the Provost Marshal or his Deputy, Greeting,

WHEREAS A: B: of _____ within our County of _____
 (Occupation) by the consideration of our Justices of our
 Court held at _____ on the _____ Day of _____ last,
 recovered Judgement against C: D: of _____ for the Sum of _____
 Pounds, _____ Shillings, and _____ Pence; debt
 or damage, and the Sum of _____ Pounds _____ Shillings,
 and _____ Pence, Cost of Suit as it appears to us of Record,
 whereof Execution remains to be done. We command you therefore
 that of the Goods, Chattels, Lands, or Tenements of the said
 C: D: within your Precinct, you cause to be paid and satisfied un-
 to the said A: B: at the Value thereof in Money, the aforesaid
 Sums, being _____ Pounds, _____ Shillings and
 pence, and thereof also to satisfy you for your own Fees, and for
 Want of Goods, chattels, Lands or Tenements of the said C: D:
 to be by him shewn unto you or found within your Precinct to the
 Acceptance of the said A: B: to satisfy the Sums aforesaid; We
 command you to take the Body of the said C: D: and commit unto
 our Gaol in _____ and detain in your Custody within our
 said Gaol, until he pays the full Sums abovementioned with your
 Fees, or that he be discharged by the said A: B: the Creditor or
 otherwise by Order of Law. Hereof fail not and make Return of
 this writ with your Doings thereon into our said Court of
 _____ upon the _____ Day of _____ next. Witness
 _____ Esqr; at _____ the _____ Day of _____
 in the _____ Year of our Reign, Annoque Domini.

Clerk:

And be it further enacted, That when Goods or Chattels of any Debtor are taken in Execution, the same shall be valued and appraised by at least three Appraisers under Oath, and shall be sold at Public Vendue, Ten Days Notice being first given, of

of such intended Sale ; and all Lands taken in Execution, shall be valued, levied, extended and Sold according to the Laws of this Province.

F O R M of the *Writ of Habere facias Possessionem.*

H. G L O R G E the Third, by the Grace of
L. S. G O D, of Great Britain, France, and Ire-
 land KING, Defender of the Faith, &c.

To the Sheriff Marshall or his Deputy, Greeting.

“ **W H E R E A S** A: B: of before our Justices
 “ of our Court of holden for
 “ or within our County of aforesaid, at
 “ upon the Day of by the Consideration
 “ of our said Court, recovered Judgement for his Title and Pos-
 “ session of and in a certain Messuage or Tenement with the Ap-
 “ purtenances, or Acres of Land, &c. lying and being
 “ in the Town of against E. & F: of who had un-
 “ justly withheld, put out or amoved the said A: B: from his
 “ Possession thereof, and also at the said Court recovered Judge-
 “ ment for Pounds Shillings, and
 “ Pence, for Costs and Damages which he sustained by Reason of
 “ the same, as to us hath been made to appear of Record. We
 “ command you therefore, that without Delay you cause the said
 “ A: B: to have Possession of and in the said Messuage or
 “ Tenement with the Appurtenances thereof, or said
 “ Acres of Land &c. We also Command you that of the Goods,
 “ Chattles, or Lands or Tenements of the said E: F: within your
 “ Precinct, at the value thereof in Money, you cause the said
 “ A: B: to be paid and satisfied the aforesaid sum of
 “ Pounds Shillings and Pence, which to the said
 “ A: B: was adjudged for his Costs and Damages, with Two
 “ Shillings more for this Writ, and thereof also to satisfy yourself for
 “ your own Fees, and for want of such Goods, Chattels, Lands

" or Tenements of the said E: F: to be by him shewn unto you
 " or found within your Precinct to the acceptance of the said A:
 " B: to satisfy the aforesaid Sum. *We Command you to take the*
Body of the said E: F: and him commit unto our Goal in
in our County of . *aforesaid and detain in your Custody, with-*
in our said Goal in . *until he pay the full Sum above menti-*
oned with your Fees, or that he be Discharged by the said A: B:
or otherwise by Order of Law, hereof fail not, and make Return
of this Writ with your doings thereon, unto Our said
 Court of . *to be holden at* . *upon the* . *Day of*
next Witness . *Esq; at* . *the* .
 Day of . *in the* . *Year of Our Reign, Annoque*
 Domini.

Clerk.

And be it further enacted, That it shall be in the
 Power of any Plaintiff or Defendant to Maintain or Defend his
 Cause of Suit in his own proper Person, according to the Rules and
 Practice of the Court, or by his Attorney; and that this Act shall
 continue and be in Force, for the Space of *Two Years* from the
 Publication hereof and until the End of the Session of the *General-*
Assembly then next following.

Publis'd According to Law, the 5th July 1766.



An Act to prevent the Multiplicity of Law Suits.

~~It~~ *is enacted, by the Commander in Chief, the*
~~Council and Assembly,~~ *That in all Actions sued on Book-*
~~Accounts,~~ *the Defendant in such Cause may file his Ac-*
count against the Plaintiff with the Clerk of the Court, Provided,
the