

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 until the eighteenth day of June, 1768, in the Eighth Year of His said Majesty's Reign; being the Sixth Session of the Fourth General Assembly convened in the said Province.

8 George III – Chapter 7 (Session 1)

An Act for taking Special Bails in the Country, up on Actions depending in His Majesty's Supream Court of this Province.

For the greater ease and benefit of all persons whatsoever, in making oath to their debts, and in taking the recognizances of special bails, upon all actions and suits depending, or to be depending in His Majesty's Supream Court [Supreme Court] of this Province: Be it enacted by the Lieutenant Governor, Council, and Assembly, that the Chief Justice and other the Justices of His Majesty's said Supream Court, or any two of them, whereof the Chief Justice for the time being to be one, shall or may, by one or more commission or commissions under the seal of the said court, from time to time as need shall require, empower such and so many persons, other than common attornies and solicitors, as they shall think fit and necessary, in all and every the several counties within this Province, to administer an oath in writing to any person where it shall be necessary to hold any defendant to bail, upon any original writ or process issuing out of the said court, and to mark the Writ for Bail accordingly; and also to take and receive all and every such recognizance or recognizances of bail or bails, as any person or persons shall be willing or desirous to acknowlegde or make before any of the persons so empowered, in any action or suit depending or hereafter to be depending in the said court, in such manner and form and by such recognizance or bail piece, as the said Justices have used to take the same; which said oath in writing, and the said recognizance or recognizances of bail, or bail piece, so taken as aforesaid, shall be transmitted to some or one of the Justices of the said court, who, upon affidavit made of the due taking of the recognizance of such bail or bail piece, by some credible person present at the taking thereof, shall receive the same, upon payment of a fee of two shillings and no more; which said oath, and recognizance of bail, or bail piece, so taken and transmitted, shall be of the like effect, as if the same were taken de bene esse before any of the said Justices of the said Court; for the administering of every which oath and marking such writ as aforesaid, the said commissioners shall receive only the sum or fee of two shillings and no more; and for the taking of every which recognizance or recognizances of bail or bail piece, the said commissioners shall receive only the sum or fee of five shillings and no more.

II. And be it further enacted, that the Justices of the said Supream Court shall make such rules and orders for the justifying of such bails, and making of the same absolute, as to them shall seem meet, so as the cognizor or cognizors of such bail or bails be not compelled to appear in person in the said court, to justify him or themselves, but the same may be and hereby is directed to be determined by affidavit or affidavits duly taken before the said

commissioners, who are hereby empowered and required to take the same, and also to examine the sureties upon oath, touching the value of their respective estates, unless the cognizor or cognizors of such bail do live within the town of Halifax, or within twenty miles thereof.

III. And be it further enacted, that any person or persons, who shall before any person or persons empowered by virtue of this Act, as aforesaid, to take bail or bails, represent or personate any other person or persons, whereby the person or persons so represented or personated may be liable to the payment of any sum or sums of money, for debt or damages to be recovered in the same suit or action, wherein such person or persons are represented and personated, as if they had really acknowledged and entered into the same, being lawfully convicted thereof, shall be adjudged, esteemed, and taken to be felons, and suffer the pains of death, and incur such forfeitures and penalties as felons in other cases convicted or attainted do by the law of England lose and forfeit.