

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Sixth Day of June, 1770, in the Tenth Year of the Reign of Our Sovereign Lord George the Third, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and there continued by several Prorogations until the Fifth Day of June, 1771, in the Eleventh Year of his said Majesty's Reign, being the Second Session of the Fifth General Assembly convened in the said Province.

11 George III – Chapter 21

An Act in Amendment of an Act, made in the Fifth Year of his present Majesty's Reign, intituled An Act for the summary Trials of Actions.

Whereas the proceedings for the recovery of small debts have hitherto been attended with great expence, in order to remedy the same.

I. Be it enacted by the Governor, Council and Assembly, that for the future all causes where the sum shall not exceed three pounds, shall be sued for and recovered before one or more Justices of the Peace, and that the summons in such causes as relate to the township of Halifax shall be directed to the Provost Marshall or his deputy, and in all such causes as relate to the other townships in the Province the said summons shall be directed to the Provost Marshal, his deputy or the constable of the township where the plaintiff or defendant shall dwell, and shall be by the said Provost Marshal, his deputy or constable read to the defendant, or in his absence a copy thereof, shall be left at his house, lodging, or last place of abode, at least three days before the trial.

II. And be it enacted, that for the serving the said summons the Provost Marshal his deputy or constable shall have two shillings and six-pence, and no more, and for the service of the execution one shilling with one shilling poundage on levying, and that the whole expence to be charged by the Justice or Justices for the summons, judgment and execution, shall be four shillings and ten pence that is to say two shillings and six-pence for the summons, one shilling for the judgment and one shilling and four pence for the execution, any law, usage or custom to the contrary thereof notwithstanding.

Provided, that in case the Provost Marshal, his deputy or constable shall be obliged to travel upwards of two miles to serve, or levy the execution, he shall be allowed two pence per mile travel.

III. And be it also enacted, that the form of the summons and execution shall be as follows.

Form of the Summons

To _____

You are hereby required to summon A. B. of _____ to appear before me on _____
the _____ day of _____ at _____ o'clock in the _____ to answer to C. D. in the
sum of _____ and make return hereof, on or before said day

Witness my hand and seal the _____

Form of the Execution

To _____

Whereas judgment hath been awarded against A. B. of _____ at the suit of C. D. _____
for the sum of _____ and _____ more for costs, these are to require and command
you, to levy from off the goods and chattels of the said A. B. the said sums making together
_____ by sale of the said goods and chattels and for want thereof, you are hereby
commanded to take the body of said A. B. and him to commit to His Majesty's goal in
_____ there to remain until he pay the sum abovementioned with your fees, or that
he be discharged by the said C D. or otherwise by order of law. Hereof fail not, and make
return of this writ to me within ten days.

Witness my hand and seal the _____

And, be it also further enacted, that any one of His Majesty's Justices of the Peace is hereby
impowered to take the voluntary confession of the debtor, where the debt shall not exceed
three pounds, in like manner as is provided for confessions before the Justices of the
Supream Court [Supreme Court] or Inferior Courts, for which confession and execution such
Justice shall receive two shillings and no more.