

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 Twentieth Day of October, Anno Domini 1775, in the Fifteenth Year of his said Majesty's Reign, being the Second Session of the Fifth General Assembly convened in the said Province.

15 George III – Chapter 4 (Session 2)

An Act in Amendment to the several Laws of this Province concerning Bail.

Whereas many and great inconveniencies arise for the want of authority being granted by law, for holding to bail such persons who may be indebted for sums under ten pounds, and exceeding three pounds.

- I. Be it enacted by the Governor, Council and Assembly, that in all causes where the sum in demand shall exceed three pounds, the Provost Marshall or his deputy, may arrest, imprison or hold to bail, any debtor or debtors, upon the plaintiff, his attorney or agent making and subscribing an affidavit in writing or on the back of the writ to be issued, for recovery of the debt, to be sued for, before a judge or the clerk or his deputy of the court from whence the writ shall issue, that the defendant is justly indebted to the plaintiff in any sum exceeding three pounds, which affidavit so to be subscribed as aforesaid, shall be filed in the clerk's-office from when such writ may issue as aforesaid, and the sum specified in such affidavit so made and subscribed as aforesaid, or to be made on the writ as aforesaid, shall be indorsed on the writ to be issued as aforesaid, in the form following, by oath for (in words at length) for which sum so indorsed, the Provost-Marshall, sheriff, coroner or their deputies shall take bail, and for no more; any law, usage, or custom to the contrary notwithstanding.
- II. Provided always, and be it enacted, that whensoever it may happen that any plaintiff or plaintiffs are sick and unable to attend upon the judge or clerk of any court, or upon a commissioner for taking bail, to make oath to his or their debt for holding a defendant to bail, such plaintiff may make oath before any one of His Majesty's Justices of the Peace, and every oath so to be taken, and bail, which may be ordered by any one of His Majesty's Justices of the Peace as aforesaid, shall be as good and effectual as if made before any judge, commissioner or clerk as aforesaid.