

At the GENERAL ASSEMBLY of the Province of *Nova-Scotia*, begun and holden at HALIFAX, on the fixth 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 feveral Prorogations until the Sixth Day of October, 1783, in the Twenty Third Year of His faid Majesty's Reign, being the Thirteenth Seflion of the *Fifth General Affembly* convened in the faid Province.

C A P. I.

AN ACT for the better regulating the Office of Sheriffs, and the Manner in which the Sheriffs, Clerks of the Crown, and Clerks of the Peace fhall return and pafs their Accounts of all Fines and Forfeitures, which fhall be Impofed by their refpective Courts, and which fhall be levied by the Sheriffs for the Ufe of the Crown.

*E it Enacted, by the Governor, Council, and Affembly*, That it fhall and may be lawful, for the Chief Juftice or in his Abfence for the eldeft Judge of His Majefty's Supreme Court in the laft Day of *Michealmas Term* annually, in the Lift of Perfons, which they are by Law to give to the Governor, Lieutenant Governor, or Commander in Chief for the Time being, to return over again the Names of fuch Perfon or Perfons as fhall be then in Office of Sheriff in each County; provided it fhall appear to fuch Judge or Judges, that fuch Perfon or Perfons, by writing under their Hand or Hands directed to the Judge or Judges of the faid Court, fignifying his Consent, that he is willing to ferve again for the enfuing Year. And if the Governor, Lieutenant Governor, or Commander in Chief, for the time being, fhall fee fit to nominate fuch Perfon or Perfons as

Chief Juftice at Michaelmas Term, may return over again the Name of the Perfon ferving the Office of Sheriff with his own consent to ferve for the Enfuing Year.

Such Sheriff shall take over again the Oaths of Office, give new Securities and take out a new Patent for each and every Year he shall continue in Office.

Penalty for, Neglect of compliance with the preſcription's, Fifty Pounds.

The Governour &c. in caſe of Neglect to appoint another.

Upon representation by the Juſtices in their General Seſſions againſt the former Sheriff ſerving or being returned for the Second Year, it ſhall not be lawful for him to Act.

The Sheriff or Deputy who receive money to Account for the ſame (if required, in Twenty four Hours, or if detained they are liable to a fine of Five Shillings in the Pound for each & every week the ſame ſhall be unpaid.

ſhall be then in the Office of High Sheriff to ſerve again for the enſuing Year, that then ſuch Perſon or Perſons ſhall within two Months after ſuch Appointment or Appointments take over again the uſual Oaths of Office, together with the Oaths herein after preſcribed, and give new Securities, and take a new Patent out of the Secretary's Office for the ſecond Year, as tho' he or they had never ſerved the Office of Sheriff before, and ſhall take new Oaths, give new Securities, and take a new Patent for each and every Year, that he or they ſhall afterwards continue in Office as aforeſaid, and if ſuch Perſon or Perſons ſo continued in Office from Year to Year as before preſcribed, ſhall neglect for a longer Time then two Months to take ſuch new Patent, new Oaths, and give ſuch new Securities, ſuch Perſon or Perſons ſhall forfeit and pay the ſum of Fifty Pounds, to be levied in the Manner and Form ſpecified in the Law for appointing Sheriffs through this Province, and on ſuch neglect as aforeſaid, it ſhall and may be lawful for the Governour, Lieutenant Governour, or Commander in Chief for the Time being, to appoint one of the other Perſons returned in the ſaid Liſt of three by the Judges as aforeſaid.

II. *And be it further Enacted,* That if a Representation ſigned by the Juſtices in their *General Seſſions* aſſembled in any County within this Province, ſhall be filed in His Majesty's *Supreme Court*, at *Halifax*, as of any *Michaelmas* Term, after the Publication of this Law, praying thereby, that the Perſon then ſerving the Office of Sheriff in ſuch County ſhould not be returned in the Judges Liſt of three to ſerve the Office of Sherriff for the enſuing Year, that then, and in ſuch Caſe the Judge whoſe Buſineſs it is to return ſuch Liſt, ſhall on no Account whatſoever return in his Liſt the Name of ſuch Perſon ſo petitioned againſt, and it ſhall not be lawful for ſuch Perſon ſo petitioned againſt to be continued in Office a ſecond Year.

III. *And be it further Enacted,* That if any Sheriff or the Deputies by him appointed ſhall levy or receive any Sum or Sums of Money whatſoever by Virtue of any Execution, Writ or Proceſs whatſoever, and ſhall detain ſuch Sum or Sums of Money in his or their Hands Twenty Four Hours after the Perſon or Perſons legally authorized to receive the ſame, or any Perſon lawfully by him or them appointed for that Purpoſe, ſhall in the Preſence of one credible Witneſs demand ſuch Sum or Sums of Money to be paid over to him or them, that then ſuch Sheriff ſhall forfeit to the Party intitled to receive ſuch Sum or Sums of Money for each and every Week, that, he or his Deputy or Deputies ſhall detain the ſame, the Sum of five Shillings for each and every Pound of lawful Currency of this Province, which he or they ſhall detain after demand made as aforeſaid, the ſame to be recover'd by Bill, Plaint or Information, in His Majesty's *Supreme Court* at their *Sittings* in any Part of this Province.

IV. *And*

IV. *And be it further Enacted*, That if any Sheriff of any County within this Province after any Writ, Proceſs or Execution directed to him, out of any Court of Record within the ſame, ſhall have come to his Hand or the Hands of his Deputies, he or they, on any Account whatſoever, ſhall omit or neglect returning ſuch Writ, Proceſs or Execution with his or their doings thereon, indorſed on the back thereof in due Time into the Court where ſuch Writ ſhall be returnable, ſuch Sheriff for each and every ſuch Neglect of himſelf or his Deputies, ſhall forfeit and pay the Sum of Twenty Pounds, the ſame to be recovered by any Perſon or Perſons whatſoever by Bill, Plaint or Information in any his Maſteſty's Court of Record within this Province.

Penalty for neglect of due return of Writ, Proceſs, or Execution Twenty Pounds.

V. *And be it further Enacted*, That if any Sheriff or his Deputies ſhall on any Pretence whatſoever, after any Summons, Capias or Attachment ſhall have come to his or their Hands, ſettle with, or receive from the Party or Perſons againſt whom ſuch Summons, Capias or Attachment ſhall iſſue any Sum or Sums of Money whatſoever, for or on Account, or in full, for ſuch Sum or Sums of Money as ſuch Summons, Capias or Attachment ſhall be iſſued for the Recovery of, or ſhall return ſuch Summons, Capias or Attachment ſettled or ſatisfied without leave being firſt had in writing from the Party or Perſon iſſuing ſuch Summons, Capias, or Attachment, or ſome Perſon lawfully authorized by him, thereby impowering ſuch Sheriff or Deputies to compromise the Suit or Suits for the Commencement of which ſuch Summons, Capias or Attachments was iſſued, that then ſuch Sheriff, on Receiving ſuch Sum or Sums of Money, or returning ſuch Writ or Writs ſatisfied without leave as aforeſaid, ſhall forfeit and pay for each and every Offence, the Sum of Ten Pounds, to be recovered by any Perſon whatſoever, by Bill, Plaint or Information in any of his Maſteſty's Courts of Record in this Province.

Penalty to which the Sheriff, &c. is liable for compromising a Debt ſued for by ſummons, Capias or Attachment without leave of the Party cauſing the ſame to be iſſued, Ten Pounds.

VI. *And be it further Enacted*, That if any Sheriff of any County within this Province, ſhall happen to die before his Year ſhall be expired, or before he be lawfully ſuperſeded, nevertheless the Deputy Sheriffs ſo by him appointed ſhall continue to execute the ſaid Office in the Name of the deceaſed Sheriff, until another Sheriff ſhall be appointed for the ſaid County, and ſworn into Office, and the Securities given by the Sheriff for the faithfull Diſcharge of his Office, ſhall be accountable for the Conduſt of the ſaid Deputy or Deputies in the ſame manner as they would have been was the ſaid Sheriff living.

In caſe of Death or Superſeſedas, the Bail of the Sheriff to be accountable for the Conduſt of the Deputy, who is obliged to Act.

VII. *And be it further Enacted*, That all Sheriffs which in future ſhall be appointed on their entering upon their Office ſhall take and ſubſcribe the following Oath: *I. A. B. do ſolemnly Swear, that I will truly ſerve the King in the Office of Sheriff of the County of and promote His Maſteſty's Profit in all Things that belong to my Office, as far as I legally can or may, I will truly preſerve the King's Peace and all Rights,*

The Oath to be taken by all Sheriffs on their entering upon their Office.

*Rights, which belong to his Crown, and where I have any Knowledge of the King's Revenue being diminished, concealed or wasted, or of any Person or Persons concerned in collecting the same, being negligent in their Duty, I will certify, and inform the King's Representative within this Province, or some of his Judges of the same, I will do right as well to Poor as to Rich in all things belonging to my Office. I will do no wrong to any Person whatsoever for any Gift, Reward or Promise, nor for Favour nor Hatred, I will disturb no Man's Rights, I will at the End of the Year render to His Majesty's Supreme Court at Halifax a true and faithful Account of such Debts, Duties, Fines or Forfeitures to the Crown, as shall be levied by me, or otherwise come to my Hands. I will do nothing whereby the King, or any of his Subjects may lose, or whereby the Revenue of this Province may be injured or diminished. I will without respite or delay return, and truly serve all the Writs coming to my Hands without Favor or Affection. I will take no Deputy or Bailiff into my Service, but such as I will answer for, and will cause each of them before they enter on their Office to take and subscribe this Oath: I will make due return every Year I shall be continued in this Office, to the King's Courts at their Sittings within my Bailiwick of all the Freeholders and Persons qualified for Grand or Petty Juries within the Limits of the same. I will not during the Continuance of my Office receive from any Person or Persons whatsoever, either directly or indirectly, any Fee, Favor, or Reward for constituting such Person or Persons my Deputy or Bailiff, but will keep a strict Eye over such Person or Persons, that they do not exact unreasonable Fees, or that they are not guilty of Extortion or Oppression in their Offices. I will not ask or demand from any Person or Persons whatsoever, any more Travel for the Service of any Writ or Process, than what I have actually and Bona fide travelled over for the Service of the same. I will truly and diligently execute the Laws and Statutes of this Province, and in all Things will strictly behave myself in my Office for the Honour of the King, and the good of his Subjects."*

*So help me GOD.*

*VIII. And Whereas great and many Inconveniencies have arisen, by reason of the Clerks of the Crown, Clerks of the Peace and Sheriffs, neglecting regularly to account for such Fines and Forfeitures as shall be adjudged to be levied for the King in their respective Counties.*

*Be it therefore Enacted, that from and after the Publication hereof, all Clerks of the Crown, and Clerks of the Peace in the several Counties within this Province, shall once in every six Months certify under the Seal of their respective Courts into the Office of the Clerk of the Supreme Court at Halifax, an Account, stating therein the several Fines, Penalties and Forfeitures adjudged to the King in their respective Courts, together with the Names of the Persons, who shall be adjudged to pay such Fines, Penalties and Forfeitures, and in Case no Fine, Penalty, or Forfeiture shall be adjudged to the Crown in any, or either of said Courts within the said six Months, then the Clerk of such Court shall certify the same as aforesaid; and in Case any Clerk*

Sheriffs, Clerks of the Crown and Clerks of the Peace to Account for all fines & Forfeitures, to the Crown every Six Months.

of the Crown, or Clerks of the Peace for any County within this Province, shall neglect to make Returns in the manner aforesaid every six Months, such Clerk shall forfeit and pay for each and every Neglect the Sum of *Five Pounds*, to be recovered on Information by any Person whatsoever in his Majesty's *Supreme Court at Halifax*, and in Case any Sheriff of any County within this Province, shall neglect or delay longer than two Months after his Year of Office shall expire, to render an Account on Oath to the said Clerk of the *Supreme Court in Halifax*, of all such Fines, Forfeitures, Penalties, or other Debts or Dues of the Crown as shall be levied by him, together with the Names of the Persons on whom the same shall be levied, such Sheriff, for each and every Neglect as aforesaid, shall forfeit and pay the Sum of *Twenty Pounds*, the same to be recovered on the Information of any Person whatsoever, before his Majesty's *Supreme Court at Halifax*, one Half said Penalty to go to the Informer, and the other Half to the Crown.

Fine for Neglect  
Five Pounds.

Fine for neglect in  
this Case for longer  
than two Months  
after their Year of  
Office shall expire  
twenty Pounds.

IX. *And be it further Enacted*, That at the End of every Easter Term, the Clerk of his Majesty's *Supreme Court in Halifax*, shall state a General Account of all the Fines, Forfeitures and Penalties adjudged to the Crown in the several Courts within this Province, particularizing each County, and the Names of the Persons who shall be adjudged to pay such Fines, Forfeitures and Penalties, as also the Sums levied on Account thereof, and the Sums that shall be then due, and the Names of the Persons who owe the same, which said Account stated as aforesaid, the said Clerk of the said *Supreme Court* shall certify under the Seal of said Court into the Treasury of this Province, and in Case the said Clerk shall neglect to return such Account in *Fourteen Days* after the End of every Easter Term, such Clerk shall forfeit and pay the Sum of *Twenty Pounds*, for each and every Neglect, or Omission, the same to be recovered before the said *Supreme Court in Halifax*, on the Information of any Person whatsoever, one Half said Penalty to go to the King, and the other Half to the Informer.

Clerk of the Su-  
preme Court at  
Halifax shall state  
a General Account  
of Fines, &c.

Penalty for Neg-  
lect to state and re-  
turn such Account  
Twenty Pounds.

C A P. II.

AN ACT for the Relief of sundry of his Majesty's Subjects in this Province, against whom Judgments have been recovered, on Account of Losses sustained by the Depredations of the Enemy.

HEREAS some Persons, Inhabitants of this Province, who have sustained Losses by Reason of the Depredations of the Enemy, have commenced Suits, and recovered Judgments against other Persons, likewise Inhabitants and Subjects of

Preamble.