

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 Enabled*, 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.

this Province for the Amount of ſuch their Loſſes on Allegations, that ſuch Perſons badaided and aſſiſted the Enemy.

Judgements for the Juſt Amount of Loſſes ſuſtained to be paid.

And WHEREAS there is much reaſon to think, that ſuch Judgments have been recovered for a much larger Amount than the Loſſes really ſuſtained by ſuch Perſons, owing to the confuſed State of the back Part of this Province, and the Difficulty that in thoſe Times attended the procuring of the Attendance of Witneſſes.

And WHEREAS the Manner in which the ſaid Judgments have been carried into Execution is grievous and oppreſſive, the Eſtates of a few Individuals, having been wholly ſeized to ſatisfy the ſame, it is fit that the Loſſes really ſuſtained by the Perſons recovering ſaid Judgments, ſhould be paid and ſatisfied by all the Inhabitants of this Province, who were concerned in cauſing ſuch Loſſes.

Commissioners to be appointed to examine and aſcertain Loſſes.

II. WHEREFORE, Be it Enacted, by the Governor, Council, and Aſſembly, That it ſhall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the Advice of his Majeſty's Council, by Warrant under his Hand and Seal to appoint Three fit and proper Perſons to act as Commiſſioners for the Purpoſes herein after mentioned in each County within this Province, if any Freeholder or Freeholders of ſuch County ſhall deſire the ſame; ſuch Commiſſioners to be firſt duly ſworn, to the faithful and impartial Diſcharge of the Truſt reſoſed in them.

Commissioners to be ſworn.

Commissioners to poſt up Advertisements to notify the concerned.

III. And be it further Enacted, That it ſhall and may be lawful for ſuch Commiſſioners after they ſhall have been appointed and qualified as aforeſaid, to poſt up Advertisements, for at leaſt one Month, in all the moſt noted Places, within their County, thereby notifying all Perſons concerned, of the Time and Place, when and where, they will proceed to act under the ſaid Commiſſion, and ſaid Commiſſioners ſhall likewiſe cauſe a Notice, under their Hands and Seals to be ſerved on each Perſon within their County, who has recovered any Judgment or Judgments againſt Inhabitants of this Province, for and on Account of any Loſſes they may have ſuſtained by the Depredations of the Enemy, thereby requiring them on a certain Day therein to be ſpecified, to appear before them and there to exhibit a particular Account of the Loſſes for what he or they have recovered ſaid Judgments, and alſo to lay before them ſuch Proofs and Evidences, as they may have to aſcertain their ſaid Loſſes, and the ſaid Commiſſioners, ſhall have Power to adjourn from Day to Day to Adminiſter Oaths to, and examine all ſuch Witneſſes as ſhall be produced before them; either by one Party or the other; And after ſuch Commiſſioners ſhall have fully heard the Allegations of all Parties, it ſhall and may be lawful for them, after giving Credit for all ſuch Sums of Money, or other

The Commiſſioners authorized to Adminiſter Oaths to Witneſſes.

other Satisfaction, as such Persons shall have already received from Government, as a Recompence for their said Losses, as also for all such Sums of Money as they shall have received by the Sale of personal Estates by Virtue of such Judgments; to sign and seal a Report directed to the Chief Justice of his Majesty's *Supreme Court*, thereby ascertaining the Amount of the Real Losses of each Person or Persons, who have recovered Judgements as aforesaid, and likewise to transmit with their said Report; a List of the Persons Names who are or were Inhabitants of their said County, and who ought properly to be charged with the Payment of such Losses.

Commissioners to make Report of their proceedings to the *Supreme Court* directed to the Chief Justice.

IV. *And be it further Enacted*, That if the Persons who have recovered Judgement as aforesaid, or any of them, shall after Notice given as herein before mentioned, neglect or refuse to attend the said Commissioners with their Accounts and Proofs as aforesaid, that then, it shall and may be lawful for such Commissioners to collect the real Amount of such Person or Persons Losses by the best Information they can, and to make a Report of the same, stating therein the Neglect and Refusal of such Person or Persons to attend as aforesaid.

Persons who have recovered Judgements, neglecting to attend the Commissioners, with their Accounts, &c. the Commissioners are empowered to collect the Losses, upon Information.

V. *And be it further Enacted*, That after such Commissioners Report shall have been filed in his Majesty's *Supreme Court* at *Halifax*, for one whole Term, it shall and may be lawful for the Chief Justice of the said Court, and his Associates, to take such Report into Consideration, and after examining the same, and hearing such Affidavits as shall be filed therewith, if it shall appear to the said Court, that such Judgements have been surreptitiously obtained, or that the Person recovering the same have by any unfair means recovered more than the Value of the real Losses they sustained, or that there are any or other Persons, Inhabitants of such County or Counties, who ought equally as well to be charged with the Payment of such Losses, as the Person against whom such Judgements have been recovered, that it shall and may be lawful for the said Judges to set such Judgement, and all the Proceedings had under the same a-side, and to order the real Losses of such Person or Persons recovering said Judgements to be made good by an Assessment to be made, and levied on the several Persons, who the said Commissioners shall return in their said List as Persons properly chargeable with the Payment of the same.

After Report of the Commissioners duly filed, the Chief Justice &c. may proceed to confirm the Accounts and Report and set aside any Judgement surreptitiously obtained.

The Value of the real Losses to be levied and made good by Assessment.

VI. *And be it further Enacted*, That all Judgements recovered, and all Executions issued thereon by any Person or Persons whatsoever, against any Inhabitant or Inhabitants of this Province for any Loss or Losses sustained by the Depredations of the Enemy, shall, and the same are hereby suspended, until the same shall have been considered in his Majesty's *Supreme Court* as herein before specified.

The Execution of Judgements suspended until considered in the *Supreme Court*.