

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 Sixth day of October, 1783, in the Twenty Third Year of his said Majesty's Reign, being the Fifth General Assembly convened in the said Province.

23 George III – Chapter 2

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

Whereas 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 this province for the amount of such their losses on allegations, that such persons had aided and assisted the enemy.

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 judgements, should be paid and satisfied by all the inhabitants of this province, who were concerned in causing such 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 reposed in them.

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 judgement or judgements 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 law 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 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.

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 beforementioned, 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.

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 aside, and to order the real losses of such person or persons recovering said judgments 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.

VI. And be it further enacted, that all judgements recovered, and all executions issued thereon by any person or persons whatsoever, against any inhabitants or inhabitants of this province for any loss or losses sustained by the depredations of the enemy, shall, and the

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same are hereby suspended, until the same shall have been considered in his Majesty's
supreme court as herein before specified.