

*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 first day of November 1784, in the Twenty Fifth<sup>1</sup> Year of his said Majesty's Reign, being the Fifth General Assembly convened in the said Province.*

25 George III – Chapter 2

**An Act to empower the Justices in the several Counties within this Province to issue Summons's for the Attendance of Witnesses on Trials.**

Whereas great inconveniencies attends the summoning witnesses, whose place of residence is distant from the place where the court for trials is held – for remedy whereof.

I. Be it enacted by the Governor, Council and Assembly, and by the authority of the same it is enacted, that when it is found necessary to summon any person or persons as witness or witnesses to attend and give evidence in any trial, whose place of residence shall be five miles or upwards from the place where the court at which such trial is to be had or held, it shall and may be lawful for the justices in the several counties, to issue a summons for such person or persons to attend as a witness or witnesses at the trial of the said causes, which summons shall be in the form following:

“You A. B. are summoned personally to be and appear before \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ next, then and there to give evidence in a cause depending in said court between A. B. plaintiff and C. D. defendant, and not to depart without leave of said court, and in this you are not to fail under penalty of being found guilty of a contempt of said court, witness \_\_\_\_\_ one of his Majesty's justices of the peace for the county of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D.”

II. And be it also enacted, that when any person or persons shall be summoned to give evidence upon the trial of any issue between party and party, or in behalf or against any prisoner upon trial, and such person or persons so summoned shall refuse or neglect to give his or her attendance at the time and place mentioned in such summons, (not having any just or reasonable cause therefore to be allowed of by the court or justice or justices, before whom the trial shall be,) or willfully withdraw himself or herself before sworn, or shall refuse to give his or her evidence in every such case, the party so offending shall be liable to such pains and penalties as such person or persons would have been liable to, if he or they had acted in contempt of a subpoena, issued out of the court at which such person or persons attendance was so required.

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<sup>1</sup> While the original version of the acts of 1784 state that the regnal year is 23 Geo III, the acts compiled by Uniacke in 1805 have changed this to the correct regnal year, 25 Geo III. As the 1805 Uniacke compilation is treated as the legal standard for Nova Scotia Legislative history, we are using the corrected Uniacke version of the regnal year.

III. Provided always, that no person shall be obliged to give evidence in any cause before he or she be paid or secured to be paid his or her reasonable charges for attendance to be allowed of and ordered by the court, justice or justices.