

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 Fifth¹ Year of his said Majesty's Reign, being the Fifth General Assembly convened in the said Province.

25 George III – Chapter 4

An Act in Amendment of and further Addition to an Act made in the 32d Year of his late Majesty's Reign, Intituled, "An Act for preventing Trespasses."

Whereas the expence attending the process in suing out replevins in the courts of law in cases of trespasses, by horses, neat cattle, sheep, goats and swine, where the value of the damage does not exceed three pounds, is found to be grievous.

I. Be it enacted by the governor, council and assembly, that in all cases where a trespass or supposed trespass shall have been committed by horses, neat cattle, sheep, goats or swine, and that the value of the damage alleged to be suffered, shall not exceed the sum of three pounds, the same shall be heard and tried before one or more justices of the peace, who shall summon the parties before him or them, and proceed thereon, as in cases of debt, to determine the amount of the damages and cost, and give judgment accordingly, any law, usage or custom to the contrary notwithstanding.

II. And be it also enacted, that in all such cases where it may be necessary, the justices of the peace shall grant a replevin and take security for prosecuting the same with effect within a term not exceeding seven days, which replevin shall be in form following:

"You are hereby commanded to replevy to A. B. his _____ which C. C. unjustly as is alleged detains under pretence of having committed a trespass not exceeding the sum of three pounds; and also to summon the said C. D. to be and appear before me the _____ day of _____ at _____ o'clock in the _____ there to answer such things as shall be objected against him by the said A. B. Witness my hand and seal this _____ day of _____ A. D."

And shall hear the merits of the case between the parties, and shall give judgement and grant execution as in summary causes heretofore tried before a single justice, and shall receive no more or greater fees than justices of the peace have been heretofore allowed in summary causes.

¹ 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.