

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Monday, the Second Day of October, 1758, and in the 32nd year of His Majesty's Reign.

32 George II – Chapter 3

An Act directing the Proceedings against forcible Entry or Detainer.

Be it enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, that upon complaint on oath, made to any Justice of the Peace of this Province, of any wrongful and forcible entry made into any houses, lands, tenements, or other possessions, lying within any town or place in this Province, where such Justice resides, or if any wrongful detainer, or with holding with force after possession demanded, of any houses, lands, tenements, or other possessions, every such Justice, shall, by warrant under his hand and seal, directed to the constables of such town, cause such offender or offenders to be arrested and detained in custody, until he, she, or they, find sufficient securities for his, her or their personal appearance, at the next General Sessions of the Peace, there to answer such complaint, and for want of such security, to be committed to prison.

And be it further enacted, that the Justices of the said General Court of Sessions, shall have full power and authority, by virtue of this Act to enquire by the oath of the party grieved, and other credible proof, as well of him, her, or them as make such forcible entry into houses, lands, tenements or other possessions, as of him, her, or them, as detain and hold the same with force as aforesaid: And if it shall be found by the jury, then and there returned and sworn, that a forcible entry is made into any houses, lands, tenements or possessions, or that the same are detained and held with force as aforesaid, then the said Justices, by warrant under the hand of the clerk of the said court, directed to the Provost-Marshal or his deputy, shall cause the same houses, lands, tenements or other possessions, within fourteen days after such trial had, to be re-seized, and thereof the party to be again put into possession, who in such fort was put out or holden out, wherein no appeal shall be allowed to such offender or offenders. And moreover the party grieved shall and may by action of trespass, recover treble damages and costs of suit against such offender or offenders, any law, usage or custom to the contrary notwithstanding.

Provided always, that this Act shall not extend or be construed to extend unto any person or persons, that have had the occupation, or have been in quiet possession of any lands, tenements or possessions, by the space of three whole years together next before, and his, her, or their estate or estates therein not ended or determined.