

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Wednesday the first day of July, 1761, and in the first year of His Majesty's Reign, and there continued by several prorogations until Thursday the 22d day of March, 1764, in the Fourth Year of His Majesty's Reign.

4 George III – Chapter 1 (Session 1)

An Act for amending Defects in Pleas, Processes, and Records.

Be it enacted by the Lieutenant Governor, council, and assembly, that for error in any record, process, or warrant of attorney, original writ, or judicial, panel or return, in any places of the same razed or interlined, or in any addition, subtraction, or diminution of words, letters, syllables, or titles found therein: no judgment or record shall be reserved or annulled, but the judges of the courts before whom such records and process shall be depending, shall have power to examine such records, process, words, pleas, warrants of attorney, writs, panels, or return by them, and their clerks, and to reform and amend in affirmance of the judgments of such records and processes, all that which to them in their discretion, seemeth to be misprison of their clerks, in such record, process, word, plea, warrant of attorney, writ, panel and return; except appeals, indictments of treasons and felonies, and the outlauries of the same; and the substance of the proper names, surnames, and additions left out in original writs, and writs of exigent, and any other writs containing proclamation.

And be it further enacated, by the authority aforesaid, that all writs of error, appeals from judgments in any action, real, personal, or mixt, according to the course of proceedings in this province, wherein there shall be any variance from the original record, or other defect, may and shall be amended and made agreeable to such record, by the courts where such writ or writs of error, or such appeals shall be returnable; and that where any verdict shall be given in any action, suit, bill, plaint or demand in any of His Majesty's courts of record within this province, the judgment thereupon shall not be stayed or reserved for any defect or fault either in form or substance, in any bill, writ, original or judicial, or for any variance in such writs from the declaration or other proceedings.

Provided nevertheless, that nothing in this act contained, shall extend or be construed to extend, to any appeal of felony or murder, or to any process upon any indictment, presentment, or information, of or for any offence or misdemeanour whatsoever.

Published according to law, the 10th day of April 1764.