

*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 2 (Session 1)

**An Act for preventing abatement and discontinuance of Suits.**

Be it enacted by the Lieutenant-Governor, council, and assembly, that in all actions to be commenced in any court of record, from and after the first day of June next ensuing, if any plaintiff happen to die after an interlocutory judgment and before a final judgment obtained therein, the said action shall not abate by reason thereof, if such action might be originally presented, or maintained by the executors or administrators of such plaintiff, and if the defendant die after such interlocutory judgment and before final judgment therein obtained, the said action shall not abate, if such action might be originally prosecuted, or maintained against the executors or administrators of such defendant; and such court is hereby empowered to try the said action, and to determine and give judgment thereon, in the same manner as if the said suit had been commenced by, or against such executors or administrators, as in right of their testator or intestates.

And be it further enacted by the authority aforesaid, that if there be two or more plaintiffs or defendants and one or more of them should die, if the cause of such action, shall survive to the surviving plaintiff, or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated; but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs, against the surviving defendants or defendants.

And be it further enacted, that in all actions personal and real, or mixt, the death of either party between the verdict and the judgment shall not hereafter be alledged for error, to as such judgment be entered within two terms after such verdict.

And be it further enacted by the authority aforesaid, that where any judgment after a verdict shall be had by or in the name of any executor or administrator: in such case an administrator de bonis non may sue forth a scire facias, and take execution upon such judgment.

And be it further enacted, that no process or suit before any justices of assize, gaol delivery, oyer and terminer, justices of the peace or other commissioners, shall be discontinued by the making and publishing of any new commission or association, or by altering the names of the justices of assize, gaol delivery, oyer and terminer, justices of peace or other commissioners, but such new justices of assize, gaol delivery, and of the peace and other commissioners, may proceed as if the former commissions, justices or commissioners, had remained and continued without alteration.

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