

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the fifth day of December 1785, in the Twenty Sixth Year of his said Majesty's Reign, and there continued by several Prorogations unto the Eighth Day of June, 1786, in the Twenty Sixth Year of his said Majesty's Reign, being the Second Session of the Sixth General Assembly convened in the said Province.

26 George III – Chapter 9

An Act to enable one or more Justices of the Peace to issue a Compulsory Process, in the first Instance in civil Causes, which are by Law triable before them.

“Whereas it frequently happens as the law now stands, that persons owing debts, under three pounds value, find means to elude payment, although able to pay or satisfy the same.”

I. For remedy whereof, be it enacted by the Governor, Council and Assembly, and it is hereby enacted, that from and after the publication of this Act, it shall and may be lawful for any Justice of the Peace within this province, upon application made to him, and on affidavit made before him or them, of the debts due, in the manner practised in debts of greater value, to issue a *capias* or warrant to arrest the body of the debtor or debtors, and hold them to bail for his, or their appearance, instead of the process by summons as now used, and to make the same returnable forthwith, or at such period, not exceeding five days, as he or they in his or their discretion may judge fit, and to proceed to trial and give judgement thereon as in ordinary cases.

II. Provided always, that no person having a freehold estate within this province of that value of forty shillings by the year, shall be arrested for a debt due by him under twenty shillings, nor for any larger debt not exceeding three pounds unless in addition to an affidavit of the debt, the party applying shall also make oath, that he verily believes that unless such compulsory process is allowed the debt due will be lost.

This Act to continue in force until the thirty first day of December in the year of our Lord one thousand seven hundred and eighty seven.