

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Sixth Day of June, Anno Domini, 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 Sixth Day of June, Anno Domini 1778, in the Eighteenth Year of His said Majesty's Reign, being the Eleventh Session of the Fifth General Assembly convened in the said Province.*

* In the time of Mariot Arbuthnot, Lieutenant-Governor; Bryan Finucane, President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council, and Isaac Deschamps, Clerk of Assembly.

CAP. I.

Preamble.

An Act for the more speedy settling the Value of such Lands, as are, or shall be wanting to erect Fortifications or other military uses.

WHEREAS it may be necessary to erect fortifications for the defence of this Province, and it may happen to be in such places where the lands are owned and possessed by some of His Majesty's Subjects, either in their own right, or as minors, or otherwise: In order therefore, that such persons may have an adequate satisfaction, and the lands be properly vested in the Crown:

Lands wanted on which to erect fortifications, &c.

application to be made to the Governor, who is authorised to appoint a Special Court.
Mode of inquiry.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That when the Commander in Chief of His Majesty's Troops here shall judge it necessary that certain lands should be made use of to erect fortifications, or other military uses, and when the Commander in Chief aforesaid, or in case of his neglect the proprietor of the lands shall make application to the Governor, Lieutenant-Governor, or Commander in Chief, of this Province, for the time being, who is hereby desired and authorised to appoint a Special Court for that purpose, that is to say, if the lands lie in the County of Halifax, to be held by the Supreme Court of this Province, and if in any other County by the Inferior Court of Common Pleas for the County where such land shall lie.

Court to issue precept for a jury, and appoint time & place of meeting.—Jury to be sworn.

II. And be it further enacted, That such Courts, upon due appointment, shall issue out their precept in the common form, directed to the Provost Marshal or his Deputy, to summon a Jury of twenty-four good and lawful men, freeholders, from the town or precinct nearest to which the lands shall lie, to meet at such time and place as the Judges shall direct by their precept aforesaid, who shall then and there duly be sworn to estimate and appraise the same.

III. And be it enacted, That the Jury thus sworn, shall view the premises so demanded, and in their verdict shall prescribe the meets and bounds, as also the quantity, to whom the lands belong, and what is the real value thereof, in distinct parcels, according to the number of proprietors

prietors, and shall return their verdict in writing, under their hands and seals, to which at least twelve shall sign their names, and such verdict being entered by order of the Judges with the Clerk of the Court, thence forward shall become a record of said Court.

Jury to settle the value of lands.

IV. *And be it further enacted*, That the said monies so ascertained by the said verdict, being paid to the proprietors named in said verdict, respectively, or on their refusal to accept the same such monies shall be lodged in said Court for their use, or if minors or others disabled by law to receive the same, it shall be paid to their guardians or legal representatives, to be by them disposed of agreeable to the laws of this Province, and the said lands shall thereupon be vested in His Majesty, His Heirs and Successors for ever: and such record shall be a sufficient bar in law against any action brought by any of the proprietors of such lands, their heirs or assigns, for trespass, or for recovery of the same.

Disposal of monies arising therefrom.

Lands vested in His Majesty.

V. *And be it also further enacted*, That all lands heretofore taken upon, up for such use, whose value has not yet been ascertained may be proceeded on agreeable to this Act.

Lands heretofore taken.

VI. *And be it enacted*, That if the Provost Marshal or His Deputy shall refuse or neglect to summon a Jury as aforesaid, he or they shall forfeit and pay the sum of twenty pounds for every such neglect, or in case any of the Jury being duly summoned, shall not attend, or shall refuse to be sworn, he or they shall forfeit and pay the sum of five pounds each, for such neglect or refusal, and the Judges of the said Courts respectively, may order the same to be levied by warrant of distress and sale of the offender's goods.

Penalty for not summoning Jury.

Penalty for Jurors not attending.

CAP. II.

An ACT to empower the Governor, Lieutenant-Governor, or Commander in Chief, to appoint Sheriffs in such Counties where it may be found necessary.

This Act repealed by the 35th Geo. 3d. cap. 1.

CAP. III.

An ACT for the more speedy recovery of His Majesty's Debts within this Province.

WHEREAS the manner of recovering His Majesty's Debts hitherto used and practised, has been attended with great inconvenience, and oftentimes with the total loss of such Debts, through the length of the process and otherwise:

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That from and after the publication of this Act, the Collectors of the public money, in any case where they are obliged to give credit according to the laws of the Province, shall take such recognizances in the name of Our Sovereign Lord the King, to be paid to our said Sovereign Lord the King, His Heirs and Successors, and to his and their use only: and the said obligors shall at the same time give a full and sufficient power of attorney either indorsed on the said recognizance, or annexed thereto, empowering some one of the Attornies of the Court to confess, that such debt mentioned in the condition of the recognizance is justly due, and if the obligor or obligors shall pay and discharge the money due at, or before the time specified in the said recognizance, that then it shall be lawful, and such Collector is hereby required, to discharge such recognizance, and the same shall become void.

Recognizances to be taken for payment of Duties.

Obligors to execute a warrant of attorney, to enter indorsements for such debt.

II. *And be it further enacted*, That if such recognizances shall not be paid and satisfied at the time specified and mentioned therein, that then the Collectors or others who are empowered

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When Duties to shall not be paid