

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Sixth Day of June, 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. From Richard John Uniacke, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: A complete index and abridgement of the whole. John Howe and Son, 1805.

18 George III – Chapter 3

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 practiced, has been attended with great inconvenience, and oftentimes with the total loss of such debts, through the length of the process and otherwise:

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, 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.

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 to take such recognizance shall forthwith transmit them to the treasurer of the province by the first safe conveyance.

III. And be it also further enacted, that the treasurer, upon receipt thereof, shall cause the same to be prosecuted in His Majesty's supreme court at Halifax, and the recognizance being duly filed, and the confession of the debt being acknowledged, no imparlance shall be granted but judgment shall be made up thereupon, and execution shall issue to levy the debt upon the goods, chattels, and estate of the debtor; and for the more speedy recovering the same, the said action may be entered at any time during the term in which such court is held, or in any time during the vacancy of said terms, before the chief justice, or in his absence before either of the other judges of the said court, who shall thereupon order judgment to be made up as of the last term, and execution to issue thereon.

IV. And be it further enacted, in order to prevent any delay of justice, that the Provost Marshal or his deputy, upon his receiving the writ of execution, shall within sixty days from the date thereof, cause the same to be duly levied, or otherwise shall make a legal return thereof into court, with his doings thereon, upon pain of answering for any failure or neglect agreeable to the laws in such cases made and provided.