

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 6

An Act to amend, render more effectual, and reduce into one Act, the several Acts made by the General Assembly of this Province, concerning Bail.

Be it enacted, by the Lieutenant Governor, Council and Assembly, that in all causes where the sum in demand shall exceed three pounds, the Provost Marshall, or sheriff, or his deputy, may arrest, imprison or hold to bail, any debtor or debtors, or attach the goods, chattels or estate of such debtors, upon the plaintiff in such actions, his attorney or agent, making and subscribing an affidavit in writing before a judge of the court from whence such writ shall issue, or in the absence of such judges, before any one of His Majesty's justices of the peace, that the defendant is justly indebted to the plaintiff in any sum exceeding three pounds, which affidavit shall be filed in the office of the clerk of the court, from whence the writ shall issue, and the sum specified in such affidavit shall be indorsed on the back of the said writ in the form following, by oath for (in words at length) for which sum so indorsed, the Provost Marshal, sheriff, coroner, or their deputies, shall take bail or make attachment as aforesaid, and for no more; any law, usage or custom, to the contrary notwithstanding.

II. And be it further enacted, that if such action shall be brought by any agent, factor or attorney, in the name of his principal, if absent, upon producing an affidavit of the debt of this principal duly authenticated, according to the laws of England or the usage and practice of the plantations in such cases, and upon the said affidavits being respectively filed as aforesaid, then the said judge, shall indorse the sum so sworn to, and bail shall be required, or an attachment be made accordingly.

III. And be it also further enacted, that when any person or persons shall be arrested by virtue of any writ or original process, the Provost Marshal, sheriff, or his deputy, shall be obligated and are hereby respectively required, upon sufficient bail being offered, to let such defendant or defendants go at large, upon his or their first executing a bond with two sufficient sureties to the said Provost Marshal, or sheriff, with a condition thereunder written, for the personal appearance only of the defendant, on the first day of the court to which such writ is returnable, and if such defendant shall not appear accordingly, or give in sufficient bail to abide the final event of the suit, judgment shall be entered against the defendant by default, and the Provost Marshal or Sheriff, shall then and there in court, upon the request of the plaintiff, to be in suit or otherwise recover the penalty thereof, which

assignment shall not debar the plaintiff from proceeding to final judgment and execution the same court, against the defendant or defendants in the said action, as in cases wherein default is made; but whenever it shall happen that the defendant or defendants in the said action shall appear according to the tenor of the condition of the bond, and there abide by the order of the court, or give bail to the satisfaction of the plaintiff, and approbation of the court, to abide by the final issue and determination of the suit, or if the defendant from some impediment shall not appear, but nevertheless two sufficient persons to be approved of by the plaintiff and court shall offer to become and give bail in manner aforesaid, in such case the bail for appearance only, shall be discharged, and such defendant or defendants shall be entitled to all the privileges of law, and in no other case whatsoever, unless consented to and agreed upon in open court between the plaintiff and defendant, or their attorneys in their behalf.