

To be read or
Purport commu-
nicated to Mas-
ters of Vessels.

of Twenty Pounds : and it shall be the Duty of the said Pilots respectively on first boarding any Vessel coming into any of the said Harbours to read such Notice to the Master or Commander of such Vessel, or to communicate to him the Purport and Effect of such Notice, and any Branch Pilot or Person having charge of any Vessel who shall neglect his Duty in this Respect shall for the First Offence forfeit and pay the Sum of Ten Pounds, and for the Second Offence, in Addition to the further Penalty of Ten Pounds, be prevented forever after from holding a Branch.

Penalties.

Part of l. W. 4,
C. 40, to be con-
sidered as Part
of this Act.

IV. And be it further enacted, That the Provisions of Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth Sections of an Act made and passed in the First Year of the Reign of His present Majesty King William the Fourth, intituled *An Act to make more effectual Provision for preventing the Importation and spreading of infectious Distempers within the Towns and Settlements in the Counties of Charlotte and Northumberland*, shall extend and be construed to extend to the Counties of Westmorland, Gloucester and Kent, and shall be taken and considered as Part and Parcel of this Act.

Limitation.

V. And be it further enacted, That this Act shall continue and remain in force until the First Day of January One thousand eight hundred and thirty seven.

CAP. XX.

An Act to regulate the Service of Writs of *Scire Facias*.

Passed 9th March 1832.

Proceeding by
Two *Nihilis* re-
turned, and sum-

I. **BE** it enacted by the Lieutenant Governor, Council, and Assembly, That the proceeding
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ing by Two *Nihil*s returned, and also that of summoning by Summoners, on Writs of *Scire Facias*, shall be abolished.

moning by Summoners, on Writs of *Scire Facias*, abolished.

II. And be it enacted, That Writs of *Scire Facias* may be directed to the Sheriff of any County within the Province, whether or not it be the County in which the Court sits, or in which the Venue is laid, and may be served in any County although directed to the Sheriff of another County.

Direction and Service of Writs.

III. And be it enacted, That when the Defendant or Defendants in Writs of *Scire Facias* can be found within the Province, or have a known Place of Abode therein, such Writs shall be served by delivering a Copy of the Writ to each Defendant; or leaving such Copy at the Defendant's Place of Abode, with the Wife, or an adult Member of the Family, or a Person having the Care of the House, of such Defendant; which Service shall be proved by Affidavit made and filed: Provided that in Cases where the Service is not personal, it shall not be deemed good Service without the Order of the Court, or a Judge of the Court, from which the Writ has issued, upon reading the Affidavit of Service.

Service when Defendant can be found, or has a known Abode, within the Province.

Proviso.

IV. And be it enacted, That when any Defendant cannot be found within the Province, and has not a known Place of Abode therein, Writs of *Scire Facias* may be served by delivering a Copy of the Writ to any known Agent of such Defendant, or to any Person having charge of any Property, real or personal, of such Defendant, or being jointly interested in any Property, real or personal, of such Defendant, within the Province; and such Service shall be deemed good Service when so ordered by the Court, or a Judge of the Court, from which the Writ has issued, upon Affidavit of such Service, and upon its being also made to appear upon Affidavit to the Satisfaction of such Court or Judge that

When Defendant cannot be found, or has not Abode, within the Province.

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the Defendant cannot be found, and has no known Place of Abode within the Province.

Good Service according to this Act equivalent to Return of *Scire Feci*.

When Writs cannot be served in Modes before specified, a Rule for Appearance to be entered, and published.

No Appearance, Proceedings as in Cases of Default after Service.

8 G. 4, C. 4, S. 4. repealed.

V. And be it enacted, That good Service of Writs of *Scire Facias* according to the Provisions of this Act, shall in all Cases be equivalent to a Return of *Scire Feci* by the Sheriff as heretofore practised.

VI. And be it enacted, That when it shall be made to appear upon Affidavit to the Satisfaction of the Court or a Judge of the Court from which a Writ of *Scire Facias* may have issued, that such Writ cannot be served in any of the Modes herein before specified for that Purpose, such Court or Judge shall, after the Return and Filing of the Writ, direct a Rule to be entered requiring any Defendant as to whom such Service cannot be made to appear to such Writ within Twenty Days after the last Publication of such Rule in One or more Newspapers published in such Parts of the Province as such Court or Judge shall direct; and a Copy of such Rule, certified by the Clerk of the Court, shall be published in such Newspaper or Newspapers for Four Weeks successively; and if an Appearance to the *Scire Facias* shall not be duly entered for such Defendant within the said Twenty Days, such Proceedings may be had as in the Case of Default of Appearance after due Service of the Writ; Affidavit of the due Publication of such Rule according to the Tenor thereof being first made and filed.

VII. And be it enacted, That the Fourth Section of an Act made and passed in the Eighth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for the more easy Assessment of Damages on Bonds payable by Instalments and other similar Instruments; and for the more convenient Service of Writs of Scire Facias*, be and the same is hereby repealed.

VIII.

VIII. And be it enacted, That this Act shall commence and take effect on the First Day of May in the present Year. Commencement of Act.

CAP. XXI.

An Act to amend an Act passed in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled *An Act for the more easy and speedy Recovery of small Debts*

Passed 9th March 1832.

WHEREAS it is necessary for the Purposes of Justice, that the Expense attending Suits at Law should bear a reasonable Proportion to the Amount of Injury sustained: And Whereas also, in order in some Measure to accomplish this Object, it is expedient in Cases involving Damages comparatively trifling to establish a summary and cheap Remedy; Preamble.

I. Be it enacted by the Lieutenant Governor, Council, and Assembly, That the Eighteenth Section of an Act made and passed in the Fiftieth Year of the Reign of King George the Third, intituled *An Act for the more easy and speedy Recovery of small Debts*, be and the same is hereby repealed. 50 G. 3, C. 17, S. 18, repealed.

II. And be it further enacted, That the Jurisdiction of the Justices of the Peace in the said Act mentioned shall also be held and is hereby made to extend to all Actions of Trespass, Trover, and other Wrongs, where the Amount of the Damages demanded for the Injury or Wrongs complained of shall not exceed Forty Shillings, except in Cases where the Title to Lands shall come in Question, and except also Cases for Libel and Slander; and the Judgment of any of the said Justices, or the Verdict of the Jury in favor of the said Plaintiff, for such Sum as he or they may think proper, not exceeding the said Forty Shillings, shall be a full Determination of the

Jurisdiction of Justices extended to Actions of Trespass, &c. under Forty Shillings.

[Exceptions.]