

6-7 EDWARD VII, A. 1907

Courts of Equity in England until full Answer is put in or the Court is otherwise satisfied and the Party cleared of the Contempt.

And in like manner in all Cases of Covenant, where from the time of entering into such Covenant, nothing has intervened, or happened, to make it hard or unreasonable for the Party covenanting to perform the same, in the express Terms of the Covenant, it shall, and may be lawful, to and for the Judges of the said Courts of Common Pleas, upon Prayer of the Party for that purpose, to award and decree a specific performance of such Covenant, or Covenants, and in case of Disobedience, or Refusal, to imprison the Party so refusing, 'till he, she or they shall comply with the same & pay due Obedience to such Award & Decree.

And it is further enacted & ordained by the Authority aforesaid, that as well in the Courts of Common Pleas aforesaid, as in all other Courts of Civil Jurisdiction in this Province, the Process for compelling Appearances & all other Matters previous to the Judgment except in Cases of Contempt for not answering to Interrogatories, & except where the Judges of the Court upon special Affidavit shall mark any Writ for Bail which in their Discretion they are hereby authorized to do, shall by Summons, Attachment of Goods & Distress only, & after Judgment, by Writ of Execution against the Goods & Effects, and for want of Goods & Effects, against the Land, and for the want of Land against the Person of the Defendant or Defendants, against whom any Judgment or Judgments shall be obtained in any such Court or Courts.

But whereas great & manifold Inconveniences & Losses have arisen to the Proprietors of real Estates in this Province by having their Houses & Lands taken in execution & exposed to sale for the payment of small debts, & also from the hasty & informal Method of setting the same to sale, even in Cases where the Extent of the Judgement will admit of no other Satisfaction; It is further enacted & ordained by the Authority aforesaid that from & after the publication of this Ordinance no process whatsoever shall be awarded out of any of the Courts of Civil Jurisdiction in this Province, for the Sale of any House or Houses, Land or Lands, Tenement or Tenements upon any Judgement or Judgements where the original Cause of Action shall not exceed the sum of ten pounds Sterling Money of Great Britain, & that from & after the publication aforesaid, no Houses, Lands or Tenements nor any House, Land or Tenement shall be extended or sold by the sheriff or any person whatsoever, unless the per-