

C A P. VI.

An Act in Addition to, and in Amendment of an Act, made in the Eighth Year of His present Majesty's Reign, intituled, *An Act for establishing the Times of holding the Supreme Court.*

8 Geo. 3. cap. 5.

*W*HEREAS many and great Inconveniencies have arisen, and daily do arise, for want of a more speedy and full Administration of Justice in the several Counties in this Province, that many Suitors living and residing therein, do sue and prosecute their Actions and Causes of Complaint in the Supreme Court, at present held only at Halifax, and that their being obliged to come from a great Distance themselves, and bringing their Witnesses, is very detrimental as well as expensive to them, and great Injury is thereby done to Individuals, as well as to the public Good of the Province; and whereas His Majesty has been pleased to grant a Commission and appoint a Supreme Court, Court of Assize and General Goal Delivery, to be holden in, and through the Province, exercising the Powers of the several Courts of King's-Bench, Common Pleas and Exchequer in England, and that the holding the said Court at certain stated Times in such Counties to which there is a Communication with the Town of Halifax by Land, will greatly contribute to the Security of the Rights of the Crown, as well as to the Ease and Welfare of His Majesty's Subjects in this Province.

Preamble.

I. *Be it therefore Enacted, by the Governor, Council and Assembly,* That the said Supreme Court shall from and after the Thirtieth Day of December next, be holden in the several Towns and Counties, and at such Times and in such Manner, as are hereafter mentioned, and that the said Supreme Court shall be, and is hereby impowered to proceed at the said several Sitings, in and as near the same Manner as hath heretofore been used in the said Court, sitting at Halifax, and that the several Laws of this Province, respecting Jurors shall extend and be construed to extend to the holding the said Supreme Court at the said several Times and Places, and that all the Proceedings, Rules, Judgments and Executions of the said Supreme Court, legally had, made and done, in and at their Sitings and Terms, and at the said several Places, shall be good, valid and effectual to all Intents and Purposes whatsoever.

The Supreme Court shall after the 30th Dec. 1774. be held in the several Towns and Counties & Times hereafter mentioned.

The Laws respecting Jurors to extend to the holding the said Court at the said Times, &c. and all Proceedings &c. therein valid & effectual.

II. *And Whereas it may be attended with Inconvenience, that all and every the Judges of the said Supreme Court, should be present at the several Sitings of the said Court.*

Be

Two Judges to hold
the said Court.

Be it Enacted, That any two of the Judges of the said Court, shall be sufficient for holding the same, and transacting the Business thereof, at all, any, and every of the Times and Places hereafter mentioned, and the legal Proceedings then and there had, shall be to all Intents and Purposes whatsoever, as good and effectual, as if all the Judges of the said Court were present.

Times and Places
of holding the
same.

III. *And be it Enacted*, That the said Supreme Court shall be held at *Halifax*, on the first Tuesday of *January*, the last Tuesday of the Month of *March*, the Second Tuesday of the Month of *July*, and on the last Tuesday of the Month of *October*; at *Horton* in *King's County*, on the Third Tuesday of the Month of *April*, and Second Tuesday of the Month of *October*; at *Annapolis* in the County of *Annapolis*, on the First Tuesday of the Month of *May*, and last Tuesday of the Month of *September*; at *Cumberland* in the County of *Cumberland*, on the last Tuesday of the Month of *May*, and First Tuesday of the Month of *September* in every Year. And that the Time of Sitting of the said Supreme Court, in each of the Terms or Times for holding the same, shall be limited, *that is to say*, at *Halifax* for Fourteen Days, from the Day of opening the said Court, unless in Cases of unavoidable Necessity, or that the Multiplicity of Business at either of the said Terms should require it, in which Case the Judges may continue the same for a Time not exceeding Six Days longer. And that in each of the other Counties the said Court shall not sit longer than Five Days from the Day of opening each of the said Courts.

Manner of drawing
the Jurors for the
first sittings.

IV. *And be it further Enacted*, That the said Supreme Court shall and may at the next Sitting of the said Court, issue their several Writs of *Venire Facias* to the Provost Marshal or his Deputy for the Summoning of Jurors in the said Counties of *King's County*, *Annapolis*, and *Cumberland*, and that the said Provost Marshal or his Deputy, shall upon the Receipt of such Writ or Writs of *Venire Facias*, draw out of the Jury Box of the said County in the presence of Two of His Majesty's Justices of the Peace for such County, (and who are hereby directed to attend the Provost Marshal or his Deputy at the drawing the same) a Grand and Petit Jury, to serve at the Sitting of the said Supreme Court in the County, where the said Writ is so directed, and the said Provost Marshal or his Deputy shall duly summon the said Juries, Twelve Days before the Sitting of the said Court in the said Counties respectively, and that the said Jurors shall be liable to all the Penalties of the Laws of this Province for their Non-Attendance as aforesaid, and that all Presentments, Indictments, Verdicts and other legal Proceedings then and there had, made and done by the said Jurors so summoned as aforesaid, shall be good and lawful to all Intents and Purposes whatsoever; and that from and after the first Sittings of the said Supreme Court in the said Counties of *King's-County*, *Annapolis*, and *Cumberland*,

to be summoned
Twelve Days be-
fore sitting of
Courts.

the

the several Juries to be summoned in and for the said Counties respectively, shall be summoned as hath heretofore been used and practised in the *Supreme Court* sitting at *Halifax*.

and after first fittings to be drawn as usual.

Provided always, That nothing herein contained shall be of Force or Effect until His Majesty's Pleasure be known thereon.

C A P. VII.

An ACT in further Amendment of an Act, made in the Thirty Second Year of His late Majesty's Reign, intituled *An Act relating to Treasons and Felonies*.

32d Geo. 2. cap. 13.

HERE AS in and by an Act made in the Thirty Second Year of His late Majesty's Reign, intituled An Act relating to Treasons and Felonies, it is among other Things Enacted, "That Offences therein described as in Degree of Petit Larceny, shall be punished by such public Whipping as the Court before whom such Offender shall be convicted shall direct;" and whereas it is thought expedient that the Court should have Power to order the Person convicted of such Petit Larceny to be imprisoned, or committed to the House of Correction, or whipped at the Discretion of the Court.

Preamble.

Be it therefore Enacted, by the Governor, Council and Assembly, That it shall and may be lawful for the Court before whom any Offender shall be so convicted as of Petit Larceny, punish such Offender by Whipping or Imprisonment or Commitment of such Offender to the House Correction, there to be put to hard labour, the said Imprisonment or Commitment to the House of Correction not to exceed Three Months, and within that Space for such Time as the Judges in their Discretion shall think fit.

In Convictions of petit larceny Court impower'd to punish Offenders by whipping or imprisonment.

C A P. VIII.

An Act to impower the Supreme Court to issue Writs of Certiorari.

Be it Enacted by the Governor, Council and Assembly, That the Supreme Court for this Province shall and may upon Application, issue Writs of Certiorari for removing Orders of Sessions of the Peace, under such Regulations, Restrictions, and Powers, as Writs of Cerubari are issued

Supreme Court may on application issue Writs of Certiorari for removing Orders of Sessions of the Peace.