

that any beef or pork, not inspected as aforesaid, shall be shipped in any vessel for exportation; to apply to any Justice of the Peace, and, on oath, to assign to such Justice, the causes of such suspicion, and if the said Justice shall think the said suspicion well grounded, he shall issue his warrant to the said inspector or inspectors, to enter on board any vessel whatever, laden, or loading in any port within this Province, and to search for, and make discovery of, any beef or pork shipped on board any such vessel, for exportation out of this Province: And if any of the said inspectors shall discover any beef or pork not repacked or branded as directed in, and by this Act, on board of any such vessel, such inspector shall apply to such Justice of the Peace, who is hereby authorized and required, to issue his warrant directed to the Sheriff, his deputy, or any of the Constables of the county, wherein such vessel is laden, or loading as aforesaid, commanding him or them to enter on board every such vessel having on board such uninspected beef or pork, and cause the same to be relanded and delivered to the owner or owners thereof, upon his or their paying all reasonable and lawful expences for the aforesaid warrant, search and relanding; and if any person or persons shall obstruct, or prevent, any inspector from making such search as aforesaid, or any peace officer, in relanding such beef or pork, each and every person so offending, shall forfeit and pay the sum of fifty pounds, to be paid to the overseers of the poor for the township, wherein such offence is committed, the same to be recovered on the oath of the inspector or peace officer.

Penalty for obstructing Peace officer on entering any vessel, to search for or unlade uninspected beef and pork.

Provided always, nevertheless, That each and every vessel bound for any voyage, and not carrying any beef or pork out of the Province for sale, shall, and may, be permitted to carry any quantity of beef and pork for the use of the ship's company, not exceeding in the whole, two thousand pounds, gross weight, in any manner or mode, that the owner of such vessel may think proper.

Of beef or pork for ship's use.

X. *And be it further enacted, by the authority aforesaid,* That all and every the forfeitures and penalties aforesaid, shall and may be recovered, with costs of suit, in the Supreme Court, or the Inferior Court of Common Pleas, by any person or persons who will sue and prosecute for the same to effect, by bill, plaint or information.

Manner of recovering forfeitures

XI. *And be it further enacted, by the authority aforesaid,* That this Act shall continue, and be in force, for two years, from the end of the present Session of the General Assembly, and no longer.

Act to continue for two years.

CAP. X.

An ACT for providing for the Trial of Issues, by Justices of *Nisi Prius*, in the Counties of Sydney, Lunenburg, Queen's County, and Shelburne.

WHEREAS it is highly expedient for the due administration of Justice, that Courts of *Nisi Prius*, should be established in the several counties in this Province, in which His Majesty's Supreme Court are not now by law, authorized to sit:

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That when and so often as any issue or issues shall be joined in His Majesty's Supreme Court, which issue or issues ought, by the law of the land, to be tried in the respective counties of Sydney, Lunenburg, Queen's County and Shelburne, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to assign one or more Justice or Justices of the Supreme Court, joining, with him or them, one or more of the Justices of the Inferior Court, for the particular county, to try such issue or issues in and by a jury of the county, in which the venue or venues shall respectively be laid; which Justice or Justices shall proceed to try such issue

Trial of issues by commission, in the counties of Sydney, Queen's County and Shelburne.

issue or issues in the same manner, and shall have, use and exercise, all the powers and authorities which the Justices of *Nisi Prius* do have, use or exercise, within the realm of England, and shall be entitled to be reimbursed such extraordinary expences as shall have been incurred, in the hiring of vessels for the purpose of conveying such Justice or Justices to the county where such *venue* shall be laid as aforesaid, if no passage boat, or proper accidental conveyance, offers to convey them as aforesaid:

Issue of commission in time of war.

Provided always, That when and so often as His Majesty's Dominions shall be at war with any other kingdom, state or power, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of the Council, to defer issuing any commission for such purpose until it shall appear safe and expedient for him so to do, any thing in this Act to the contrary notwithstanding.

Notice of time of such Court Sitting to be given in the Halifax Gazette.

II. *Be it further enacted, by the authority aforesaid*, That in all cases wherein the Justices shall be assigned to try any issue or issues as aforesaid, the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall appoint some day certain between the first day of April, and the first day of October, on which the Justice or Justices, so assigned as aforesaid, shall repair to the court-house of and in the county, for and in which he or they shall be assigned, to try any issue or issues, of which day notice shall publicly be given in the Halifax Gazette, or some other public newspaper, pursuant to the directions of the Governor, Lieutenant-Governor, or Commander in Chief, a reasonable time before the day so to be appointed as aforesaid.

Summoning Jury for said trial.

III. *Be it further enacted, by the authority aforesaid*, That as soon as the day shall be appointed for the Justice or Justices, to repair to any or either of the aforesaid counties, for the trial of any issue or issues, so to be joined as aforesaid, it shall and may be lawful for the plaintiff in such action, or his attorney, to sue out of the said Supreme Court, a writ of *venire facias*, directed to the Sheriff of the county, wherein such issue or issues is, or are, to be tried, commanding him to have, on the day so to be appointed, at the court-house within his county, thirty six persons, qualified to serve as petit Jurors, who shall be drawn in the manner directed by the several laws of this Province, for regulating Juries, and declaring the qualifications of Jurors, in the presence of one of the Justices of the Inferior Court of Common Pleas, in such county, the Sheriff thereof, and the Prothonotary or Clerk of such Inferior Court, and shall be by such Sheriff summoned to attend at the time and place in the said *venue* commanded:

And whereas there are at present no practicable roads from Halifax, to the several counties herein before mentioned, by reason of which, the Justices so to be assigned, may not be able to attend at the places, and on the day so to be appointed, as aforesaid:

Of Justices not appearing on the day appointed for trial.

IV. *Be it therefore enacted, by the authority aforesaid*, That in case such Justice or Justices, so to be assigned as aforesaid, shall not arrive at the places and the times to be appointed as aforesaid, it shall and may be lawful for the Sheriff of the County, to respite the attendance of all Jurors, parties, witnesses, and other persons summoned or bound to attend at the times and places aforesaid, from day to day, until such Justice or Justices shall arrive, which Justice or Justices, shall then proceed to try such issue or issues, as are by him triable by virtue of his commission.

Chief Justice to appoint Clerks of the Courts of Nisi Prius, and to regulate the practice in such Courts

V. *Be it further enacted, by the authority aforesaid*, That it shall and may be lawful, for the Chief Justice of His Majesty's Supreme Court, for the time being, from time to time to appoint such fit and proper persons, as he shall think proper, to be Clerk or Clerks to the Court of *Nisi Prius*, hereby established in the several counties herein mentioned, and the said Supreme Court shall and may, from time to time, make and ordain such ordinances and rules as to their discretion may seem meet, to regulate the practice of the said Courts, and for the effectual administration of justice in and by the same.

VI. *Be it further enacted, by the authority aforesaid,* That the Clerk or Clerks of *Nisi Prius*, to be appointed by the Chief Justice aforesaid, shall and may sign and seal writs of *capias*, *summons*, and all other writs returnable into the said Supreme Court, or into the said Court of *Nisi Prius*, and shall and may take the affidavit or affidavits of any person or persons, for the purpose of holding to bail, or attaching the property of, any defendant or defendants; and shall and may indorse writs of *capias ad respondendum*, or attachment, upon such affidavit or affidavits, in the same manner as the Justices of the Supreme Court are by law authorized and directed to indorse the same.

Duty of C
Nisi Prius.

VII. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the said Chief Justice, by warrant under his hand and seal, to appoint in any of the Counties of this Province, such fit and proper persons, as he shall think convenient; to be commissioners to take affidavits, to be used in all causes subsisting, or which hereafter may be instituted, in His Majesty's Supreme Court, or in the said Court of *Nisi Prius*, hereby established.

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VIII. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the Justices of the Supreme Court in all cases wherein they shall think proper, to tax such reasonable counsel fee or fees, not exceeding the sum of five pounds, to be paid by the party against whom a verdict shall pass in any cause tried before them, as they shall think proper.

Counselfees
taxed.

IX. *And be it also further enacted, by the authority aforesaid,* That so much of this Act as respects the establishment of Courts of *Nisi Prius*, shall continue and remain in force for and during the term of three years, from and after the publication hereof, and until every issue actually joined at the expiration of such term shall have been disposed of, and no longer.

Continuatio
Act.

CAP. XI.

An ACT in addition to, and amendment of, an Act, passed in the Thirty-second year of the reign of His late Majesty, entitled, an Act for establishing and regulating a Militia.

Repealed by
Geo. 3d.

CAP. XII.

An ACT for making, repairing, laying out, and altering, Highways, Roads, Bridges and Streets, within the County of Annapolis, and for the more equal apportionment of the Work and Labour of the Inhabitants of the said County, to be performed in and about the same.

Expired.