

CAP. V.

An ACT for the better regulation of the Circuit Courts, and for granting new Trials in Causes brought up from the Inferior Courts.

Circuit Courts in Hants, King's County and Annapolis, to be held only once a year.

New trials in causes moved from Inferior court to be granted.

Provided it be moved for in one year, and the party moving it give bail, &c.

Executions returnable in 60 days.

Writs of Certiorari, Habeas Corpus, or Writs of Error, to remove causes from Inferior to Supreme court, may be allowed by any one Justice.

Circuit Court at Amherst, on first Tuesday of June annually.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Circuit Courts in the several counties of Hants, King's County, and Annapolis, shall in future be held only once a year, that is to say, at Windsor, on the third Thursday in September; at Horton, the Monday following the said third Thursday; and at Annapolis on the Monday next after the Court at Horton: any law, usage or custom, to the contrary notwithstanding.

II. *And be it also enacted*, That it shall and may be lawful for the Supreme Court, in causes brought up from the Inferior Courts by Habeas Corpus, Certiorari, Writ of False Judgment, or Error in cases where a trial by jury has been had below, to grant a new trial of the fact before the said Supreme Court, on such terms and conditions as the said Court shall judge best calculated to afford substantial justice to the parties: *Provided* such new trial shall be moved for within one year after the trial below, and it shall be made appear to the said Supreme Court, that a new trial ought to be granted, and the party praying the same shall put in special bail in the said Supreme Court to abide the final judgment which may be given in the said cause.

III. *And be it further enacted*, That all Writs of Execution, issuing from the Circuit Court, shall be made returnable in sixty days from the issuing thereof.

IV. *And be it further enacted*, That it shall and may be lawful for any one of His Majesty's Justices of the Supreme Court, either in term time or otherwise, to allow Writs of Certiorari, Habeas Corpus, *cum causa*, Writs of False Judgments, or Writs of Error, to remove causes from the Court of Common Pleas, to His Majesty's Supreme Courts, before trial or judgment given therein, on the application of the defendant or defendants, and, after trial or judgment, on the application of either plaintiff or defendant, or plaintiffs or defendants, upon condition that before such writ or writs be allowed, the person or persons applying for the same shall file special bail in His Majesty's said Supreme Court, with such sufficient securities as the Judge shall approve of; and such writ or writs, when so allowed, shall issue from, and be signed and sealed by, the Prothonary of the said Supreme Court, or his deputy in any part of the Province.

V. *And be it further enacted*, That the Circuit Court for the County of Cumberland, shall be held at Amherst on the first Tuesday of June, annually.

CAP. VI.

An ACT for altering the time of holding the Court of Common Pleas, and General Sessions of the Peace, and for choosing Town Officers for King's County.

Preamble.

WHEREAS the time of holding the Court of Common Pleas, and General Sessions of the Peace, for King's County, and for choosing Town Officers for the respective Townships in said County, has been found inconvenient:

Times of holding General Sessions of the Peace.

I. **B** *it therefore enacted*, by the Lieutenant-Governor, Council and Assembly, That from and after the publication hereof, the said Courts of Common Pleas, and the Court of General Sessions of the Peace for the said county, shall be held, in each year at Horton, on the third Tuesday,

day of June, and first Tuesday of October ; any law, usage or custom, to the contrary notwithstanding.

II. *And be it further enacted,* That at the Court of General Sessions of the Peace for the said county, which will be held as aforesaid, on the first Tuesday of October next, and thereafter in each year at the October Sessions, the Grand Jury for said county shall nominate, and the Justices shall appoint, town-officers, and regulate the several townships of the said county, in the same manner as is by law directed, and has been heretofore accustomed to be done, at the first General Sessions of the Peace in each year for the said county. And the town-officers, for the several townships of said county, already appointed to serve the ensuing year, shall continue in office, and be bound to perform the duties of their respective offices, until others are appointed, and sworn in their stead, agreeable to the provisions of this Act.

Time of choosing town-officers, for King's County.

CAP. VII.

An ACT for regulating the Practice of Inoculating for the Small Pox.

This Act repealed by 41st Geo. 3d. cap. 2.

CAP. VIII.

An ACT for establishing a Public Market in the Town of Liverpool.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Justices of the Peace of Queen's County, at their next General Sessions of the Peace to be held after the publication hereof, to procure and fit up a proper place in the town of Liverpool, as a market-house, wherein a public market shall be held for the sale of all kinds of butcher's meat, poultry, alive or dead, fish, roots, greens, fruits, and other vegetables, on such days of the week, and during such hours, as the Justices, in their said Sessions, shall from time to time appoint : and it shall and may be lawful for the said Justices to appoint the first market day, for the opening and establishing of the said market, from which day, ever after, such market shall be deemed and taken to be a public market : and an Act, made in the sixth year of His present Majesty's reign, entitled, An Act against forestallers and regrators, shall, from that day forth, be in full force and effect, in and within the said County of Queen's County.

Justices, in Session, for Queen's County, to provide a market in the town of Liverpool.

Regulation of said market.

II. *And be it further enacted,* That it shall and may be lawful for the said Justices, in their General Sessions, from time to time, and at all times hereafter, to nominate and appoint a keeper of said market-house, who shall be sworn to the faithful discharge of his office, and shall have the same power and authority as a Constable in all matters relating to keeping peace and order in the said market ; and the said Justices may, from time to time, at their pleasure, remove such keeper, and appoint another in his room, and shall regulate and fix the rate or rates of the stalls, or standings, in said market, and shall have full power and authority to make and publish such bye laws, from time to time, as may be necessary for the better regulating, governing, ruling and ordering, said market, when established : *provided* the same be not repugnant to the Laws of Great-Britain, or of this Province ; and it shall be lawful for the said Justices to enforce obedience to such bye laws, by imposing a fine, not exceeding the sum of ten shillings, for each and every offence, and, upon due conviction of any offender against such bye laws, before any one of His Majesty's Justices of the Peace for the said county, it shall be lawful for such Justice to cause such fine to be levied by warrant of distress and sale of the offender's goods and chattels.

Appointment of a keeper to said market, and his power.

Fixing of the rates of the stalls, or standings.

Persons offending against this Act.