

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of March, 1793, and continued by several Prorogations to the Seventh day of June, 1799; in the Thirty-ninth Year of the Reign of Our Sovereign Lord George The Third of Great-Britain, France, and Ireland, being the Seventh, and last, Session of the Seventh General Assembly convened in the said Province. From Richard John Uniacke, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: A complete index and abridgement of the whole. John Howe and Son, 1805.

39 George III – Chapter 10

An Act to compel the attendance of the Justices of the Peace at the several General and Quarter Sessions of the Peace, for the respective Counties of this Province.

Whereas great inconveniences have been experienced for the want of a regular attendance of the magistrates at the several courts of general and quarter sessions of the peace throughout the province, and whereas it is highly expedient that a sufficient number of justices should attend at said courts, to transact the public business of the several counties, and to regulate the important concerns which are by law entrusted, and made subject, to their controul and jurisdiction:

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, that, from and after the publication hereof, the clerks of the peace for the several counties of this province, shall, at every court of general or quarter sessions of the peace for the respective counties, and on every day of the meeting of said court, enter into a book, to be prepared for that purpose, the names of every justice of the peace who shall attend at such court, and assist in the business which shall then be brought before the said court, and if any such justice of the peace shall leave the said court before the business of the day shall be completed, or without obtaining the consent of the major part of the magistrates then sitting in said court, his name shall not be entered in the said book for that day, but shall be omitted as though he had totally absented himself from such meeting.

II. And be it further enacted, that the clerks of the peace, for the several counties where the supreme court usually sits, shall, on the first day of the sitting of the said supreme court, in the respective counties, next after any general or quarter sessions of the peace for such county, return into the said court, under his hand, a list of all such magistrates, as have wholly neglected to attend at such preceding sessions, and the several clerks of the peace for the counties, or districts, where the said supreme court does not ordinarily sit, shall, within six months after any general or quarter sessions of the peace, for such county or district, make a list in manner aforesaid, of all magistrates who shall have neglected to attend at such sessions as aforesaid, and return such list into the said supreme court at Halifax; and if any magistrate whose name shall be included in any such lists, shall not give to the said court a reasonable excuse for his non-attendance at the said sessions, the said supreme court shall, and is hereby required to make a return under the hand of the chief justice, or the presiding judge of such supreme court, to the Governor, Lieutenant-Governor,

or Commander in Chief for the time being, of the names of such justices of the peace as have neglected, without sufficient reason, to attend at such general or quarter sessions of the peace, and every such justice, whose name shall be so returned by the supreme court to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, for neglect as aforesaid, shall, ipso facto, forfeit his office of justice of the peace, as fully as if he had been discharged therefrom by express writ under the great seal of the province. And if any clerk of the peace shall neglect to make such return to the said supreme court as aforesaid, he shall forfeit and pay for every such neglect, a fine of five pounds, to be recovered before any two justices of the peace, by him or them who will sue for the same, one half of which penalty shall be paid to the prosecutor for his use, and the other half to the overseers of the poor, for the use of the poor of the town or place where such clerk shall be resident.

III. And be it further enacted, that the sheriffs of the several counties or districts of this province, shall, hereafter, at least fourteen days before the sitting of the supreme court within such county or district, summon all and every the justice and justices of the peace within their respective bailiwicks, to attend at said supreme court on the first day of the sitting of said court: and the several justices of the peace are hereby required to pay due obedience to such summons, and to attend at said supreme court from day to day, during the term, or until the justices of said supreme court shall discharge them from further attendance. Provided, nothing herein contained shall extend, or be construed to extend, to the members of His Majesty's council, the justices of the several courts of common pleas, or to such persons as are justices throughout the province.