

*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 5

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

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 sureties 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.

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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.