

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of February 1800, and thence continued by several Prorogations to the Ninth day of June, 1801, in the Forty-first Year of the Reign of our Sovereign Lord George the Third, by the Grace of God of the United Kingdom of Great-Britain, and Ireland, King, Defender of the Faith, &c. being the Second Session of the Eighth 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.*

41 George III – Chapter 15

**An Act to revive, continue and amend, an Act, passed in the Thirty-second year of His present Majesty's reign, entitled, "An Act to regulate the Summary Trial of Actions, before His Majesty's Justices of the Peace, in the Town and Peninsula of Halifax."**

Whereas the said act was found beneficial during the continuance of it, and much inconvenience has arisen since the expiration thereof, for remedy whereof:

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, that, from and after the publication hereof, the said recited act, entitled, "An Act to regulate the summary trial of actions, before His Majesty's Justices of the Peace in the town and peninsula of Halifax," and every matter, clause and thing, therein contained, (except so much thereof as may be altered or changed by any thing contained in this act) shall be, and the same are hereby, revived and continued in full force and virtue, the same as if the said act had not expired.

II. And be it further enacted, that a special sessions of the peace shall be held in the said town of Halifax, as soon as conveniently may be, after the publication of this act, at which time said justices of all such of His Majesty's justices of the peace, as, in the opinion of said justices, are best qualified, and will be most likely punctually to attend the duties of said court, which list shall be delivered to the said clerk; and the justices named therein, whether of the quorum or otherwise, shall be called on, in rotation, to serve in said court, pursuant to the provisions contained in the said act hereby revived, any thing therein contained to the contrary notwithstanding; and such list shall, at every quarter sessions of the peace, at a day to be specially appointed for that purpose, or at a special sessions of the peace, to be called particularly for that purpose, be reviewed, altered and amended, so as to keep constantly thereon a sufficient number of justices, who will zealously execute the duties of said court, and the said general or special sessions, shall likewise select from the constables of said town, a sufficient number of the most capable, and shall deliver a list of their names to the said clerk, who shall summon them to attend the duties of said court, each in rotation, for such period of time, as the said justices shall appoint, and the said justices shall, before the expiration of one month after the publication of this act, take every measure requisite for the opening of said court, and shall publish the time and place when and where said court shall be opened and held, as likewise the name of the clerk of the said rotation court, and

the place where his office shall be held, and the hours during which such clerk shall be obliged to keep his office open throughout the year.

III. And be it further enacted, that, from and after the opening of said rotation court, so much of the jurisdiction given to one or more justices of the peace, within the said town and peninsula of Halifax, as respects the trial of civil causes for sums not exceeding three pounds and the recovery of all penalties and forfeitures imposed by law on any offender or offenders, or the awarding any punishment or punishments whatsoever, of which one or more justice or justices could heretofore take cognizance, shall be vested in the justices composing said rotation court, to be administered by them pursuant to the provisions contained in this act, and the said act hereby revived; and any proceedings whatsoever in such causes, before any person or persons after the opening of said rotation court, shall be, and are hereby, declared to be null and void, any thing in any law of this province, not hereby expressly repealed, to the contrary thereof notwithstanding. Provided always, that nothing in this clause shall extend, or be construed to extend, to prevent any one or more justices of the peace within the said town and peninsula of Halifax, from exercising the jurisdiction given them by the eighth section of the said act hereby revived.

IV. And be it further enacted, that upon an alarm of fire, or any other disturbance, all the justices whose names are on the rotation list, or a sufficient number of them for composing the said court, shall attend at the usual place of holding the same during the time such disturbance shall last, and all business then transacted shall be as good, and valid, as if the same were done at the stated and fixed time or times of holding the said court.

V. And be it further enacted, that the clerk of the rotation court shall, and may, when and so often as any one of His Majesty's justices of the peace shall require it in writing, summon a special rotation court, to be held at any time previous to the stated days and times appointed for holding the same, and the business transacted at such special court shall be valid in all respects as if done by said court, at its stated time or times of sitting, and in case any one or more, of the three justices, whose turn it shall be to fit in said court, shall be prevented from giving his attendance at any one or more of the sittings of said court, whether a special court or otherwise, one of the other justices, in rotation on the said list, shall be summoned to serve in the place of the justice so absent, and the justice so absent shall serve a like number of days for the justice or justices so doing his duty.

VI. And be it further enacted, that the said act hereby revived, together with this act, shall be and continue in full force and virtue until the thirty-first day of July, which will be in the year of our Lord one thousand eight hundred and two.