

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday, the Twelfth day of December, 1820, in the First year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. and ended on the Third Day of March, in the Second Year of the Reign of our Sovereign Lord George the Fourth, being the First Session of the Twelfth General Assembly, convened in the said Province. From William Hill & W. B. Bliss, The Statutes at Large, passed in the General Assemblies held in His Majesty's Province of Nova Scotia: from the Year 1817, to the year 1826, inclusive (vol. 3). Halifax: John Howe & Son, 1827.

1 & 2 George IV – Chapter 5

An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.

Whereas His Majesty has been graciously pleased to re-annex the island of Cape-Breton, as an integral part of the province, and a distinct and several county thereof; to be called and known by the name of the county of Cape Breton, and to be represented in the general assembly of the province by two members, to be chosen in and for the said county:

- I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, that the civil government, and the administration of justice, in the said island, shall be conformable to the usage and practice of the province of Nova-Scotia; and the judges, justices, jurors, constables, and other civil officers therein, shall be appointed and commissioned as such officers are appointed and commissioned in other counties of the said province, and have the like powers and authority, and be subject to the same rules, fines, and restrictions, as similar officers in other counties of the said province are by law liable.
- II. And be it further enacted, that the supreme court shall be held by the chief justice, or, in his absence, by two of the assistant justices, or by one of the assistant justices and the associate circuit judge of the said court, at Sydney, in the said county, on the last Tuesday of August, and at Arichat, in the said county, on the first Tuesday of September in each year, and may continue its sittings, at each of the said courts, for four successive days, and no longer.
- III. And be it further enacted, that it shall and may be lawful for His Excellency the Lieutenant-Governor to commission and appoint five fit and proper persons to be justices of the inferior court of common pleas, in the said county, which persons, so commissioned and appointed, shall possess all the privileges, and exercises the same jurisdiction, within the said county of Cape-Breton, as the justices of the several courts of common pleas, in the province of Nova-Scotia, do possess and exercise in the respective counties for which they are commissioned and appointed. And whenever vacancies shall occur in the said courts, by the death, or removal from office, of any justice or justices so appointed, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to

appoint such other person or persons as he shall deem fit and proper to fill the said vacancy or vacancies. And the said inferior court of common pleas, shall be opened and held at Sydney on the second Tuesday of January, and on the second Tuesday of July, in each year; and at Arichat on the second Tuesday of February, and on the second Tuesday of August, in each year, and may continue its sittings, at each of the said times and places, for five successive days, and no longer.

IV. And be it further enacted, that for the convenience of jurors, and other persons, whose duty obliges them to attend the several courts, the general sessions of the peace shall be held in the said county, at the several times and places herein before directed and appointed for the sittings of the inferior court of common pleas, in the same manner as the same are held in the several counties of Nova-Scotia.

V. And be it further enacted, that it shall and may be lawful, for the chief-justice of His Majesty's supreme court, on or before the first day of January next, to nominate three fit and proper persons, to fill the office of High-Sheriff in the said county of Cape-Breton, a list of the names of which persons he is hereby directed to present to the Lieutenant-Governor or Commander in Chief, for the time being, who is hereby empowered, immediately, to prick one out of the said number to serve the office of high-sheriff, which sheriff, being resident in the said county, and having entered, in the secretary's office, at Halifax, good and sufficient security for the faithful execution of his office, shall, immediately upon receiving his patent, and upon taking the oath prescribed for all sheriffs in Nova-Scotia, be fully invested with all the powers and authorities of a high-sheriff, and be subject to all such laws, customs ordinances, regulations and directions, as the high-sheriffs in the several counties, of Nova-Scotia are subject to; and shall continue in office until another shall be sworn in his stead.

VI. And be it further enacted, that it shall and may be lawful for the chief-justice of the supreme court, after the said sheriff shall be nominated and appointed, to issue and direct a precept to him, commanding him to summon twenty-four persons to attend the supreme court and the general sessions of the peace, at the first sittings of the said courts, to serve as grand jurors; and thirty-six persons to attend the said courts, and also the inferior courts of common pleas, at its first sittings, as petty jurors: which persons, so to be summoned, shall be respectively qualified to serve as grand and petit jurors as the laws of Nova-Scotia require and direct:—and the said duties of grand and petty jurors thereat, and shall be liable to all the fines and penalties for non-attendance, to which grand and petty jurors are liable in the province of Nova-Scotia.

VII. And be it further enacted, that the grand and petit jurors shall hereafter be drawn, summoned and returned, and the sheriffs, coroners, constables, and other civil officers, nominated and appointed, as such officers are summoned and appointed in the said province, and be subject to the same rules and restrictions. And justices of the peace, and commissioners appointed for the trial of small causes, shall have the same powers and authority, and be subject to the same rules and restrictions, as such officers are liable to by law in the said province.

VIII. And be it further enacted, That it shall and may be lawful for the justices of the supreme court, and of the court of common pleas, and sessions of the peace, to excuse the inhabitants of the northern and middle parts of the said county of Cape-Breton, from being drawn as petty jurors, to serve at the sittings of the said courts at Arichat; and in like manner to excuse the inhabitants of the southern parts of the said county from being drawn as petty jurors to serve at the said courts to be held at Sydney.

IX. And be it further enacted, that such causes as may have been commenced, and are now pending, in any of the courts of the said island, prior to its re-annexation, may be transferred and continued, at the instance of either party, to the respective courts by this act established, and may be there heard and determined as if such causes had been originally commenced therein, any law or usage to the contrary notwithstanding.

X. And be it further enacted, that the court of probate of wills, and granting letters of administration, shall be held at Sydney, in the said county of Cape Breton, at such time as the judge of the said court may appoint;—and the office for the registry of deeds shall be kept at Sydney, and at Arichat in the said county.

XI. And be it further enacted, that it shall and may be lawful for such persons as have been heretofore admitted to practise as attornies in the supreme court of the said island, to continue to practice as attornies and barristers in the several courts established by this act within the said island, but not elsewhere out of the said island, unless they shall be admitted as attornies of the supreme court of Halifax, under such rules and regulations as the said court shall establish. Provided always, that if it shall appear to His Majesty's supreme court at Halifax, upon the representation of the circuit judges, that any of the persons now practising as attornies in the said island, are not qualified to act as such, it shall be lawful for the said court to direct their names to be struck from the roll.

XII. And be it further enacted, that the laws now in force, as to the militia in Nova-Scotia, be, and the same are hereby, extended to the said county of Cape-Breton.

XIII. And be it further enacted, that in all questions which may arise relative to the Government, the administration of justice, the appointment and qualification of officers, the collection of the revenue, the management of the militia, and all other matters and things touching the good government and welfare of the said county of Cape-Breton and its people, the law and usage of Nova-Scotia shall be the rule and example to be followed.

XIV. And be it further enacted, that, from and after the first day of January, all commissions, which have issued under the authority of the late government of Cape-Breton shall cease to have any effect, and be utterly null and void to all intents and purposes whatsoever.

And whereas, in and by this act, it is enacted, that the supreme court shall hold its sittings at Arichat on the first Tuesday of September, on which day it has hitherto sat at Dorchester in the county of Sydney:

XV. Be it therefore enacted, by the authority aforesaid, that the supreme court shall in future commence its sittings at Dorchester, in the county of Sydney, on the second Tuesday of September, in each year, instead of the said first Tuesday of September; and at Pictou, in the district of Pictou, on the third Tuesday in September in each year, instead of the second Tuesday; and at Truro, in the district of Colchester, on the fourth Tuesday of September, in each year, instead of the third Tuesday of the said month of September; and that all writs, process, recognizances and complaints, which are or shall be made returnable to the said court, at its next sittings in the said county of Sydney, and in the district of Pictou and Colchester, shall be returned on the days herein appointed for such respective sittings of the said courts; and all parties and persons who are bound or summoned, or who ought to appear at the said courts, or any of them at the next sittings thereof, in any of the said counties, or districts, shall be held and obliged to appear at such court at the days and times on which such sittings respectively are hereby directed to be held.

XVI. And be it further enacted, by the authority aforesaid, that this act may be altered or amended during the present session or assembly.