

VII. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander-in Chief, for the time being, to appoint and commission so many fit and proper Persons (not exceeding four), to be Justices of the Inferior Court of Common Pleas, as may be thought necessary for each of the said Districts respectively.

Appointment of Justices of Inferior Court

VIII. *And be it further enacted*, That all Actions now depending in the said Inferior Court of Common Pleas, shall be determined, and final judgment entered up therein, in the District in which the Defendants in such Actions at the time may reside, or if such Defendants be absent from the Province, in the District or which he shall have usually resided, except Actions of Ejectment and Trespass, wherein the Freehold or Title to the Soil is in question, which Actions of Ejectment and Trespass, shall be tried and determined in the District where the land is situate.

Actions at present pending

IX. *Provided always, and it is further enacted*, That all Town and County business, and all appointments of Town and County Officers, and all rules and regulations done and transacted, made and entered into, by the Court of General Sessions of the Peace, at their sittings at Guysborough in November Term last, in so far as the same are authorised by Law, shall stand and remain in full force, operation and effect, until the first General Sessions of the Peace, which shall be held in the said Districts respectively, after the first day of January, which will be in the year of Our Lord one thousand eight hundred and twenty-five; *and provided always*, That nothing herein contained shall extend, or be construed to extend, to limit and restrain the power of the Supreme Court of the said County, to draw, and compel the attendance of, its Petit and Grand Jurors from the body of the said County, save and except that the said Grand and Petit Jurors shall be exclusively considered as belonging to, and only bound to attend the sittings of the Supreme Court in, the said County; *and provided always*, That nothing in this Act contained shall be deemed, taken or held, to interfere with the Office of Sheriff of the said County, or of any Person acting under him in his official capacity aforesaid.

Proceedings of Court of Sessions held at Guysborough in November last

Proviso

Expense of running lines of division of County how defrayed

X. *And be it further enacted*, That the Justices and Grand Jury, at a General Sessions of the Peace for the Upper District of the said County, may and shall assess upon the Inhabitants of the said District such sum or sums of Money as shall and may be necessary and requisite to defray the expenses of running out and marking the before mentioned line in the usual manner.

CAP. XXXVIII.

An ACT to make further Provision for the Equal Administration of Justice in the Province of Nova-Scotia.

Preamble

WHEREAS, it is deemed expedient to make some further Provision for the Administration of Justice in the Courts of Common Pleas and General Sessions of the Peace within the Province:

Division of Province

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That the Counties and Districts of the Province of Nova-Scotia, excepting the County of Cape-Breton, and the District of Halifax Proper, be divided into three Divisions; the County

of

Appointment of
First Justices
to Inferior
Court in each
Division

of Sydney, the Districts of Pictou and Colchester, and the County of Cumberland, to form the Eastern Division; the County of Hants, King's County, the County of Lunenburg and Queen's County, to form the Middle Division; the County of Annapolis and the County of Shelburne, with their respective Districts, to form the Western Division; and that it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint one fit and proper Person for each Division, who shall have been regularly admitted and enrolled as an Attorney of His Majesty's Supreme Court of this Province, and who shall have practised in his profession for at least ten years after such admission, to be First Justice of the Inferior Court of Common Pleas, and President or First Justice of the Court of Sessions, held, or to be hereafter held, in each Division, aforesaid.

Duty of First
Justice

II. *And be it further enacted*, That the Person so appointed for each Division as aforesaid, shall preside as the First Justice in all and every of the sittings of the said Inferior Court of Common Pleas and Courts of General Sessions of the Peace, within and for the respective Division to which he shall be so appointed,

Salary of First
Justice

III. *And be it further enacted, by the authority aforesaid*, That there shall be allowed and paid, annually, for the Salary of each of the Persons who may be appointed under this Act, the sum of Four Hundred Pounds.

Travelling Ex-
penses

IV. *And be it also enacted*, That in addition to the aforesaid Salary of Four Hundred Pounds, there shall be paid to each of the Persons appointed as aforesaid, the sum of Twenty Shillings per day, for Travel, for each day he shall be actually employed in travelling in the discharge of the duties of the said Office, and not otherwise. *And provided also*, That the whole amount thereof shall never exceed Fifty Pounds, to each Person, in any one year.

First Justices
not to interfere
in Elections

V. *And be it further enacted*, That it shall not be lawful for any Person who shall be appointed to the said office of First Justice of the said Courts of Common Pleas, nor for any Person now appointed, or who may be appointed, First Justice of the Courts of Common Pleas for the County of Cape-Breton, to have a Seat in the House of Assembly, or to be elected to sit therein, nor shall they or any of them vote at or interfere in any Election.

Fees

VI. *And be it further enacted*, That no Fees whatever, other than the travelling Fees herein beforementioned, shall be payable or paid to any Judge so appointed, under this Act, but that the Fees heretofore payable to these Judges of the said Courts, who now act as First Justices thereof, shall continue payable, and be paid to them, so long as they shall attend the said Courts; and that no Person so appointed under this Act, shall practise as an Attorney, Solicitor or Proctor, in any Court of Law or Equity within the Province, nor shall he hold any other place, appointment or situation, of profit, under Government.

First Justice
not allowed to
hold any other
situation

Vacancy occur-
ring in Office of
Associate Cir-
cuit Judge

VII. *And be it further enacted, by the authority aforesaid*, That in case a vacancy shall happen in the Office of Associate Circuit Judge of the Supreme Court, it shall not be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint any other Person in the said Office, until after the sitting of the Assembly which shall meet and be held next after the happening of such vacancy.

Place of Resi-
dence of First
Justice

VIII. *And be it further enacted*, That each Person to be appointed under this Act shall reside within the District to which he shall be so appointed.