

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday, the Thirteenth Day of February, 1823, in the Fourth 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. being the Third Session of the Twelfth General Assembly, convened in the said Province.

4 George IV – Chapter 33

An Act to regulate the Jurisdiction of the Inferior Court of Common Pleas within the County of Cape Breton, and to fix and establish the times places for holding of the said Inferior Court and General Sessions of the Peace in and for the said County.

Whereas from the great extent of the County of Cape-Breton, the courts held at Sydney and Arichat, are insufficient, and the jurisdiction of the inferior courts of that island require to be regulated, for remedy whereof:

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, that it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, when he shall deem it expedient, by and with the advice of His Majesty's council, to divide the said county of Cape-Breton into three convenient districts, and to regulate and ascertain the boundaries of such districts, and to issue a commission or commissions to establish an inferior court of common pleas and general sessions of the peace, to be held at some convenient place at the gut of Canso, or the Gulf shore of said island, which courts of common pleas and sessions are to be held, in addition to the courts of common pleas and sessions now held at Sydney and Arichat; provided always, that such third court of common pleas and sessions of the peace shall not be held until the Governor, Lieutenant-Governor or Commander in Chief for the time being, shall notify by proclamation the issuing of such commissions, the establishment and boundaries of each district, and the place where such third court of common pleas and sessions should be held.

II. And be it further enacted, that the inferior court of common pleas and general sessions of the peace, shall be held twice in every year, in the northern and southern districts of said island as now established, that is to say, the inferior court of common pleas and general sessions of the peace for the northern district, shall be held at Sydney on the second Tuesday of April and fourth Tuesday of October, in each and every year; and the court of common pleas and sessions of the peace for the southern district, shall be held at Arichat, on the fourth Tuesday in April, and second Tuesday of October in each and every year, any law, usage or custom, to the contrary notwithstanding. And when a third district shall be fixed and established in the said county, the court of sessions, and inferior court of common pleas, for such third district, shall be held twice in each year, at such place as shall be appointed for that purpose, as aforesaid, that is to say, on the second Tuesday of May, and fourth Tuesday of September.

III. And be it further enacted, that the jurisdiction of each of the said inferior courts of common pleas shall respectively set and be held; and all writs and process of every kind, which shall hereafter issue from any or either of the said Inferior courts now established, or which may hereafter be established, shall extend only to the district to which the inferior courts out of which the same may issue, belong; and it shall not be lawful hereafter, for the sheriff, or his deputy, or any other officer or officers to serve or execute any writ or process, issuing from the inferior court of common pleas in any of the said districts now established, or hereafter to be established, save and except in the district to which the inferior court out of which such writ or process may issue, shall properly belong and appertain; and it shall not be lawful for the sittings of any or either of the said courts of common pleas or general sessions, to be continued or prolonged for any length of time beyond the space of five days, to be computed from the first day of the sitting of each of such courts respectively. Provided always, that writs of execution or judgments, given in any or either said courts, shall run and may be served in and over the whole of the said county of Cape Breton, and the several districts thereof.

IV. And be it further enacted, that if it shall appear to the Governor, Lieutenant-Governor or Commander in Chief for the time being, after the said third district shall be established, as aforesaid, that it will be sufficient to hold the court of Common Pleas and General Sessions of the Peace once in each year in the said new district, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, by an order made by and with the advice of His Majesty's council, to suspend one of the sittings in each year of the said inferior court and general sessions, either in the spring or autumn, which ever may be most convenient, and continue such suspension so long as the same may be deemed necessary, and no longer.