

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday, the Eighth day of January, 1824, 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 Fourth Session of the Twelfth General Assembly, convened in the said Province.

4 George IV – Chapter 37

An Act to regulate and increase the number of Times for holding the Inferior Courts of Common Pleas and General Sessions of the Peace in and for the County of Sydney.

Whereas, the present mode of holding the inferior courts of common pleas and general sessions of the peace within the county of Sydney, is found to be not only inconvenient but detrimental to the internal policy of the said county:

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, that, from and after the publication hereof, the inferior court of common pleas and general sessions of the peace, for said county of Sydney, shall be held four times in each and every year, that is to say: at Dorchester, in the Upper District of the said county, on the second Tuesday of March, and on the first Tuesday of November, in each year; and at Guysborough, in the Lower District of the said county, on the fourth Tuesday of March, and on the third Tuesday of November, in each year.

II. And be it further enacted, that the jurisdiction of the said inferior court of common pleas, and general sessions of the peace, to be held, of all judges of the said court of common pleas, justices of the peace, and all other ministers of the law (the sheriff of the said county excepted) residing in the said upper district of the said county, shall extend over, and be limited within, the bounds following, that is to say: the shores of the Gut of Canso, the Antigonish Bay, and the Gulf of Saint Lawrence, on the east and north; the line dividing the district of Pictou and the said county, on the west; and on the fourth by a line to commence at the south-eastern angle of the said district of Pictou, and to run thence in a right line until it intersects the south river of Antigonish, at the north-east angle of land granted to James Archibald, Junior, thence in a right line until it intersects the west boundary line of the township of Guysborough, at the point where the main road leading from Antigonish to Guysborough, crosses said boundary line, thence along said line to the north-west angle of the said township, and thence north eighty degrees east to the line of the Gut of Canso aforesaid.

III. And be it further enacted, that the jurisdiction of the said inferior courts of common pleas and general sessions of the peace, to be held, and all judges of the said court of common pleas, justices of the peace, and other ministers of the law (the high sheriff of the said county excepted) residing within the said Lower District of the said county, shall extend over, and be limited to, such part of the said county as is not included within the bounds in the second section of this act defined.

4 George IV – Chapter 37

IV. And be it further enacted, that the said Upper and Lower Districts of the said county, from and after the publication of this act, shall respectively be deemed and held, in all things and in all respects touching and concerning the said inferior courts of common pleas and general sessions of the peace, to be held within them respectively, as aforesaid, and as to all acts done, or which may be necessary to be done, by any and all judges of the said inferior court of common pleas, or general sessions of the peace, within their respective jurisdictions, or by any justice of the peace, or other minister of the law, residing therein, (except the High Sheriff of the said county) as if the same were separate and distinct counties of this province.

V. And be it further enacted, that the lists of petit jurors to serve at the said courts respectively, shall be drawn of persons residing within their respective jurisdictions.

VI. And be it further enacted, that it shall and may be lawful for the said court of general sessions of the peace in each of the said districts respectively, to cause to be drawn the usual number of persons from those residing within their respective jurisdictions, who are by law required to serve as Grand Jurors, and to issue a Venire for their attendance, which jurors when summoned shall be bound to attend the court, and shall, for all purposes, be taken and held to be the grand jury of the said district to which they belong.

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.

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.

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 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.

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 of the said county, may and shall asses 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.