

*Ordinances of the Lieutenant Governor and Council of His Majesty's Province of Cape Breton passed in the year 1785.* National Archives of the United Kingdom CO 219/1.

25 George III – Chapter 3

**An Ordinance for establishing and regulating the Times for holding the ordinary Sessions of His Majesty's Supreme Court of Judicature, Court of Assize, and General Goal Delivery, in and for the Island of Cape Breton in America, and its Dependencies, and for regulating the proceedings in the said Courts.**

Be it ordained and ordered by His Excellency the Lieutenant Governor and Commander in Chief of the Island of Cape Breton and its Dependencies, and His Majesty's Council for the same, and it is hereby ordained and ordered by the Authority of the same. That His Majesty's Supreme Court of Judicature, Court of Assize, and General Goal [Jail] Delivery, shall be opened and held at Sydney in the said Island of Cape Breton, Four Times in every Year, that is to say, on the first Wednesday in the Months of February, May, August and November in every Year; the first Session in the Year shall be called Hilary-Term, the second Easter-Term, the third, Trinity-Term, and the fourth Michaelmas-Term and that every Term, shall be deemed to commence seven Days before the respective Days hereby appointed for the opening of the said Court, and continue Three Weeks.

And be it further ordained and ordered by the Authority aforesaid that His Majesty's Chief Justice for the said Island and its Dependencies and of the said Courts, shall and may as he shall Judge of Necessary, appoint Days of Sitting, after Term for the Tryal of Issues made up and prepared, and all Jurors summoned to allow the said Courts shall be obliged, and they are hereby directed to give their attendance accordingly, and shall severally be subject and liable to pay a fine of ten shillings to His Majesty for the use of this Government for each and every Day, he or they shall refuse or neglect to appear and serve accordingly, without some lawful or reasonable excuse, for his or their respective default to be heard and allowed at the discretion of the said Courts.

And be it hereby further Ordained and ordered by the Authority aforesaid, that His Majesty's Chief Justice aforesaid shall and may from Time to Time make such Rules and Orders for the regulation of the Practice and proceedings in the said Courts as he shall judge Necessary and Expedient for the speedy and due Administration of Justice, always adapting the same as nearby as possible to the circumstances of this Island and Its Dependencies, and not repugnant to the Practice in His Majesty's Courts of Kings Bench, Common Pleas, and Exchequer at Westminster Hall, and the Courts of Assize, Cryer, and Terminer and Goal Delivery in England, and all such Rules and Orders so to be made shall be duly observed, and obeyed until assessed or discharged by His Majesty's Chief Justice aforesaid in Court, or until they shall be altered or abrogated by any Ordinance of the Governor of Commander in Chief, and His Majesty's Council, of this Island and its Dependencies.

And be it hereby further Ordained and Ordered by the Authority aforesaid, that the first Session of the said Supreme Court of Judicature, Court of Assize and General Goal [Jail] Delivery shall, and may be opened and held as of Trinity Term at Sydney aforesaid, on such Day and Hour in the Month of August next, as His Majesty's Chief Justice aforesaid by his Precept, shall order and

appoint, and shall and may by him be gain closed and adjourned to the next Term, as soon as he may judge proper after opening the said Courts, any thing in this Ordinance to the contrary notwithstanding.

And be it hereby further Ordained and Ordered by the Authority aforesaid, that all Process issuing out of the said Courts, all Indictments, Issue and Judgment Rolls and special Bail Pieces shall be engrossed on Parchment, in the manner and Form, as nearly as circumstances will permit to the modes used and Practised at Westminster Hall.

Passed in Council the  
29th Day of July 1785.  
R. Gibbons Prest.

Approved ordained and  
ordered accordingly.  
J. F. W. Des Barres

A true Copy examined  
and compared from Minutes of  
Council.  
A Cuyler C. C.