

An Ordinance for the Establishment
of a Western District being an
Ordinance in addition to an
Ordinance passed the 20th July 1803.
for regulating the times of holding
the Supreme Court and Sessions of
the Peace in the Island of Cape
Breton and its Dependencies -
Published the 3rd August 1803. - - -

Whereas the Convenience Ease and Benefit
of His Majesty's ^{Faithful} and Loyal Subjects residing on the
Island Madam a Dependency of this Island and in
the Western parts of this Province, which were the
objects of an Ordinance passed the 20th July 1803, and
Published 3rd August 1803 for regulating the times of
holding the Supreme Court and Sessions of the Peace
in the Island of Cape Breton and its Dependencies
cannot be promoted and carried into effect agreeable
to the intention thereof, by reason of no district being defined
and expressed which should ^{and} ought to Comprehend
the local jurisdiction of the Supreme Court and Courts
of Sessions of the Peace in and for that part of this
Government. And whereas such uncertainty
enables vexatious and ill disposed litigants wantonly
to harass their Opponents by electing to prefer their
suits either at Anichator or at Sydney according to
their caprice or pleasure to the great and unnecessary
increase

increase of Expence and Difficulty in the respect to the
Witnesses and production of Evidence and contrary the true
intent and meaning of the said Ordinance. For remedy whereof
be it Ordained and Ordered by His Honor Major General
John Despard President of His Majesty's Council by and
with the advice and consent of the said Council, That
from and after the publication hereof the Western
District of this Government shall reach or extend to and
be limited or bounded by the parts and places herein
after mentioned, that is to say from Chetican to Grand
Riviere including all Settlements, Creeks and Rivers,
along that Coast and the Island of Madam - And all
Causes of Action and other matters of Civil or Criminal
Cognizance arising within the said District shall be
examinable or triable before the Supreme Court or
Court of Sessions of the Peace to be holden in and for
the said District, or shall be inquirable within the same
as the Case may be - And in like manner all Causes of
Action or other matters arising without the said District
shall be examinable or triable before the Supreme
Court or Court of Sessions of the Peace to be holden
for such parts of this Government as are not comprehended
within such Western District as aforesaid, and shall be
inquirable within such parts so exclusive of such
District as the Case may be - Provided nevertheless
that nothing herein Contained shall in any wise abridge
alter or affect the powers or Authority of the said Court
or either of them as recognized and allowed by an
Ordinance examined and confirmed the 6th April 1803
"for regulating the times of holding the Supreme Court
"and Sessions of the Peace in the Island of Cape Breton

" and

increase of Expense and Difficulty in the respect to the
Witnesses and production of Evidence and contrary the true
intent and meaning of the said Ordinance. For remedy whereof
be it Ordained and Ordered by His Honor Major General
John Despard President of His Majesty's Council by and
with the advice and consent of the said Council, that
from and after the publication hereof the Western
District of this Government shall reach or extend to and
be limited or bounded by the parts and places herein
after mentioned, that is to say from Chetican to Grand
Riviere including all Settlements, Creeks and Rivers,
along that Coast and the Island of Madam. And all
Causes of Action and other matters of Civil or Criminal
Cognizance arising within the said District shall be
examinable or triable before the Supreme Court or
Court of Sessions of the Peace to be holden in and for
the said District, or shall be inquirable within the same
as the Case may be. And in like manner all Causes of
Action or other matters arising without the said District
shall be examinable or triable before the Supreme
Court or Court of Sessions of the Peace to be holden
for such parts of this Government as are not comprehended
within such Western District as aforesaid, and shall be
inquirable within such parts so exclusive of such
District as the Case may be. Provided nevertheless
that nothing herein contained shall in any wise abridge
alter or affect the powers or Authority of the said Court
or either of them as recognized and allowed by any
Ordinance examined and confirmed the 6th April 1803
"for regulating the times of holding the Supreme Court
"and Sessions of the Peace in the Island of Cape Breton

"& its Dependencies" But all such powers and every such Authority shall obtain and be in force within the said Western District pursuant to the said last recited Ordinance, and the practice and proceedings of such Courts shall be regulated accordingly — And whereas by the last recited Ordinance it is **66** Ordained and Ordered that the Practice and Proceedings of the said Courts shall be strictly Conformable to the Practice and Proceedings of the Courts of Kings Bench and of the General Quarter Sessions of the Peace in the several Counties in England, and according to the Common Law of England, so far as the same are applicable to the Circumstances of this Island, and according to the Laws and Ordinances of this Island not being repugnant thereto — And whereas a considerable part of the practice of such respective Courts is regulated by divers Acts of Parliament as well in respect to Bail, Costs, and Damages, Privilege of Divers Officers in respect to Venue and Duty of Sheriff, as to various other matters which being part of the Laws of England have been extended by His Majesty's Gracious favour to the Inhabitants of Cape Breton and appertain particularly to the Jurisdiction of the said Courts — Be it therefore Ordained and Ordered that in addition to the practice and proceedings of the said Courts being regulated by the course prescribed by the said recited Ordinance, such Parliamentary provisions as form part of the practice and proceedings of the Court of Kings Bench and Courts of Sessions of the Peace in England, and are applicable to the Circumstances of this Island, be adopted and become part of the Practice and proceedings of the Supreme Court and the Courts of Sessions of the Peace within this Government

And

And be it Ordained and Ordered by the Authority
aforesaid that in Order to accommodate the Inhabitants of
the said Western District, the Supreme Court shall here-
after be holden for the said District on the third Monday
in August in each Year instead of the third Monday
in September the time appointed heretofore for holding
the said Court.

And be it Ordained and Ordered by the authority
aforesaid that the Sessions of the peace for the said
Western District shall be holden at Arischat on the
first Monday in April and the first Monday in December
in each and every Year.

And be it Ordained and Ordered by the authority
aforesaid that the Grand Jury for the said Western
District shall have all powers and Authorities allow'd
used and exercised by the Grand Jury for those parts of
this Government which are not Comprehended within
the limits of the said District, and that in respect to
the Choice and presentment of Constables for the
Approbation and Appointment of the Court of
Sessions, the Grand Juries for the respective parts of
this Government shall not be limited in such
Choice and presentment, but shall Choose and present
to the respective Courts of Sessions a sufficient Number
of Constables for the public service at the various parts
of this Island and its Dependancies, as to them
seem necessary.

And be it Ordained and Ordered by the
Authority aforesaid that all the duties, powers, and
Authorities directed and granted by the Laws of
England to Justices of the Peace in respect to
the

the backing of any Warrant which may have been issued against any Person or Persons who shall have escaped into and shall be within the Jurisdiction of any other Magistrate, and also in respect to the levying under any Warrant of Distress out of the Jurisdiction of the Justice granting such Warrant where no distress can be found within the Jurisdiction of such Justice, and all other duties, powers, & authorities which apply or appertain to Justices of the Peace in England in regard to their Acts as they respect other Counties, than those wherein they respectively reside, or within which only they have Jurisdiction, shall extend and have similar force and efficacy within and in respect to the said Western Division, in regard to the duties, powers, and authorities of any Justice of the Peace within any other part of this Government, and in like manner shall such duties, powers and authorities of Justices of the Peace within the said Division be extended and have force and efficacy in regard to other parts of this Government not Comprehended or forming part of such Division as aforesaid.

Approved, Ordained & Ordered accordingly in Council the third of June 1805 —

John Despard Maj^r. Genl
& President of Council.