

Ordinances of the Lieutenant Governor and Council of His Majesty's Province of Cape Breton passed in the year 1808. National Archives of the United Kingdom CO 219/2.

48 George III – Chapter 3

An Ordinance in Addition to and Amendment of an Ordinance made and passed in the forty fifth Year of His Majesty's Reign entitled an Ordinance for the Establishment of a Western District being an Ordinance in Addition to and Amendment of an Ordinance made and passed the 20th July 1805, for regulating the times of holding the Supreme Court and Sessions of the Peace in the Island of Cape Breton.

Whereas in and by the before in part recited Ordinance it is among other things Ordained and Ordered that from and after the publication hereof the Western District of this Government shall reach and extend to and be limited and bounded by the parts and places herein after mentioned that is to say from Chetican [Chéticamp] to Grand Riviere [Grande-Rivière], including the Island of Madame [Isle Madame] and all Causes of Action and other matters of Civil or Criminal Cognizance arising within the said District shall be Examinable or triable before before the Supreme Court, or Court of Sessions of the Peace to be holden – in and for the said District or shall be Enquirable within the same as the Case maybe.

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 Session of the Peace to be holden for such parts of this Government, as are not comprehended within the said Western District as aforesaid and shall be Enquireable within Such parts so exclusive of Such District as the Case may be.

And Whereas it appears that there are certain places and Settlements comprehended within the Division or boundary Line of said Western District as laid down and expressed in the above – in part recited Ordinance which are more Contiguous to and have more easy and ready Communication with the Town of Sydney, And also that there are places and Settlements excluded from the said Western District which are more contiguous to and have more easy and ready communication with the Town of Arichat where the Courts are holden for the said Western District for remedy whereof Be it Ordained and Ordered by His Honor Brigadier General Nicholas Nepean, President of His Majesty's Council by and with the advice and consent of the said Council and by the authority of the same it is hereby Ordained and ordered that from and after the publication hereof the boundary and division Line of the said Western District shall begin and commence at a point, two Miles to the Northward and Eastward of the Entrance of Grand Riviere [Grande-Rivière] thence to run Northwestern passing near to the most northerly of the red Islands in the Bras dor [Bras d'or] Lakes or Lake St George, to a point to the Northward and Westward of the narrows or Entrance of Lake George, from which a line running Westerly will pass midway between the Waters of St George, and St Patrick's Channels, to a point from which a line running northwesterly to Cape Mabou, will begin two miles to the Westward of the Waters of St. Patrick's Channel and include Cape Mabou.

And Whereas the Provisions in the before in part recited Ordinance restraining and limiting the trial of all Actions, whatsoever as well transitory as local exclusively to such District of this Government where the Cause of Action shall arise will create great delay Inconvenience and

Expencc to Persons Litigating Causes in the said Courts and in also [illegible word] to the Practice in England as well as in His Majesty's American Colonies, To remedy which.

Be it Ordained and Ordered by the Authority aforesaid that from and after the publication hereof that all real Actions, Actions of Trespass, [illegible word] *Quare Clausum friget* and other local Actions wherein the Right or Settle to any Lands Tenements or Hereditaments (maybe in issue shall be tried and determined in the District only wherein such Lands Tenements or Hereditaments shall lie or the Cause of Action arise and not otherwise mutual Consent of the Parties to any such Action with leave of the Court. And, that all other Actions whatsoever Civil or Criminal as a personal or transitory Nature shall and maybe tried and determined in either District of this Government indiscriminately recording to the Course of the Proceedings in any such Action any thing contained in the before in part recited Ordained to the contrary thereof Notwithstanding;

Provided always, and it is hereby Ordained and Ordered that the Chief in other Justice or Justices of His Majesty's Supreme Court Upon mention in Open Court, and Sufficient Cause shown upon Oath, in Support thereof shall and may under the Name, to be changed in any Action, and the Trial to take place in either or Such Districts of this Government as he or they in his or their Discretion shall see fit for the furtherance of Justice

Passed in Council
the 21st day of July 1808
W. McKinnon

Approved, Ordained and Ordered in Council
accordingly this 21st twenty first day of July
1808.
Nichs. Nepean
B. Genl. Commr