

In 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 20<sup>th</sup> July 1803, 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 hereinafter mentioned that is to say from Cheticam to Grand Riviere, including all Settlements, Creeks and Rivers, along that Coast, and the Island of Madras and all Causes of Action and other matters of Civil or Criminal Cognizance arising within the said District shall be Examenable and Triable 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 in the Case may be.

And in like manner all Causes of Action or other Matters arising without the said District shall be Examenable 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 the said Western District as aforesaid and shall be Enquirable 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

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 Arichet, 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 thence to run Northwesterly  
passing near to the most Northerly of the red Islands in the Bras de la  
or Lake St. George, to a point to the Northward and Westward of the narrow  
Entrance of Lake George, from which a line running Westerly will pass  
midway, between the Waters of St. George, and St. Patrick's Channel, to a  
point from which a line running northwesterly to Cape Melbou, will pass  
two miles to the Westward of the Waters of St. Patrick's Channel and include  
Cape Melbou.

And Whereas, the Provisions in the before in part recited  
Ordinance, restraining and limiting the trial of all Actions, whether  
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 Expence to Persons Litigating Causes, in the said Courts and is also contrary  
to the Practice in England as well as in His Majesty's American Colonies. For  
remedy whereof.

Be it Ordained and Ordered by the Authority aforesaid that from and  
after the publication hereof that all real Actions, Actions of Trovass, -  
Quare Clausum, frigit and other local Actions wherein the Right or Title  
to any Lands Tenements or Hereditaments may be 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  
unless by mutual Consent of the Parties to any such Action with leave  
of the Court. And, that all other Actions whatsoever Civil or Criminal  
of a personal or transitory Nature shall and may be tried and  
determined

determined in either District of this Government, indiscriminately according to the course of the Proceedings in any such Action any thing contained in the before said recited Ordinance to the contrary thereof notwithstanding;

Provided always, and it is hereby Ordained and Ordered that the Chief, or other Justice or Justices of His Majesty's Supreme Court upon motion in Open Court, and sufficient Cause shown upon Oath, in Support thereof shall and may order the Venue, 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  
in 21<sup>st</sup> day of July 1800.

W. M. W. W. W.

Approved, Ordained and Ordered in Council  
accordingly this 21<sup>st</sup> twenty first day of July  
1800.

Nich. Nepean  
B. Gen. Tomlinson