

the Court of Sessions, discharged important administrative functions, and another, the highest, was primarily not a court of law but an administrative body. To understand the Court of Sessions and its diverse duties one should turn to its history in England.

Unusual as is to-day the merging of judicial and administrative functions, it was not novel to Nova Scotians one hundred and fifty years ago. When Halifax was founded, the Governor-in-Council was a legislative, administrative and judicial body in one. Although it was relieved of its judicial functions in 1754 the chief justice still remained a member of the Council, became a governor, and exercised administrative powers until driven out of the Council in 1838 by Howe. The Council claimed the sole right to legislate until the chief justice questioned the legality of its Acts and caused the Secretary of State to direct the Governor to summon an Assembly. Still the Council continued to discharge executive and legislative duties until separation was forced in 1838. And it was not until 1848 that Howe completed his great task and made the Executive Council dependent upon the will of the majority of the Assembly.

In the courts of general sessions, it may be explained, the sheriff as appointee of the Crown was the executive officer; the justices were the guardians of the peace, also appointed by the Crown; and the grand jury was the people speaking through a select few. From the earliest times these courts were administrative as well as judicial bodies. Obviously the transition is easy from inquiries into how the King's peace was observed to inquiries as to measures to secure its better observance, e.g., the establishment of court-houses, jails, etc., bridges for the improvement of the King's highway and the like.

In 1749 Cornwallis appointed four justices of the peace for Halifax. In addition to these there were those who by virtue of their office were conservators of the peace. At one time the captains of the ships in the harbour were justices of the peace for Halifax. Ordinarily these justices were appointed by special mandate of the Governor. According to English practice they must be residents of the county. Their number seems to have been unlimited, and they held office during the pleasure of the Crown. In the days of Howe's battles the larger counties had