

receive such Travelling Fees as are now by Law allowed and payable to the other Justices of the said Court, and no other Fees whatever.

One Judge
may hold Su-
preme Court

XXXIV. *And be it enacted*, That it shall and may be lawful for any one Judge of the Supreme Court to preside at, and hold the said Supreme Court, and to try all Issues, as well in Criminal as Civil Causes, in the said Court.

Preamble

And whereas, it may happen sometimes that the Judges may be unable to arrive at the places for holding the said Supreme Court at the times limited and appointed by this Act :

Opening of Su-
preme Court
may be defer-
red under cer-
tain circum-
stances

XXXV. *Be it enacted*, That in case any Judge may be prevented by illness, by the state of the weather, or other unavoidable accident, from arriving at the said places on the days appointed by this Act, for holding the said Court, that it shall and may be lawful for the Sheriff of any County in this Province, or his lawful Deputy, to give public notice at the Court House of such County to all Suitors, Defendants, Jurors, Witnesses, and all other persons bound to attend the said Court, that the said Court will meet for the despatch of Business on the following day ; and the said Sheriff, or his lawful Deputy, shall continue to give such notice, from day to day, for three successive days, or until the Judge authorized to hold the Court at the said respective places do arrive.

Attendance of
Suitors, &c.

XXXVI. *And be it enacted*, That all Suitors, Defendants, Jurors, Witnesses, and all other persons who were bound by Law to attend the said Court on the days named in this Act, shall be bound to attend on the following day, which the Sheriff or his Deputy shall nominate, as herein directed ; and all the proceedings of the said Court, as well in Criminal Cases as in Civil Cases, shall be equally valid, legal and binding, when the said Court shall be opened as aforesaid, as if the said Court had commenced its Sittings on the particular days hereinbefore appointed.

Rule Nisi may
be granted

XXXVII. *And be it enacted*, That whenever the Judge who has presided at the Trial of any Cause, on the Circuit of the Supreme Court, in any County in this Province, shall, upon due application, refuse to grant a Rule Nisi to set aside any non-suit ordered, or the verdict passed in such Cause, and to grant a new Trial therein, and the Counsel for the party making such application shall, on or before the last day of the Term in which the said Cause has been tried, file a written statement, setting forth specifically his objections to the Law, as delivered by the Judge on the Trial, or the finding of the Jury, and the party on whose behalf such application has been made, shall also file sufficient Bail, in such reasonable amount as the said Judge shall direct, to respond the Judgment to be finally given in the said Cause, then, and in such case, it shall not be lawful to enter up any Judgment on such non-suit or verdict, until after the first four days of the next ensuing Term of the Supreme Court at Halifax, in order that the party dissatisfied with the said non-suit or verdict, may have an opportunity of applying to the Supreme Court at Halifax for a Rule Nisi to set the same aside.

Executions
may be issued
from Supreme
Court upon
Judgments
given in Infe-
rior Court

XXXVIII. *And be it enacted*, That it shall and may be lawful to issue Execution, or other Process, upon any Judgment entered in any of the Inferior Courts of Common Pleas hereby abolished, or to proceed with or upon any Execution heretofore issued on such Judgment, or with, or upon the levy thereof, or to have and take the like proceedings in respect to such Judgment and Execution, or other Process, where Execution remains to be done, as heretofore might have been done, if this Act had not passed ; and every such Execution, or other Process, shall recite the Judgment had in the said Inferior Courts of Common Pleas, and shall be tested on the last Term of the Supreme Court preceding the issuing of such Writ of Execution, or other Process, and be made returnable to the said Supreme Court, in the same manner as if the same Cause or Causes had been originally commenced in the said Supreme Court, and Judgment been had in such Court ; and that any Action or Scire Facias, founded upon any such Judgment, or sued and commenced against the Bail, in any Suit or Action in the Inferior Courts of Common Pleas, or for or in respect of any Suit or Action commenced in such Courts, respectively, may be brought, sued and prosecuted, in the Supreme Court for the same County, in the same manner as might have been done in the Inferior Court of Common Pleas, if this Act had not passed.

Writs, &c. re-
turnable to Su-
preme Court

XXXIX. *And be it enacted*, That all Writs, Process, Recognizances, Complaints or other Proceedings whatsoever which are now, or shall be made returnable to the Supreme Court, in the several respective Counties of the Province, at the next Term or Sitting of any of the said respective Courts, shall be returned and held, and deemed to be return-
able,