

Commissions of Assize and Nisi Prius may issue twice in each year.

Special Commissions may issue when necessary.

Provision in case Courts of Assize cannot be opened on the day appointed in Commission.

in force respecting the practise of His Majesty's Court of King's Bench in this Province," shall be and the same is hereby repealed; and that after the end of Trinity Term next, as appointed by this Act, it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to issue yearly and every year, in the vacation between Easter and Trinity Terms, and also in the vacation between Michaelmas and Hilary Terms, such Commissions of Assize and Nisi Prius into the several Districts, as may be necessary for the purpose of trying all Issues joined in the said Court in any suit or action, which according to the practise of the Court ought to be tried in such Districts respectively; and that in like manner Commissions of Oyer and Terminer and General Gaol Delivery, shall be issued into the several Districts of this Province, twice in the year, within the periods aforesaid: *Provided always nevertheless*, that it shall be in the power of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to issue a Special Commission, or Special Commissions, for the trial of one or more offender or offenders upon extraordinary occasions, when he shall deem it requisite or expedient that such Commission should issue: *And provided also*, that nothing contained in this Act shall render it necessary to hold any Court in any new District of this Province lately organized, or hereafter to be organized, at an earlier period than is or may be provided in the Act erecting such new District.

IX. *And whereas* it may happen that from some unforeseen casualty it may be impracticable to open a Court of Assize and Nisi Prius, or of Oyer and Terminer or General Gaol Delivery, on the very day appointed in the Commission or Precept for the opening of the same, and it would be attended with great Public inconvenience if such Court could on that account not be opened until Juries were again summoned, and a new day appointed for holding such Court: *be it further enacted by the authority aforesaid*, That whenever from illness of the Judge, or from unavoidable detention at the last Assize town, or from other casualty, it may happen that the Judge appointed to hold any Court of Assize and Nisi Prius, Oyer and Terminer or General Gaol Delivery, shall not arrive in time, or shall not be able to open such Court on the day appointed for that purpose, it shall and may be lawful for the Sheriff of the District in which such Court should be holden, or in his absence for his Deputy, after the hour of eight of the clock in the afternoon of such day, to adjourn by Proclamation all and every the Courts which shall be appointed to be opened on that day, to an hour on the following day to be by him named, and so from day to day until the Judge shall arrive to open such Court or Courts, or until he shall receive other direction from the Judge in that behalf.