

ing the Cape
Breton Circuit

Transfer of
Actions from
Inferior to
Supreme
Court attend-
ed with preju-
dicial conse-
quences

Appointment
of Commis-
sioners for tak-
ing Special
Bail—their
duties and
powers

pointed to that Circuit, to procure such necessary and comfortable conveyances for the aforesaid purposes as he shall think fit and proper.

XLV. *And be it further enacted,* That if it shall be made satisfactorily to appear to the Supreme Court, that the transfer of any Action or Suit from the Inferior Court of Common Pleas to the Supreme Court, by virtue and under the operation of this Act, has been attended with such consequences as will prejudice any party in the trial of such Cause; it shall and may be lawful for the said Supreme Court to grant a continuance in any such Action or Suit.

XLVI. *And be it enacted,* That it shall and may be lawful, from and after the passing of this Act, for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to appoint and commission three or more persons, including the present Commissioners of the said Supreme Court in and for each County in this Province, (Halifax excepted,) Commissioners for taking Bail in the said Supreme Court; and that it shall be lawful for any of the said Commissioners to mark and allow any Certiorari for removing Causes from any Judicial Tribunal of Inferior Jurisdiction to the said Supreme Court; and also, to take Special Affidavits for holding to Bail in the said Supreme Court, and specially to endorse Writs in the same manner as is now done by the Judges of the said Supreme Court, and subject to the same rules and regulations; and that any such Writ of Certiorari, when so allowed by any of the said Commissioners as aforesaid, shall have the effect of staying all previous proceedings in the said Cause, in the same manner as if the same had been allowed by one of the Judges of the said Supreme Court.

Confirmation
of appraise-
ments for
Road

XLVII. *And be it enacted,* That in Counties where, by this Act, there shall be only one General Sessions of the Peace in the year, it shall and may be lawful for any Special Sessions held by five Justices of the Peace at least, to approve and confirm upon the same notice, and under the same regulations as by Law are now provided and enacted in respect to the confirmation of the same by a general Sessions of the Peace, any report of Appraisers appointed to lay out and value any New Road, or alteration of a Road, in the same manner, and with the like effect, as a Court of General Sessions can now do the same.

Continuation
of Act

XLVIII. *And be it enacted,* That this Act may be amended by any Act or Acts to be passed in this present Session of the General Assembly.

CAP. IV.

An Act for improving the Administration of Justice, in Criminal Cases, in this Province.

(Passed the 29th day of March, A. D. 1841.)

Preamble

WHEREAS, Trials for Criminal Offences in this Province are attended with some forms which frequently impede the due Administration of Justice, and it is therefore expedient to abolish such forms, and also to abolish the benefit of Clergy, and to make better provision for the punishment of Offenders, in certain cases:

A plea of not
guilty without
further form
put Prisoner
on his Trial

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That if any person, being arraigned upon any indictment for Treason or Felony, shall plead thereto a plea of "Not Guilty," he shall, by such plea, without any further form, be deemed to have put himself upon the Country for Trial; and the Court shall, in the usual manner, order a Jury for the trial of such person accordingly.

If he refuses
to Plead the
Court may enter
Plea of not
guilty

II. *And be it enacted,* That if any person, being arraigned upon, or charged with, any indictment or information for Treason, Felony or Misdemeanor, shall stand mute of malice, or will not answer directly to the indictment or information, in every such case it shall be lawful for the Court, if it shall so think fit, to order the proper officer to enter a plea of "Not Guilty" on behalf of such person; and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

Every chal-
lenge beyond
the legal
number to be
void

III. *And be it enacted,* That if any person indicted for Treason or Felony, shall challenge, peremptorily, a greater number of the men returned to be of the Jury than such person is entitled by Law so to challenge in any of the said cases, every peremptory challenge beyond