



BY AUTHORITY.

ANNO QUADRAGESIMO SECUNDO VICTORIÆ REGINÆ.

CAP. VII.

An Act relating to the Supreme Court.

Sec.

- 1 Court, of whom composed.
- 2 Duty of the Judge in Equity.
- 3 Judge in Equity not required to attend Circuits nor Chambers on Common Law side.

Sec.

- 4 Jurisdiction of Chief Justice, &c., not interfered with. Judges not prevented from holding Equity Sittings.
- 5 Appeals, how made.
- 6 When Act shall come in force.

Passed 15th April 1879.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Supreme Court shall, on and after the coming into force of this Act, be composed of a Chief Justice, a Judge in Equity, and four other Puisne Judges.

2. Except as herein provided it shall be the duty of the Judge in Equity, so far as practicable, to hold the Equity Sittings, and perform the duties and exercise the powers, authority and jurisdiction which the said Court, as "The Supreme Court in Equity," or any Judge thereof, now may perform or exercise.

3. The Judge in Equity shall not be required to attend the Circuits, nor attend the business at Chambers on the Common Law side of the Court, unless the illness of a Judge or some other good excuse shall render it necessary.

4. Nothing herein contained shall be construed to limit, restrict or in any manner interfere with the powers, authority or jurisdiction which the Chief Justice or any other Judge of the Supreme Court now has in Equity matters, suits, and proceedings, or to prevent either of them from holding the Equity Sittings when from any cause it shall be necessary for a Judge other than the Judge in Equity to hold the same, or to limit, restrict, or in any manner interfere with the powers, authority and jurisdiction of the Judge in Equity as a Judge of the Supreme Court.

5. Every appeal from the decision of the Judge in Equity, or from the decision of any other Judge of the Court exercising Equity jurisdiction, shall be made to the Supreme Court in Term.

6. The Governor in Council shall, by Proclamation to be published in the Royal Gazette of this Province, declare the time when this Act shall come into operation and be in force.

CAP. VIII.

An Act to facilitate the transaction of the business of the Supreme Court.

Sec.

- 1 Court to be divided into two Divisions.
- 2 Distribution of business of Court, how made.
- 3 When Judge cannot sit on hearing of cause, Chief Justice to appoint.
- 4 Court sitting in two Divisions, when motion paper shall be heard.
- 5 Jurisdiction of each Division.
- 6 When Judge shall not sit on appeal. When Equity appeals shall be heard.

Sec.

- 7 How long Court shall sit in two Divisions.
- 8 Full Court may sit to hear cause.
- 9 Number of Judges who may sit for hearing causes during Term; proviso.
- 10 In cases tried at Nisi Prius, &c., not necessary to move to set aside verdict, but party moving to give notice to Judge and Attorney of opposite party, and deliver printed statement of cause of motion, &c., and file with Clerk of Pleas; proviso.

Sec.

- 11 Order in which Special paper shall come up for argument; proviso.
- 12 Minutes of First and Second Divisions of Court, by whom kept; compensation to Deputy.
- 13 In proceedings for certiorari, &c., Court may alter or amend its practice.

Sec.

- 14 Court authorized to make General Rules and Orders for carrying out purposes of Act. Rules, &c. to be laid before Legislature.
- 15 Time when Act shall come into operation.

Passed 15th April 1879.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. Commencing with the Term next after the appointment of a Judge in Equity under the provisions of an Act passed during the present Session of the Legislature, intituled "An Act relating to the Supreme Court," the Supreme Court shall, subject to the provisions hereinafter provided, sit in Term of two Divisions; the first Division to consist of the Chief Justice and the two Puisne Judges last appointed to the Bench; and the second Division to consist of the senior Puisne Judge and the two Puisne Judges next to him in seniority. In the second Division the senior Judge present shall preside.

2. At the commencement of each Term it shall be the duty of the Court to divide the business of the Court, and where Dockets are required by the practice of the Court, to make up two Dockets of cases before it, in such manner as it shall see fit; provided always, that all causes which have been tried at the Nisi Prius Sittings or Circuit Courts shall be placed on the Docket of the Division of which the Judge who tried the cause shall be a Member.

3. When by reason of interest or from other good cause one or more of the Judges of either Division cannot sit in the hearing of any cause coming before such Division, it shall be the duty of the Chief Justice in all cases when the same is practicable, to provide that one or more Judges of the other Division, as the case may be, shall sit for the hearing of such cause; and the Judge or Judges who for such reason cannot sit in his own Division shall, if practicable, sit in the other Division, so that so far as possible each Division of the Court shall be composed of three Judges.

4. When the Court is sitting in two Divisions the Motion Paper shall be heard before such of the said Divisions as the Chief Justice, or in case of his illness or absence, the senior Puisne Judge present shall, at the commencement of each Term, direct.

5. Each Division of the Court, sitting in its Division, shall have, exercise and enjoy all the powers, authority and jurisdiction of the Court.

6. No Judge shall sit on the hearing of an appeal from his own Division in a suit in Equity; and when the Court is sitting in two Divisions, Equity appeals shall be heard before the Division of which the Judge whose decision is appealed against is not a member.

7. The Court shall so sit in two Divisions until all arrears of business shall be disposed of, and may so sit in two Divisions at any time when to the Court it shall seem fit and proper so to do.

8. Nothing herein contained shall at any time prevent the full Court from sitting to hear any cause.

9. No more than five Judges shall sit for the hearing of causes during Term, except when the Court is sitting in two Divisions; provided that nothing herein contained shall be construed to require that the full Court be composed of five or any fixed number of Judges.