

the said Commissioners or any two of them are hereby authorised and empowered to examine upon oath (which oath the said Commissioners or any two of them are hereby authorised to administer) any person or persons relating to the said accounts and vouchers; and all such persons are hereby directed and required punctually to attend the said Commissioners at such time and place as they or any two of them shall appoint.

III. And be it enacted, That the said Commissioners or any two of them shall examine the said accounts, and make due report of their proceedings to the Lieutenant Governor for the purpose of being laid before the Legislature at their next Session. Commissioners to make report to the Lieutenant Governor.

CAP. IV.

*See 1st Act. c. 16
2nd Act. c. 47*

An Act to establish Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts.

Passed 22d July 1837.

WHEREAS it is expedient that Circuit Courts be established in the several Counties in this Province;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Circuit Courts for the trial of all issues joined or to be joined in the Supreme Court of Judicature in this Province, triable at Nisi Prius, shall commence and be held upon the days and times in the several Counties hereinafter mentioned in each and every year, that is to say: Circuit Courts to be held at the times and places herein specified.

In the City and County of Saint John, on the second Tuesday in January and first Tuesday in August;

In the County of Charlotte, on the fourth Tuesday in April and Tuesday after the fourth Tuesday in October; *2nd July*

In the County of King's, on the ~~fourth~~ Tuesday in January;

In the County of Kent, on the last Tuesday in August;

In the County of Westmorland, on the first Tuesday in September;

In the County of Northumberland, on the second Tuesday in September;

In the County of Gloucester, on the first Tuesday in September;

In the County of Carleton, on the last Tuesday in September;

In the County of Sunbury, on the last Tuesday in February; *#*

In the County of Queen's, on the second Tuesday in March. *Wittjacob Act Tues in August*

II. And be it enacted, That it shall and may be lawful for any person or persons to take and sue forth writs or records of Nisi Prius for the trial of the said issues in such Counties respectively in which the venue or cause of action of such issues shall be respectively laid, and also writs of distringas, subpoena, and all such other writs and precepts as are or may be by the practice and usage of the said Supreme Court be issued and sued forth. Such writs, &c. for the trial of issues where the venue is laid may be taken out as may be issued by the practice of the Supreme Court.

III. And be it enacted, That such Circuit Courts respectively shall commence and be held on the said days, and continued so long as the Justice presiding in any such Circuit Court shall consider necessary and expedient for the trial of issues then and there entered and triable: Provided always and be it enacted, that in case it should happen, either by the pressure of business at other places or from other unforeseen circumstances, any of the said Circuit Courts shall not be opened at any place specified for holding the same on the very day appointed for such purpose, it shall and may be lawful to open the same on the following day, or if such following day shall be a Sunday or any other day of public rest, then Courts to continue so long as the presiding Justice shall consider necessary. Provide for opening the Court when not opened on the day appointed.

*A. extended to King's on the 2nd Dec. c. 47
B. Queen's circuit altered to 1st Tues in March } 1st Dec. c. 16*

then on the succeeding day; and such opening shall be as effectual to all intents and purposes as if the same had been opened on the very day appointed for that purpose, and shall be deemed and taken to be an opening thereof on the day for that purpose appointed; and all records and other proceedings under or relating to the said Courts which may be opened and read by virtue of this Act, shall and may be drawn up, entered and made out under the same date, and in the same form in all respects, as if such Circuit Courts had been opened on the day originally appointed for that purpose.

Chief Justice or some Justice of the Supreme Court to preside.

Sheriffs, Jurors, &c. to attend, and be liable as at the terms of the Supreme Court.

Provision for the travelling expenses and charges of the Judges holding the Courts.

Limitation.

IV. And be it enacted, That the Chief Justice or some one of the Justices of the Supreme Court for the time being shall attend, be present and preside at such Circuit Court respectively; and the respective Sheriffs for the time being of the several Counties shall make return of all writs and precepts directed to them respectively, returnable at such Circuit Courts; and such Sheriffs and all Coroners, Bailiffs, Constables, and all officers and ministers of the Law in such Counties respectively, and also all Jurors to be summoned, and all parties and witnesses in the causes to be heard and tried at such respective Circuit Courts shall give their attendance at such respective Circuit Courts, and shall be charged and bound in the like manner and under the like pains and penalties for non-appearance and non-attendance, or for any misdemeanor or default at such Circuit Courts respectively, as if at the terms of the Supreme Court.

V. And be it enacted, That there be allowed and paid out of the Treasury of this Province a sum not exceeding two hundred and fifty pounds annually, to defray the travelling charges and expenses of the Judges holding such Circuit Courts; the same to be paid by warrant of the Lieutenant Governor or Commander in Chief, by and with the advice and consent of His Majesty's Executive Council, on the Province Treasury, out of any monies which may be in the same.

VI. And be it enacted, That this Act shall continue and be in force for ten years from the thirty first day of December last.

CAP. V.

An Act relating to Landlord and Tenant.

Passed 22d July 1837.

6 WHEREAS the present mode of proceeding by action of ejectment in order to dispossess tenants wilfully holding over premises after the expiration of their lease, is attended with great inconvenience, delay and expense, and it is considered expedient to give in certain cases a more summary and less expensive remedy;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That when any tenant of premises, under a lease for years or less period shall after the expiration of such tenancy, and on due notice to quit having been given, refuse to deliver up such possession to the lessor or person entitled thereto, it shall be lawful for such lessor or person to apply to two of the Justices of the Inferior Court of Common Pleas of the County or City and County within which such premises are situate, and having made oath before such Justices that such tenant has held and occupied such premises (particularly designating in the affidavit whether a messuage or other premises, and where situate,) for a certain period then last past, as tenant to such person, under a demise which had then expired, and that due notice to quit has been given, such Justices shall and may thereupon summon such tenant, giving at least six days notice, to be served either personally

Preamble.

When a tenant shall refuse to give up possession after the expiration of his term, the lessor may apply to two Justices of the Common Pleas, who shall summon the tenant to shew cause, &c.

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