

CAP. LVI.

An Act to authorize the Justices of the Peace for the County of Charlotte to sell and dispose of a part of the Commons Land in the Parish of Saint Andrews to the Saint Andrews Rural Cemetery Company.

Section.

1. Authority to sell.

Section.

2. Minimum price limited.

Passed 9th April 1860.

WHEREAS the Saint Andrews Rural Cemetery Company, organized under the provisions of an Act passed in the twentieth year of the Reign of Her present Majesty, are unable to procure a suitable piece of ground for the purposes of the said Company within a reasonable distance from the Town of Saint Andrews, unless a portion of the Western Commons (so called) in the Parish of Saint Andrews, can be obtained by the said Company;—

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

1. That the Justices of the Peace for the County of Charlotte, at any General Sessions to be hereafter held, are hereby authorized and empowered to sell and convey to the said Saint Andrews Rural Cemetery Company, subject to the rights of the Lessees now occupying the same, a piece or portion of said Western Common (so called) in the Parish of Saint Andrews, not exceeding fifty acres in extent, for the purposes of a Cemetery or burial place for the dead, and to invest the proceeds of such sale upon sufficient security bearing interest for the benefit of the Poor of the Parish of Saint Andrews.

2. Provided nevertheless, that the price of the said land shall be at least not less than sufficient to produce at interest at six per centum per annum, a sum equal to the present annual rent of the portion of land sold and conveyed under the provisions of this Act.

CAP. LVII.

An Act relating to the City Court of the City of Saint John.

Section.

1. In actions of Tort money may be paid into Court as in actions of debt.

2. Jurisdiction in actions of Tort limited: no holding to bail.

Section.

3. No Jury in actions of debt: a Jury in actions of Tort if desired.

4. Jurisdiction in demands exceeding £5, restricted.

Section.

5. Jurisdiction in actions against Corporations, or of debt upon specialties :
6. Proceedings against Corporations to be by summons: service.
7. Court may order process, &c. to be amended.
8. Execution may issue within three years after judgment.

Section.

9. Depositions of persons about to leave the County.
10. Order of discharge and examination of confined debtors, valid if signed by Mayor and one Alderman.
11. Judgment for defendant if title to land come into question.
12. Fees of Marshals in suits for over £5.

Passed 9th April 1860.

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

1. That in all actions of Tort depending in the City Court of the City of Saint John, the defendant shall be allowed to pay money into Court by way of compensation or amends, in the same manner and with like effect as any sum may be now paid into the said Court in actions of Debt.

2. That the jurisdiction of the said Court in actions of Tort to real or personal property, shall extend to all cases in which the damages claimed shall not exceed the sum of five pounds, provided that no person shall be held to bail in any actions of Tort in said Court.

3. That in all actions of debt in the said Court, wherein the sum or thing demanded shall not exceed the sum of five pounds, no Jury shall be allowed on the trial thereof: In all actions of Tort a Jury shall be allowed if desired by either party.

4. That the jurisdiction of the said Court in actions wherein the sum demanded shall exceed the sum of five pounds, shall be confined to causes arising within the City or County of Saint John, or where the defendant resides within the City or County of Saint John.

5. The jurisdiction of the said Court shall extend to actions against Corporations, and to actions of debt upon specialty, where the sum demanded shall not exceed the sum of ten pounds; provided that no action shall be maintained in the said Court where the Corporation of the City of Saint John is a party, or against Insurance Companies; and provided also, that nothing herein contained shall be construed to limit or affect the jurisdiction of the said Court as to actions against bail, or on limit bonds taken in the said Court.

6. All proceedings against Corporations shall be by Summons, which may be served on the President, Head Officer, Secretary, Treasurer, or the accredited Agent of any Foreign Company transacting business within the Province.

7. The said Court may order the process or particular of claim or set off in any suit to be amended in any case where in the opinion of the Court the opposite party cannot have been prejudiced in the conduct of his suit or defence, and may also order the suit in which any such amendment shall be made to stand over to the next or some subsequent Court day, when justice may seem to require it.

8. Execution may issue on any Judgment obtained in said Court, at any time within three years from the time of rendering the same, any thing contained in any Law to the contrary notwithstanding.

9. Depositions under oath, or affirmation where the witness is a Quaker, may be taken before any one of the Aldermen, or the Common Clerk of the said City, of any party to a suit pending in said Court, or other person who is obliged to leave the County of Saint John before the trial of such suit, or who may be confined in the Gaol of the City and County of Saint John, unless in custody in the same suit only; which deposition shall be sealed up and transmitted to the said Court, to be opened and read on the day of trial as evidence in the suit; provided that it shall be made to appear to the satisfaction of the Court, that such witness is not then within the said City, or amenable to the process of the Court, and that twelve hours notice was given to the adverse party of the time and place of taking such deposition, and the Aldermen or Common Clerk shall be entitled to a fee of five shillings for taking such deposition, which shall be allowed and taxed as costs in the cause.

10. The order for discharge, as well as for the examination of any confined Debtor, under the provisions of the Act of Assembly, 13th Victoria Chapter 1, shall be valid and effectual to all intents and purposes, if made and signed by the Mayor and one of the Aldermen of the City of Saint John.

11. If on the trial the title to Land shall come into question, the Court shall render judgment for the defendant for his costs.

12. The fees to the Marshals of the said Court for executing the Processes in all suits for sums over five pounds, shall be as follows:—

For serving a Summons,	-	-	-	£0	2	0
“ “ an Attachment,	-	-	-	0	2	6
“ “ Execution,	-	-	-	0	4	0