

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1825. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1825.

6 George IV – Chapter 19

An Act to provide for the more effectual recovery of Fines imposed upon Jurors and Officers attending the Courts of Justice in this Province. Passed 17th March, 1825.

Whereas in an Act made and passed in the 26th year of the Reign of His late Majesty King George the Third, intituled, “an Act for regulating Juries and declaring the qualifications of Jurors,” the mode of recovering and appropriating the fines therein imposed on Grand and Petit Jurors making default in appearance at the Courts which they may be summoned to attend, is not pointed out: And whereas it is expedient to make provision by Law for the more effectual recovery and for the appropriation of all fines imposed as well on Jurors as on Constables and other officers and ministers of the Law for default in attending on Courts they are required to attend.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That all fines which may by Law be imposed on Grand Jurors, Petit Jurors, Constables, and other officers or ministers of the Law whatsoever for non-attendance on any Court on which by Law they are bound to attend, shall and may be recovered and levied by writ of general *Levari Facias*, issuing out of the Courts imposing such fines respectively, together with the costs of levying the same; and such fines shall, when received, either by the Clerk of the Court imposing the same, or by the Sheriff or other officer, by whom the same may be levied, be paid over and accounted for to the Treasurer of the County in which the Court sits, to be from time to time applied by the respective Courts which shall have imposed such fines for the payment of expences of witnesses and other contingent charges on criminal prosecutions and for the support of Criminals in such respective Counties.

II. And be it further enacted, That the Clerk of the Court by which any such fine or fines as are herein before mentioned, shall have been set or imposed, shall, within twenty days after the adjournment of such Court enter on a Roll or Schedule the names of the persons upon whom any fine or fines shall have been set or imposed at such Courts, and their places of residence, together with the amount of the sum set or imposed upon each respectively, and shall within such time as aforesaid send such Roll or Schedule with a writ of general *Levari Facias*, to which said writ the said Roll or Schedule shall be annexed, to the Sheriff of the County in which such Court shall have been held, which said writ shall be the authority to such Sheriff of such County, for proceeding to the immediate levying and recovering of the fines mentioned in the said Roll or Schedule, which said writ of general *Levari Facias* shall be in the form following —to wit,

To the Sheriff of the City and County, or County, (as the case may be) of _____ Greeting:
You are hereby required and commanded, as you regard yourself and all yours, That of the goods and chattels of all and singular the persons mentioned in the Roll or Schedule to this Writ annexed, you cause to be levied all and singular the debts and sums of money upon them imposed and set, and in the said Roll or Schedule mentioned, so that the same may be recovered and paid over in such manner as is directed in and by the Act of the General Assembly in such case made and

provided: And have you there then this writ. Witness (here insert the name of the Judge or Justice who shall preside at the Court imposing the fine) at _____ in the County of _____ the _____ day of _____ in the year _____ of our Reign.
(Signed) A. B. Clerk.

III. And be it further enacted, That if any Clerk of any Court shall neglect or refuse to perform the duty required of him by this Act he shall forfeit and pay the sum of twenty pounds for every such neglect or refusal, to be recovered by any person or persons who will sue for the same, together with full costs of suit by action of debt, or on the case, in the Supreme Court: one half to be for the use of the person who shall sue for the same, and one half to be applied by the Court of which such delinquent may be Clerk, in the manner mentioned in the first Section of this Act.