

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1837. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1837.

7 William IV – Chapter 4 (Session 2)

An Act to establish Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts. Passed 22nd 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:

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;

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 Carlton, 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.

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.

III. And be it enacted, That such Circuit Courts respectively shall commence Courts 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 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.

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.