

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1838. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1838.

1 Victoria – Chapter 13

An Act for the further amendment of the Law. Passed 9th March 1838.

Whereas it is expedient to amend the provisions of the tenth section of an Act passed in the fifth year of the reign of King William the Fourth, intituled "An Act to provide for the more convenient administration of Justice in the Supreme Court," in the following manner; Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any case in which a reference to arbitration shall be made at Nisi Prius and it shall be ordered that the award of the arbitrators shall be returned on the postea as the verdict of a Jury, and the award shall be filed with the officer who returns the postea after the last day of the sitting of the Court, such officer shall set down in the margin thereof the day on which such award shall be so filed with him, instead of the last day of the sitting of the Court; and no rule for judgment on the postea shall be entered until the expiration of twenty days after the day so set down; and any judge of the said Court, in any such case in which justice may appear so to require, may either upon summons or not, according to the circumstances of the case, order the returning of the postea and the entry and signing of judgment to be stayed until the Court shall make order in the matter at the next succeeding term.

II. And be it enacted, That the time for any defendant in any summary action in the Supreme Court putting in bail or entering his or her appearance and filing the General Issue shall be and is hereby enlarged to the period of thirty days after the day on which the writ is returnable.

III. And be it enacted, That it shall and may be lawful for the defendant in all personal actions pending or to be brought in the Supreme Court of this Province, (except actions for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecution, criminal conversation or debauching of the Plaintiff's daughter or servant,) by leave of the said Court or a Judge of such Court, to pay into the said Court a sum of money by way of compensation or amends, in such manner and under such regulations as to the payment of costs, and the form of pleading, as the said Court or any three of the Judges thereof shall, by any rules or orders by them to be from time to time made, order and direct.

IV. And be it enacted, That in any Act of the General Assembly of this Province which may be passed at the present or at any future Session, the word "Person" shall extend to a body politic or corporate, as well as to an individual; and every word importing the singular number only, shall extend and be applied to several persons or things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things, and every word importing the masculine gender only shall extend and be applied to a female as well as to a male: Provided always, that those words and expressions occurring in this clause, to which more than one meaning is to be attached, shall not have the different meanings given to them by this clause in those cases in which there may be any thing in

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the subject or context repugnant to such construction, and in which such construction could not reasonably be supposed to have been intended.