

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1841. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1841.

4 Victoria – Chapter 2

An Act in addition to the Acts relating to Circuit Courts. Passed 19th March 1841.

'Whereas in consequence of the great quantity of business at the Circuit Court and Court of *Oyer* and *Terminer* and General Gaol Delivery holden in and for the City and County of Saint John on the second Tuesday in January in the present year, it became impossible to finish the same before the Hilary Term of the Supreme Court then next following and now past; and such Circuit Court and Court of *Oyer* and *Terminer* and General Gaol Delivery, were on Saturday the thirtieth day of January last adjourned to the second Tuesday in April next: And whereas doubts may arise as to the validity of such adjournment: And whereas it is expedient to provide for similar adjournments in future;'

I. Be it declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That such adjournment of the said Courts is and shall be deemed to be good, valid, and effectual, notwithstanding a Term of the Supreme Court intervenes; and the business of the said Courts shall be proceeded in and finished upon and after the said second Tuesday in April next in the usual manner.

II. And be it declared and enacted, That it is and shall be lawful for the presiding Judge at any Circuit Court or Court of *Nisi Prius*, as well as any Court of *Oyer* and *Terminer* and General Gaol Delivery, to adjourn the same to any future day, whenever such adjournment may seem to him necessary or proper, in order to the finishing of the business before any such Court or Courts, notwithstanding any Term of the Supreme Court may intervene between the time of adjournment and that to which such adjournment may be made: Provided always, that no such adjourned Court of *Oyer* and *Terminer* and General Gaol Delivery shall extend beyond the time to which such Courts are limited in and by the Commission or Letters Patent under which the same are held.

III. And be it declared and enacted, That the Grand Jury and Petit Jury in attendance on such Courts respectively, shall re-assemble and attend at any such adjourned Court, if thereto required by the presiding Judge at the time of such adjournment, and shall be liable to the like pains and penalties for non-appearance and non-attendance, and for any misdemeanor or default, as such Jurors are by Law liable to in any Circuit Court or Court of *Oyer* and *Terminer* and General Gaol Delivery.

IV. And be it enacted, That it shall be lawful for any two Justices of the Supreme Court to issue their precept to the Sheriff of any County or City and County wherein any such adjourned Court is to be held for the summoning of a new Grand Jury or a new Petit Jury, which new Petit Jury may consist of any number authorized by Law to be summoned for any Circuit Court or Court of *Oyer* and *Terminer* and General Gaol Delivery; and every such Sheriff shall obey such precept and

render due return thereto; and the Petit Jurors so summoned shall form the Juries for the trial of causes both Criminal and Civil at such adjourned Court, and shall be subject to the arrangements and regulations respecting the number required be in daily attendance, authorized by Law in any such Circuit Court or Court of *Oyer and Terminer* and General Gaol Delivery: and the presiding Judge at any such adjourned Court may also, if need be, issue a precept for a second Jury according to the provisions of an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled "An Act in addition to an Act for regulating Juries, and declaring the qualification of Jurors;" the day for the appearance of such second Jury not to be earlier than the sixth day after the day on which such adjourned court may be opened.

V. And be it enacted, That all Jurors duly summoned, and the respective Sheriffs, Coroners, Bailiffs, Constables and Officers, and Ministers of the Law in the City and County of Saint John, or any other County where any such adjourned Court may be held, and also all parties and witnesses, both in Criminal and Civil cases, shall give their attendance at such adjourned Court, and shall be charged and bound in the like manner, and upon like pains and penalties for non-appearance and non-attendance, or for any misdemeanor or default at such adjourned Court, as at any Circuit Court or Court of *Oyer and Terminer* and General Gaol Delivery: Provided always, that no witness in any civil cause for trial at any such adjourned Court shall be liable to be proceeded against in any manner for non-attendance, unless duly served with a subpoena to attend at such adjourned Court, and his expenses thereupon are duly paid or tendered in the usual manner.

VI. And be it enacted, That in all causes which may stand for trial at any such adjourned Court, the *Nisi Prius* Record, Jury Process, and *Postea*, shall be deemed, taken and dealt with in all respects as if the same were expressed to be returnable at the Term of the Supreme Court next following such adjourned Court: Provided always, that no new notice of trial shall be necessary in any such cause, and that no new cause shall be entered for trial at any such adjourned Court.