

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1844. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1844.

7 Victoria – Chapter 36

An Act to facilitate the collection and recovery of small Debts due to the Crown arising from the sale of Crown Lands and Timber. Passed 13th April 1844.

Whereas there is a great accumulation of Crown Debts arising from the sale of Crown Lands and Timber now due from individuals, in various parts of the Province, the great proportion of which are small in amount: And whereas it is necessary to facilitate the collection of such debts by the appointment of Receivers in each County, and also to make provisions for the more summary and less expensive mode of recovering such Debts;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Lieutenant Governor or Commander in Chief for the time being, may appoint one or more fit person or persons in the several Counties in this Province to be receiver of all such Debts due to the Crown, as may from time to time be transmitted to such receivers for collection; which persons so appointed shall respectively give good and sufficient Bonds to Her Majesty, Her Heirs and Successors, in such sum not less than five hundred pounds, as the Lieutenant Governor or Commander in Chief may approve, for the faithful discharge of the duties of his Office.

II. And be it enacted, That it shall be the duty of every such receiver to proceed with all diligence to collect all such Debts, lists of which may be transmitted to him by order of the Lieutenant Governor or Commander in Chief for the time being; and every such receiver shall be accountable to Her Majesty, Her Heirs and Successors, for all sums of money which he shall collect and receive as aforesaid, and may retain for his services such reasonable Commission (over and above any costs of proceedings at Law which may be incurred and not otherwise paid) not exceeding the rate of ten pounds out of every one hundred pounds which he may collect, as the Lieutenant Governor or Commander in Chief, by and with the advice of the Executive Council, may direct, provided the whole amount of Commission so received does not exceed one hundred pounds in any one year.

III. And be it enacted, That when any such debt shall not exceed the sum of twenty pounds it shall be lawful for such receiver to sue for and recover the same in the name of Her Majesty, Her Heirs and Successors, before any two of Her Majesty's Justices of the Peace of the County wherein the Debtor may reside, together with costs of suit.

IV. And be it enacted, That such two Justices shall have the like jurisdiction in all respects in any such suit as is given to any Justice of the Peace in Civil Suits between subjects under and by virtue of the Act of Assembly made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits, and any Act in amendment thereof*; and the mode, form and costs of proceedings in such Suits shall be regulated by and made conformable, as near as may be, to the provisions and directions of the said recited Act, subject in all cases to review and reversal before and by the

Supreme Court, or any Judge thereof, as in other cases or proceedings under the said recited Act:
Provided always, that in no case shall any Jury be allowed or required in any such Suit.

V. And be it enacted, That nothing in this Act contained, shall be construed to prevent the Attorney General or any other Crown Officer from proceeding in the ordinary course for the recovery of any such Crown Debt, when directed so to do by the Lieutenant Governor or Commander in Chief for the time being.