

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1846. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1846.

9 Victoria – Chapter 21

An Act to remedy certain difficulties in legal proceedings occasioned by the late division of the County of Westmorland, and for other purposes relating to the County of Albert. Passed 11th April 1846.

Whereas, previous to the Act for the division of the County of Westmorland coming into operation, actions had been instituted in the Inferior Court of Common Pleas, and also before Justices of the Peace in and for the said County of Westmorland, some of which are yet pending, and judgments in others have been entered on which execution remains to be done: And whereas, in order to give effect to any such judgments already taken or to be taken in any such actions, it may be necessary to serve and execute any execution or process issuing thereon within what is now the County of Albert, to the same extent as if the said County had not been divided;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That where any action or suit brought in the Inferior Court of Common Pleas, or before a Justice of the Peace in and for the said County of Westmorland, before the Act, intituled An Act to divide the County of Westmorland into two Counties, and to provide for the Government and Representation of the new County, came into operation, either party in any such action or suit may proceed by all manner of process, in all respects the same as if the said recited Act had not passed: provided always, that where either party shall be desirous of issuing any execution on any such judgment to be served or levied within the present County of Albert, such execution shall be directed to and executed by the Sheriff, Constable or other proper Officer of the said County of Albert, within the limits of the said County of Albert, in the same manner as the like process or execution could be executed if issued out of any similar Court within the said County of Albert.

II. And whereas until a Gaol be erected and prepared within the said County of Albert, it is expedient to establish the present Gaol, and Limits thereof, at Dorchester, in the County of Westmorland, also to be the Gaol of the said County of Albert; Be it therefore enacted, That the Gaol, and Limits thereof, at Dorchester, in the County of Westmorland, shall also, for all intents and purposes, be deemed and used as the Common Gaol, and Limits thereof, for the said County of Albert, until it be notified by Proclamation of the Lieutenant Governor or Administrator of the Government for the time being, that a Common Gaol has been erected in the said County of Albert.

III. And be it enacted, That every Sheriff, Coroner, Constable, or other Officer in and for the said County of Albert, who may be required and authorized to take and commit any person to the Common Gaol of the said County of Albert, by virtue of any process, civil or criminal, shall be and he is hereby authorized and empowered to convey and commit such person to the said Gaol at Dorchester, in the County of Westmorland, in the same manner as if the said Gaol was actually situate within the limits of the said County of Albert; and that the Gaoler for the said County of

Westmorland shall also be deemed to be the Gaoler of the said County of Albert: provided always, that nothing in this Act shall be construed to impose any duty or liability on the Sheriff of the said County of Westmorland: provided also, that in case of any Debtor who may be so imprisoned by the Sheriff of the County of Albert in the Gaol of the said County of Westmorland, shall and may be examined under the Insolvent Debtors' Act, by the Justices of the Inferior Court of Common Pleas, or any Justice of the Peace for the said County of Westmorland, in the same manner, and entitled to the same relief, in all respects the same as if such Debtor had been arrested and committed to Gaol by the Sheriff of the said County of Westmorland.

IV. And whereas it would be more convenient that the appointment of Town or Parish Officers for the said County of Albert should be made at the General Sessions to be holden on the second Tuesday in November in each year; Be it therefore enacted, That the Justices of the Peace for the said County of Albert shall, and they are hereby empowered, at the General Sessions of the Peace to be holden in the said County on the second Tuesday in November in each year, to appoint the Town or Parish Officers for the said County; and that so much of an Act made and passed in the twenty sixth year of the Reign of His Majesty King George the Third, intituled *An Act for the appointment of Town or Parish Officers in the several Counties in this Province*, as requires the appointment to be made at the first General Sessions annually, shall, so far as regards the said County of Albert, be and the same is hereby repealed.

V. And be it enacted, That the powers and authorities of the present Town or Parish Officers within the said County of Albert, who were appointed by the Court of General Sessions of the Peace for the County of Westmorland, holden on the third Tuesday in November last, shall continue in all respects as Town or Parish Officers for the said County of Albert, until the second Tuesday in November next.

VI. And whereas in all cases where the Surrogate for the said County of Westmorland may have granted Probate, Letters Testamentary, or of Administration, before the said first recited Act came into operation, it is expedient that such Surrogate should be empowered still to proceed in any matter relating thereto to the same extent as if the said Act had not passed; Be it therefore enacted, That in all cases where the Surrogate of the said County of Westmorland may have granted Probate, Letters Testamentary on any Will, or Letters of Administration on any Estate, before the said first recited Act came into operation, it shall and may be lawful for such Surrogate still to proceed with any matter relating to any such Administration, whether by way of hearing, decree or otherwise, in all respects the same as if the said first recited Act had not been passed: provided always, that any notice or process which he may direct or issue as such Surrogate, which may require to be served, posted up, or levied within the said County of Albert, shall be directed to and executed by the proper Officer of the said County of Albert, within the limits of the said County of Albert, in the same manner as the like process or notice could be executed if issued by the Surrogate of the said County of Albert.