

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 57

An Act relating to Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts. Passed 14th April 1845.

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 next after the fourth Tuesday in October;

In the County of King's County on the second Tuesday in July;

In the County of Queen's County on the first Tuesday in March;

In the County of Albert on the third Tuesday in July;

In the County of Westmorland on the fourth Tuesday in July;

In the County of Kent on the Tuesday next after the fourth Tuesday in July;

In the County of Gloucester on the first Tuesday in September;

In the County of Northumberland on the second Tuesday in September;

In the County of Carleton on the last Tuesday in September;

In the County of Sunbury on the last Tuesday in February;

In the County of Restigouche on the last Tuesday in August.

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 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 Administrator of the Government for the time being, by and with the advice and consent of Her 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 not come into operation until the first day of January next, and shall continue and be in force from the said first day of January next for the period of two years.