

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1851. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1851.

14 Victoria – Chapter 2

An Act to make further provision for the service of Non-Bailable Process. Passed 15th March 1851.

Whereas in and by the several Acts of Assembly regulating the service of Non-Bailable Process issuing out of the several Courts of Law in this Province, no sufficient provision is made for the case of persons carrying on business therein, who may have a place of business but no place of residence in this Province, or for persons who may have temporarily left the Province for the purpose of avoiding the service of Process

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases where, after the passing of this Act, Non-Bailable Process shall be issued out of the Supreme Court of this Province, or any of the Inferior Courts of Common Pleas, against any person or persons carrying on business in this Province, who may have a place of business but no place of residence therein, the service of such Process may be effected by leaving a copy of the same, with the ordinary English notice thereunder written of the purport and effect of such Process, at the place of business of said defendant or defendants, with some Agent or Clerk or adult person in the employment of the defendant or defendants in such business, and known to the person serving the same as being an Agent, Clerk or person in the employment of the defendant or defendants in such business.

II. And be it enacted, That the service of any Process issued out of the Supreme Court, or of any Inferior Court of Common Pleas, after the passing of this Act, against any person or persons who may have temporarily left or who may temporarily leave this Province for the purpose of avoiding the service of Process, may be made as provided in and by the first section of this Act, and as provided in and by the several Acts of Assembly making provision in lieu of personal service.

III. Provided always, and be it enacted, That no service of any Process made by virtue of this Act shall be deemed good service, unless the same shall have been made by the Sheriff of the County to whom the same shall have been directed, or his Deputy, nor without an affidavit by the party so serving the same, setting forth the facts, time and place of such service, and if under the second section of this Act, the reasons for believing that such defendant or defendants had left the Province to avoid service of Process, and an order of a Judge of the Court out of which such Process issued, thereupon made, ordering such service to be deemed and taken as good service; and provided further, that nothing herein contained shall be construed to repeal any of the Acts of Assembly regulating the service of Process or any parts thereof otherwise than as the same may be inconsistent herewith.