

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1852. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1852.

15 Victoria – Chapter 42

An Act for the further amendment of the Law and the better advancement of Justice. Passed 7th April 1852.

Whereas it would greatly facilitate the administration of Justice in this Province, and reduce the expense thereof, if the Acts of Assembly were revised and properly arranged, and the proceedings in suits at law and in equity abridged and simplified;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

1. The Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, is authorized and empowered, by Warrant under his hand and seal, to appoint three or more fit persons, not to exceed five in the whole, to be Commissioners as well to consolidate, simplify in their language, revise and arrange in one uniform code, the Acts of Assembly in this Province, incorporating in such revision and arrangement all such alterations and amendments as the said Commissioners shall deem necessary, as to report upon the practice and proceedings in the Courts of Law and Equity, and to suggest such alterations therein as may appear to the said Commissioners, or a majority of them, best adapted to lessen expense and advance justice, and especially to take into consideration the Law of Evidence as it at present exists in this Province, and the propriety of altering the same, and to report the result of their doings to the Lieutenant Governor or Administrator of the Government for the time being, in separate Reports, embracing in one report the revision and codification of the Acts Of Assembly, and in the other the practice and proceedings in the Courts of Law and Equity, and the other matters by this Act directed to be reported upon, to be by him laid before both Houses of the Legislature immediately after the then next meeting thereof, for their consideration and action, with a detailed account of the expenses thereof.

2. It shall be lawful for the said Commissioners so to be appointed, or the major part of them, for the purpose of procuring information relative to any of the matters aforesaid, to call before them any person or persons, and to require the production from any public office or department of any books, documents or papers connected with the proceedings of any Court where actions or suits at law or in equity are usually brought, as may be necessary; and the said Commissioners, or a majority of them, are hereby empowered to examine on oath or otherwise, according to the discretion of the said Commissioners, (which oath the said Commissioners or any one of them are hereby authorized to administer,) any person or persons, relating to such practice and proceedings, and touching all other matters to be inquired into under the provisions of this Act; and all such persons are hereby required to attend the said Commissioners from time to time and at such times and places as they or a majority of them shall appoint, on receiving due notice thereof, and on being required so to do.

3. The said Commissioners are hereby authorized to employ such clerks and assistants as may be necessary for the performance of the duties imposed upon them by this Act.
4. This Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty four, and no longer.