

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1857. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1857.

20 Victoria – Chapter 6 Session 2

**An Act for the payment of Costs in proceedings instituted on behalf of the Crown in matters relating to the Revenue, and for the amendment of the Practice in the Court of Exchequer.
Passed 26 March 1857.**

Section.

1. Costs to be recoverable on judgments for the Crown.
2. Costs to be payable on judgments against the crown.

Section.

3. Act 18 V. c. 24, s. 11, extended to inquests of office for the Crown.
4. Amendment of forms of proceedings in Court of Exchequer.

Whereas in divers proceedings instituted by or on behalf of the Crown against the Queen's subjects in matters relating to the Revenue, no Costs are recovered by the Crown except in certain cases, and no Costs are paid by the Crown to the subject: And whereas it is expedient to assimilate the Law as to the recovery of Costs in such proceedings by or on behalf of the Crown to that in force as to proceedings between subject and subject;—

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

1. In all informations, actions, suits, and other legal proceedings to be hereafter instituted before any Court or Tribunal whatever in this Province by or on behalf of the Crown, against any corporation or person in respect of any lands, tenements, or hereditaments, or of any goods or chattels belonging or accruing to the Crown, or in respect of any sum of money due and owing to Her Majesty, the proceeds whereof, or the rents or profits of which said lands, tenements, and hereditaments, shall belong to or form part of the Public Revenue of this Province, the Attorney General shall be entitled to recover costs for and on behalf of Her Majesty where judgment shall be given for the Crown, in the same manner and under the same rules, regulations and provisions as are or may be in force relative to the payment or receipt of costs in proceedings between subject and subject; and such costs shall be paid to the Receiver General, and shall become part of the Public Revenue.

2. If in any such information, action, suit, or other proceeding, judgment shall be given against the Crown, the defendant or defendants shall be entitled to recover costs in like manner and subject to the same rules and provisions as though such proceedings had been between subject and subject; and such costs, when taxed by the proper officer, shall be paid by a Warrant on the Treasury.

3. The provisions of the eleventh Section of an Act made and passed in the eighteenth year of Her present Majesty's Reign, intituled *An Act relating to Jurors*, shall extend and apply to all

inquisitions or inquests of office concerning the right of the Crown to the possession of any lands or tenements, goods or chattels, or concerning any debt due to the Crown.

4. And whereas the proceedings and practice in informations, suits, and other proceedings instituted by or on behalf of the Crown in the Court of Exchequer, requires amendment, and it is desirable that the same should be assimilated as near as may be to the practice and proceedings in suits between subject and subject;—Be it therefore enacted, that it shall be lawful for the Judges of the Supreme Court from time to time to make such General Rules and Orders for regulating the Pleading and Practice in such informations, suits, and other proceedings, and to frame such Writs and Forms of proceedings as they shall think proper for the purposes aforesaid; and all such Rules, Orders, or Regulations, shall be published in the Royal Gazette, and shall, after such publication, be of the like force and effect as if the provisions contained therein had been expressly enacted.