

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1858. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1858.

21 Victoria – Chapter 20

An Act to amend the Practice of the Law. Passed 6th April 1858.

Section.

1. Writs may bear teste on the day of issue.
2. Bill of York abolished.
3. Appearance; judgment by default; special bail.

Section.

4. Common bail pieces unnecessary; sufficient appearance, what.
5. Declaration in trespass, or trespass on the case.

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

1. That from and after the passing of this Act, all Writs to be issued from any of the Courts in this Province, may bear teste on the day on which such Writs shall be issued, any law, usage or custom to the contrary thereof in any wise notwithstanding.
2. That writs of *capias*, bailable or non-bailable, may issue and take effect in the County of York in like manner as in other Counties; and the Bill of York is hereby abolished.
3. That the defendant in all cases shall have thirty days to appear to a non-bailable process, and to enter special bail to a bailable process, from the return day of such process; and in summary actions, if the defendant do not enter his appearance and plead within the time aforesaid, judgment may be entered against him by default; or, if the case be bailable, and the defendant should fail to enter special bail within thirty days after the return day of the writ, the plaintiff may proceed against the Sheriff, or on the bail bond, as in ordinary cases.
4. That common bail pieces shall not be necessary in any case, nor shall any costs be taxed for the same; that notice of appearance served on the plaintiff's attorney, and a copy of the same filed in the office of the Clerk of the Court out of which the process issued, for which copy to be filed a charge of six pence only shall be allowed, shall be deemed a sufficient appearance.
5. That in all actions of trespass and trespass on the case, the declaration shall be equally good and valid to all intents and purposes, whether the same shall be in form a declaration in trespass, or trespass on the case.
6. That the party in whose favour the verdict may be given in summary actions, shall be entitled to sign judgment thereon immediately after the verdict, any thing in the Act passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for the more convenient administration of Justice in the Supreme Court*, to the contrary notwithstanding.