

*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 23

**An Act to amend and explain Chapter 126, of Title XXXIV, of the Revised Statutes, "Of Landlord and Tenant, and Replevin." Passed 6th April 1858.**

Section.

1. Interpretation of 'Justices' and 'Lessor,'  
in s. 27 and 26, of Cap. 126, Rev. Stat.

Section.

2. Costs in Fee Table.

Whereas it is enacted by the twenty seventh Section of Chapter 126, Title xxxiv, of the Revised Statutes, that when any tenant shall after the expiration of his tenancy refuse to deliver up the possession to the person entitled thereto, such person may apply to two Justices where the premises are situated; and it is doubtful whether the term "two Justices" used in the said Section mean Justices of the Peace, or Justices of the Common Pleas; and whereas the term "Lessor" in the twenty sixth Section, is used instead of the term "Lessee";—

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

1. That the terms "two Justices" used in the said Section, shall mean two Justices of the Peace, and that the Form of Summons (S) and the Form of Warrant (T) referred to in the said twenty seventh Section, shall conform thereto, and that the term "Lessor" in the said twenty sixth Section, shall be read Lessee.
2. That the costs of proceedings under the said Statute shall be according to the following Table of Fees:—

FEES.

Drawing affidavit of Landlord,	-	-	-	£ 0	2	0
Administering oath,	-	-	-	0	1	0
Signing affidavit,	-	-	-	0	0	6
Summons,	-	-	-	0	1	0
Copy do.	-	-	-	0	0	6

Copy of affidavit to annex to copy of summons, - £	0	1	0
Subpoena, each, - - - -	0	1	0
Justices on hearing, each 11s. 8d. - -	1	3	4
Swearing every witness, - - - -	0	0	6
Warrant of possession, - - - -	0	2	6
Counsel fee to the successful party, when counsel attend, a sum not to exceed - -	2	6	8

CONSTABLE.

Travel on service of summons, each mile going and returning, - - - -	0	0	3
Service of Summons, copy and affidavit, -	0	2	0