

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1860.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1860.

23 Victoria – Chapter 57

**An Act relating to the City Court of the City of Saint John. Passed 9th April 1860.**

Section.

1. In actions of Tort money may be paid into Court as in actions of debt.
2. Jurisdiction in actions of Tort limited: no holding to bail.

Section.

3. No Jury in actions of debt: a Jury in actions of Tort if desired.
4. Jurisdiction in demands exceeding £5, restricted.

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

1. That in all actions of Tort depending in the City Court of the City of Saint John, the defendant shall be allowed to pay money into Court by way of compensation or amends, in the same manner and with like effect as any sum may be now paid into the said Court in actions of Debt.
2. That the jurisdiction of the said Court in actions of Tort to real or personal property, shall extend to all cases in which the damages claimed shall not exceed the sum of five pounds, provided that no person shall be held to bail in any actions of Tort in said Court.
3. That in all actions of debt in the said Court, wherein the sum or thing demanded shall not exceed the sum of impounds, no Jury shall be allowed on the trial thereof: In all actions of Tort a Jury shall be allowed if desired by either party.
4. That the jurisdiction of the said Court in actions wherein the sum demanded shall exceed the sum of five pounds, shall be confined to causes arising within the City or County of Saint John, or where the defendant resides within the City or County of Saint John.
5. The jurisdiction of the said Court shall extend to actions against Corporations, and to actions of debt upon specialty, where the sum demanded shall not exceed the sum of ten pounds; provided that no action shall be maintained in the said Court where the Corporation of the City of Saint John is a party, or against Insurance Companies; and provided also, that nothing herein contained shall be construed to limit or affect the jurisdiction of the said Court as to actions against bail, or on limit bonds taken in the said Court.
6. All proceedings against Corporations shall be by Summons, which may be served on the President, Head Officer, Secretary, Treasurer, or the accredited Agent of any Foreign Company transacting business within the Province.
7. The said Court may order the process or particular of claim or set off in any suit to be amended in any case where in the opinion of the Court the opposite party cannot have been

prejudiced in the conduct of his suit or defence, and may also order the suit in which any such amendment shall be made to stand over to the next or some subsequent Court day, when justice may seem to require it.

8. Execution may issue on any Judgment obtained in said Court, at any time within three years from the time of rendering the same, any thing contained in any Law to the contrary notwithstanding.

9. Depositions under oath, or affirmation where the witness is a Quaker, may be taken before any one of the Aldermen, or the Common Clerk of the said City, of any party to a suit pending in said Court, or other person who is obliged to leave the County of Saint John before the trial of such suit, or who may be confined in the Gaol of the City and County of Saint John, unless in custody in the same suit only; which deposition shall be sealed up and transmitted to the said Court, to be opened and read on the day of trial as evidence in the suit; provided that it shall be made to appear to the satisfaction of the Court, that such witness is not then within the said City, or amenable to the process of the Court, and that twelve hours notice was given to the adverse party of the time and place of taking such deposition, and the Aldermen or Common Clerk shall be entitled to a fee of five shillings for taking such deposition, which shall be allowed and taxed as costs in the cause.

10. The order for discharge, as well as for the examination of any confined Debtor, under the provisions of the Act of Assembly, 13th Victoria Chapter 1, shall be valid and effectual to all intents and purposes, if made and signed by the Mayor and one of the Aldermen of the City of Saint John.

11. If on the trial the title to Land shall come into question, the Court shall render judgment for the defendant for his costs.

12. The fees to the Marshals of the said Court for executing the Processes in all suits for sums over five pounds, shall be as follows:—

For serving a Summons,	-	-	-	£	0	2	0
" " an Attachment,	-	-	-	0		2	6
" " Execution,	-	-	-	0		4	0