

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1864.* Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1864.

27 Victoria – Chapter 7

**An Act in addition to Chapter 137, Title xxxvii, of the Revised Statutes, 'Of the jurisdiction of Justices in Civil Suits.' Passed 11th April, 1864.**

Section.

1. New execution may issue after discharge of defendant from imprisonment.

Section.

2. Part of sec. 1, cap. 137, Title xxxvii, repealed.

Whereas doubts have arisen whether the judgment be not wholly satisfied in law in all cases in the Justices' Courts where the defendant under execution or *capias* is detained in prison, one day for every two shillings of the debt, under the provisions of the fortieth Section of Chapter 137, Title xxxvii, of the Revised Statutes, 'Of the jurisdiction of Justices in Civil Suits for remedy whereof,—

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

1. That notwithstanding the discharge of the defendant under the provisions of the above recited Section, the judgement upon which such execution issued shall remain good against the property of the defendant, and a new execution may be issued against his property in like manner as if he had not been imprisoned, any thing in the above recited Act to the contrary thereof notwithstanding.
2. So much of the first Section of Chapter 187, Title xxxvii, 'Of the jurisdiction of Justices in Civil Suits,' as exempts from the jurisdiction of such Justices any action for a debt upon a specialty, is hereby repealed, so far as the same shall be for a sum certain, and Justices of the Peace shall have the like jurisdiction in every case of any debt on a specialty for a sum certain, as in other cases of debt where jurisdiction is given to them by the said recited Chapter.