

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1865. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1865.

28 Victoria – Chapter 19

An Act to amend the Revised Statutes, Title xxxiv, Chapter 126, 'Of Landlord and Tenant, ad Replevin.' Passed 8th June, 1865.

Section.

1. Persons dissatisfied with judgment of Justice, may appeal to Judge of Supreme Court.
2. Justice refusing to make a return to Judge, attachment may issue against him.

Section.

3. When Judge may order discharge of Justice.
4. Upon return of proceedings, Judge to examine and determine.
5. Judge to award costs of review.
6. Sec. 28, Cap. 126, repealed.

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

1. Where any tenant or other person interested in the premises considers himself aggrieved by the judgment of the Justices under the provisions of the twenty seventh Section of the Revised Statutes, Title xxxiv, Chapter 126, a Judge of the Supreme Court, on the application of such tenant or other person, upon sufficient cause shewn by affidavit, may make an order to remove such proceedings before him, and such order shall suspend the execution of the judgment of the Justices in the mean time.
2. Should the Justices neglect or refuse to return the proceedings to the Judge within twenty days after such order shall have been served upon them, the said Judge, upon affidavit of such service, and on the application of either party, may order that an attachment do issue out of the Supreme Court against the Justices for such neglect.
3. If such attachment shall be executed, the Judge may order the Justices to be discharged upon their making a complete return of the proceedings, and paying the costs of obtaining and executing such attachment.
4. Upon return of the proceedings the said Judge shall examine into and determine the matter agreeably to justice, and in case he shall affirm the decision of the Justices, shall issue his Warrant to the Sheriff of the County in which the premises are situate, to deliver the possession to the landlord, and to levy for the costs, as well of the proceedings before the Justices, as of the review, in the same manner as if the said Justices had issued their Warrant under the said twenty seventh Section.
5. The Judge may award costs of review, to be taxed and recoverable by attachment in the same manner as on review from a Justice's Court under the provisions of Chapter 137 of the Revised Statutes.

6. The twenty eighth Section of the said Chapter 126 is hereby repealed.