

Laws of Her Majesty's Province of Newfoundland, passed in the year 1853.

16 Victoria – Chapter 7

An Act to amend the Practice and to Establish and Fix the Terms or Sittings of the Northern and Southern Circuit Courts, and to provide for the Appointment of Registrars and other Officers in the Northern and Southern Districts of this Island. (Passed 15th June, 1853.)

Whereas it is expedient to amend and simplify the practice, and fix the terms, of the Northern and Southern Circuit Courts of this Island, and to appoint Registrars and other Officers in the Northern and Southern Districts of this Colony:

Be it therefore enacted, by the Governor, Council, and Assembly of Newfoundland, in General Assembly convened, that the Northern Judicial District of this Island shall, for the purposes of this Act, be, and the same is hereby divided into Four Sections; namely, the Conception Bay Section, the Trinity Section, the Bonavista Section, and the Fogo Section; which said Sections respectively shall be, and the same are hereby declared to be, bounded and limited as the Northern Electoral Districts are now bounded and limited as Electoral Districts; save and except that the Conception Bay Section shall include all that part of the Northern Judicial District lying between the Southern Gut of Holyrood and Tickle Harbor Head, in Trinity Bay; and that the Fogo Section shall embrace all that part of the Northern Judicial District, and Islands adjacent thereto, lying between the Northern limit of the Electoral District of Bonavista Bay and Cape Norman in the Straits of Belle Isle.

II. That the Southern Judicial District shall be, and the same is hereby divided into Four Sections; that is to say, the Ferryland Section, the St. Mary's and Placentia Section, the Burin Section, and the Fortune Bay Section; which said Sections respectively shall be, and the same are hereby declared to be bounded and limited by those boundaries which now define the Southern Electoral Districts respectively: Provided that the Island of Oderin, and all other Islands between that Island and Burin, shall be included in the Burin Section, and not in the St. Mary's and Placentia Section; and that the Fortune Bay Section shall embrace all that part of the Southern Judicial District, and the Islands adjacent thereto, situate and lying between the Western limits of the Electoral District of Burin and Cape Norman in the Straits of Belle Isle.

III. That the said Northern and Southern Circuit Courts, in every year, shall be open and holden in the Judicial Districts aforesaid, at the following places and times, that is to say—the said Northern Circuit Court shall be holden in the Conception Bay Section, at Harbor Grace; the Spring Term thereof to commence on the Twentieth day of April, and continue for Twenty-one days, and the Fall Term in the same place to commence on the Twenty-seventh day of October, and continue for the like period; in the Fogo Section, at Twillingate, to commence on the Twenty-fifth day of August and continue for Ten days; at Fogo, in the same Section, to commence on the Seventh day of September, and continue for Four days; in the Bonavista Section, at Greenspond, to commence on the Fifteenth day of September, and continue for Four days; and at Bonavista in the same Section, to commence on the Twenty-second day of September, and continue for Ten days; in the Trinity Section, at Trinity, to commence on the Sixth day of October, and continue for Ten days; and at Old Perlican, to commence on the Eighteenth

day of October and continue for Six days. And the said Southern Circuit Court shall be holden in the Placentia and St. Mary's Section, at St. Mary's, to commence on the Second day of September and continue for Six days; and at Placentia, to commence on the Tenth day of September, and continue for Six days; in the Burin Section, at Burin, to commence on the Eighteenth day of September, and continue for Six days; in the Fortune Bay Section, at Harbour Britain, to commence on the Twenty-sixth day of September and continue for Six days; and at Burgeo, to commence on the Fourth day of October, and continue for Six days; and in the Ferryland Section, at Ferryland, to commence on the Fourteenth day of October, and continue for Ten days: Provided always, that should either the first or last days hereinbefore appointed for the sitting of the said Courts in the respective Places fall upon a Sunday, the following Monday shall be the first or last day of such term, as the case may be; And provided further, that should either of the Judges appointed to preside in the said respective Courts be unavoidably absent from any of the said places at the times hereinbefore appointed for holding the same, it shall be lawful for the respective Judges, and they are hereby required, to hold Court at any other time or times thereat, and continue the same for the respective periods hereinbefore mentioned.

IV. That it shall be lawful for the said respective Courts (if they shall find it necessary for the despatch of business therein pending) to extend the periods hereinbefore appointed for holding Courts at the several places aforesaid, by adjournment from day to day; that is to say—at Harbor Grace for a period not exceeding Six days, and at the said other Places for a period not exceeding Three days; and further, that nothing in this Act contained shall prevent the Governor from issuing his Proclamation or Proclamations for holding a term or terms of the said respective Courts at any other places in the said Districts respectively, as by him shall be deemed advisable.

V. That the Sheriffs for the Northern and Southern Judicial Districts respectively shall, and they are hereby required, immediately after the passing of this Act, and from time to time thereafter, to appoint and duly authorize, under their respective Hands and Seals, in each of the Sections aforesaid, a Deputy or Deputies, for the service and execution of all Writs, Rules, Orders, and other Process, of the said respective Courts, and of the Supreme Court, within the District to which such Deputy or Deputies shall be appointed, who shall possess, exercise and discharge therein the same powers and duties as the Sheriff if personally present, and for the acts of which said Deputy or Deputies the Sheriff shall be responsible during his continuance in office; and it shall be sufficient in all cases to deliver, or cause to be delivered, any Writ, Rule, Order, or other Process aforesaid, to the Deputy Sheriff of the Section where the same is required to be executed, without transmitting the same through the Sheriff; and the said respective Sheriffs are hereby required, within One Month after the passing of this Act, to furnish to the Sheriff of the Central District, for the information of all Persons requiring the same, the names and additions of Deputies so to be appointed by them respectively, and from time to time, in like manner, to furnish the names and additions of any further or other Deputies to be appointed by them, within One Month after the appointment of the same respectively; and the Sheriff of the Central District, as well as the Sheriffs of the said Northern and Southern Districts, shall keep hung up in their respective Offices a list of such Persons; and all Writs and other Process issuing out of the said respective Courts shall in future be directed to the Sheriff of the respective Judicial District, his Deputy or Deputies: Provided that no service of any such Writ, Rule, Order, or any other Process; by any one of

such Deputies, shall be deemed void by reason of its being served by the Deputy Sheriff of the adjoining Section.

VI. That the several Persons appointed to act as Assistant Clerks for the said Courts in the said respective Districts, under the provisions of an Act passed by the Legislature of this Colony in the Fourteenth Year of the Reign of Her Majesty Queen Victoria, shall; after the passing of this Act, cease to hold such Office and discharge the duties thereof.

VII. That the Persons appointed and acting as Clerks of the said several Courts in the said respective Districts previous to the passing of the said Act, shall continue to discharge their duties as such Clerks of and in the Said Courts, and shall in each and every Section of the said respective Districts keep proper and correct Books of Record of the proceedings of the said Courts, and shall deposit with the Commissioners to be appointed, under the provisions of this Act in each and every of the said sections of the said respective Districts in which such Courts shall be held, a Docket entered in a Book to be kept for that purpose of all causes tried and other business done at such places during the term or sitting, and that such Commissioners shall keep the same safely, and shall from time to time, on the opening of such Courts in the said respective Sections of the said Districts, band over the said Docket to the said Clerks of the said respective Courts for the entry therein of the business of future terms or sittings: Provided always that such Books shall at all reasonable times be open to public inspection.

VIII. That it shall be lawful for the Chief Justice of the Supreme Court of this Island for the time being, to appoint, in the several Places where the sittings of the said respective Courts are required to be held under this Act, and in all Places he may deem advisable, fit and proper Persons resident therein to be and act as Commissioners for taking Affidavits and issuing Mesne and Final Process and Subpoenas returnable into the said respective Courts or into the Supreme Court.

IX. That it shall be lawful for the Chief Clerk of the Supreme Court, or any Commissioner at St. John's who may be appointed by the Chief Justice for that purpose, to take Affidavits in matters pending in the said Northern and Southern Circuit Courts, and also to issue Mesne Process returnable into the said Northern and Southern Circuit Courts, at any Place hereinbefore appointed for the sittings of the said Circuit Courts; and the Sheriff of the Central District shall, and he is hereby required to transmit any such Process to the Deputy Sheriffs in the Northern and Southern Districts, in like manner as he is now by Law required to transmit such Process to the Sheriffs of the said respective Districts, without any fee therefor.

X. That the Proceedings, Forms of Process and Pleadings, in all causes arising in said Circuit Courts, shall be Summary, and be commenced by Writ of Summons, Attachment, or Capias ad Respondendum, without making any distinction as to the form of Action; which Writs of Summons and Attachment shall be according to the form (mutatis mutandis) set forth in the Schedule to this Act marked A, and that the said Writ of Capias ad Respondendum shall also be according to the form prescribed in the Schedule to this Act, marked B, and that the said Writs shall be tested on the day of the issuing thereof: Provided that in actions ex delicto to be commenced in the Harbour Grace Circuit Court, parties shall be at liberty to proceed according to the present practice of the said Courts, but in any such case special matter may be given in evidence under the general issue.

XI. That such Writs, together with the copies thereof to be served, shall respectively have annexed thereto a notice containing the particulars of the Plaintiff's cause of action, for which such Writs may be issued out and made returnable into the said respective Courts; and that it shall and may be lawful for the Judges of the said Courts respectively to bear and determine all such cases in a summary manner; further, that it shall not be necessary for the Plaintiff or Defendant to file any appearance, plea, issue, or default roll, or to enter up any postea or judgment therein; but that all causes shall proceed upon the original Writ as filed in Court, and the notice of the particulars of the Plaintiff's demand thereto annexed; and that a memorandum of the Judgment of the said Courts respectively shall be entered on the Record Book of the proceedings thereof; Provided, that in all cases it shall be lawful for the Plaintiff or Defendant to have a Jury for the trial thereof, if he shall require the same, and such trial by Jury shall be upon the original Writ, and the said notice of particulars thereto annexed in the manner hereinbefore provided: And provided further, that the Costs for such Jury shall be borne by the party requiring the same, unless the Court shall otherwise order.

XII. That such Writs may be made returnable on any day during the sitting of the said Courts respectively, and all causes shall be liable to be tried on the day of the return of the Writ unless the Court or Judge shall otherwise order: Provided always that such Writ shall be served on the Defendant Two Days, exclusive of Sunday, before the return thereof, and no Judgment by Default therein shall be entered up until the expiration of Two Days from such return.

XIII. That in cases of Default it shall not be necessary for the Plaintiff to enter an appearance in writing for the Defendant, and that no such Judgment shall be given against the Defendant unless upon the most clear and satisfactory evidence of the due service of the Writ or Process on him or on his accredited or known Agent; and before the Plaintiff shall be entitled to obtain such Judgment by Default, he, or some Person or Persons on his behalf, shall make Oath in open Court to the amount due to such Plaintiff, if the cause of action be a Debt, a Balance of Account or Liquidated Damages, whereupon Judgment by Default for the sum sworn to shall be entered up in the manner hereinbefore provided: and in no case shall it be required to serve the Defendant with notice of assessment of Damages, but on the copy of the Writ or Process to be served on the Defendant, notice shall be given him that if he shall neglect to appear on the return day thereof, the Plaintiff will, after the expiration of Two Days, sign Judgment by Default, and proceed to the assessment of Damages so soon thereafter as the Court can attend to the same and enter up Final Judgment accordingly: Provided always, that in case such Judgment by Default shall be so signed against any Person in Custody under a Writ of Capias ad Respondendum, such proceedings shall not entitle him to his discharge from custody, nor shall the same be deemed a waiver of the necessity of such person putting in and perfecting Bail.

XIV. That in all Actions that shall be commenced as aforesaid by Attachment or Capias ad Respondendum, the taking and perfecting of Bail therein shall be according to the practice now in force in the said respective Courts.

XV. That in all Actions and Suits which shall be tried or determined in the said respective Courts, Judgment may be entered up at the expiration of Twenty-four Hours from the time of such Trial, unless good and sufficient cause shall be shown in arrest of Judgment within that period; and the party in

whose favour such Judgment shall be entered up, may thereupon issue Execution against the Goods, Chattels, Effects and Credits of the party against whom such Judgment shall be so entered; and that such Execution may be in the form set forth in the Schedule marked C to this Act annexed: Provided always that in case the said party against whom such Execution shall be so issued shall not have sufficient Goods, Chattels, Rights, Credits, or Effects, to satisfy such Judgment, then the party in whose favour the same shall be given, shall be at liberty to issue a Capias ad Satisfaciendum against him, to satisfy the said Judgment, which Writ may be in the form prescribed in Schedule marked D, to this Act annexed; Provided also, that the party taken into Custody under the said Writ, shall be entitled to be discharged therefrom under the provisions of the Insolvent Debtors' Act of this Island, made for the relief of Insolvent Debtors taken in Execution, upon his complying with the requirements thereof; Provided always, that he shall be required to give his Creditors or known Agent three days' previous notice of such his application to take the benefit of the said Act, which notice shall be served on his Creditors in the manner therein provided, but that it shall not be necessary to publish the same in any Local Newspaper of this Island.

XVI. That whenever any Suitor shall have obtained Final Judgment in any of the said Circuit Courts of this Colony, the Writ or Writs of Execution issued thereon by the authority of the said respective Courts, shall have validity in each and every District in the Colony, and the Sheriff to whom the same may be directed shall and may, by himself or his Deputy, execute such Writ or Writs, and levy under and by authority of the same within his respective District, notwithstanding such Final Judgment shall have been obtained in the Circuit Court of any other District.

XVII. That from and after the passing of this Act, when and as often as any Person shall claim possession of any Lands, Tenements, or Hereditaments, in either of the said Northern or Southern Districts, and shall be desirous of proceeding by Action in the Northern or Southern Circuit Court for the recovery of the same, such Person shall commence such Action by a Writ of Summons in the form hereinbefore provided, which shall have a notice annexed thereto and to the copy thereof to be served on the Defendant, containing a description of the Property sought to be recovered, and the Town, Settlement, Section or District in which the same may be situated; and such Writ may be served personally on the Tenant in the actual possession of such Lands, Tenements or Hereditaments, in any of the said respective Districts, by the Sheriff or his Deputy therein, or in such other manner as Declarations may now be served in Actions of Ejectment; and which Writ shall be made returnable in the same manner as is prescribed by the return of such other Writs of Summons as may be hereafter issued under and by virtue of this Act; and that all proceedings in such Action with reference to the Appearance, Pleadings, Trial, and Judgment, in the said several Courts, on the part of the Plaintiff and Defendant, shall be the same as are hereinbefore provided in other Actions that shall or may be brought or prosecuted therein; Provided always, that in all cases of Default, or when the Defendant shall neglect or refuse to appear to such Action, the said respective Courts shall thereupon proceed to hear and determine the same in the manner hereinbefore provided for the trial of other cases of default: Provided further, that it shall not be necessary to serve any previous notice of such trial on the Defendant, or to take out a Rule for Judgment against him: Provided that a Judgment obtained under this section shall be of no further force and effect than a Judgment obtained by virtue of the present proceedings in an Action of Ejectment.

XVIII. That the present mode of proceeding in the said Northern and Southern Circuit Courts by Declaration in Actions of Ejectment, and all fictions and fictitious names and forms now used therein, be and the same are hereby abolished and discontinued.

XIX. That in all such Actions the Plaintiff shall, after obtaining Judgment, be at liberty to issue out a Writ of Possession according to such form prescribed in and by the Schedule to this Act marked E.

XX. That it shall and may be lawful for the Governor, by Warrant under his Hand and Seal, to appoint in each of the said Sections North of the Conception Bay Section, and South of the Ferryland Section, a fit and proper Person to act as Registrar of Deeds; and it shall be the duty of such Registrars to Register, in proper Books to be kept for that purpose, all such Deeds, Conveyances, and Assurances, in Writing, relating to Lands and Tenements within their respective Sections, as are now, or hereafter may be, by law required to be registered, and to take proof of the due and proper Execution of all such Deeds, Conveyances, and Assurances, on Oath of a subscribing Witness, which Oath such Registrars are hereby authorised to administer, or by the acknowledgment of the party, as the case may be, agreeably to the provisions of any law that now is, or hereafter may be in force in this Island regulating the Registration of Deeds; and the said Registrars respectively are hereby authorized to demand, take, and receive, for such duties as may be performed by them, by virtue of their said offices respectively, all such Fees as are now or hereafter may be taken and received by the Registrar of Deeds in the Supreme Court, for the Registry of Deeds and other Assurances: and such Registrars, and also the Registrars for the Conception Bay and Ferryland Sections, shall transmit, half-yearly, and oftener when convenient opportunities offer, to the Registrar of Deeds for the Central District a Docket of all Deeds or other Instruments registered by them in their respective Sections, which Docket shall be open to inspection by any Person desiring the same, on payment to the Registrar of the said Central District the same Fee as would be payable for Search and Inspection of any Deed registered by him: Provided that nothing herein contained shall prevent the Governor appointing the resident Clerk of the Peace or Stipendiary Magistrate, in any of the Sections aforesaid, to discharge the duties of the said office of Registrar: Provided also that the Registrars appointed under the Act passed in the Fourteenth Year of Her Majesty, entitled "an Act to amend the practice and fix and establish terms or sittings of the Northern and Southern Circuit Courts, and to provide for the appointment of Clerks and Registrars and other Officers in the several Electoral Districts," shall and may continue to act as such until appointments are made under the provisions of this Act.

XXI. That it shall be lawful for the Registrar of Deeds for the Central District to take proof or acknowledgment of the execution, and also to Register any Deeds, Wills, or other Assurance of Lands and Tenements, situate in the Northern or Southern District, which Registration shall be as valid and effectual to all intents and purposes, as if the same were registered by the Registrar for the Section of the other respective Districts in which the Lands or Tenements shall be situated; and the Registrar of the Central District shall, and he is hereby required to, transmit Half-yearly, (and oftener when convenient opportunities offer,) to the proper Registrar in the said Northern and Southern Districts, an Abstract and Docket of Registry of all such Deeds, Wills, and other Assurances, by him registered as aforesaid, to be presented by such Registrar for the respective Section aforesaid, and to be open to the inspection of any Person desirous of examining the same, on payment of a fee of One Shilling; and there shall be paid to the Registrar of the Central District, for registering any Deed, Will, Conveyance, or

other Assurance of Lands and Tenements situate in any other District, one fourth more than would be payable for the Registration thereof in the District where the Lands or Tenements may he situate, and two-fifths of the amount of Fees received by him for such registration, shall he retained by the said Registrar of the Central District, and the remainder to be accounted for and paid over by him to the Registrar for the Section in which the Lands and Tenements shall be situate.

XXII. That all Proceedings in Equity in the said Circuit Courts may be commenced by a Petition in summary form, containing a brief statement of the complaint, verified by Affidavit annexed thereto, in the form or to the effect of the Schedule to this Act marked F., upon which a Summons or Rule may issue against the Respondent to answer the same upon Oath; and upon such answer being put in, the Court may either hear and determine the suit in a summary way, or upon application of either party to have a Jury, the Court shall determine the issue to be submitted to such Jury, and a trial shall be had and Witnesses examined viva voce as in other actions, and such Judgment or Decree shall be given thereon as may be equitable and just.

XXIII. That nothing in this Act contained shall be made or construed to apply to or affect any Suit, Action, or other Proceeding, now pending and undetermined in any of the said respective Courts in the said several Districts.

XXIV. That the Schedule to this Act annexed, and all directions and matters therein contained, shall be deemed and taken to be part of this Act.

XXV. That this Act shall continue until the end of the next Session of the Legislature.

SCHEDULE A.

Newfoundland, } No.
District. }

(L. S.) Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c.

To the Sherrif of _____ District and his Deputies, Greeting:

Summon (or Attach as the case may be) by _____ lands, chattels, goods, debts and effects _____ of _____ that he be before our _____ Circuit Court at _____ on _____ the _____ day of _____ A. D. 185____ to answer to the complaint of _____ contained in the notice hereunto annexed _____ To the damage of the Plaintiff of _____ pounds, as it is said.

Witness the Honourable _____ Justice _____ day of _____ in the year of our Lord one thousand eight hundred and fifty _____

By the Court,
Plaintiff's Attorney. _____ Court.

MESNE PROCESS.

Issued _____ day of _____ 185____

(If Attachment, oath for £)

SCHEDULE B.

Newfoundland,
District, s.s.

(L. S.) Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland,
Queen, Defender of the Faith, &c., &c.

CAPIAS AD RESPONDENDUM.
Issued ____ day of ____ 185__
(Bail to be taken for £ ____)

To the Sheriff of the ____ District of Newfoundland, and ____ his Deputies, Greeting:

We command you, that you take ____ of ____ in the ____ district of the Island
aforesaid ____ and safely keep so that you have ____ Body before our Justice in our
____ Circuit Court, at ____ in the said district, on the ____ day of ____ A.D.
185__, then and there to answer to the complaint of ____ contained in the notice
hereunto annexed, to the damage of the said Plaintiff of ____ Pounds as it is said. And
have you then there this Writ.

Witness the Honorable ____ Justice at ____ aforesaid, the ____ day of ____ in the
Year of Our Lord One Thousand Eight Hundred and Fifty ____

By the Court,
Attorney for Plaintiff. Clerk Court.

In the Circuit Court.
Plaintiff.
versus
Defendant

The Defendant is served with this Process to the intent that may either in Person or by
____ Attorney appear and plead to this action in this Court, at ____ on the ____
day of ____ A. D. 185__, otherwise, after the expiration of two days, Judgment against
____ by default, and the Plaintiff will thereupon proceed to assess the damages in this
action without further notice to the said Defendant.

Plaintiff's Attorney.

and }
Plaintiff
Defendant }
District Circuit Court

C. D., of _____ maketh oath and saith that he did on the _____ day of _____ personally
serve the above named _____ with a true copy of the with Writ, whereupon was
endorsed a notice of the true intent of such service, and a copy of the particulars hereunto
annexed, and that he necessarily travelled _____ miles to make such service.

Sworn before me at _____
this
day of _____ A.D. 185____ } C. D.

In the *Circuit Court*
Plaintiff
versus
Defendant

The Defendant is served with this Process, to the intent _____ may either in Person or by
_____ Attorney appear and plead to this Action in this Court at _____ on the day of _____
A.D. 185__, otherwise, after the expiration of two days, Judgment will be signed against
_____ by default, and the Plaintiff will thereupon proceed to assess the damages in this
Action, without further notice to the said Defendant.

Plaintiff's Attorney.

No. 185 Court. Ca. Res. Plaintiff Defendant }
Versus
Received _____ day of _____
185 _____ o'clock. Sheriff
Retble: _____ day of _____ 185____ C.

SCHEDULE C.

(L. S.) Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
Defender of the Faith, &c., &c.

Judgt & Clerk _____ To the Sheriff of the _____ District of Newfoundland and his Deputies, Greeting:
We Command you, that of the Goods and Chattels, Lands and Tenements, of _____

_____ within Your Bailiwick, you cause to be made _____ Pounds _____ Shillings and _____ Pence sterling, which _____ lately in our Court before Us at _____ recovered against _____ including _____ costs and charges by _____ about _____ suit in that behalf Sherriff's expended, whereof the said _____ convicted as it appears to us of record. And have that Fees money before us at _____ on the first day of next term to be rendered to the said Warrant _____ for _____ damages; and have you then there this Writ. Mileage Poundage Witness the Honourable _____ Justice of _____ at _____ aforesaid this _____ day of _____ in the _____ year of our Reign. £ _____ By the Court, _____ Attorney for Plaintiff. Issued _____ day of _____ 185__.

SCHEDULE D.

Newfoundland, }
District, s.s. }

CAPIAS AD SATISFACIENDUM.

(L. S.) Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c.

To the Sheriff of the _____ District of Newfoundland and his Deputies, Greeting:

We command you that you take _____ if he shall be found in your Bailiwick, and him safely keep, so that you may have his Body before Us at _____ in our _____ Circuit Court, on the _____ day of _____ next to satisfy _____ of _____ pounds _____ shillings and _____ pence, which the said _____ lately in our _____ Court, before us, at _____ recovered against him, for the damages which he had sustained, as well on occasion of _____ as for his costs and charges, by him about his suit in that behalf expended, whereof the said defendant is convicted, as appears to us of record, and have then there this Writ.

Witness the Honorable _____ Justice of our Circuit Court of Newfoundland at _____ in Newfoundland _____ day of _____ in the _____ year of our Reign.

By the Court,

Clerk Court

Plaintiff's Attorney Issued

185	Court.
No.	Court.

F1.FA. Plaintiff
 versus Defendant

Received _____ day of _____
 185 _____ o'clock.

Sheriff

Retble. _____ day of _____ 185_____.

SCHEDULE E.

Newfoundland, No.
 District, s.s.

WRIT OF POSSESSION, WITH F1.FA.

(L. S.) Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
 Queen, Defender of the Faith, &c., &c.

To the Sheriff of the _____ District of Newfoundland and his Deputies, Greeting:

Whereas _____ lately in our _____ Circuit Court before Us at _____ in the _____
 District of this Island, by our Writ and by the Judgment of the same Court, recovered against
 _____ the possession of a certain piece of land and premises belonging to him in the said
 District, situated and bounded as follows, that is to say _____ (here take description from
 minutes of judgment and insert same) _____ from which piece of land and premises the
 said _____ ejected the said _____ whereof the said _____ stands convicted as appears to
 us of record: Therefore we command you, that without delay you cause the said _____ to
 have the possession of the said land, tenements, and premises: And in what manner you
 shall have executed this our Writ, make appear on the first day of the next term of our said
 Court in the said District: We also command you, that of the goods and chattels, lands and
 tenements, of the said _____ in your Bailiwick, you cause to be made the sum of _____
 which the said _____ lately in our said Court before us at _____ in the said _____ lately in
 our said Court before us at _____ in the said District recovered against the said _____ for his
 damages which he had sustained as well on occasion of the said ejectment, as for his costs and charges
 by him about his suit in that behalf expended, whereof the said _____ is also convicted, as appears to
 us of record: And have you the said monies before us on the return day aforesaid, at the time and place
 aforesaid, and have then there this Writ.

Witness the Honorable _____ Justice of _____ at _____ aforesaid the _____ day of _____ in the year of
 our Lord One Thousand Eight Hundred and Fifty _____.

Attorney for Plaintiff By the Court, Clerk Court.

SCHEDULE F

I, (A. B.) the Petitioner in the above written petition named, do make oath and say that so much of the above written (or annexed) Petition as relates to my own acts and deeds is true, and so much thereof as relates to the acts and deeds of any other person I believe to be true.

Sworn before me, &c.

A. B.

If the affidavit is made by an Agent, it must be varied by adding after the word "Petitioner" the words "the agent of (C. D)"