



BY AUTHORITY.

ANNO TRICESIMO OCTAVO VICTORIÆ REGINÆ.

CAP. XVIII.

An Act further to amend Chapter 137, Title xxxvii, of the Revised Statutes of New Brunswick, 'Of the jurisdiction of Justices in Civil Suits.'

Sec. 1 Set-off, how served on Plaintiff. Sec. 2 Part of Chapter 137, Title 37, of Revised Statutes, repealed.

Passed 10th April, 1875.

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

1. That the set-off provided in Section three, Chapter 137, of the Revised Statutes of New Brunswick, may be served on the plaintiff in the suit personally, or by leaving the same at his last or usual place of abode, with some adult member of the household, two days at least before the day of trial.

2. So much of Chapter 137, Title xxxvii, of the Revised Statutes of New Brunswick, as is inconsistent with this Act, be and the same is hereby repealed.

CAP. XIX.

An Act to reduce the Fees of Attorneys in Actions brought in the County Courts in certain cases.

Sec. 1 Part of 28 Sec. Act 31 Vic. cap. 13, repealed. Sec. 2 Not to apply to suits commenced before passage of Act.

Passed 10th April, 1875.

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

1. That so much of the twenty eighth Section of an Act made and passed in the thirty first year of Her Majesty's Reign, intituled *An Act to amend an Act to establish County Courts*, as relates to the Fees in said County Courts to be taxed to the Attorney, be repealed.

2. The provisions of this Act shall not apply to any suit commenced in any County Court before the passing of this Act.

CAP. XX.

An Act to extend the jurisdiction of the Stipendiary Magistrate for King's County in Civil Suits.

Sec. 1 Court of Stipendiary Magistrate established. Sec. 2 Jurisdiction of Stipendiary Magistrate. Sec. 3 Proceedings in said Court, under what provisions had; oath of Magistrate. Sec. 4 Where residence of Plaintiff or Defendant must be. Sec. 5 Fees to be taken by Magistrate. Sec. 6 Right of review allowed.

Passed 10th April, 1875.

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

1. A Court is hereby established in the Parish of Sussex, in King's County, for the trial of Civil causes, to be held before the Stipendiary Magistrate appointed under the terms of the Act thirty seventh Victoria, Chapter 30.

2. The said Stipendiary Magistrate, in addition to his jurisdiction as a Justice of the Peace under the provisions of the Revised Statutes, Chapter 137, Title xxxvii, shall have civil jurisdiction in the said Parish of Sussex, as follows:—

First—In all actions specified in the said Chapter 137 of the Revised Statutes;

Secondly—In all actions of debt, whether upon simple contract or specialty, for a sum certain, when the amount claimed does not exceed forty dollars; and

Thirdly—In all actions of tort to real or personal property, where the title to land shall not come in question, and where the damages claimed do not exceed sixteen dollars; and when the dealings between the parties have exceeded forty dollars, the plaintiff's claim may be reduced by payment or abandonment so as to bring it within the jurisdiction hereby created.

3. All proceedings in the said Court for the trial of Civil causes and before the said Stipendiary Magistrate in Civil causes as aforesaid, shall be had in every respect under the provisions of the Revised Statutes, Chapter 137, Title xxxvii, aforesaid, or any amendments thereof; provided that such Stipendiary Magistrate immediately upon the passing of this Act, or on his appointment as such Stipendiary Magistrate as aforesaid, shall take and subscribe the following oath, that is to say:—

I, A. B., do swear that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute all the powers and duties of a Justice of the Peace and Judge of the Court for the trial of Civil causes, under and by virtue of an Act passed in the thirty eighth year of the Reign of Queen Victoria, intituled *An Act to extend the jurisdiction of the Stipendiary Magistrate for King's County in Civil Suits*. And every such oath shall be made and taken before the Clerk of the Peace for King's County, and filed in the office of the said Clerk of the Peace.

4. Either the plaintiff or defendant shall reside in the said Parish of Sussex, where the amount sued for is above twenty dollars aforesaid, and above eight dollars in an action of tort as aforesaid.

5. From and after the passing of this Act the fees to be taxed and taken for the Stipendiary Magistrate, or Sitting Magistrate, Constable, Witnesses and Jurors in all Civil actions in the Court for the trial of the said causes, shall be according to the Table of Fees established in actions before Justices of the Peace in Civil suits by Table of Fees in Chapter 163 of Revised Statutes, and in all Civil actions defended and tried before the Police Magistrate a further sum of one dollar.

6. The same right of review shall be had and allowed in all Civil suits tried before the said Stipendiary Magistrate as is had and allowed in causes tried before a Justice of the Peace by Title xxxvii, Chapter 137, of the Revised Statutes, and all Acts in amendment thereof, and the provisions of Section forty four of said Chapter shall be held to apply to proceedings before the said Police Magistrate.

CAP. XXI.

An Act in addition to and in amendment of the Law relating to the levying, assessing and collecting of Rates in the City of Saint John.

Sec. 1 Additional assessment authorized. Sec. 2 Additional fee to Marshal. Sec. 3 Parts of Acts repealed; proviso. Sec. 4 Joint stock how assessed & valued.

Passed 10th April, 1875.

WHEREAS in order to provide for an increased expenditure that is found to be necessary for the efficient working of the Fire Department and Police Department in that part of the City of Saint John on the eastern side of the Harbour, it is required that the assessment for general purposes in said City should be increased;—