



BY AUTHORITY.

ANNO QUADRAGESIMO QUINTO VICTORIÆ REGINÆ.

CAP. IX.

An Act in amendment of Chapter 51 of The Consolidated Statutes, of
'County Courts.'

Passed 6th April 1882.

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

1. There shall be one County Court Judge for the Counties of Charlotte, Carleton, Victoria, and Madawaska; one County Court Judge for the Counties of York, Sunbury, and Queen's; one County Court Judge for the Counties of King's and Albert; one County Court Judge for the Counties of Westmorland and Kent; one County Court Judge for the Counties of Northumberland, Gloucester, and Restigouche; and one County Court Judge for the County of the City and County of Saint John.

2. The Courts shall not have cognizance of any action—

1st. Where the Title to Land is brought in question; or
2nd. In which the validity of any devise, bequest, or limitation, is disputed.

3. Subject to the exceptions in the last preceding Section, the County Courts shall have jurisdiction and hold plea in all personal actions of debt, covenant, and assumpsit, when the debt or damages do not exceed the sum of four hundred dollars, and in all actions of tort when the damages claimed do not exceed two hundred dollars, and in actions on bonds given to the Sheriffs or otherwise in any case in a County Court, whatever may be the penalty or amount sought to be recovered; provided always, that the said Court for the City and County of Saint John shall not have or exercise any jurisdiction in any cause in which the City Court of Saint John or the Town of Portland Civil Court have jurisdiction.

4. All fees by any Act of Assembly, or table of fees made hereunder, now payable to any Judge of the County Court for any services whatever, shall from and after the coming into force of this Act be abolished.

5. The application for the taking in the County Court of depositions of witnesses before trial, may be made immediately after the service of process, instead of after declaration filed, as is now the case.

6. The Bond required by the 51st Section of Chapter 51 of The Consolidated Statutes, may be entered into by sureties alone without the principal, if the responsibility of such sureties be made appear to the Clerk of the County Court.

7. Section 50 of the said Chapter 51 of The Consolidated Statutes is hereby repealed, and in lieu thereof be it enacted, that no defendant shall remove any action commenced in any County Court into the Supreme Court by habeas corpus or certiorari; and if in any action brought in the Supreme Court that could have been brought in a County Court, the plaintiff shall recover no greater amount than might have been recovered in a County Court, he shall be allowed costs according to the Table of Fees in County Courts, and no more.

8. The costs to be taxed to the Attorney in actions brought by reason of the increased jurisdiction by this Act given to the County Courts, shall be in such actions half as much more as they are under the present Table of Fees; and on the trial of every cause, and on every argument before the Court in every cause in the said Court brought by reason of the increased jurisdiction by this Act given to the County Courts, the Judge may allow a Counsel fee of not less than five dollars nor more than twenty five dollars, at the discretion of the Judge. The provisions of this Section shall be applicable to matters at Chambers, as well as before the Court; and the fee of not less than five dollars and not exceeding fourteen dollars, already taxable to Counsel by the Judge, may be taxed for matters at Chambers as well as before the Court.

9. Every Judge of a County Court shall have an Office or hold Judge's Chambers in the Shire Town of the County in which he resides, or some other Town or Village in the said County to be approved of by the Governor in Council.

10. The Governor in Council shall, by Proclamation to be published in the Royal Gazette of this Province, declare the time when the first, second and third Sections of this Act shall come into operation, and the said Sections shall, from and after the time so named in such Proclamation, come into operation and be in force.

CAP. XI.

An Act to increase the Jurisdiction of Parish and certain other Inferior Courts.

Passed 6th April 1882.

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

1. That Section two of Chapter 59 of The Consolidated Statutes, of 'Parish Courts,' be and the same is hereby amended by inserting the word 'eighty' for the word 'forty' in the first sub-Section of said Section two, and the words 'thirty two' for the word 'sixteen' in the second sub-Section of said Section, thereby increasing the jurisdiction of said Parish Courts to the sum of eighty dollars in actions of debt, and to the sum of thirty two dollars in actions of tort.

2. The Stipendiary or Police Magistrates appointed with civil jurisdiction within any County, Town, Parish, or District, shall have within the territory named, civil jurisdiction to the same extent and in the same manner as the Parish Court Commissioners have by the provisions of this Act, any law to the contrary notwithstanding.

3. This Act shall be read as part of said Chapter 59 of The Consolidated Statutes, and all Acts or parts of Acts repugnant to this Act are hereby repealed.

4. A Judge of the Supreme or County Court may, in addition to all grounds of review now available by law, review a verdict or judgment upon questions of facts in all cases in Courts of inferior jurisdiction where the amount claimed in the suit exceeded forty dollars in debt, or eight dollars in tort, and such Judge shall also have power to remit the cause back to the Commissioner or other trying Justice for a new trial, and embodying in his order for such new trial all directions he may think necessary to give effect to such order, and the directions so given may be acted upon or carried out by either party to the suit.