

MICHAELMAS TERM, 63^o VICTORIA, 1899.

GENERAL RULES.

The following general rules are made in pursuance of "The Supreme Court Act," 60^o Victoria, Cap. 24, intituled "An Act to consolidate and amend the law relating to the Supreme Court," and section 533 of the Criminal Code, 1892.

Judge sitting in open Court in St. John.

1. A judge shall sit in open Court in the City of Saint John, at the Judges' Chambers, on each Tuesday at 11 o'clock, a. m., during the period mentioned, and for the purposes defined in and by section seven of the said Act.

Judgement on offer where causes of action joined.

2. When two or more causes of action are joined, and the Defendant files an offer to suffer judgment by default in respect to one or more of them under section one hundred and eighty-five (185) of the said Act, such offer shall specify by numbers the Count or Counts in the declaration to which the offer is intended to refer.

3. When an offer to suffer judgment under section 185 of the said Act shall be accepted, judgment may be entered up thereon in the following form:

IN THE SUPREME COURT.

The day of A. D.
(Date of declaration.)

(Venue.)—A. B. by C. D., his Attorney, (or in person) sues E. F., who has been summoned to answer the said A. B., by virtue of a writ issued on the day of A. D. (the date of the first writ) out of Her Majesty's Supreme Court for the following among other causes of action joined therewith, that is to say: For that (Here copy the counts in the declaration containing the causes of action to which the offer to suffer judgment refers, and also the subsequent pleadings relating thereto.) And afterwards, that is to say on the day of A. D. (the date of filing the offer) the said E. F., in pursuance of section 185 of "The Supreme Court Act," filed an offer and Consent in writing to suffer a judgment by default in regard to the Causes of action alleged in the said Counts of the declaration hereinabove set forth, which said offer is as follows: (set out copy of offer in full)—And the said A. B., has in pursuance of the said Act, accepted the said offer, and now prays for judgment thereon. It is therefore considered and adjudged by the said Court, that the said A. B. do recover against the said E. F. by reason of the causes of action in the said counts of the declaration hereinbefore set forth and specified in the said offer, the said sum of \$ mentioned in the said offer as damages (or debt as the case may be), and also \$ for his costs here adjudged of increase, which damages and costs in the whole amount to \$, and that the said A. B. have execution therefor.

4. When a judgment shall have been signed on an offer, as provided in the last preceding section, the several counts in the declaration together with the other pleadings in reference to which the said judgment shall have been signed, shall be omitted or struck out from the Nisi Prius record, and at the end of the pleadings in such record a suggestion shall be entered to the following effect, that is to say:—"And the said A. B. gives the Court here to understand and be informed that the said E. F. was sued in this action for other causes than those set forth in the counts of the declaration hereinabove set forth, and that the counts containing such other causes of action have been omitted herefrom, and that in reference to such omitted causes of action a judgment was signed in this Court on the day of , A. D. in favour of the said A. B. in an offer to suffer a judgment by default duly accepted."

Certiorari.

5. It shall not hereafter be necessary on an application for a writ of *certiorari* to take out a rule or order *nisi*, but the Court or Judge to whom such application is made may in the first instance make an order absolute for the writ to issue, and the Clerk shall issue the same accordingly. If issued by order of a Judge in vacation it shall bear the same date as the order.

6. Any Judge sitting in Chambers may at any time make an order absolute in the first instance for a writ of *certiorari* to issue, and on production of such order to the Clerk he shall issue the writ in accordance therewith. He shall endorse on the writ the following memorandum: "This writ is issued by order of Mr. Justice , dated the day of , A. D."

7. Any such writ whether issued by the order of the Court or a Judge may be made returnable either in Term or before a Judge sitting in open Court in the City of Saint John under section 7 of the said Act, as may seem expedient. On granting the writ the Court or Judge shall grant a rule or order to show cause, specifying the grounds upon which the said writ issued and the time and place of its return, and directing within what time and upon whom the affidavits upon which the application is based or such parts of them as may be con-

sidered necessary, shall be served. The order when made by a Judge may be in the following form:

IN THE SUPREME COURT.

Ex parte

Whereas application has this day been made to me on behalf of (name of applicant) for an order for a writ of *certiorari* to remove into this Court a certain conviction made before , on the day of , for (or other record or proceeding, as the case may be) with a view to the same being quashed (or as the case may be) And whereas on reading the several affidavits upon which such application is based, I have thought proper to make an order for the issue of the said writ. I do therefore hereby order that on production hereof to the Clerk he do issue a writ of *certiorari* of this date, directed to for the removal into this Court of the said conviction (as the case may be) And I further order that such writ be made returnable on Tuesday the day of next at 11 o'clock in the morning at the Judges' Chambers in the City of Saint John, before a Judge there and then sitting in open Court (or at the next Term) at which time and place I do order to show cause why the said conviction should not be quashed or such other order made as may seem right. And I do further order and direct that the affidavits of (with or without exhibits) on which the application is based together with this order be served on the said on or before the day of next. And let all proceedings be stayed until further order. The said writ was granted on the following grounds, (state grounds distinctly).

Dated this day of A. D.

A. B.,

Judge of Supreme Court.

8. On the return of the writ cause may be shown upon affidavits, or otherwise, and the matter may be dealt with in all respects and such order made as to the Court or Judge hearing the same shall deem necessary or right.

9. Any Judge before whom sitting in open Court any such application may be pending, may at any time after the writ is returned, transfer the same to the Court in Term and direct the same to be entered on the Crown paper for argument; and thereafter such proceeding or matter shall be heard, determined and disposed of as though the writ had originally been made returnable in Term.

W. H. TUCK, Chief Justice.

D. L. HANINGTON,

P. A. LANDRY,

FRED E. BARKER,

J. A. VANWART,

E. McLEOD.

By the Court.

T. CARLETON ALLEN, Clerk.

ASSIGNMENT NOTICE.

NOTICE IS HEREBY GIVEN, That Albert A. Copp, of Baie Verte, in the County of Westmorland and Province of New Brunswick, Merchant, did, on the thirtieth day of October, A. D. 1899, assign to me under the provisions of Chapter six of the Acts of the Legislative Assembly of the Province of New Brunswick, passed A. D. 1895, intituled "An Act respecting Assignments and Preferences by Insolvent persons," and amending Acts, all his property real and personal, and all his debts, credits, and demands and estate of every kind for the general benefit of the creditors of the said Albert A. Copp; and that a meeting of the creditors of the said Albert A. Copp will be held at the Store of the said Albert A. Copp, at Baie Verte, in the County of Westmorland, on

TUESDAY the fourteenth day of NOVEMBER instant,

at the hour of two o'clock in the afternoon, for the appointment of Inspectors and the giving of directions with reference to the disposal of the estate of said Albert A. Copp.

Notice is also hereby given, That all creditors of said Albert A. Copp are required to file their claims, duly proven, with the undersigned Assignee within three months from the date of this notice, unless further time be allowed by a Judge of the Supreme Court or a Judge of a County Court, for filing the same; and that all claims not filed within the time above limited, or within such further time, if any, as may be allowed by any such Judge, shall be wholly barred of any right to share in the proceeds of said estate, and that the said Assignee shall be at liberty to distribute the proceeds of said estate as if any such claim, not filed, did not exist, but without prejudice to the liability of the debtor therefor.

Dated this third day of November, A. D. 1899, at Sackville, N. B.

4ins

ARTHUR B. COPP, Assignee.

NOTICE.

ALL ADVERTISEMENTS must be prepaid before insertion. Observance of this Rule will be insisted upon in all cases, and unless the advertisement is accompanied by the cash, the advertisement will not be inserted. In cases where the amount cannot be ascertained before remitting, a sufficient sum must be forwarded to cover insertion, and any surplus will be returned.

R. W. L. TIRBETS, Queen's Printer.