

CHAPTER 51.

Of the Court of Labrador.

SECTION

- 1.—Institution of Court at Labrador; Powers of Court.
- 2.—Proceedings to be summary.
- 3.—Salaries of Judge and other officers.
- 4.—Appeal allowed in certain cases.
- 5.—Proceedings in case of appeal.

SECTION

- 6.—The Judge to be ex-officio Justice of the Peace and Coroner.
- 7.—Offenders and arrested debtors to be confined as directed by the Judge.
- 8.—Law of attachment made applicable. Schedule.

1. The Court of civil and criminal jurisdiction at Labrador shall be a Court of record called the Court of Labrador, and shall be presided over by one Judge, appointed or to be appointed by the Governor in Council; and shall, over all such parts of Labrador as lie within the Government of Newfoundland, have jurisdiction, power and authority, to hear and finally determine all criminal prosecutions for assaults and batteries, and for larcenies without force to the person, committed within the limits aforesaid, and all actions and suits of a civil nature, wherein the debt, damage or thing demanded, shall not exceed in amount or value five hundred dollars.

2. The proceedings of the said Court shall be summary; a record of such proceedings shall be kept and signed by the Judge thereof; and the forms of process and other proceedings in civil cases shall be as set out in the schedule to this chapter annexed, and in criminal matters shall be those used in summary proceedings of a like character by Justices of the Peace in this island.

3. The salary of the Judge of such Court shall not exceed eleven hundred and fifty-four dollars; and there shall be such officers of the said Court as the Governor in Council shall appoint; and the salaries of such officers shall be fixed by the Legislature.

4. Any person against whom any judgment or order of the said Court may be given in any matter over two hundred dollars, or where the matter in dispute shall relate to the title of any lands or fishery, or where the right in future may be bound, may within two days after such judgment or order appeal therefrom to the Supreme Court, giving one day's notice to the opposite party of such intended appeal; and upon such appellant, within seven days, giving security to the satisfaction of the Judge, for the speedy prosecution of such appeal for the performance of the judgment or order of the Supreme Court, or for the performance of the judgment of the Court of Labrador, should the same be affirmed or the appeal dismissed, and in such last mentioned cases also for the payment

of the costs of such appeal, execution shall be stayed upon the judgment of the Court below: Provided that such Judge may, upon reasonable grounds, extend the time for such appeal, and when he shall think it necessary, reserve any question of law arising in any case before him for the consideration of the Supreme Court, suspending his judgment in the meanwhile until such question shall have been determined.

5. When an appeal shall be allowed in manner aforesaid, a copy of all proceedings in the Court below, authenticated under the hand and seal of the Judge thereof and of any other officer, if any such, who may be appointed for that purpose, shall be transmitted by such Judge to the Registrar of the Supreme Court at St. John's; and after adjudication the Supreme Court shall carry such adjudication into effect by its own process, or direct that the same be carried into effect by the Court below.

6. The Judge of the said Court shall be, *ex officio*, a Justice of the Peace for the island of Newfoundland and its dependencies, with the like power and authority as any Stipendiary Magistrate or Justice of the Peace lawfully appointed in Newfoundland.

7. Criminal offenders sentenced by the said Court to imprisonment, and debtors arrested under final process may be confined in any place of security within the limits aforesaid the said Judge may direct, or may be conveyed to any goal in Newfoundland, there to remain until removed or discharged in due course of law.

8. The provisions of the law of attachment in this Colony, as defined by the practice and mode of procedure in the Supreme Court, shall apply to and be used in the said Court of Labrador, so far as may be applicable: Provided that an attachment may issue for any amount exceeding ten dollars.

SCHEDULE.

SUMMONS.

To Bailiff:

Summon C. D. to appear before me on _____ at _____ to
 answer A. B. who complains that the said C. D. owes him _____
 as particulars hereto annexed, and to be further dealt
 with according to law.

Given under my hand at _____, this _____ day of _____ A. D.

G. H.,
Judge of the Court of Labrador.

ATTACHMENT.

To

Bailiff:

Attach C. D., by his lands, chattels, goods, debts and effects, to appear before me on _____ at _____ to answer A. B., who complains that the said C. D. owes to him _____, as by particulars hereunto annexed, and to be further dealt with according to law.

Given under my hand at _____, this _____ day of _____ A. D.

G. H.,

Judge of the Court of Labrador.

Oath for \$ _____

EXECUTION AGAINST GOODS.

To

Bailiff:

Levy on the property of C. D. the sum of _____, which by judgment of this Court was declared to be due and to be paid by him to A. B., for debt (or damages for an assault, &c, as the case may be), and pay the said sum to the said A. B., in discharge of such judgment.

Given under my hand at _____, this _____ day of _____ A. D.

G. H.,

Judge of the Court of Labrador.

EXECUTION AGAINST THE PERSON.

To

Bailiff:

Arrest C. D., and detain him in custody until he shall pay A. B. the sum of _____, amount of a judgment obtained against him by the said A. B. for debt (or damage for an assault, as the case may be), or until he be delivered by due course of law.

Given under my hand at _____, this _____ day of _____ A. D.

G. H.,

Judge of the Court of Labrador.

WARRANT OF ATTACHMENT.

To [Name of Garnishee]:

You are commanded to pay or deliver into this Court all money, property and effects of C. D., to the value of _____ now in your possession or under your control, to answer a claim of A. B. for debt (or damage for an assault, as the case may be).

Given under my hand at _____, this _____ day of _____ A. D.

G. H.,

Judge of the Court of Labrador.

SUMMONS IN CASES OF TRESPASS, TROVER, EJECTMENT, OR CASE.

To Bailiff:

Summon C. D. to appear before me on _____ at _____ to
 answer A. B., who complains that the said C. D., on _____ assaulted
 the said A. B., (or took and detained from him _____ his property,
 or wrongfully holds possession of certain lands, situate at _____
 the property of the said A. B., or on _____ removed the nets of
 the said A. B., as the case may be), and to be further dealt with according
 to law.

Given under my hand at _____, this _____ day of _____ A. D.

G. H.,
Judge of the Court of Labrador.

FORM OF WRIT OF POSSESSION.

To Bailiff:

Put A. B. in possession of that parcel of land (describing it) which
 by a judgment of this Court made on _____ the said A. B.
 recovered from C. D., who now wrongfully holds possession of the same.

Given under my hand at _____, this _____ day of _____ A. D.

G. H.,
Judge of the Court of Labrador.

FEES TO BE TAKEN BY THE BAILIFF OF THE COURT.

Serving every summons, fifty cents, and ten cents per mile going and
 returning.

Serving every copy of attachment, fifty cents, and ten cents per mile
 going and returning.

Serving every warrant of attachment, fifty cents, and ten cents per
 mile going and returning.

Every arrest, two dollars and fifty cents, and mileage at the rate
 aforesaid.

Poundage on writs of execution and on actual seizures under attach-
 ment, two-and-a-half per cent.