

'prisoned for the term of the natural life of such offender, or for any term not less than three years;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, those parts of the said third, fourth, seventh and eighth Sections of the same Act, which subject any offender convicted of any offence in the said third, fourth, seventh and eighth Sections of the same, to be imprisoned for the term of the natural life of such offender, or for any term not less than three years, be and the same are hereby respectively repealed.

5 V. c. 35, s. 3, 4, 7 and 8, so far as they prescribe the punishment of imprisonment for life, &c., repealed.

II. And be it further enacted, That from and after the passing of this Act, every offender who shall be convicted of any offence in either of the said third, fourth, seventh and eighth Sections of the same Act mentioned, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding fourteen years.

Imprisonment not exceeding fourteen years may be awarded for offences mentioned in 5 V. c. 35, s. 3, 4, 7 and 8.

III. And be it further enacted, That the tenth Section of the same in part recited Act, be and the same is hereby repealed.

5 V. c. 35, s. 10, repealed.

### CAP. XXXIII.

An Act to amend the Law relating to the Practice in the Inferior Courts of Common Pleas, and render the same uniform in the several Counties.

*Passed 11th April 1843.*

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all actions in the Inferior Courts of Common Pleas in this Province in which the said Courts may be authorized by Law after judgment by default to enquire of the truth of any matters, or to assess the damages or the amount to be recovered in the action without the intervention of a Jury, such enquiry and Assessment may be made by a Judge of the said Court in vacation; and upon the production of such assessment signed by such Judge, it shall be lawful for the Clerk of such Court to tax the costs and sign judgment, whereupon execution may issue forthwith: Provided always, that no such enquiry or assessment shall be made in vacation, until the expiration of twenty days after the day on which the judgment by default shall have been entered: Provided also, that the Defendant in any such action, may, upon due application therefor have such enquiry and assessment made by a Jury, and that the Judge who may be applied to in vacation to make such enquiry or assessment, shall have power to order the same to be made by a Jury in like manner as is now the Law and practice in cases before the Court in Term.

A Judge may enquire or assess damages, &c., in vacation, where the Court may do so without a Jury.

Clerk to tax costs and sign judgment.

Enquiry and assessment may be made by a Jury on application of Defendant.

II. And be it enacted, That in all Summary Actions hereafter brought in the said Courts, a copy of the particulars of the Plaintiff's demand in all cases when the Defendant shall be entitled to the same, shall be annexed to the copy of the Writ to be served on the Defendant in such Action, and in every such Summary Action, wherein the Plaintiff may be entitled to judgment by default, such judgment may be entered in vacation as an Interlocutory Judgment, and the damages or amount to be recovered may be assessed and proceedings had to final judgment in like manner as is provided by the first Section of this Act.

Copy of particulars to be annexed to copy of Writ served.

Judgment by default may be entered in vacation as an interlocutory judgment.

III. And be it enacted, That the time for any Defendant in any Summary Action in the said Courts to put in Bail or enter an appearance and file the general Issue, shall be and is hereby enlarged to the period of thirty days after the day on which the Writ is returnable; and that in all actions not summary the time for appearance and entering Bail shall also be enlarged to thirty days.

Time for putting in Bail, entering appearance, or filing general issue, enlarged.

IV. And be it enacted, That every Judgment to be entered by virtue of this Act, may be entered as the Judgment of the Court, although the Court may not then be sitting on the day of entry and signing thereof; and every Execution issued by virtue of this Act shall and may bear teste on the day of issuing thereof (if issued before the next term after Judgment be so signed) and such Judgment and Execution shall be as valid and effectual as if the same had been entered of record signed and issued in the ordinary course.

Judgments to be entered as the judgments of the Court.

Teste of Executions.

V. And be it enacted, That all final Judgments entered and made up in the said Courts, whether in Term or Vacation, shall be signed by the Clerk of such Courts only, any Law, usage or practice to the contrary thereof in any wise, notwithstanding.

Final judgments to be entered up by the Clerks of the Courts only.

VI. And be it enacted, That the Fees attending the Prosecution of Suits in a summary way shall be as follows, viz:—

Fees for summary proceedings.