

of such distress and sale, to the offender; and if no goods shall be found whereon to levy, it shall and may be lawful for such Sheriff to commit such offender to the Common Gaol of the County where such offence may be committed, there to remain without bail or mainprise, the period to be specified in such Warrant, not exceeding thirty days, unless such fine, costs and charges are sooner paid.

Costs of prosecutions to be regulated by the Ordinance of Fees.

III. And be it enacted, That the costs of prosecution under this Act, had before the Justices in General Session of the Peace, shall be regulated by the Ordinance of Fees established in this Province.

#### CAP. LIX.

An Act to amend the Act repealing the Acts affording relief to persons unfortunate in business.

Passed 14th April 1847.

Proceedings referred to in the proviso to Act 9 V. c. 58, to be taken by the debtor within six months, or order of the Master of the Rolls, &c. to be null.

**BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases within the meaning of the proviso of an Act made and passed in the ninth year of Her present Majesty's Reign, intituled *An Act to repeal the Acts to afford relief to persons unfortunate in business*, the debtor or debtors obtaining the Order of the Master of the Rolls therein mentioned, shall take all the necessary proceedings required by the said recited Acts, for the purpose of bringing such Order, and the matter on which the same was granted, to final adjudication within six calendar months from the passing of this Act; and, in default thereof, such Order and all proceedings whatever had or to be had thereon, and all matters and things arising therefrom, shall and are hereby declared to be null and void, and no longer binding on any person or persons whomsoever; saving to Clerks of the Peace, and all other persons by whom any services may have been performed for such debtor or debtors, under the said recited Acts, their right to recover for the same against such debtor or debtors.

Right of recovery for services performed, reserved.

#### CAP. LX.

An Act for the further amendment of the Law and the better advancement of Justice.

Passed 14th April 1847.

Preamble.

7 W. 4, c. 14.

**WHEREAS** in and by the provisions of the twenty first and twenty second sections of an Act passed in the seventh year of the Reign of His late Majesty, intituled *An Act for the amendment of the Law and for the better advancement of Justice*, the Jury, Court or Judge are authorized to allow or give damages, in the nature of interest, in certain cases, as therein mentioned, and also in other cases interest is allowed and assessed: And whereas it frequently happens that the final judgment of the Court therein is delayed by reason of Rules Nisi, Demurrers, or otherwise, and it is considered just and advisable that the said Court should be empowered in its discretion to allow interest at a rate not exceeding six per cent. per annum, on the amount of the debt or damages found or assessed by the Jury, Court or Judge from the time the same were found or assessed, until the giving of final judgment;

Court may allow interest on amount of certain verdicts or assessments, when the verdict or assessment may be sustained after suspension by Rule Nisi, &c.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases when any verdict for or assessment of any debt or damages may be given or made for any party in any suit in such Court in which interest is or may have been included under the provisions of the said recited Act or otherwise, and the final judgment of the Court thereupon may have been delayed by the opposite party, either by a Rule Nisi, Demurrer, or otherwise, it shall be lawful for such Court in its discretion, when such verdict or assessment is sustained, to allow interest thereupon at a rate not exceeding six per cent. per annum, from the time of such verdict or assessment until the rendering of final judgment therefor.

Court may prescribe form of entry of judgment, &c. in such cases.

II. And be it enacted, That the said Court may by General Rule prescribe the form of the entry of judgment and execution in cases where such further interest may be so allowed.

A Counsel fee for defendant may be allowed under Act 4 W. 4, c. 41, s. 5.

III. And be it enacted, That the provisions of the fifth section of an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to establish and regulate a Summary Practice in the Supreme Court*, authorizing a Judge of the Supreme Court to allow a Counsel fee of not more than two guineas on every cause entered for trial, and for every argument before the Court, shall extend to Defendants as well as Plaintiffs.

#### CAP. LXI.

An Act to amend an Act, intituled *An Act for improving the administration of Justice in Criminal Cases*.

Passed 14th April 1847.

Preamble.

1 W. 4, c. 14.

**WHEREAS** the provisions contained in the thirteenth section of an Act made and passed in the first year of the Reign of His late Majesty