

## CAP. XX.

An Act in further amendment of the Law.

Passed 30th April 1851.

Special demurrers abolished.

Proviso.

Amendments in any process or proceeding to be allowed by a Judge or Court, at discretion.

In actions of ejectment a joint demise of the Lessors of the Plaintiff to be sufficient.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no special demurrer in any of the Courts of Common Law in this Province shall in any case hereafter be allowed, any law, usage or custom to the contrary notwithstanding; provided always, that in all cases of duplicity, informality, or other ground of special demurrer under the present practice of the Supreme Court, in any pleading, the same may be objected to before any Judge of the said Courts, and allowed or refused on such terms as may be deemed just.

II. And be it enacted, That amendments in any process, pleading, or other legal proceeding, shall at any time be made and allowed, with or without a rule or order for that purpose, by any Judge or Court at discretion, either at Chambers, at Nisi Prius, or at Bar, and in no case shall an amendment be refused unless it shall be apparent to the Judge or Court, by affidavit or otherwise, that manifest injustice to the opposite party would be the result of such amendment, and that such injustice could not be prevented by granting further time to the opposite party, and the amendments may be made on such terms as to payment of costs and other conditions as may be deemed necessary.

III. And be it enacted, That in all actions of ejectment a joint demise of the lessors of the plaintiff shall in all cases be sufficient, and shall be deemed to be joint or several as the facts of the case may require, and shall have all the force and effect that several demises now have or heretofore have had.

## CAP. XXI.

An Act relative to Recognizances for the appearance of persons on criminal charges.

Passed 30th April 1851.

Preamble.

**‘ WHEREAS** it is expedient that the sureties of persons admitted to bail on criminal charges should be allowed to surrender such persons into the proper place of custody in discharge of their Recognizances, on reasonable grounds shewn therefor: And whereas some further provisions are necessary in respect to such Recognizances;

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, in manner following, that is to say,—

Sureties for appearance to answer a felony or misdemeanor may apply to a Judge for an order to render the person to the common gaol.

Judge may make a written order for the render.

Sureties under such order may take and deliver the body to the keeper of the gaol designated in the order.

Person so rendered may apply to be again admitted to bail.

On proof of render by the sureties, an entry to be made on the Recognizance.

1. The sureties of any person bound by Recognizance to appear to answer upon any charge of felony or misdemeanor at any Court of Criminal jurisdiction, may apply to a Judge of the Supreme Court, upon affidavit, shewing the grounds of such application, accompanied by a certified copy of the Recognizance, for an order to render such person to the common gaol of the County or City and County in which the alleged offence is to be tried.

2. Such Judge may, and he is hereby authorized, upon such application, if he shall in his discretion think fit, make an order in writing under his hand for the render by such sureties of the person so charged to the proper gaol in discharge of the Recognizance.

3. Such sureties may under and by virtue of such order arrest and take the body of the person so to be rendered, and him safely keep, convey and deliver into the custody of the keeper of the gaol designated in such order, at the said gaol, which order shall also be delivered to the said keeper with the said body, and such keeper is thereupon required to receive and imprison such person in the said gaol, and shall be charged with the keeping of the same until he shall be discharged in due course of law, in the same manner as if he had been committed by any Justice or other proper authority to answer to the alleged offence.

4. Provided always, that such person so committed may apply to a Judge of the Supreme Court to be again admitted to bail, which Judge may on examination of the case, in his discretion, allow or refuse an order for such bailment, and may make such order thereupon as to the number of sureties and the amount in which the Recognizance shall be taken, as to him may seem meet; which order shall be dealt with in the same manner as now by law provided for the bailment of prisoners on criminal charges, and so toties quoties in case of render by the new sureties.

5. On due proof made to a Judge of the Supreme Court of render by the sureties, and on the certificate of the Sheriff of the County or City and County, duly proved by the affidavit of a subscribing witness before a Judge or Commissioner to take affidavits, that such person has been so rendered, it shall and may be lawful for such Judge, and he is hereby authorized, to direct an entry of such render to be made in the margin or on the back of the Recognizance by the officer having