

CAP. IV.

An Act to alter and amend an Act intituled An Act to authorize the construction of Railways in this Province.

No Commissioner under 19 V. c. 15, to be a Member of the Legislature.

Passed 26th March 1857.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That so much of the fourth Section of an Act intituled *An Act to authorize the construction of Railways in this Province*, as authorizes the Commissioners to hold a Seat in either Branch of the Legislature, be and the same is hereby repealed; and no Commissioner appointed under the said Section of the said recited Act shall hold a Seat in either Branch of the Legislature.

CAP. V.

An Act to alter the time of holding the Circuit Court in the County of Charlotte.

Circuit in Charlotte to be on first Tuesday in August.

Passed 26th March 1857.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That from and after the passing of this Act there shall be only one Circuit Court held in each year in the County of Charlotte, and that the time for holding the said Court shall be the first Tuesday in August in each year.

CAP. VI.

An Act for the payment of Costs in proceedings instituted on behalf of the Crown in matters relating to the Revenue, and for the amendment of the Practice in the Court of Exchequer.

Section.

1. Costs to be recoverable on judgments for the Crown.
2. Costs to be payable on judgments against the Crown.

Section.

3. Act 18 V. c. 24, s. 11, extended to inquests of office for the Crown.
4. Amendment of forms of proceedings in Court of Exchequer.

Passed 26th March 1857.

WHEREAS in divers proceedings instituted by or on behalf of the Crown against the Queen's subjects in matters relating to the Revenue, no Costs are recovered by the Crown except in certain cases, and no Costs are paid by the Crown to the subject: And whereas it is expedient to assimilate the Law as to the recovery of Costs in such proceedings by or on behalf of the Crown to that in force as to proceedings between subject and subject;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. In all informations, actions, suits, and other legal proceedings to be hereafter instituted before any Court or Tribunal whatever in this Province, by or on behalf of the Crown, against any corporation or person in respect of any lands, tenements, or hereditaments, or of any goods or chattels belonging or accruing to the Crown, or in respect of any sum of money due and owing to Her Majesty, the proceeds whereof, or the rents or profits of which said lands, tenements, and hereditaments, shall belong to or form part of the Public Revenue of this Province, the Attorney General shall be entitled to recover costs for and on behalf of Her Majesty where judgment shall be given for the Crown, in the same manner and under the same rules, regulations and provisions as are or may be in force relative to the payment or receipt of costs in proceedings between subject and subject; and such costs shall be paid to the Receiver General, and shall become part of the Public Revenue.

2. If in any such information, action, suit, or other proceeding, judgment shall be given against the Crown, the defendant or defendants shall be entitled to recover costs in like manner and subject to the same rules and provisions as though such proceedings had been between subject and subject; and such costs, when taxed by the proper officer, shall be paid by a Warrant on the Treasury.

3. The provisions of the eleventh Section of an Act made and passed in the eighteenth year of Her present Majesty's Reign, intituled *An Act relating to Jurors*, shall extend and apply to all inquisitions or inquests of office concerning the right of the Crown to the possession of any lands or tenements, goods or chattels, or concerning any debt due to the Crown.

4. And whereas the proceedings and practice in informations, suits, and other proceedings instituted by or on behalf of the Crown in the Court of Exchequer, requires amendment, and it is desirable that the same should be assimilated as near as may be to the practice and proceedings in suits between subject and subject;—Be it therefore enacted, that it shall be lawful for the Judges of the Supreme Court from time to time to make such General Rules and Orders for regulating the Pleading and Practice in such informations, suits, and other proceedings, and to frame such Writs and Forms of proceedings as they shall think proper for the purposes aforesaid; and all such Rules, Orders, or Regulations, shall be published in the Royal Gazette, and shall, after such publication, be of the like force and effect as if the provisions contained therein had been expressly enacted.

CAP. VII.

An Act to repeal the existing Laws relating to the granting of Mill Reserves in this Province.

Section.

1. Rev. Stat cap. 10, and Act 18 V. c. 34, repealed.

Section

2. Reservations.

Passed 26th March 1857.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That Chapter 10, Title III, of the Revised Statutes "Of the granting of Mill Reserves in certain cases;" and an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to continue and amend Chapter 10 of the Revised Statutes, "Of the granting of Mill Reserves in certain cases,"* be and the same are hereby repealed.

2. That nothing in this Act shall affect the rights of parties under Mill Reserves already legally granted.

CAP. VIII.

An Act to repeal an Act to provide for the more effectually repairing the Roads and Bridges in the Parishes of Campo Bello and Grand Manan, so far as it relates to the Parish of Grand Manan.

Act 12 V. c. 27, repealed as to Grand Manan.

Passed 26th March 1857.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to provide for the more effectually repairing the Roads and Bridges in the Parishes of Campo Bello and Grand Manan*, so far as the same applies to the Parish of Grand Manan, be and the same is hereby repealed.