

Number 3.

In the Supreme Court.

Of Term, 18

C. D. } The Defendant, by E. F. his Attorney, (or in person.)
 ats } defends the action, and says that he denies the Plain-
 A. B. } tiff's title to * the land described in the Plaintiff's de-
 claration, [if to part only, down to asterisk describing the part,
 then "part of the land described in the Plaintiff's declaration,"]
 and puts himself upon the country.

E. F., Defendant's Attorney.

Number 4.

Execution in Ejectment.

Victoria, &c.

To the Sheriff of

[L.S.] We command you to put A. B. in immediate and
 peaceable possession of [here describe the lands recover-
 ed in Ejectment, as set out in the Judgment,] which A. B. has
 recovered in our Court in Ejectment against C. D., and you
 are also commanded to [here insert "take the body," or
 "levy on the goods and chattels, lands and tenements," of the
 said C. D. for mesne profits, and costs, as
 the case may be,] and make return of this Writ on
 [some return day within a year from the day of issue.]

Witness J. C., Esquire, at Fredericton, the

day of

A. D. 18 [date of issue.]

Clerk.

CAP. XXII.

An Act in amendment of the Criminal Law.

Section.

1. Punishment for assault with intent to com-
mit offences, in cap. 149, s. 7 and 8,
Rev. Stat.
2. Jury to be allowed to separate, except in
capital felonies.

Section.

3. Refreshment for Jury in certain cases.
4. Prisoners in Provincial Penitentiary may
be brought up as witnesses.
5. Bail and trial in case of larceny or re-
ceipt of stolen goods.

Passed 6th April 1858.

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

1. Whoever on the trial for any or either of the offences
 specified in Sections seven and eight of Chapter 149, Title
 xxxix, of the Revised Statutes, "Of Homicide and other
 offences against the person," shall be found guilty of an assault
 with intent to commit any or either of the said offences, shall
 be imprisoned in the Provincial Penitentiary for any term not
 exceeding fourteen years.

2. In all criminal cases, except capital felonies, the Jury
 may be allowed to separate during the progress of the trial,
 under the direction of the Judge, and in his discretion as to the
 mode and time.

3. When the Judge deems it necessary that the Jury shall
 be confined to the precincts of the Court House during the
 progress or until the completion of any long trial for a criminal
 offence, the Sheriff shall provide them necessary refreshment,
 the expense of which shall be paid by the County Treasurer,
 out of the funds of the County, on the order of the presiding
 Judge.

4. Any prisoner confined in the Provincial Penitentiary, who
 may be required as a witness on the part of the Crown, or
 against whom any indictment may have been found, may be
 brought from the Penitentiary to the Court, for the purpose of
 such trial, in the custody of the Sheriff or his Deputy, and

kept in such custody until the completion of such trial, by an
 order of the Judge who presides, which order such Judge may
 grant at the instance of the prosecuting officer, and it shall
 have all the effect of a habeas corpus in all respects.

5. Any person charged with larceny, or of receiving stolen
 goods knowing them to be stolen, may, when the value of the
 property so taken or received shall not exceed five pounds, be
 admitted to bail by any Justice before whom the charge may
 be made; but should such person be committed to gaol for
 want of bail, and there remain for forty eight hours, he may
 be tried before three Justices of the County where the offence
 was committed, and if convicted, may be imprisoned in the
 common gaol or Provincial Penitentiary for a term not exceed-
 ing nine months.

CAP. XXIII.

An Act to amend and explain Chapter 126, of Title
XXXIV, of the Revised Statutes, "Of Landlord and
Tenant, and Replevin."

Section.

1. Interpretation of 'Justices' and 'Lessor,'
in s. 27 and 26, of cap. 126, Rev. Stat.
2. Costs in Fee Table.

Passed 6th April 1858.

WHEREAS it is enacted by the twenty seventh Section of
 Chapter 126, Title xxxiv, of the Revised Statutes, that when
 any tenant shall after the expiration of his tenancy refuse to
 deliver up the possession to the person entitled thereto, such
 person may apply to two Justices where the premises are
 situated; and it is doubtful whether the term "two Justices"
 used in the said Section mean Justices of the Peace, or Jus-
 tices of the Common Pleas; and whereas the term "Lessor"
 in the twenty sixth Section, is used instead of the term
 "Lessee";—

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

1. That the terms "two Justices" used in the said Section,
 shall mean two Justices of the Peace, and that the Form of
 Summons (S) and the Form of Warrant (T) referred to in the
 said twenty seventh Section, shall conform thereto, and that
 the term "Lessor" in the said twenty sixth Section, shall be
 read Lessee.

2. That the costs of proceedings under the said Statute shall
 be according to the following Table of Fees:—

FEES.

Drawing affidavit of Landlord, - - -	£0 2 0
Administering oath, - - -	0 1 0
Signing affidavit, - - -	0 0 6
Summons, - - -	0 1 0
Copy do. - - -	0 0 6
Copy of affidavit to annex to copy of summons, -	0 1 0
Subpœna, each, - - -	0 1 0
Justices on hearing, each 11s. 8d., - - -	1 3 4
Swearing every witness, - - -	0 0 6
Warrant of possession, - - -	0 2 6
Counsel fee to the successful party, when counsel attend, a sum not to exceed - - -	2 6 8

CONSTABLE.

Travel on service of summons, each mile going and returning, - - -	0 0 3
Service of summons, copy and affidavit, - - -	0 2 0