

18. All parts of an Act made and passed in the thirty first year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Marriage and Divorce, and for preventing and punishing incest, adultery, and fornication*, as are inconsistent with the provisions of this Act; and also the three Acts of Assembly hereinafter mentioned, shall be repealed as soon as this Act comes into operation, namely, An Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the further regulation of the formation of the Court of Governor in Council, for the determination of all suits and controversies touching and concerning Marriage and Divorce*; also an Act made and passed in the sixth year of the same Reign, intituled *An Act for altering the Terms of holding the Court of the Governor in Council for causes of Marriage and Divorce*; and an Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act for the further regulation of the Court of Governor in Council in Causes of Marriage and Divorce*.

19. The forms in the Schedule to this Act, or forms to the like effect, shall be deemed of the same force as if incorporated in the Sections to which they refer.

20. This Act shall come into operation on the first day of July next.

SCHEDULE OF FORMS.

A

Writ de contumace Capiendo.

[L. S.] VICTORIA, by the Grace of God, &c.—To the Sheriff of Greeting: Whereas is contumacious and contemns the jurisdiction and authority of the Court for Divorce and Matrimonial Causes [*here state the non-appearance or other contempt*]; You are hereby commanded to attach the said by his body, until he shall make satisfaction for the said contempt; and how you shall execute this Writ, notify to the said Court, on the day of next, and have then there this Writ.—Witness, [*insert the name of the Judge*] at Fredericton, the day of in the year of our Reign.

A. B. Registrar.

B

Subpœna ad testificandum.

[L. S.] VICTORIA, by the Grace of God, &c.—To [*names of witnesses*] Greeting: We command you and every of you to be and appear in your proper persons before our Court for Divorce and Matrimonial Causes, at Fredericton, on the day of next, at o'clock, in the noon, and so from day to day, until the cause or proceeding is heard,* to testify the truth according to your knowledge, in a certain cause now in the said Court depending between A. B. proponent, and C. D. respondent, on the part of the said and on that day to be tried; and this you, nor any of you, shall in no wise omit, under the penalty of one hundred pounds.—Witness, [*insert the name of the Judge*] at Fredericton, the day of in the year of our Reign.

C

Subpœna duces tecum.

The same as the form B to the asterisk*, then as follows:—and also that you bring with you, and produce at the time

and place aforesaid, [*here describe shortly the deed or paper required to be produced*] then and there to testify and show all and singular those things which you or either of you know, or the said deed or instrument doth import of and concerning a certain cause now in our said Court depending, &c. [*as in form B to the end.*]

D

Execution.

[L. S.] VICTORIA, by the Grace of God, &c.—To the Sheriff of County, Greeting: Whereas by an order (or decree) lately made in our Court for Divorce and Matrimonial Causes, in a cause therein pending, wherein A. B. was proponent and C. D. respondent, it was ordered that the said should pay to the said the sum of [*state shortly the substance of the order*]; Therefore We command you that of the goods and chattels, lands and tenements of the said in your Bailiwick, you cause to be made the said sum of to be rendered to the said and make return on the Tuesday in next.—Witness, [*insert the name of the Judge*] at Fredericton, the day of in the year of our Reign.

CAP. XXXVIII.

An Act in amendment of Chapter 52, Title VIII, of the Revised Statutes, 'Of Parish and County Officers.'

Section.

1. Vacancies by refusal to serve, or by death or removal, how to be supplied.

Section.

2. Act not to affect Incorporated Counties.

Passed 9th April 1860.

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

1. In addition to Chapter 52, Title VIII, of the Revised Statutes, 'Of Parish and County Officers,' in case of refusal or neglect to serve, or in case of the death or removal of any person elected or appointed to any County office, a special Session of the County called for that purpose, may appoint a fit person to any such vacancy, and so from time to time when such vacancy arises, and when so appointed, such Officer shall give the like security, and in like manner as if appointed by the Sessions when by law security is required, and any person so appointed shall have like powers, or if he shall neglect or refuse to serve, or be guilty of any misbehaviour or neglect of duty, he shall be subject to the same penalties, to be recovered and applied in the same manner as if elected or appointed in the ordinary way, according to the provisions of said Chapter 52, of the Revised Statutes.

2. Nothing in this Act to apply to or affect Incorporated Counties.

CAP. XXXIX.

An Act to explain Chapter 54, Title VIII, of the Revised Statutes, 'Of Buildings, Offices, and School Reserves.'

Section.

1. No assessment without presentment of Grand Jury.

Section.

2. Act not to apply to Incorporated Counties.

Passed 9th April 1860.

WHEREAS doubts have arisen whether under the provisions of the second Section of Chapter fifty four, Title VIII, of the Revised Statutes, 'Of Buildings, Offices, and School Reserves,' the Sessions may order an assessment for the erection of suit-