

11. No vessel shall be cleared out or proceed to sea, until all sums of money and penalties adjudged against the Master under any Acts of the Imperial Parliament relating to Passengers, shall first have been paid.

12. Any penalty imposed by this Act shall be recovered in a summary manner, with costs, upon information before any two Justices of the Peace of the County in which the offence shall have been committed, or in which the vessel shall have entered, or if in the City and County of Saint John, then before the Police Magistrate or sitting Magistrate at the Police Office in the said City; all proceedings for the recovery, application and enforcing payment of such penalty, to be as near as may be in the form, and according to the mode prescribed by the Acts of the General Assembly relating to summary convictions.

13. That Chapter 21, of Title III, of the Revised Statutes, 'Of Passengers and Head Money,' be and the same is hereby repealed.

( A )

Know all men, that we are jointly and severally bound unto the Queen in the sum of three hundred dollars, to be paid to Her Majesty.—Sealed and dated the       day of       , A. D. 18       .

Whereas       , a passenger of the vessel       , is likely to become a public charge;

Now the condition of this obligation is, that if the obligors shall indemnify the Province, or any place or charitable institution therein, from any expenses which shall be incurred on account of such passenger within three years from this date, then this obligation to be void, or else in force.

Sealed and delivered in }  
presence of }

#### CAP. V.

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

Court to be held on fourth Tuesday in January.

Passed 12th April 1861.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Circuit Court for the County of Sunbury shall hereafter be held on the fourth Tuesday in January in each year, instead of the third Tuesday in January, as provided by an Act passed in the twenty second year of Her Majesty's Reign, intituled *An Act to regulate the time of holding the Circuit Courts in the Counties of Sunbury, Kent, and Saint John*.

#### CAP. VI.

An Act to extend the power of Sheriffs in granting Gaol Limits.

Provisions of Cap. 124, s. 13, extended; proviso for limit bonds in bastardy cases.

Passed 12th April 1861.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the provisions of the thirteenth section of the one hundred and twenty fourth Chapter of the Revised Statutes, 'Of Insolvent Confined Debtors,' shall extend to all cases of imprisonment for non-payment of a sum of money, except when the same is payable to the

Queen's Majesty, Her Heirs, or Successors, or where the same is payable by way of fine or penalty for the commission of any criminal offence; provided always, that whenever a limit bond shall be taken on behalf of any person committed under the authority of the twelfth section of the fifty seventh Chapter of the Revised Statutes, 'Of Bastardy,' the same may be assigned to the Overseers of the Poor of the proper Parish for the time being, who, if the said bond be forfeited, may bring an action thereon in their name of office.

#### CAP. VII.

An Act in further amendment of the Law relating to Courts of Probate.

Section.

1. Judge may order inventories & accounts to be filed: costs.
2. Testimony need not be entered in a book.
3. Proof of Will when all witnesses are dead, partly non-resident, &c.;

Section.

4. When residing out of the County, but within the Province.
5. Licenses for sale of real estate shall be registered.
6. Power to punish witnesses.

Passed 12th April 1861.

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

1. Every Executor or Administrator who shall not file an Inventory of the Estate which he represents, or an account of his administration within the time allowed by law for that purpose, shall, after being required so to do by the Judge of Probates, file such Inventory or Account within such time as the Judge may appoint; and for every neglect, whensoever made, shall be liable to pay the costs of such proceeding, to be taxed and recovered as in other cases.

2. Whenever any testimony shall be taken before a Judge of Probates, the same need not be entered in a book, but shall be filed with the other papers in the case.

3. When all the Witnesses to any Will are dead, or some are dead and the others reside out of the Province, or the whole do so reside, the Judge of Probates may grant Probate of such Will on proof of the hand writing of the Witnesses and Testator, together with the fact of the deaths and non-residence aforesaid, to the satisfaction of the Judge, unless the Will be required to be proved in solemn form; in which case, and also if the Judge be satisfied there is just reason to believe the Will was procured by fraud, or the Testator was under any legal incapacity in making the same, a Commission may be ordered by the Judge, directed to one or more persons, to take the testimony of the Witnesses to the Will, with such other testimony as may be necessary, in such manner and under such direction as respects the expenses thereof, as may be mentioned in the said Commission.

4. If all the Witnesses to any Will reside out of the County, where by law the Will must be proved, but within this Province, and none of them can attend to prove the same from age, infirmity, sickness, or other good cause, a Commission may issue in the manner before mentioned, with the same powers, to any other part of the Province, to take the proof of the due execution of the said Will.

5. Every licence for the sale of real estate issued by any Judge of Probates, or a copy thereof, certified by the Registrar of Probates to be a true copy, and acknowledged or proved as in cases of conveyances, shall be registered in the Office of the Registrar of Deeds in the County where issued, and also where the real estate is situate; and the same, or a copy of such Registry, certified as in cases of registered conveyances by the