

may be hereafter imposed under the authority of the ninth Section of an Act made and passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act in amendment of and in addition to certain Chapters of Title viii, of the Revised Statutes, 'Of the local government of Counties, Towns, and Parishes,'* shall be forthwith paid to the Justice or Justices imposing the same, together with the costs of conviction; and such fine or penalty, as soon as may be after receipt thereof, shall be paid over and applied by such Justice or Justices as may be directed by the regulations or order of Sessions relating to such fines and penalties; and if such fine or penalty, together with the costs, be not paid as hereinabove directed, the said Justice or Justices shall and may commit the offender to jail, there to remain one day for every forty cents of the said fine or penalty and costs, unless the same shall be sooner paid.

#### CAP. XIV.

An Act to prevent Nuisances upon Public Highways.

Section.	Section.
1. What erections prohibited. Penalty.	4. Special Constables, how appointed.
2. Sale of liquor prohibited. Penalty.	5. Violations when committed in Saint John, how prosecuted.
3. Magistrate or Special Constable may order and enforce removal of nuisance.	

Passed 20th April, 1863.

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

1. That no person shall erect or place any booth, shanty, shed, tent, house, or other incumbrance, upon any road, highway or street within this Province, under the penalty not exceeding twenty dollars, together with costs of prosecution, or of imprisonment for a period of not more than thirty days.

2. That no person shall directly or indirectly barter or sell any liquor upon any road, highway, or street, or within any booth, shanty, tent, shed, house, or other erection placed, wholly or in part, upon any road, highway, or street, under a penalty not exceeding twenty dollars, together with costs of prosecution, or imprisonment not more than thirty days.

3. That any Magistrate or Special Constable to be appointed under the authority of this Act, may take down and remove any booth, shanty, tent, shed, house, or other erection placed, after the passing of this Act, upon any road, highway, or street, and may direct and require any persons found therein, to move on and away from such booth, shanty, tent, shed, house, or other erection, and on refusal of such persons so to move on and away may remove them, and shall have all other the powers incident to the office and duty of a Constable for preserving the public peace and preventing any breach thereof.

4. That any such special Constable may be appointed under the hand of any Magistrate of the County, or of any neighbouring County, and shall be sworn before such Magistrate to carry out and fulfil the provisions of this Act, so far as the same relates to the duties of a special Constable, and generally to preserve the peace in the County or District for which such special Constable may be appointed.

5. That all prosecutions for violating any of the provisions of this Act, shall be had, if committed in the County of Saint John, before the Police Magistrate of the City of Saint John or of the Parish of Portland; or if within the Police District of the European and North American Railway, before any Police Magistrate along the line of the European

and North American Railway; or if committed in any place not within the County of Saint John, and not within the said Police District, then before any one of Her Majesty's Justices of the Peace of the County in which the offence was committed.

#### CAP. XV.

An Act to provide for Securities to be given by Public Officers in this Province.

Passed 20th April, 1863.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That in all cases where no provision is already made by law for security to be given by Public Officers, every person appointed or hereafter to be appointed to any office, employment or commission under the Government, wherein he shall be concerned in the collection, receipt, disbursement or expenditure of any public money, shall execute a Bond to the Queen, in such sum and with such sufficient surety or sureties as may be approved of by the Governor in Council, for the faithful discharge of his duties, and for his duly accounting for all public moneys received by him or entrusted to his control.

#### CAP. XVI.

An Act to amend the Act relating to the administration of Justice in Equity.

Section.	Section.
1. Bill in Equity not to be sworn to, except in Injunction cases.	11. Any decree made for sale of land, the person entitled thereto, and bound by the decree, to be a Trustee.
2. Bills filed for injunction to be sworn to, or facts proved by affidavit.	12. Provisions of 17 V. c. 18, sub-chapter 4, s. 2, to extend to constructive trusts.
3. Causes set down for hearing on 14 days' notice, without publication of evidence. 17 V. c. 18, s. 16, sub-chapter 2, repealed.	13. Persons interested in questions cognizable in equity, to state special case for opinion of the Court.
4. Amount claimed to be endorsed on Summons in suits for foreclosure of Mortgages.	14. Form of special case, and authority of Court thereon.
5. Bill taken <i>pro confesso</i> without notice of motion, if no appearance.	15. How filed and set down for hearing.
6. Causes heard <i>viva voce</i> after issue joined, on 14 days notice. Power of Judge to postpone hearing.	16. Parties thereto subject to jurisdiction of the Court.
7. Judge to assess amount due in foreclosure suits, without notice, where Bill taken <i>pro confesso</i> , unless defendant applies for reference.	17. Court to determine questions raised, and declare opinion, without administering relief. Court may refuse to determine question.
8. Memorial of absolute decree of foreclosure to be registered; certified copy to be evidence.	18. Executor, &c. protected, when acting in conformity with decree made on a special case.
9. Facts occurring after commencement of suit, to be added to Bill as an amendment.	19. Costs of special case.
10. Power of Court to order sale of real estate in suits for administration of estates of deceased persons.	20. Suits pending, not affected by first seven Sections hereof.
	21. Parts of Act 17 V. c. 18, inconsistent herewith, repealed.
	22. Process to be served by Coroner.
	23. Books or writings used on a reference, to be evidence before the Court.

Schedule of Form.

Passed 20th April, 1863.

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

1. That so much of the fourth Section of sub-Chapter 2 of an Act passed in the seventeenth year of Her Majesty's Reign, intituled *An Act relating to the administration of Justice in Equity*, as requires the Bill to be sworn to by the Plaintiff or his Agent, is hereby repealed, except as hereinafter provided.

2. In Injunction causes, the Bill may be sworn to as directed by the said Act, or if not sworn to, the facts stated in the Bill may be proved by affidavit, according to the practice of the Court of Chancery in this Province prior to the passing of the said Act.

3. The sixteenth Section of sub-Chapter 2 of the before