

3. If judgment should be recovered by the plaintiff, the amount of such deposit shall be applied to the payment thereof, and the surplus, if any, shall be returned to the defendant on demand; nothing herein contained shall be construed to prevent the defendant from defending the said action.

4. Every Justice of the Peace issuing a *capias* shall, before delivering the same to a constable, endorse the amount of the Justice's fees upon the said *capias*.

CAP. XVI.

An Act relating to Municipalities.

Section.

1. Power of Council.

Section.

2. Coroners eligible to be elected Councillors.

Passed 8th June, 1865.

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

1. That the Council of any Municipality shall have power to make bye laws regulating the mode, manner and form of making out Accounts and claims against the same for any matter or thing upon which said Municipality may be liable to pay any sum of money for any purpose provided for by the Laws relating to Municipalities now or hereafter to be made, or by any Law of this Province, and to declare the time at which the said Accounts shall be filed with the Auditor, and to direct that the said Accounts or claims shall not be received for Audit unless such form is complied with.

2. Nothing in any Act of this Province relating to Municipalities shall be construed to prevent Coroners from being elected Councillors.

CAP. XVII.

An Act to explain certain Sections of Chapters 67, 68, and 69, of Title x, of the Revised Statutes, 'Of Sewers.'

Section.

1. Appointments made by Governor in Council, valid.
2. In case of appeal against Assessment, Jury to be summoned.

Section.

3. Proprietors of Sunken Island Marsh not to be assessed by Special Commissioners of Marsh enclosed by the Etter Aboideau.

Passed 8th June, 1865.

WHEREAS by Chapters 68 and 69 of Title x, of the Revised Statutes, power is given for the owners of Marsh Land in certain portions and districts of the Parishes of Westmorland, Albert and Sackville respectively, to choose Commissioners for managing such land in such portions and districts, and doubts have arisen whether such power does not conflict with Section 12 of Chapter 67, of the said Revised Statutes, by which the Governor in Council is authorized to appoint Special Commissioners in cases where any Marsh Lands may lie in two or more Parishes, and in reclaiming, draining, or enclosing, which such two or more Parishes may be interested; and it is expedient to declare the law respecting the same;—

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

1. That all appointments heretofore made, or that hereafter may be made, in the Counties of Westmorland and Albert, by the Governor in Council under the said Section 12, of Chapter 67, are hereby declared to be good and valid to all intents and purposes.

2. That in case any proprietor of Marsh, Lake, or Bog, heretofore assessed by the Special Commissioners of Sewers,

appointed to construct and superintend the Jolicour Canal in the Parishes of Sackville and Westmorland, and County of Westmorland, should object to the amount of such assessment as being greater than the proportion he ought to pay, such proprietor may at any time within three months after the passing of this Act, apply to a Justice of the Peace to summon a Jury of five disinterested freeholders, as is provided by 25th Victoria, Cap. 25, who shall arbitrate between the said Commissioners and such proprietor, and such sum as they may award, and no more, shall be levied and collected in the manner provided by the Laws relating to Commissioners of Sewers.

3. That this Act shall not authorize the Special Commissioners of Sewers appointed to construct and superintend the body of Marsh lying in the Parishes of Sackville and Westmorland, enclosed by the Etter Aboideau, to levy and collect any assessment heretofore made upon the proprietors of Sunken Island Marsh, for any benefit they may have received from any works constructed under the superintendence of such Commissioners.

CAP. XVIII.

An Act to extend the provisions of Chapte 69, Title x, of the Revised Statutes, 'Of Sewers,' to certain Marsh Lands in Sackville.

Passed 8th June, 1865.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That Section 10, of Chapter 69, Title x, of the Revised Statutes, 'Of Sewers,' shall be construed to extend to that body of Marsh situate in Sackville, above the Aboideau, known and distinguished as 'Frosty Hollow body of Marsh;' provided always, that any Commissioner elected under this Act shall not form one of the Board of Commissioners for the Parish of Sackville.

CAP. XIX.

An Act to amend the Revised Statutes, Title xxxiv, Chapter 126, 'Of Landlord and Tenant, and Replevin.'

Section.

1. Persons dissatisfied with judgment of Justice, may appeal to Judge of Supreme Court.
2. Justice refusing to make a return to Judge, attachment may issue against him.

Section.

3. When Judge may order discharge of Justice.
4. Upon return of proceedings, Judge to examine and determine.
5. Judge to award costs of review.
6. Sec. 28, Cap. 126, repealed.

Passed 8th June, 1865.

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

1. Where any tenant or other person interested in the premises considers himself aggrieved by the judgment of the Justices under the provisions of the twenty seventh Section of the Revised Statutes, Title xxxiv, Chapter 126, a Judge of the Supreme Court, on the application of such tenant or other person, upon sufficient cause shewn by affidavit, may make an order to remove such proceedings before him, and such order shall suspend the execution of the judgment of the Justices in the mean time.

2. Should the Justices neglect or refuse to return the proceedings to the Judge within twenty days after such order shall have been served upon them, the said Judge, upon affidavit of such service, and on the application of either party, may order that an attachment do issue out of the Supreme Court against the Justices for such neglect.

3. If such attachment shall be executed, the Judge may