



BY AUTHORITY.

ANNO TRICESIMO VICTORIÆ REGINÆ.

CAP. VIII.

An Act to perpetuate the Acts relating to the Export Duty on Lumber.

Passed 9th July, 1866.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That Chapter 15, Title iii, of the Revised Statutes, 'Of the Export Duty on Lumber,' and also an Act made and passed in the twenty ninth year of the Reign of Her present Majesty, intituled "An Act to revive and continue Chapter 15, Title iii, of the Revised Statutes, 'Of the Export Duty on Lumber,'" be and the same are hereby severally declared to be in full force and effect for ever.

CAP. IX.

An Act respecting offences relating to the Army and Navy.

Section.

1. Penalty for enticing Soldiers, &c., to desert, or concealing deserters.
2. Penalty for receiving from Soldiers any accoutrement, clothing, &c.
3. Penalties, how recovered.

Section.

4. Cap. 143 of Revised Statutes, repealed.
5. This Act not to affect any offence already committed.

Passed 9th July, 1866.

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

1. Whoever shall directly or indirectly solicit or procure any soldier, sailor, or marine, to desert the Queen's service, or shall aid or assist any deserter from such service, knowing him to be such, in deserting or concealing himself, shall for each offence pay a fine of twenty pounds, or be imprisoned in the Provincial Penitentiary for a term not exceeding three calendar months.

2. Whoever shall receive from any soldier, sailor, marine, or deserter, any accoutrement or any thing belonging to the Queen, or shall receive from any such soldier, sailor, or marine, any provisions or clothing, unless by the consent of the Officer commanding the Regiment, detachment or ship to which such soldier, sailor or marine shall belong, shall pay a penalty of ten pounds, or be imprisoned in the common gaol of the County where the offence may be committed, for a term not exceeding three calendar months.

3. The penalties in each of the above cases respectively may be recovered with costs in the name of any person who will sue therefor before two Justices of the Peace in the County where the offence may have been committed, under the Chapter relating to Summary Convictions before Justices out of Sessions, the nature of the offence being briefly stated; one half the penalty in each case respectively shall be paid to the person suing therefor, and the other half to the Overseers of the Poor of the place where the offence was committed, for the use of the Poor.

4. Chapter 143, of the Revised Statutes, 'Of offences relating to the Army,' be and the same is hereby repealed, as hereinafter mentioned.

5. Nothing in this Act shall extend or be construed to extend to or affect any offence committed against the provisions of the said Chapter 143, of the Revised Statutes, 'Of offences relating to the Army,' before the passing of this Act, or any conviction therefor, but proceedings may be had, taken, and continued, and the punishment inflicted for all such

offences under said Chapter, in the same manner in every respect as if this Act had not been passed.

CAP. X.

An Act relating to the administration of Justice in Equity.

Section.

1. Costs of suit, how paid and by whom.
2. Writ of Possession after decree, when and by whom issued.

Section.

3. Execution of Writ, when and by whom.

Passed 9th July, 1866.

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

1. That the costs of all parties to any suit hereafter to be brought for the partition of lands, to be ascertained and taxed by the Clerk, shall be shared and borne by the several parties to such suit rateably and in proportion to the value of their respective interests in the lands and premises partitioned, the said costs to be and remain a lien upon the lands and tenements of the several parties for the amounts to be paid by them respectively until paid.

2. Whenever it shall be made appear on motion or by petition to the Supreme Court in Equity, or a Judge thereof, by affidavit, or by the Certificate of the Registrar of Deeds and Wills for the County wherein the lands lie, that a memorial of any decree of absolute or unconditional foreclosure, or of any decree of severalty in partition, has been duly registered or received for registry in the County where the lands lie, or that any deed of sale and transfer made by any officer of the said Court, under a decree or order of the same, has been duly registered or received for registry as aforesaid, then it shall be lawful for the said Court or any Judge thereof, at the instance of the mortgagee or purchaser as aforesaid, or of any party to a partition of lands, to direct or order a Writ (A) to be issued for the delivery of possession of the lands so decreed in severalty, foreclosed, or sold by the officer of the Court, as aforesaid, to such party or parties as may be entitled thereto, under and by virtue of the said decree, or purchase thereunder as aforesaid; provided that fourteen days notice of any application for such writ shall be first given to any person or persons in the actual occupation (if any) of the said lands or tenements at the time of such application, at which time the said party may show reasonable cause (if any) why the said writ should not issue forthwith.

3. The Sheriff or other officer authorized to execute the said writ for delivery of possession, shall have the same power and authority in the discharge of the duties hereby imposed upon him, as are given by law to him in the execution of a writ of *habere facias possessionem* in ejectment at common law, and shall be entitled to like fees, charges and expenses as in that case, which fees, charges and expenses shall be taxed by the Clerk of the Court in Equity, and shall be recovered against any party or parties whose continuance in possession may make the said writ necessary, in the same manner as any other costs of suit may be recovered; provided nevertheless, that the rights and interests of any *bona fide* owner of the said lands and tenements which are not precluded by the said decree, shall not be damaged or foreclosed by the said delivery of possession.

SCHEDULE OF FORMS.

Writ of Possession, &c.

VICTORIA, &c.

To the Sheriff of

Whereas by a certain decree (or order) lately made in our Supreme Court in Equity, in a certain cause there depending,