

7. None of the beforementioned sums of money, or any part thereof, shall be laid out or expended on the making or improving any alteration that may be made in any of the said Roads, unless such alterations shall have been first laid out and recorded.

8. Every person who may be appointed a Commissioner for the expenditure of money hereinbefore granted, before entering upon the duties of his office, shall enter into a bond to Her Majesty, Her Heirs and Successors, to the satisfaction of the Governor in Council, for the due performance of his duties as such Commissioner, and the faithful expenditure of and due accounting for such moneys as shall come into his hands as such Commissioner.

9. Notwithstanding the provisions of any Law in force for the election of Commissioners of Bye Roads, or otherwise, no person shall be appointed to expend any of the aforesaid moneys who shall be a defaulter, or who shall not have fully accounted for the expenditure of any money previously entrusted to him, until he shall have satisfactorily accounted therefor; and in case of the election of any such person, the Governor in Council shall appoint Commissioners in the same manner as if no election had taken place.

10. In case of a vacancy by death of any Commissioner elected to expend money on the Bye Roads, the Governor in Council shall appoint a Commissioner to fill such vacancy.

CAP. XIII.

An Act to amend an Act to establish County Courts.

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| Sec. | Sec. |
| 1 Minors may sue. | 17 Term "landlord" defined; proviso. |
| 2 Affidavits, before whom sworn. | 18 Term "person" defined. |
| 3 Persons confined under sentence, when and how brought before Judge; proviso. | 19 When this Act and 30th Victoria, Chapter 10, shall be taken as one Act. |
| 4 How actions shall be commenced; exceptions. | 20 When costs are awarded, Judge may grant fiat for attachment. Form of fiat. |
| 5 Form of process to hold to bail. | 21 Terms of Courts in Counties of Sunbury, Restigouche, Gloucester, and Charlotte; proviso. |
| 6 Affidavits, before whom made. | 22 Criminal jurisdiction of Court enlarged. |
| 7 Duty of Sheriff on delivery of summons. When plaintiff may receive back summons. | 23 All Acts relating to criminal justice applicable to Circuit Courts, to apply to County Courts; proviso. |
| 8 Time summons or capias shall run. | 24 Sheriffs, &c. shall discharge like duties in County Courts as in Circuit Courts. Prisons of County Courts. |
| 9 Sheriff to receive copy of capias for every person to be arrested. | 25 All recognizances to be transmitted to Clerk of County Court. |
| 10 Order for render on discharge of bail, by whom made. | 26 Judges may admit to bail; exceptions. |
| 11 When final judgment may be entered; proviso. | 27 Appeal from conviction of Justice of the Peace may be made to Judge of County Court. |
| 12 When action is brought beyond jurisdiction of Court, how proceeded with. | 28 Additional fees. |
| 13 When writ of replevin may issue. | |
| 14 When Judge may call in another Judge to act. | |
| 15 Rules and regulations, by whom made. | |
| 16 Contempt, &c. how punished. | |

Passed 23rd March 1868.

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

1. A minor, or person under the age of twenty one years, may sue in the said Courts for any sum within their jurisdiction for wages due to him, in the same manner as if he were of age, and such infant shall be liable for costs exactly as if of full age.

2. All affidavits to be used in the said Courts, or before any Judge thereof, may be sworn before any such Judge, a Judge of the Supreme Court, or any Commissioner for taking affidavits to be read in the Supreme Court.

3. A Judge of a County Court, upon application on affidavit of either party to any suit pending in his Court, may issue an order, under his hand and the seal of such Court, for bringing up before such Court any prisoner confined in any

gaol or prison under any sentence, or under commitment for trial, or otherwise, except under process in any civil suit, to be examined as a witness in any cause, suit or matter depending in or for trial before such Court; provided always, that the person having the custody of such prisoner shall not be bound to obey such order unless tender be made to him of a reasonable sum for the conveyance and maintenance of a proper officer or officers, and of the prisoner, going to, remaining at and returning from such County Court; and no Sheriff, gaoler, or other officer, shall be liable to any action or prosecution for acting in obedience to any such order, and if sued, he may plead the general issue and give such order in evidence thereunder.

4. Except in cases where it is intended to hold the defendant to bail, and in actions of replevin, all personal actions, including actions by or against Members of the Legislature, Corporations, and Attorneys at Law, shall be commenced by writ of summons, according to the Form A in the said recited Act contained, which writ may be served in any County in this Province.

5. In case any person is to be arrested and held to bail, the process shall be by writ of capias in the following form, and may be executed by the Sheriff of any County in this Province, or by any person duly authorized by such Sheriff:

[L. S.] Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.

To the Sheriff of the County of _____, greeting:

We command you, that you take C. D., if he shall be found in your bailiwick, and him safely keep until he shall have given you bail or made deposit with you according to law in an action on promises, (or debt, as the case may be,) at the suit of A. B. against the said C. D., [and E. F., &c., if there be one or more defendants not to be arrested,] or until the said C. D. shall by other lawful means be discharged from your custody; for that whereas [here set out the cause of action in a brief form,] and we further command you, the said Sheriff, that on the execution hereof upon the said C. D., you deliver a copy hereof to the said C. D., (and we further command you that you serve a copy hereof upon the said E. F., if there be one or more defendants not to be arrested,) and that immediately after the execution hereof you do return this writ, together with the manner in which you shall have executed the same, and the day of the execution thereof; or, if the same remain unexecuted, that you do return the same at the expiration of two months from the date hereof, or sooner if you shall be required thereto by order of the Court or a Judge; and we hereby command you, the said C. D. and E. F., &c., that within thirty days after service upon you of this writ, you do cause an appearance to be entered for you in the above suit in the County Court for the County of _____; and take notice, that in default of your doing so, the said A. B. may cause an appearance to be entered for you, and proceed thereon to judgment and execution.—Witness, _____, Judge of the said Court, this day of _____, A. D. 186 . C., Clerk.

6. All affidavits for the purpose of holding persons to bail may be made before the Judge of the Court out of which the process may issue, or before any other County Court Judge or any Commissioners authorized to take affidavits to be read in the Supreme Court, or if made out of this Province may be made before any Judge, Commissioner