

## CAP. XV.

An Act to repeal Section 5, Chapter 15, Title iii, of the Revised Statutes, 'Of the Export Duty on Lumber,' and to make provision in lieu thereof.

Sec.	Sec.
1 Sec. 5, cap. 15, Title iii, repealed.	2 Hacmatac knees, rates of duty.

Passed 23rd March 1868.

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

1. That the fifth Section of Chapter 15, Title iii, of the Revised Statutes, 'Of the Export Duty on Lumber,' be and the same is hereby repealed.

2. There shall be imposed on Hacmatac or Juniper Knees shipped, or otherwise exported from this Province, the following duty, viz:—On each six inch Knee and under seven inch, twenty cents; on each seven inch Knee, thirty five cents; and on each Knee over seven inches, forty cents; and all Knees under six inches shall be free of duty.

## CAP. XVI.

An Act in amendment of Chapter 124, Title xxxiv, of the Revised Statutes, 'Of Insolvent Confined Debtors.'

Sec.	Sec.
1 Application for discharge, before whom made.	prevent debtor of the benefit of this Act.
2 When discharge may be granted; proviso.	4 Commissioners, how appointed; their powers
3 Possession of homestead not to	5 What Acts or parts of Acts repealed.

Passed 23rd March 1868.

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

1. Any person confined in gaol or on the limits in any civil suit, may make application for his discharge to a Judge of the County Court, and such Judge may grant an order in writing, directing the Sheriff or gaoler to bring the debtor before him for examination, at such time and place as may be thought fit, and the said Sheriff or gaoler shall duly obey such order, and not be liable for any action for escape or other suit in consequence thereof.

2. In pursuance of such order, the said confined debtor, and any witnesses subpoenaed to attend and give evidence at such examination, may be examined on oath at the time and place specified in such order, before such Judge; and if it shall on such examination appear to his satisfaction that the said debtor has no property, real or personal, except as hereinafter referred to,—that since he was served with the first process in the suit in which such application is made, he had not directly or indirectly transferred any property, real or personal, intending to defraud the person at whose suit he is confined, or given any undue preference,—such Judge shall, by order in writing, discharge the debtor from confinement as to that suit; on production of which to the Sheriff or gaoler, the debtor shall be forthwith discharged without payment of any gaol fees; provided nevertheless, that no such order for discharge shall be made in any suit, unless it be made to appear to the satisfaction of such Judge that at least seven days notice of the time and place of the said examination had been previously given to the plaintiff in such suit, or his attorney, or left at the last or usual place of residence of the plaintiff, with some adult member of his family. The examination herein mentioned shall be filed in the office of the Clerk of the Court out of which the process issued; provided that if at any time during the examination herein mentioned, or before any order be made, the creditor or any person on his behalf shall make affidavit that he has

reason to believe that the debtor has not made a full disclosure in the matters under examination, the Judge shall grant a postponement of such examination for a period not less than seven days nor more than fourteen days, unless the parties consent to an earlier day.

3. In addition to the property mentioned in the fifteenth Section of Chapter 124, Title xxxiv, of the Revised Statutes, the possession by the debtor of any homestead exempt by law, or which may hereafter be exempted by law, from levy under execution, shall not prevent him having the benefit of this Act.

4. The Governor in Council may appoint two Commissioners in each County, who shall jointly exercise like powers under this Act as are hereby exercised by a Judge of the County Court.

5. The first, fifth, eighth, tenth and eighteenth Sections of Chapter 124, Title xxxiv, of the Revised Statutes, 'Of Insolvent Confined Debtors,' and also an Act made and passed in the twenty third year of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to Insolvent Confined Debtors*, and also an Act made and passed in the twenty sixth year of the Reign of Her present Majesty, intituled *An Act to amend Chapter 124, Title xxxiv, of the Revised Statutes, 'Of Insolvent Confined Debtors,'* are hereby repealed; but all the provisions of the said Chapter 134, of the Revised Statutes, and of any Acts in amendment thereof, or relating thereto, except as herein repealed, or is inconsistent herewith, shall be and are hereby made to be in force in respect to the provisions of this Act.

## CAP. XVII.

An Act in further amendment of the Acts to regulate the Circuit Courts and Courts of Oyer and Terminer and Sittings after Term.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Sittings for the County of York shall hereafter be held on the second Tuesday in May in each year instead of the second Tuesday in January, and on the last Tuesday in October instead of the fourth Tuesday in June, as provided by an Act made and passed in the seventeenth year of Her Majesty's Reign, intituled *An Act to regulate the Circuit Courts and Courts of Oyer and Terminer and Sittings after Term*, and also an Act made and passed in the twenty second year of Her Majesty's Reign, intituled *An Act to amend an Act to regulate the Circuit Courts and Courts of Oyer and Terminer and Sittings after Term*.

## CAP. XVIII.

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

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That any trustee, executor, or administrator, shall be at liberty, without the institution of a suit, to apply by petition to any Judge of the Supreme Court in Equity, or by summons upon a written statement to any such Judge at Chambers, for the opinion, advice or direction of such Judge on any question respecting the management or administration of the trust property, or the assets of any testator or intestate, such application to be served upon, or the hearing thereof to be attended by all persons interested in such application, or such of them as the said Judge shall think expedient; and the trustee, executor or administrator acting upon the opinion, advice or direction given by the