

said Judge, shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, executor or administrator, in the subject matter of the said application; provided nevertheless, that this Act shall not extend to indemnify any trustee, executor or administrator in respect of any act done in accordance with such opinion, advice or direction as aforesaid, if such trustee, executor or administrator shall have been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice, or direction. The costs of such application as aforesaid shall be in the discretion of the Judge to whom the same shall be made.

CAP. XIX.

An Act to amend the Law relating to Notices of Actions.

Sec.	Sec.
1 Provisions of Sec. 1 & 2, of cap. 56, Revised Statutes, to extend to certain officers.	2 When notices of action shall be given.

Passed 23rd March 1868.

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

1. The provisions of the first and second Sections of the Revised Statutes, Chapter 56, 'Of actions against Officers and recovery of Penalties,' shall extend and apply to Parish Officers elected under any Act relating to Municipalities, or appointed by the Municipal Council of any County, for any thing done by virtue of their office, and also shall extend and apply to Commissioners of Highways for any thing done in the execution of any office created, or the duties of which are performed under any of the provisions of an Act made and passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act in amendment and consolidation of the Laws relating to Highways*, or of any Act or Acts in amendment thereof or in relation thereto.

2. And whereas it is expedient that the Law should be uniform with respect to notice of action in all cases where such notice is required,—That from and after the passing of this Act, in all cases where notice of action is required, such notice shall be given one month at least before any action shall be commenced, any Act or Acts to the contrary thereof notwithstanding.

CAP. XX.

An Act to amend an Act intituled *An Act to amend the Law relating to Divorce and Matrimonial Causes*.

Sec.	Sec.
1 Citations, how and by whom served.	3 When person cited neglects to appear, Court may give <i>ex-parte</i> judgment.
2 Affidavits, how made.	

Passed 23rd March 1868.

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

1. Citations issued out of the Court of Divorce and Matrimonial Causes directed either to the party against whom issued, or to the Sheriff of any County in this Province, may be served personally upon the person against whom issued out of this Province in the same manner and with the like effect as if such service was made within this Province; and all proceedings shall be had and taken thereon in the same manner and with the same effect as in the case of service within this Province.

2. Affidavits to be read or used in the said Court of Divorce and Matrimonial Causes may be made, sworn and taken before any person within or without this Province authorized to take affidavits to be read in the Supreme Court.

3. When any person having been duly cited to appear in any cause brought or hereafter to be brought in the said

Court of Divorce and Matrimonial Causes, shall neglect or refuse to appear or answer within the time directed by the rules and practice of the said Court, it shall be lawful for the said Court to proceed with the hearing and trial of the said cause *ex-parte* without issuing the writ *de contumace capiendo*, and to pronounce such judgment and decree therein as the circumstances of the case may require, in the same manner as the said Court might do if the party cited had appeared or answered.

CAP. XXI.

An Act to alter the time of holding the Circuit Court in and for the County of Sunbury.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Circuit Court in and for the County of Sunbury shall hereafter be held on the first Tuesday in July in each and every year instead of the fourth Tuesday in January as now provided by Act of Assembly 24th Victoria, Chapter 5.

XXII.

An Act relating to the several Courts of General Sessions of the Peace in this Province.

Passed 23rd March 1868.

WHEREAS doubts have arisen as to the effect of the thirty seventh Section of 10th Chapter of thirtieth Victoria, intituled *An Act to establish County Courts*, upon the times of holding the General Sessions of the Peace in and for the City and County of Saint John, and the several Counties of this Province;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That nothing in the said recited Act shall be construed to apply to the times of holding of the several Courts of General Sessions of the Peace in this Province, or do away with or alter any Term or Sitting thereof, or the time of holding the same; and that all Courts of General Sessions of the Peace or any Special Sessions of the Peace holden in this Province since the passing of the said Act, and all matters, acts and things done or performed at any of such General or Special Sessions, shall be valid, sufficient and effectual to all intents and purposes in law and in equity, as if the said recited Act had not passed; and for any future acts, so far as regards the time of holding the said several Courts of General Sessions, the said thirty seventh Section shall be and is hereby declared to be of no force or effect.

XXIII.

An Act for changing the times for holding the Courts of General Sessions of the Peace for Queen's County.

Passed 23rd March 1868.

WHEREAS the holding of January and June Sessions of the Peace in and for Queen's County at the same times as is fixed by law for the holding of the County Courts in the said County, is found to be conflicting and productive of much confusion and inconvenience;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the said Courts of General Sessions for the said County shall, after the passing of this Act, be holden on the third Tuesdays in January and June respectively in each and every year, instead of the fourth Tuesdays in January and June as heretofore provided, and that these are to be the only Courts of General Sessions to be holden in each and every year in said County.