



BY AUTHORITY.

ANNO TRICESIMO TERTIO VICTORIÆ REGINÆ.

## CAP. XX.

An Act in addition to and in amendment of the Acts relating to County Courts.

Sec.	Sec.
1 Powers of Judge at Chambers.	9 Attachments, by whom issued; form of.
2 When Judge may cause writ or other document to be amended; proviso.	10 Terms in Westmorland and Albert abolished, others established.
3 Service of non-bailable writ, &c. how made.	11 Terms in Gloucester abolished, others established; proviso.
4 When Judge may stay proceedings.	12 Terms in Restigouche abolished, others established.
5 Clerk to furnish memorial of judgment; memorial where registered.	13 Judge of York County Court may tax costs to Clerk of the Crown.
6 Liability to being rated in County, &c. not to prevent Judge from acting when interests of County are affected.	14 When Judge shall not allow Counsel fee; bill of costs to accompany Judge's certificate.
7 Time and mode of proceedings, if not prescribed, Judge may order.	15 Order for render in discharge of bail, by whom made.
8 Oath under 30th Vic., cap. 10, sec. 25, by whom to be made.	16 Mode of proceeding on render in discharge of bail.
	17 Clerk of Court not to act as Magistrate in holding examinations.

*Passed 7th April 1870.*

1. Any County Court Judge appointed for two or more Counties in this Province, may transact and dispose of, at Chambers or elsewhere, in any or either of the said Counties, any Chamber business depending in any County Court for which he may be Judge, or any matters or things relating thereto; and he may, in the exercise of any authority belonging to him, act upon, deal with, determine and decide in either of the said Counties, any matters arising or being in any or either of the others, in the same manner and to the same effect, to all intents and purposes, as he could do if the said Counties together formed one County or district.

2. It shall be lawful for any Judge of said Courts, on the trial of the cause, if such Judge shall see fit so to do, to cause the writ or document on which any trial may be pending before any such Judge in any civil action, when any variance shall appear between the proof and the recital or setting forth on the writ or document on which the trial is proceeding, of any writing, contract, custom, prescription, name, or other matter, in any particular or particulars, in the judgment of such Judge not material to the merits of the case, and by which the opposite party cannot have been prejudiced in the conduct of his action or defence, to be forthwith amended by some officer of the Court, or otherwise, both in the part of the pleadings where such variance occurs, and in every other part of the pleadings which it may become necessary to amend, on such terms as to payment of costs to the other party, or postponing the trial to be had before the same or another jury, or both payment of costs and postponement, as such Judge shall think reasonable; and in case such variance shall be in some particular or particulars, in the judgment of such Judge, not material to the merits of the case, but such as that the opposite party may have been prejudiced thereby in the conduct of his action or defence, then such Judge shall have power to cause the same to be amended, upon payment of cost to the other party and withdrawing the record, or postponing the trial as aforesaid, as such Judge shall think reasonable; and after any such amendment the

trial shall proceed, in case the same shall be proceeded with, in the same manner in all respects, both with respect to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance had appeared; the order for the amendment shall be indorsed on the postea or the writ, as the case may be, and returned together with the record or writ, and thereupon such papers, rolls and other records as it may be necessary to amend shall be amended accordingly; provided that it shall be lawful for any party who is dissatisfied with the decision of any such Judge, respecting his allowance of any such amendment, to apply for a new trial upon that ground; and in case such Judge shall think such amendment improper, a new trial shall be granted accordingly on such terms as the Judge shall think fit, or the Judge shall make such other order as to him may seem meet.

3. The service of any non-bailable writ or process issued out of any County Court may be made personally upon the defendant, or in case he has a known place of abode within this Province, and shall then be within the same, such process may be served at such place of abode upon the wife of the defendant, or an adult member or inmate of the family of the defendant; such last mentioned service however not to be deemed good service without the order of a Judge of the Court out of which the writ issued, upon his being satisfied of the circumstances of such service.

4. The twenty fourth Section of the Act thirtieth Victoria, Chapter 10, is hereby altered and amended by adding thereto the following paragraph:—The Judge at the request of the party wishing to appeal, or of his Counsel or Attorney, shall stay the proceedings for a time not exceeding twenty days, in order to afford the party time to execute and perfect the bond; in case the bond be perfected and deposited with the Clerk of the Court, (where it shall remain until the decision of the Supreme Court has been given, and then shall be delivered to the successful party,) the Judge shall further stay proceedings until judgment be given on appeal; provided that if after the Judge has certified a copy of the proceedings to the Supreme Court, the appellant do not prosecute his appeal according to the practice of the Court of Appeal, the successful party may apply to the Judge for leave to proceed on the judgment, and leave for that purpose may be granted accordingly if the Judge may think fit, and the successful party shall also be entitled to such costs as he shall have incurred in consequence of the appellant's proceedings, which costs shall be taxed by the Clerk and added to the judgment.

5. The Clerk of the County Court shall, on request, furnish to the party obtaining judgment in the Court, or to his legal representatives, a memorial signed by him of such judgment, containing the like particulars as are required in memorials of judgments given by the Clerk of the Pleas in the Supreme Court; and such memorial may be registered in the Registry Office of any County, and after registration shall have the like force and effect in binding the lands of the person against whom the judgment was recovered, as a memorial granted by the Clerk of the Pleas out of the Supreme Court has in binding the lands of a person against whom a judgment has been recovered in that Court.

6. A Judge of a County Court shall not be incapable of acting as such Judge, whether in Court or vacation, on the trial or hearing of any matter affecting or in any way relating to any County, Parish, City, Municipal Corporation,