

wise, by virtue of this Act or of the said recited Act, or any Act in amendment thereof, or addition thereto, shall immediately cease and determine.

95. The Town Council may in like manner appoint one of the said Policemen to be Captain of the Police Force for the said Town, who, in addition to all such rights, powers, privileges, immunities and authorities which he shall have, exercise and enjoy as such Policeman, shall command the said Force, and be responsible to the said Council, or such Committee or officer, person or persons as they shall appoint thereto, for the obedience, good order, and efficiency of the men under his command; and the said Captain of Police shall keep a record of all arrests, and other matters and things pertaining to his department, in such manner and form as the said Council or Committee thereof shall direct.

96. An annual salary of such sum, not exceeding seven hundred and fifty dollars in any one year, as the Town Council shall determine, shall be paid monthly to such Captain of the Police Force out of the general revenues of said Town; and in like manner an annual salary of such sum, not exceeding four hundred dollars in any one year, as the Town Council shall determine, shall be paid monthly to each Policeman out of the said funds; and the Town Council shall also determine, fix and allow the amount of salary of the Keeper of the Lock-up house in the said Town, if such Keeper shall be by them appointed under the terms of the said recited Act.

CIVIL COURT.

97. There shall be a Court in the said Town of Portland for the trial of civil causes, as herein provided, to be held before the Police Magistrate, or any Sitting Magistrate of the said Town, appointed or to be appointed under the terms of the said hereinbefore recited Acts; and such Court shall be held at the Police Office in the said Town on Wednesday in every week; provided that when Christmas Day, New Year's Day or any public holiday shall fall upon Wednesday in any week, the said Court shall be held on the Tuesday in such week and not on Wednesday; provided also, that the sitting of the said Court may be adjourned from day to day, if it be deemed expedient or necessary for the dispatch of any unfinished business.

98. The said Police Magistrate, or in case of his temporary absence or illness, then such Sitting Magistrate sitting at the Police Office in the said Town shall, in addition to his jurisdiction as a Justice of the Peace under the provisions of the Revised Statutes, Chapter 137, Title xxxvii, have civil jurisdiction in the said Town of Portland, and in the Parishes of Lancaster and Simonds, as follows:—First, in all actions specified in said Chapter 137 of the Revised Statutes; secondly, in all actions of debt, whether upon simple contract or specialty, where the amount claimed does not exceed eighty dollars; and thirdly, in actions of tort to real or personal property where the title to land shall not come in question, and where the damages claimed do not exceed twenty dollars; and where the dealings between the parties have exceeded eighty dollars, the plaintiff's claim may be reduced by payment or abandonment so as to bring it within the jurisdiction hereby created.

99. All proceedings in the said Court for trial of civil causes, and before the said Police Magistrate or Sitting Magistrate in civil causes as aforesaid, shall be had in every respect, except as herein specially provided, under the provisions of the Revised Statutes, Chapter 137, Title xxxvii, aforesaid, or any amendments thereof, provided that every such Magistrate, immediately on the passing of this Act, or on his appointment as such Police Magistrate or Sitting Magistrate as aforesaid, shall take and subscribe the following oath, in addition to the oath provided to be taken by the terms of the said Act passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, that is to say—"I, A. B., do swear that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute all

the powers and duties of a Justice of the Peace and Judge of the Court for trial of civil causes, under and by virtue of an Act passed in the thirty fourth year of the Reign of Queen Victoria, intituled *An Act to incorporate the Town of Portland. So help me God.*"—And every such oath shall be made and taken before some one of the Judges of the Supreme Court of this Province, and filed with the Town Clerk of Portland aforesaid.

100. Any plaintiff or defendant in a suit before the said Police Magistrate or Sitting Magistrate in the said Court for trial of civil causes, may appear and conduct his suit either in person, by his agent, or by Attorney of the Supreme Court, whose authority may be either written or oral; but on the trial such Attorney shall not be a competent witness for the party for whom he appears; and provided also, that no person holding the office of Constable in the said Town, or elsewhere within the City and County of Saint John, and no Marshal of the City Court of the City of Saint John, shall act as agent or Attorney for either party, or as a juror on the trial of any civil cause in the said Court; and if any such person shall act in such capacity, contrary to the provisions of this Act, he shall forfeit the sum of twenty dollars for every offence, to the use of the said Town; and it shall be the duty of the Town Clerk to prosecute therefor.

101. In all defended cases the said Police Magistrate, or Sitting Magistrate, may, in his discretion, tax a Counsel fee to the successful party on the trial of the cause, not in any case to exceed four dollars, to be included with costs recoverable on judgment; but such Magistrate shall not tax a fee in any case, unless in the opinion of the Court, under the circumstances, the assistance of Counsel was reasonably required; and if on the trial of any action brought in the said Court for trial of civil causes, it shall appear that the Court has not jurisdiction in the case, judgment shall be rendered as in case of nonsuit, and the defendant shall have execution for costs accordingly.

102. Any affidavit to be used in the said Court for trial of civil causes, may be sworn before the Town Clerk of the said Town of Portland, or any Commissioner for taking affidavits to be read in the Supreme Court; and the said Clerk shall minute all proceedings of the said Court as hereinbefore provided.

103. No Jury shall be allowed in any action of debt whatsoever in the said Court, unless the amount in dispute, or thing demanded, shall exceed the sum of twenty dollars; nor shall any Juror sit on the trial of any cause in the said Court unless duly qualified to serve as a Petit Juror, as provided in and by an Act passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act relating to Jurors*; provided that the want of such qualification shall be a good cause of challenge, but no objection on such ground shall be made or taken in any cause after any such Juror shall be empanelled and sworn therein.

104. The fees to be taxed or taken for the said Police Magistrate or Sitting Magistrate, and any constable, witness or jurors in all such civil actions, shall be the same as provided by the Revised Statutes, Chapter 137, Title xxxvii, for the Justice, constable, witness or jurors as aforesaid, except that when the action shall be for a larger amount than thirty dollars, the said Police Magistrate or Sitting Magistrate, constables, and jurors, shall be entitled to take and receive double the amount of fees allowed by the said Chapter; provided that no constable shall receive a higher rate of poundage on any execution levied by him under this Act, than is allowed in and by the said Chapter; and provided also, that all fees taxed or taken for the said Police Magistrate or Sitting Magistrate as aforesaid, shall be received by the Town Clerk to the use of the said Town, and by him paid over to the Treasurer as hereinbefore provided.

FIRE, &c.

105. The Chairman and each of the said Councillors shall be a Fireward for the said Town of Portland, and with the Firewards by them appointed as hereinbefore provided, shall have all such power and authority for the prevention and