

CAP. XIII.

An Act further relating to the several County Courts of New Brunswick.

Sec.	Sec.
1 When Justices may be called upon to shew cause for refusal to give copy of conviction, &c.; proviso.	4 Judges to be <i>ex officio</i> Commissioners for taking Bail.
2 Plaintiff may abandon part of his debt; if abandonment is made on trial, Clerk to enter memorandum of same.	5 Fees to Criers of Court.
3 Time within which appellant must apply to Judge to certify proceedings; proviso.	6 Powers of successor to Judge of Court.
	7 In actions brought, where venue shall be laid.
	8 Acts repealed; proviso.

Passed 14th April, 1873.

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

1. That where the Justice or Justices shall refuse to give to the appellant a copy of the conviction and proceedings had before him or them, the appellant may apply to any Judge of the County Court, upon an affidavit of the facts, for a Summons, calling upon such Justice or Justices to shew cause before such Judge why he or they should not furnish the same, and the said Judge may order the Justice or Justices to furnish the same to the appellant, or may discharge the Summons with or without payment of costs, as to the Judge may seem fit; and such costs may be recovered in the manner provided for the recovery of costs ordered by any such Judge by Act of Assembly thirty first Victoria, Chapter thirteen, section twenty; provided also, that the Judge shall have full power to compel the Justice or Justices to furnish or amend such return by order and by attachment, if necessary.

2. Under any of the Acts relating to County Courts, the plaintiff shall have the right to abandon any part of his debt or claim, in order to bring the same within the jurisdiction of any of the said County Courts, and the amount so abandoned may be set out in the particulars of the plaintiff's demand, or the same may be abandoned at the trial; provided always, however, that when the abandonment is made at the trial, the Clerk of the Court shall enter a memorandum of the same, signed by him on the writ or first process in the cause.

3. In all causes where an appeal to the Supreme Court is desired, unless the party appellant shall within thirty days after the bond on appeal is filed with the Clerk of the Court, apply to the Judge to certify proceedings to the Supreme Court, the Judge may on the application of the other party, discharge such stay of proceedings; provided always, that the Judge may upon cause shewn, allow the party appellant to apply after the said thirty days; and in causes in which there has been a stay of proceedings with a view to an appeal before the passing of this Act, but the proceedings have not been certified to the Supreme Court by reason of the death of the Judge before whom the said proceedings were had, or by any other reason, unless the party appellant within three months after the passing of this Act apply to a Judge to certify proceedings under the provisions of this Act, such Judge may, on the application of the other party, discharge the stay of proceedings.

4. The several County Court Judges in this Province are hereby respectively constituted and declared to be *ex officio* Commissioners for taking bail in the Supreme Court in the several Counties for which they may so respectively be appointed such Judges, and shall be clothed with the same powers and perform the same duties as Commissioners for

taking bail in the Supreme Court can or may perform or do under and by virtue of any law, custom or usage.

5. The Criers of the said County Courts shall respectively be entitled to have and receive for any services which may be actually performed by them, the same fees as are now allowed and paid to the Criers respectively of the Supreme Court for similar services, which shall be taxed and allowed in like manner.

6. That in case of the death or disability of any Judge of any County Court, the Judge acting as his successor or in his stead in and for said County, may hear any matter, make any order, or do any other act or thing, in or in respect to any cause, matter or proceeding in any of said Courts, that said deceased or disabled Judge, as the case may be, could have done had he still been presiding in said Court.

7. That in actions brought in any County Court in this Province, the venue shall be laid and the cause tried, either in the County where the cause of action arose, or in the County where either the plaintiff or defendant resides; and where there are more plaintiffs than one, or more defendants than one, then in the County in which some one of the parties to the suit resides; subject nevertheless to the venue being changed to any other County, on sufficient cause being shewn to the Judge of the County Court where the venue is laid; provided that where the parties to the suit reside beyond the limits of the Province, the venue may be laid in any County in the Province.

8. All Acts or parts of Acts now in force in this Province, which are inconsistent with the provisions of this Act, so far as such other Acts are inconsistent herewith, shall be and the same are hereby repealed, except in so far as regards proceedings already had or commenced, and now pending thereunder; provided always, that as respects matters of procedure merely, the provisions of this Act shall for the future supersede those of any Act or Acts now in force, even in causes commenced and now pending.

CAP. XIV.

An Act to amend the Law relating to Municipalities.

Sec.	Sec.
1 In incorporated Counties, duty of Collector of Rates.	6 On neglect of Councillors to appoint, former officers to act.
2 Qualification of voters for Councillors; proviso.	7 Part of Title vi, Cap. 44, Revised Statutes, repealed; proviso.
3 On payment of rates, Collector to give receipt; proviso.	8 Certified copy of bye law by Secretary-Treasurer to be sufficient evidence. Proof that bye law has received assent of Governor in Council to be made.
4 Voting to be by ballot. Duty of Chairman of meeting. Tellers, how appointed.	9 Fines, &c. how recovered and imposed.
5 When Warden may issue Warrant for new Election. Secretary-Treasurer to furnish list of voters.	10 Sections of certain Acts repealed.

Passed 14th April, 1873.

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

1. When any County is incorporated, the Collectors of Rates for each Parish shall annually, at least ten days before the day of the election for Councillors, furnish the Town Clerk with a correct list under their hands of all persons rated upon property for Parish or County rates for the year in which the said election is held, and who have paid such rates, and also a list of those rated upon property for Parish or County rates for the year in which the election is held who have not paid their rates, which lists the Town Clerk shall furnish to the Chairman named in section two of Chapter forty three of the Revised Statutes.