

is in any way interested, the action may be brought in the Court of any disinterested Commissioner of another Parish in the County.

5. No Commissioner shall hold a Court for the trial of any action under this Act unless the plaintiff or defendant, or some one of the plaintiffs or defendants, resides in the Parish in which the Commissioner resides, and no Commissioner shall hold a Court for the trial of any action under this Act in any other Parish than that in which the Commissioner resides and for which he has been appointed, except as hereinafter provided.

6. Every cause shall be tried and determined in the Parish Court out of which the process issued, but if any Commissioner be unable from sickness or on account of his being a witness in the case, or for other reason, to hear and determine it, or to conclude after having began the trial, another Commissioner of a Parish Court in the same County may be called upon, who shall take up the proceedings at the point where they were left off and carry the same to a close.

7. All proceedings in the said Parish Courts shall be had in all respects, except as herein specially provided, under the provisions of the Law relating to proceedings in Justices' Civil Courts.

8. Every Commissioner of a Parish Court, before exercising the powers as Commissioner of such Court, shall take and subscribe the following oath in addition to any oath provided by law to be taken, 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 Commissioner for the Parish of Civil Court;" and every such oath shall be taken before the Clerk of the Peace of the County in which such Court is established.

9. Any plaintiff or defendant in any suit in any Parish Court 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.

10. Any affidavit to be used in the said Courts may be sworn before any Commissioner of any Parish Court, or before any Commissioner for taking affidavits to be read in the Supreme Court.

11. The fees to be taxed and taken for the Commissioners of said Courts, constables, witnesses and jurors in all Civil actions in the said Courts, shall be according to the table of fees established in actions in Justices' Civil Courts, and all such costs shall be recovered and paid to the successful party to the suit, notwithstanding any thing contained in the law relating to proceedings in Justices' Civil Courts; and in all Civil actions defended and tried before any Commissioner, when Counsel is employed, and the amount sued for exceeds twenty dollars, the Commissioner may in his discretion tax a Counsel fee to the attorney of the successful party, not exceeding four dollars, to be included with the costs recoverable on judgment; but such Commissioner shall not tax a fee in any case unless he considers that the assistance of Counsel was reasonably required.

12. The same right of review shall be had and allowed in all suits tried in the said Courts as is provided in and by the Law relating to Justices' Civil Courts.

13. That in actions in the said Parish Courts, and to the

full extent of their jurisdiction, arrest, imprisonment, bail and deposit shall be permitted, had and allowed as provided by the Law relating to Justices' Civil Courts, and all laws respecting such last mentioned Courts, relating to the examination, disclosure and discharge of any defendant, the arrest upon final judgment and execution of any such defendant, and the levying and sale of goods and chattels upon execution, shall in all cases in the said Parish Courts apply and be in force, and the affidavits to hold to bail in the said Parish Courts shall conform as near as may be to affidavits to hold to bail in Justices' Courts.

CAP. VI.

An Act relating to the holding of Circuit Courts for the present year, and in amendment of the Practice of the Law and of Proceedings in Equity.

Sec.

1 Times when Courts shall be held.
2 Sittings in County of York, when held.

Sec.

3 What Recognizances shall be deemed good.
4 Act and part of Act repealed.

Passed 13th April 1876.

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

1. The Circuit Courts in and for the different Counties of the Province, shall for the present year be held at the several times mentioned therefor in the several Counties respectively, by the Chapter of the Consolidated Statutes relating to Circuit Courts, and Courts of Oyer and Terminer and General Jail Delivery, passed at the present Session of the Legislature; and for the purpose of giving effect to this Section, so much of the said Chapter as relates to the time of holding the said several Circuit Courts, shall be deemed to be in force at the passage hereof.

2. The Sittings in the County of York shall for the present year be held at the times mentioned in the Act of Assembly thirty eighth Victoria, Chapter fifteen.

3. All and any recognizances containing a condition for the appearance of any person or persons at any Sittings of the said Circuit Courts as established before the passing of this Act, shall be deemed and taken to be good and valid notwithstanding any thing contained in this Act, and the person or persons so recognized to appear under any such recognizance shall, and he or they are hereby required to appear and answer to his or their recognizances at the next Circuit Court to be held under this Act, for the County at the Circuit Court of which he or they were recognized to appear; and if such person or persons do not so appear, he or they shall be deemed to have made default, and the said recognizance may be estreated in the usual way, and the principal or principals to such recognizance, and their sureties, proceeded against according to the present practice.

4. The fifty sixth Section of "The Common Law Procedure Act 1873," (36th Victoria, Chapter 31), and an Act made and passed in the thirty seventh year of Her Majesty's Reign, intituled *An Act relating to the administration of Justice in Equity*, are hereby repealed.

CAP. VII.

An Act relating to County and Parish Rates and Assessments for the present year.

Passed 13th April 1876.

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