

IX. *And be it further enacted,* That no prosecution or suit for the recovery of any of the penalties mentioned in this act, shall be brought or instituted after the expiration of *twelve months* from the time of committing the offence intended so to be prosecuted.

Prosecutions to be commenced within *twelve* months.

X. *And be it further enacted,* That the said herein before recited act, and every clause, matter and thing therein contained not herein or hereby altered or repealed shall be and remain in full force, in the same manner as if this act had not been made, any thing herein before contained to the contrary notwithstanding.

C A P. IV.

An ACT for the RECOVERY of SMALL DEBTS.

WHEREAS it is necessary for the effectual administration of justice in suits for the recovery of debts to the value of *forty shillings* in the respective counties within this province that further regulations be made.

Preamble.

I. BE IT ENACTED, *by the Lieutenant Governor, Council and Assembly,* That all jurisdiction, power, authority, fees and rights given to or exercised by any Clerk or Clerks of the Clerks Courts and every of them, be fully and absolutely taken away and determined, and that all the jurisdiction, power and authority so given and exercised as aforesaid, by the several Clerks aforesaid, be transferred to, and vested in any and every Justice of the Peace in the several counties: And that such Justice of the Peace in the several counties shall have full power, authority and jurisdiction to issue any process or processes, and to hear and determine all causes whatsoever cognizable in the said Courts respectively, fully and absolutely to all intents and purposes whatsoever—PROVIDED ALWAYS, that no original process shall issue to compel the appearance of any defendant or defendants in any cause whatsoever out of the limits of the town or parish where such defendant resides, in case there be any Justice of the Peace resident in such town or parish.

The authority of the Clerk's Court taken away.

and transferred to the Justices of the Peace.

No defendant to be summoned out of the parish in which he lives,

II. *And be it further enacted,* That in case no Justice of the Peace shall reside in the same town or parish with the said defendant, then the said defendant shall be summoned to appear before the Justice residing nearest to the place of his abode.

If there shall be no Justice in the parish—defendant to be summoned before the nearest Justice.

III. *And be it further enacted,* That the Justice or Justices shall hold their court on the *first* Tuesday of every month and no oftner, unless the plaintiff shall make it appear that the defendant is about to remove from said town or parish.

Justices to hold their courts the 1st Tuesday in each month.

IV. *And be it further enacted,* That there shall be *eight* days between

To be 8 days between issuing

and 4 days between service and return of process.

between the issuing and return, and *four* days between the service and return of each writ or summons, the service of which shall be proved by the oath of any person serving the same.

Fees of the Justice.

V. *And be it further enacted*, That for every writ or summons, the Justice issuing the same shall have and receive *four pence*, and for every trial and judgment *one shilling*, and for every execution *six-pence* and no more—and no other or greater fees shall be taken by any Justice in any cause or under any pretence whatsoever, and that the whole amount of costs to be taxed in any one action shall not exceed *five-shillings*.

Parties to have a right to trial by jury.

VI. PROVIDED ALWAYS, That the right of the party to a trial by jury, shall remain as directed in and by an act passed in the *twenty-sixth* year of His present MAJESTY'S reign, entitled, "An Act for regulating the Courts of Law established in the several counties for the trial of causes to the value of *forty shillings*," any thing herein to the contrary contained notwithstanding: *And also provided*, that nothing in this act contained shall extend or be construed to extend to that part of the county of Saint John, which is within the limits and jurisdiction of the city of Saint John; but that the City Court of the city of Saint John, and the Clerk thereof shall have the same authority, power, and jurisdiction within the limits of the said city as if this act had not been made, any thing herein before contained to the contrary notwithstanding.

Act not to extend to the city of St. John.

Limitation.

VII. *And be it further enacted*, That this act shall continue and be in force for and during *two years* and no longer.

C A P. V.

An ACT for regulating MARRIAGE and DIVORCE, and for preventing and punishing INCEST, ADULTRY, and FORNICATION.

Preamble.

WHEREAS it is necessary in order to the keeping up of a decent and regular society, that the matrimonial union be settled and limited by certain rules and restraints; and the state of this province requires some provisions in this behalf, as also for cases of divorce and alimony.

Persons making known to any

I. BE IT ENACTED, *by the Lieutenant Governor, Council and Assembly*, That when any persons of lawful age and capacity to make a contract of marriage, shall make known to any Parson,