

the ice: That if any person or persons shall take or fish for any Oysters in any part of the Harbour of Shediac above described, at any other time than in the winter season through the ice, every person so offending, shall for each and every offence, forfeit and pay the sum of five pounds; to be recovered with costs, before any one of His Majesty's Justices of the Peace in the County where such offence shall be committed, upon conviction on the oath of one or more credible witness or witnesses, to be levied by warrant of distress and sale of the offender's good and chattels; and in case no sufficient goods and chattels can be found whereon to levy such distress, every offender shall, by such Justice, be committed to the common Gaol in such County, there to remain without bail or mainprize, for a term not exceeding twenty days, nor less than ten days; one moiety of which penalty shall be to the use of the person who shall sue and prosecute for the same, the other moiety thereof to be paid to the Overseers of the Poor of the Parish where such offence shall be committed, for the use of the Poor of such Parish.

Penalty to be recovered with costs, before a Justice of the Peace.

To be levied by distress.

For want of goods offender to be imprisoned, not more than twenty, nor less than ten days.

Penalty half to the Informer, half to the use of the Poor.

CAP. XVII.

AN ACT to provide for the surrender of the Principal in discharge of Bail in actions pending in the Supreme Court of Judicature of this Province.

Passed the 27th March, 1823.

WHEREAS the surrender of the Principal in discharge of Bail, in actions pending in the Supreme Court of Judicature in this Province, is attended with great inconvenience and expence---

Preamble.

I. Be

Defendants in actions in the Supreme Court, when at large, in Counties where no Judge of the Supreme Court resides, may be surrendered before a Commissioner for taking Bail, who is empowered to make out the surrender and committitur, and take the affidavit.

On certificate of the Sheriff, exoneretur to be entered.

When Defendant is in custody, in a County where no Judge of the Supreme Court resides, a Commissioner for such County may upon application to the Sheriff, make out surrender and committitur as a Judge may do when Defendant is brought up by Hab. Corp.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That the Defendant in all actions in the Supreme Court, when at large, may in the several Counties where no Judge of the said Supreme Court resides, surrender himself, or herself, or be surrendered by his or her Bail, before any Commissioner for taking Bail in the said Court, and the said Commissioners in the said Court, are hereby authorized to make out the surrender and committitur, and to take the affidavit of the service of notice thereof on the Plaintiff's Attorney, in manner and form as the Judges of the said Court may; or used to do; and upon the delivery of such Defendant, by such Commissioner, to the Sheriff of such County, he or she shall be charged in Law with the custody of the said Defendant, and give his certificate thereof, and upon producing the said certificate and affidavit to the proper officer, an exoneretur shall be by him entered on the Bail-piece.

II. *And be it further enacted,* That when the Defendant is already in custody of any Sheriff in some County where no Judge of the said Supreme Court resides, at the suit of another Plaintiff, in a different action or otherwise, it shall and may be lawful for any of the said Commissioners for such County, upon application of such Defendant's Bail, to surrender him or her, or upon the application of such Defendant, by his or her Attorney, to surrender himself or herself, and upon the certificate of such Sheriff, that such Defendant is actually in his custody in an

an action, or for a certain cause to be set forth in the said certificate, to take and make out the surrender and committur of the said Defendant, in the same manner as the Judges of the said Court may do when such Defendant is brought up before them by an Habeas Corpus, and upon the delivery of such committur to the said Sheriff, he shall be charged in Law with the custody of the said Defendant in such action, and give his certificate thereof, and the Justices of the said Court may, upon the reading of such Sheriff's certificate and the requisite affidavit of notice of such render and commitment on the Plaintiff's Attorney, unless cause be shewn during the Term succeeding such render and notice, to the contrary, in their discretion, order an exoneretur to be duly entered on the Bail-piece.

Justices of the Court may, upon Sheriff's certificate and affidavit of notice, order exoneretur unless cause shewn.

III. *And be it further enacted*, That this Act shall continue and be in force for the term of five years, and thence to the end of the then next Session of the General Assembly.

Limitation.

CAP. XVIII.

An ACT in addition to an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for enabling the Justices of the Supreme Court to try all Causes at Nisi Prius, and authorizing Attornies of the Supreme Court, to practice in the Inferior Courts of Common Pleas in this Province."

Passed the 27th March, 1823.

WHEREAS in and by an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for enabling the Justices of the Supreme Court

Preamble.