

such proceedings and make such order and orders upon such report as justice may require, and as may be instituted and made in any case of contempt of the Court.

VI. And be it further enacted, That the costs of every rule or order to be made for the examination of witnesses under any commission or otherwise by virtue of this Act, and of the proceedings thereupon shall be costs in the cause, unless otherwise directed either by the Judge making such rule or order, or by the Judge before whom the cause may be tried, or by the Court.

VII. And be it further enacted, That no examination or deposition to be taken by virtue of this Act shall be read in evidence at any trial without the consent of the party against whom the same may be offered, unless it shall appear to the satisfaction of the Judge, on proof by affirmation or *viva voce*, that the examinant or deponent is out of the Province or dead, or unable from sickness or other infirmity to attend the trial; in all or any of which cases the examinations and depositions certified under the hand of the Judge, Commissioners or other person taking the same, shall and may without proof of the signature to such certificate be received and read in evidence, saving all just exceptions: Provided always, that such examinations or depositions shall be closed up under the seal of the Judge, Commissioner or other person taking the same, and addressed to the Supreme Court, and shall not be opened before the trial without the consent of the parties to the suit.

VIII. And be it further enacted, That the Judges of the Supreme Court may from time to time make and establish such general rules and orders relating to the matters contained in this Act, the same being not repugnant to this Act, as to them may seem expedient.

IX. And be it further enacted, That an Act made and passed in the thirty-first year of the reign of King George the Third, intituled "An Act to enable the Justices of the Supreme Court to issue Commissions for the examining of witnesses out of the Province," be and the same is hereby repealed.

CAP. XXXV.

An Act to define the crime of Forgery.

Passed 17th March 1835.

§ **WHEREAS** it is expedient more distinctly to define and explain the crime of Forgery;

I. Be it declared and enacted by the Lieutenant Governor, Council and Assembly, That if any person shall forge or alter, or shall offer, utter, dispose of or put off, knowing the same to be forged or altered, any writing, with intent to defraud any person whatsoever, every such offender shall be deemed to have committed the crime of Forgery and shall be guilty of Felony, and being convicted thereof shall be liable to be punished in the manner prescribed for Felony in an Act made and passed in the first year of the reign of His present Majesty, intituled "An Act for improving the administration of Justice in Criminal Cases."

II. And be it further enacted, That in every case of Forgery, every principal in the second degree and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree; and every accessory after the fact shall on conviction be liable to be punished by fine or imprisonment, or both, as the Court shall award; such imprisonment to be either with or without hard labour as the Court shall see fit, and not to exceed the term of two years.

III. 'And Whereas an Act of the Parliament of England passed in the fifth year of the reign of Queen Elizabeth, intituled "An Act against forgers of false deeds and writings," hath been repealed by a late Act of the Parliament of the United Kingdom; Be it enacted, That the said Act of the fifth year of Queen Elizabeth be and the same is hereby declared to be repealed, and of no force or effect in this Province.

CAP. XXXVI.

An Act for the appointment of Firewards and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen commonly called Mill Town, and its immediate vicinity.

Passed 17th March 1835.

I. **BE** it enacted by the Lieutenant Governor and Assembly, That the Lieutenant Governor or Commander in Chief for the time being is hereby empowered, by and with the advice of His Majesty's Council from time to time, by Warrant under his hand and seal, to appoint a sufficient number of prudent and discreet persons as Firewards, not exceeding five, resident in that part of the Parish of Saint Stephen commonly called Milltown and its vicinity, and more particularly described as follows (to wit):—Commencing on the River Saint Croix, opposite or nearest to the house occupied by the late Josiah Hitchings, thence directly to said house, thence directly to the house occupied by Joel Hill, thence southerly to the River aforesaid, thence down said River, following the dividing line thereof, to the place of beginning;—who shall be sworn to the faithful discharge of their duty before one of His Majesty's Justices of the Peace of the County of Charlotte, and a certificate thereof endorsed on the several Warrants of appointment; for which Warrants and certificates no fees shall be demanded or received from the person so appointed and sworn.

II. And be it enacted, That in order that the said Firewards may be distinguished from others when on duty at a Fire, and to enable them to communicate their directions with more facility, they shall each carry a staff seven feet in length, coloured red, and also a speaking trumpet, painted white, with the name of the Parish and District painted on it in black letters.

III. And be it enacted, That whenever a fire shall break out in the said District or part of the said Parish described in the first Section of this Act, and during the continuance thereof, the said Firewards are hereby authorised and required, jointly or separately, to command assistance for extinguishing the Fire, and removing household stuff, furniture, books, public stores, goods and merchandise out of any houses, store-houses, and other buildings actually on fire or in danger thereof, and to appoint persons to take care of the same, and also to require assistance to prevent the further spreading of the Fire in the said District, and to prevent tumults and disorders in the same; and the said Firewards respectively are hereby required upon the notice of Fire breaking forth in the said District (taking their badges and trumpets with them), immediately to repair to the place, and vigorously to exert their authority in requiring assistance, and to use their utmost endeavours to extin-