

the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

XXX. 'And whereas it is expedient to declare the law with respect to 'witnesses refusing to answer questions which may tend to subject them to 'civil suits ;' Be it therefore declared that a witness cannot by law refuse to answer a question relevant to the matter in issue, the answering of which has no tendency to accuse himself or to expose him to penalty or forfeiture of any nature whatsoever, by reason only or on the sole ground that the answering of such question may establish or tend to establish that he owes a debt or is otherwise subject to a civil suit, either at the instance of His Majesty or of any other person or persons.

XXXI. 'And whereas it is provided in and by an Act passed in the twenty 'sixth year of the reign of His late Majesty King George the Third, intituled ' "An Act for regulating Juries and declaring the qualifications of Jurors," 'that the party who shall apply for a special Jury shall pay the fees for striking 'such Jury, and all the expenses occasioned by the trial of the cause by the 'same, and shall not have any further or other allowance for the same upon 'taxation of costs, than such party would be entitled unto in case the cause had 'been tried by a common Jury, unless the Judge before whom the cause is 'tried shall, immediately after the trial, certify under his hand, upon the back 'of the record, that the same was a cause proper to be tried by a special Jury : 'And whereas the said provision does not apply to cases in which the plaintiff 'has been nonsuited, and it is expedient that the Judge should have such power 'of certifying as well when a plaintiff is nonsuited as when he has a verdict 'against him ;' Be it therefore enacted, That the said provision of the said last mentioned Act, and every thing therein contained, shall apply to cases in which the plaintiff shall be nonsuited as well as to cases in which a verdict shall pass against him.

XXXII. And be it enacted, That in any summary action in the Supreme Court, wherein the plaintiff may be entitled to judgment by default, such judgment may be entered in vacation as an interlocutory judgment, and the damages or sum due may be assessed, and proceedings may be had to final judgment and execution as in other cases ; and the Clerk of the Pleas shall keep a book in which shall be set down such judgments by default so entered in vacation, and the time of such entry ; and such Clerk for every such entry and certificate thereof shall be entitled to demand and receive a fee of two shillings.

*Amended Act 46 of 1837*

Law respecting witnesses refusing to answer questions.

Costs of special juries in case of a non-suit. 26 G. 3, C. 6.

*in the case of a non-suit*

In summary actions in the Supreme Court judgments by default may be entered in vacation.

Clerk of the Pleas to keep a book for entering such judgments.

*Repealed by 10 vic. c. 42*

CAP. XV.

An Act in addition to the Acts relating to the public registry of Deeds in this Province.

Passed 1st March 1837.

'WHEREAS it is expedient to provide under certain regulations and 'restrictions for the admission in evidence of copies of deeds which 'may have been duly registered in this Province ;'

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any suit in any Court of law or equity in this Province where any party may be desirous of giving in evidence any deed or instrument which

*26-3-5 c. 3*

A certified copy of the registry of a deed may be produced in evidence on certain conditions.

which may have been duly registered pursuant to the Act or Acts of Assembly in such case made and provided, and which may be relevant to the matter in question, such party may produce in evidence a copy of the registry of such deed or instrument certified under the hand of the Register of the County where the same may be registered, which copy shall in the absence of the original deed or instrument be received and allowed as good and sufficient evidence of the contents of such original deed or instrument: Provided always, that before any such copy shall so be received in evidence, it shall be made to appear to the satisfaction of the Court, by affidavit, that such original deed or instrument is not in the possession or under the control of the party so offering such copy in evidence, and that such party doth not know where the same may be found: Provided also, that at least fourteen days notice in writing be given to the adverse party, his attorney or agent of the intention to offer such certified copy in evidence; which notice shall be accompanied by a copy of such certified copy, and of the affidavit herein before required; and the due service of such notice with the requisite accompaniments shall also be proved either *viva voce* or by affidavit to the satisfaction of the Court.

II. And be it enacted, That no certified copy of the registry of any deed shall be received in evidence otherwise than is herein before provided, unless by consent of parties, or unless it shall be made to appear to the satisfaction of the Court at which the trial may be had that the original deed is in the possession of the adverse party, and that due notice has been given to such party to produce the same at the trial, any thing contained in an Act passed in the twenty sixth year of the reign of King George the Third, intituled "An Act for the public registering of all deeds, conveyances and wills, and other incumbrances which shall be made of, or that may affect any lands, tenements or hereditaments within this Province," or any other Act or Acts of Assembly to the contrary thereof in any wise notwithstanding.

No certified copy to be otherwise received in evidence unless by consent &c.

III. 'And whereas it is expedient to declare the law respecting the registry of letters or powers of attorney relating to lands, tenements or hereditaments;' Be it declared and enacted, That every letter or power of attorney or other deed or instrument whereby power or authority is given to convey, transfer or affect any lands, tenements and hereditaments in this Province, may be registered in the same manner as any deed or conveyance; provided the same shall have been duly acknowledged or duly proved in the same manner as is required by the Act or Acts of Assembly for the acknowledging or proving of any deed or conveyance before registry; and that the registry of any deed or conveyance made and executed by virtue of any such power or authority shall not be valid and effectual unless the deed or instrument granting such power or authority, or some deed or instrument subsequently confirming the same, shall be duly registered in the office of Register of deeds for the County or City and County in which the lands, tenements or hereditaments to which the same may relate are situate.

Law respecting the registry of powers of attorney.

IV. 'And whereas doubts have arisen whether the provisions relating to giving deeds and copies of deeds in evidence, contained in the eleventh section of the said Act passed in the twenty sixth year of the reign of King George the Third, extends to deeds which have been duly registered on the proof of a subscribing witness, and have not been acknowledged by the grantor or bargainer;' Be it declared and enacted, That the several provisions of the said section shall extend to and embrace as well all such deeds and conveyances as have been or may hereafter be duly executed, proved and registered, as

Provisions of 26 G. 3, C. 3, S. 11, to extend to deeds registered on proof of a subscribing witness.

those

those which have been duly executed, acknowledged and registered by virtue of the said Act or any Act passed in addition thereto or in amendment thereof.

CAP. XVI.

An Act to repeal an Act made and passed in the third year of His Majesty's reign in amendment of an Act for the better securing the navigation of the inner Bay of Passamaquoddy.

Passed 1st March 1837.

§ W. 4, C. 7, repealed.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the reign of King William the Fourth, intituled "An Act to alter and amend an Act passed in the third year of His late Majesty's reign, intituled 'An Act for the better securing the navigation of the inner Bay of Passamaquoddy, and to indemnify the Deputy Treasurer at Saint Andrews against any demands for monies collected for tonnage duties since the former Acts for this purpose expired,'" be and the same is hereby repealed.

CAP. XVII.

An Act to amend an Act, intituled "An Act to authorize the Grand Jurors in the several Counties within this Province to inspect the Public Accounts."

Passed 1st March 1837.

*Amended by C-28*

Preamble.

§ W. 4, C. 28.

**W**HEREAS in and by an Act made and passed in the fifth year of the reign of His present Majesty, intituled "An Act to authorize the Grand Jurors of the several Counties within this Province to inspect the Public Accounts," it is *inter alia* enacted, that once in each year at the General Sessions of the Peace in each County at which Parish officers are appointed, it shall be the duty of the Justices at such General Sessions to cause a full, detailed and particular account of all the receipts and expenditure of public monies within such County for the past year, to be laid before the Grand Jury for their inspection and examination, and such Grand Jury may make such representation and presentment to the Court thereupon as to them shall seem meet: And whereas the period at which such accounts are so directed to be laid before the said Grand Juries is found to be inconvenient; in remedy thereof,

§ W. 4, C. 28, S. 1, repealed.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said recited section of the said Act, be and the same is hereby repealed.

Justices to cause accounts of public monies to be laid before the Grand Jury.

II. And be it further enacted, That once in each year, at the General Sessions of the Peace in each County in this Province next succeeding the General Session at which Parish officers are appointed, it shall be the duty of the Justices to cause a full, detailed and particular account of all the receipts and expenditures of public monies within such County for the past year, to be laid before the Grand Jury for their inspection and examination, and such Grand Jury may make such representation and presentment to the Court thereupon as to them shall seem meet.

Grand Jury may make presentment. Limitation.

III. And be it enacted, That this Act shall continue and be in force during the continuation of the Act to which this is an amendment, and no longer.