

contempt in not paying to C. D. the sum of for costs awarded to the said C. D. by Esquire, Chief Justice [or one of the Justices of our Supreme Court *as the case may be,*] in a certain matter of review lately pending before the said Chief Justice [or Justice,] pursuant to the Acts of Assembly in such case made and provided, and have then there this writ. Witness &c.

[*To be tested in the name of the Chief Justice on the day whether in term or vacation on which the fiat or order for such writ may bear date.*]

By order of the Chief Justice [or Mr. Justice *as the case may be.*]

SHORE.

In case the Sheriff be a party, the writ to be directed to the Coroner as in other cases.

CAP. XII.

An Act in addition to the Acts regulating the sale of Real Estate seized and taken in execution.

Passed 9th March 1838.

Preamble.

‘**W**HEREAS the time and place of sale of real estate seized in execution by the Sheriff of any County, are required to be advertised at least six months before such sale can be duly made: And whereas it may sometimes happen that the Sheriff by whom a seizure of real estate may have been made may go out of or be removed from office, or die before the completion of the sale thereof, and doubts have arisen whether such sale can be completed and a proper conveyance executed by the person succeeding to the said office;’

Successor to a Sheriff who may have taken any real estate in execution may make sale and conveyance.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That whenever hereafter it shall happen that the Sheriff who may have seized and taken any real estate in execution shall go out of or be removed from his office, or shall die before the completion of such execution by the sale of the said real estate, that then and in such case the person succeeding to the said office shall proceed to make the sale and conveyance of such real estate in the same manner as if he had seized and advertised the same, without any new writ to him directed for that purpose, and that the notices of the time and place of such sale duly made by his predecessor in office shall be as good and effectual as if no change in the office had taken place.

Distribution of fees.

II. And be it further enacted, That the Sheriff's poundage, payable on any sale of real estate made in conformity to this Act shall be equally divided between the Sheriff by whom the sale and execution shall have been completed and the Sheriff who may have made the seizure, his Executors or Administrators, and the other execution fees, shall be paid to the officer by whom the duty on which the same are respectively chargeable may have been performed.

CAP. XIII.

An Act for the further amendment of the Law.

Passed 9th March 1838.

‘**W**HEREAS it is expedient to amend the provisions of the tenth section of an Act passed in the fifth year of the reign of King William the Fourth, intituled “An Act to provide for the more convenient administration of Justice in the Supreme Court,” in the following manner;’ Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any case in which

In cases of references.

which a reference to arbitration shall be made at Nisi Prius, and it shall be ordered that the award of the arbitrators shall be returned on the postea as the verdict of a Jury, and the award shall be filed with the officer who returns the postea after the last day of the sitting of the Court, such officer shall set down in the margin thereof the day on which such award shall be so filed with him, instead of the last day of the sitting of the Court; and no rule for judgment on the postea shall be entered until the expiration of twenty days after the day so set down; and any judge of the said Court, in any such case in which justice may appear so to require, may either upon summons or not, according to the circumstances of the case, order the returning of the postea and the entry and signing of judgment to be stayed until the Court shall make order in the matter at the next succeeding term.

to arbitration made at Nisi Prius, officer returning the Postea to set down the date of the filing of the award on the margin.

II. And be it enacted, That the time for any defendant in any summary action in the Supreme Court putting in bail or entering his or her appearance and filing the General Issue shall be and is hereby enlarged to the period of thirty days after the day on which the writ is returnable.

Time for putting in bail, entering appearance and filing the general issue enlarged.

III. And be it enacted, That it shall and may be lawful for the defendant in all personal actions pending or to be brought in the Supreme Court of this Province, (except actions for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecution, criminal conversation or debauching of the Plaintiff's daughter or servant,) by leave of the said Court or of a Judge of such Court, to pay into the said Court a sum of money by way of compensation or amends, in such manner and under such regulations as to the payment of costs, and the form of pleading, as the said Court or any three of the Judges thereof shall, by any rules or orders by them to be from time to time made, order and direct.

Defendants in personal actions may, by leave, pay into Court money by way of compensation.

IV. And be it enacted, That in any Act of the General Assembly of this Province which may be passed at the present or at any future Session, the word "Person" shall extend to a body politic or corporate, as well as to an individual; and every word importing the singular number only, shall extend and be applied to several persons or things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things, and every word importing the masculine gender only shall extend and be applied to a female as well as to a male: Provided always, that those words and expressions occurring in this clause, to which more than one meaning is to be attached, shall not have the different meanings given to them by this clause in those cases in which there may be any thing in the subject or context repugnant to such construction, and in which such construction could not reasonably be supposed to have been intended.

Meaning of the word "person," the use of the singular or plural numbers, and genders occurring in Acts of Assembly enlarged.

CAP. XIV.

An Act to alter the times of holding the Circuit Courts in the County of Gloucester and Queen's County.

Passed 9th March 1838.

WHEREAS the times for commencing and holding the Circuit Courts in the County of Gloucester and Queen's County respectively prescribed in an Act passed in the eighth year of the reign of His late Majesty King William the Fourth, intituled "An Act to establish Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts," have been found inconvenient;

Preamble.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly,

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That