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Obligors in Replevin Bonds to be liable for the damages awarded.

Justices of Supreme Court to prescribe forms for Replevin Bonds and entering verdict or judgment.

Forms to be applicable to the Common Pleas.

Commencement of Act.

III. And be it enacted, That all obligors in Replevin Bonds to be made after this Act takes effect, shall become liable and bound to the payment of any such damages as may be awarded to the Defendant by virtue of this Act.

IV. And be it enacted, That the Justices of the Supreme Court, or any three of them, shall have power and they are hereby authorized and required at any Term of the said Court which may occur after the time of passing this Act, to frame and prescribe proper and suitable forms for the Replevin Bonds hereafter to be taken, and for the entering of any verdict or judgment pursuant to this Act, which shall be published in the Royal Gazette; and such forms shall, from the time of this Act taking effect, be observed and complied with in the same manner as if the same were in this Act specified and contained; and such forms shall be applicable to the Inferior Court of Common Pleas as well as the Supreme Court.

V. And be it enacted, That this Act shall commence and take effect on the first day of January in the year of our Lord one thousand eight hundred and forty one: Provided always, that in the mean time the Justices of the Supreme Court may frame and prescribe the forms mentioned in the fourth Section: Provided also, that nothing in this Act contained shall extend or be construed to extend to affect any proceedings in any action of Replevin commenced before this Act goes into operation.

CAP. LXIV.

Act in addition to the Acts for the amendment of the Criminal Law.

Passed 31st March 1840.

Offenders convicted of specified offences as misdemeanors may be sentenced to imprisonment with or without hard labor, be fined and required to find sureties for keeping the Peace.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That where any person shall be charged with and convicted of any of the following offences as misdemeanors, that is to say, of any riot, falsely making or counterfeiting any coin, uttering any counterfeit coin knowing the same to be counterfeit, any subornation of perjury, keeping any bawdy house, gaming house or other disorderly house, or of any act of open lewdness or indecency, in any such case the Court may sentence the offender to be imprisoned with or without hard labour in the Common Gaol or House of Correction for any term not exceeding two years, and may also, if it shall so think fit, fine the offender and require him to find sureties for keeping the Peace and being of good behaviour.

II. And whereas in and by the fourth, fifth, sixth and seventh sections respectively of an Act made and passed in the first year of the Reign of His late Majesty King William the Fourth, intituled "An Act for improving the administration of Justice in Criminal cases," it is enacted that the Justice or Justices or Coroner, as the case may be, by whom any examinations, informations, evidence, inquisitions, bailments and recognizances which are in and by the said respective sections of the said Act required, shall be taken, shall deliver or transmit the same to the proper Officer of the Court in which the trial is to be, before or at the opening of the Court; and whereas great inconvenience and detriment to the course of public justice are found to arise from the delays which occur in such delivery or transmission: for remedy whereof, Be it enacted, That the Justice or Justices or Coroner, as the case may be, by or before whom shall be taken any such examinations, informations, evidence, inquisitions, bailments or recognizances as are in the said respective sections of the said Act required or mentioned, shall deliver or transmit the same to the proper Officer of the Court where the trial is to be, forthwith after the same shall be taken; any thing contained

Examinations, Informations, bailments, recognizances, &c. to be delivered to the proper officer of the Court forthwith after the same shall be taken.

Section referred to  
Act - c. 91

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11 W. 4, c. 14.

contained in the said recited Act notwithstanding, upon pain of being deemed guilty of a contempt of such Court.

CAP. LXV.

See 26-G-3-e-3  
76<sup>m</sup> 4 e-15

An Act to amend the Law of Evidence in regard to the proof of Records and Letters Patent.  
Passed 31st March 1840.

**WHEREAS** unnecessary expense is frequently incurred in the exemplification of Judgments in the Supreme Court; Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That when parts only of Records or Rolls of Judgments in the Supreme Court may be necessary to be given in evidence, exemplifications of such parts which may be so necessary, may be received in evidence in any Court in this Province, without requiring the whole of the Record or Roll to be exemplified.

Exemplifications of parts of Records of Judgments in the Supreme Court may be received in evidence.

II. And whereas much expense is often incurred in procuring exemplifications under the Great Seal of Grants of Land by the Crown in this Province; Be it enacted, That a copy from the Record of any such Grant in the office of the Secretary and Register of the Province, duly certified under the hand of such Officer, as having been examined by him with the Record, and found to be correct, or duly proved by any witness who shall have examined the same with the Record, shall be deemed and taken to be as good and sufficient evidence of such Grant or Letters Patent as an exemplification thereof under the Great Seal.

A copy of the record of any grant in the office of the Secretary and Register certified by the Secretary, or duly proved, to be deemed as good evidence as an exemplification.

III. And be it enacted, That in the proof of title from the Crown by an exemplification under the Great Seal, or by a certified or an examined copy as is hereinbefore provided, it shall not be necessary to exemplify or copy the conditions contained in such Letters Patent, on the part of the Grantees, their Heirs and Assigns, to be observed and performed, or any other clause in the said Letters Patent which may not be pertinent or relevant to the matter in question; and that no such exemplification or copy shall be rejected in evidence on account of the omission of such clauses, provided such omission do not prejudice the opposite party, or affect the merits in question.

In proof of title by exemplification or a certified or examined copy, it shall not be necessary to exemplify the conditions of the grant.

Proviso.

IV. Provided always, and be it enacted, That when the said Letters Patent or Grant refer to any Plat or Plan as annexed thereto, no exemplification or copy of such Letters Patent or Grant shall be received in evidence, unless there be annexed thereto a true transcript or copy of such Plat or Plan, unless it be proved by the certificate of the Secretary and Register or otherwise, to the satisfaction of the Court at which the evidence may be tendered, that there is no such Plat or Plan entered with the said Grant or Letters Patent in the said Office of the Secretary and Register.

A copy of the Plat referred to in the grant to be annexed to the exemplification unless it be certified that no plan has been entered with the grant.

V. And be it enacted, That Grants of Land heretofore made under the Great Seal of Nova Scotia, prior to the erection and establishment of this Province, and registered in the Office of the Secretary and Register pursuant to an Act passed in the twenty sixth year of the Reign of King George the Third, intituled "An Act for the registering of Letters Patent and Grants made under the Great Seal of the Province of Nova Scotia, of Lands now situate within the limits of this Province," may be proved by certified or examined copies thereof, or of the material parts thereof, in like manner as hereinbefore provided in respect to Grants passed under the Great Seal of this Province.

Grants of Land registered pursuant to Act 26, G.3, may be proved by certified or examined copies.

VI. And be it enacted, That the expense of any exemplification, or copy of any Roll, Record or Letters Patent, or any part thereof, or of any Plat or Plan given

Expense of an exemplification or copy of any Roll, Record or Letter