

case such intention of mercy shall be so signified to any Judge of the Supreme Court, such Judge shall allow to such offender the benefit of a conditional Pardon, and make an order for the immediate imprisonment of such offender to hard labour in the Provincial Penitentiary, in the same manner as if such intention of mercy had been signified to any such Court, as aforesaid; and such allowance and order shall be considered as an allowance and order made by the Court before which such offender was convicted, and shall be entered on the Records of the same Court by the proper Officer thereof, and shall be as effectual, to all intents and purposes, and have the same consequences as if such allowance and order had been made by the same Court during the continuance thereof; and every such order shall subject the offender to be conveyed to the Provincial Penitentiary, and there kept to hard labour during the term of imprisonment mentioned therein, in like manner as if such imprisonment had been imposed as a punishment by the sentence of any Court.

Order to have the effect of a sentence by a Court.

CAP XXV.

An Act relating to the crime of Manslaughter.

Passed 11th April 1846.

‘ **W**HEREAS by the fifth section of an Act of the General Assembly made ‘ and passed in the ninth and tenth years of the Reign of His Majesty ‘ King George the Fourth, intituled *An Act to amend the Statute Law relative to ‘ offences against the person, and to provide for the more effectual punishment of such ‘ offences*, it is enacted, that every person convicted of Manslaughter shall be liable ‘ to be imprisoned with or without hard labour in the Common Gaol or House of ‘ Correction for any term not exceeding three years, or to pay such fine as the ‘ Court shall award, or to be both fined and imprisoned, if the Court so award;’

Preamble.

9 and 10 G. 4, c. 21.

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Governor, Legislative Council and Assembly, That the said fifth section of the said Act be and the same is hereby repealed.

9 and 10 G. 4, c. 21, s. 5, repealed.

II. And be it further enacted, That from and after the passing of this Act, every person convicted of Manslaughter shall be liable to be imprisoned in the Common Gaol or the Public Penitentiary for any term not exceeding fourteen years, as the Court shall award.

Manslaughter made punishable by imprisonment for 14 years.

CAP. XXVI.

An Act in amendment of the Law relating to the appointment of Sheriffs.

Passed 11th April 1846.

‘ **W**HEREAS in and by an Act made and passed in the sixth year of the ‘ Reign of His late Majesty King William the Fourth, intituled *An ‘ Act for the better regulating of the Office of Sheriff in this Province*, it was ‘ provided that the annual appointment of Sheriffs should be made on the first ‘ Tuesday in April in each year; and by another Act made and passed in the first ‘ year of the Reign of Her present Majesty, intituled *An Act to alter the times ‘ for the appointment of Sheriffs and Supervisors of Great Roads*, it is provided, ‘ that such Sheriffs (except for the City and County of Saint John) should be ap- ‘ pointed on the first Tuesday in March in each and every year: And whereas ‘ the time for such appointment is found to be inconvenient;’

Preamble.

6 W. 4, c. 1.

1 V. c. 15.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the said recited Acts as requires the Sheriffs of the several Counties in this Province (except the Sheriff for the City and County of Saint John) to be appointed either on the first Tuesday of March or April,

Acts 6 W. 4, c. 1, and 1 V. c. 15, in part repealed.

shall be and the same is hereby repealed: provided always, that any such appointment made before the passing of this Act, shall be deemed good and valid to all intents and purposes.

Sheriffs to be appointed annually in the month of March.

II. And be it enacted, That from and after the passing of this Act, the Sheriffs of the several Counties in this Province (save and except the Sheriff of the City and County of Saint John) shall be appointed annually by the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, in the month of March in each and every year.

Act not to prevent appointments at any time, in cases of death or removal.

III. And be it enacted, That nothing in this or the said recited Acts shall be construed to prevent the appointment of any such Sheriff at any other time when the same may become necessary in consequence of the death or removal from Office of any such Sheriff: and provided, that any Sheriff so appointed, shall be required to give the like Bond with the like expiration as is required in and by the provisions of the said first recited Act.

Sheriffs residing out of the Shire Town to keep a Deputy and an office in the Shire Town.

IV. And be it enacted, That in all cases where the High Sheriff of the County is or shall be permitted to reside out of the Shire Town of the County, it shall be the duty of such Sheriff, and he is hereby required, not only to keep a Deputy or Under Sheriff resident in the Shire Town of the County, but also an Office as near as conveniently may be to the Court House; which Office such Sheriff is hereby required to keep open at all reasonable times for the transaction of business.

CAP XXVII.

An Act to amend the Law relating to Absconding Debtors.

Passed 11th April 1846.

Preamble.

26 G. 3, c. 13.

‘ **W**HEREAS by the twenty fourth section of an Act made and passed in ‘ the twenty sixth year of the Reign of His Majesty King George the ‘ Third, intituled *An Act for relief against Absconding Debtors*, the Trustees of the ‘ Creditors are required in rendering their accounts, to make oath of the correct- ‘ ness of their proceedings and accounts in open Court: And whereas the requiring ‘ the attendance of such Trustees in open Court is unnecessarily inconvenient and ‘ burdensome upon Trustees; for remedy whereof,’

Trustees to render an account of their proceedings attested to before a Judge of the Court by which they were appointed, or a Commissioner.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, such Trustees shall, and they are hereby authorized, to render into the Court from the Judge or Judges whereof they have received their appointment, a just and true account in writing of their proceedings, duly attested to before any Judge of such Court, or any Commissioner authorized to take affidavits in such Court; and such Court or the major part of the Judges thereof shall and may make such order thereon as they may deem advisable, not inconsistent with the provisions of the said recited Act.

CAP. XXVIII.

An Act to provide for the safe keeping of the Public Records of the City and County of Saint John.

Passed 11th April 1846.

Preamble.

4 W. 4, c. 26.

‘ **W**HEREAS by an Act of the General Assembly made and passed in ‘ the fourth year of His late Majesty King William the Fourth, inti- ‘ tuled *An Act to provide for the safe keeping of County Records*, authority was given ‘ to the Justices of the Peace of the several Counties in this Province to erect ‘ suitable buildings for the safe keeping of the County Records, but not to exceed ‘ the