

any County or Parish Rates are assessed, levied, collected and paid, under and by virtue of any Act or Acts of General Assembly made or to be made for that purpose, and when received, shall be paid over by the Collector into the hands of the County Treasurer, to be disbursed by him from time to time on the order of the said Justices in any General Sessions to be made for the purpose of paying such Contingent Expenses.

II. And be it enacted, That this Act shall continue and be in force for five years, and no longer: Provided always, that nothing in this Section contained shall be construed to prevent the recovery of all and every the rates and assessments imposed or to be imposed by virtue of this Act.

Limitation.

## CAP. XXXVII.

An Act to authorize Her Majesty's Justices of the Peace of the County of Albert to make provision for the payment of the County Contingencies.

*Passed 23rd March 1847.*

**W**HEREAS the Local Revenues of the County of Albert have been found 'insufficient to meet the annual expenditure of the said County;'

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for Her Majesty's Justices of the Peace of the said County, at any General Sessions of the Peace of the said County to be thereafter holden, annually to make and order an assessment on the inhabitants of the said County, for such a sum as they in their discretion shall see fit, not exceeding the sum of one hundred pounds in any one year, for the purpose of providing for the annual Contingent Expenses of the said County; such sum to be assessed, levied, collected and paid agreeably to any Acts now or hereafter to be in force for the assessing, collecting and levying of County Rates.

Annual assessments to defray contingent expenses, authorized.

II. And be it enacted, That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty.

Limitation.

## CAP. XXXVIII.

An Act for the further regulation of the Court of Governor and Council in causes of Marriage and Divorce.

*Passed 7th April 1847.*

**W**HEREAS it is expedient that certain regulations should be made to expedite the proceedings in the Court of Governor and Council in suits 'of Marriage and Divorce;'

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all causes which by the Laws of this Province are cognizable in the Court of Governor and Council for hearing causes of Marriage and Divorce, when any person or persons having been duly cited to appear in such Court, or required to comply with the lawful orders or decrees, as well final as interlocutory, of such Court, shall neglect or refuse to appear, or neglect or refuse to pay obedience to such lawful orders or decrees, or when any person or persons shall commit a contempt in the face of such Court, it shall be lawful for the Court who issued out the citation, or whose lawful orders or decrees have not been obeyed, or before whom such contempt shall have been committed, to pronounce such person or persons in contempt, and thereupon a Writ *de contumace capiendo*, in the form to this Act annexed, shall issue out of the said Court, directed to any of the Sheriffs of the several Counties in this Province within whose Bailiwick the person or persons so in contempt may be alleged to be, returnable on the first day

Court empowered to pronounce persons in contempt in certain cases, and issue Writs *de contumace capiendo*.

Teste and Return.

of

Execution.

Discharge.

of the next Term of such Court, and tested the last day of the preceding Term, or if issued in Term time, returnable on any day in such Term to be directed by the said Court, and tested the first day of the said Term; and all Sheriffs, Gaolers, and other Officers, are hereby authorized and required to execute the same, by taking and detaining the body of the person against whom the said Writ shall be directed to be executed; and upon the due appearing of the said party so cited, and not having appeared as aforesaid, or the obedience of the party so cited, and not having obeyed as aforesaid, or the due submission of the party so having committed a contempt in the face of the Court, the said Court shall pronounce such party absolved from the contempt aforesaid, and shall forthwith make an order on the Sheriff or other Officer in whose custody such party may be, for discharging such party out of custody; and such Sheriff or other Officer shall, on the said order being shewn to him, as soon as such party shall have discharged the costs lawfully incurred by reason of such contempt, forthwith discharge him.

Power to direct forms of process and prescribe the practice.

II. And be it enacted, That the said Court shall have full power and authority from time to time to direct and declare the forms of process, and to prescribe, modify, alter and amend the practice and proceedings to be observed in all matters of which the said Court now has or hereafter may have cognizance and jurisdiction.

### SCHEDULE.

#### FORM OF WRIT *De Contumace Capiendo*.

Form of Writ.

Victoria, &c.

To the Sheriff of

Greeting:

Whereas — is manifestly contumacious, and contemns the jurisdiction and authority of the Court of Governor and Council for Marriage and Divorce [*here state fully the non-appearance, disobedience, or the contempt in the face of the Court, as the case may be*] You are hereby commanded to attach the said — by — body until — shall make satisfaction for the said contempt; and how you shall execute this precept, notify unto the said Court on — next, and in no wise omit this: and have you there then this Writ.

Witness — Lieutenant Governor [*or Administrator of the Government, as the case may be*] in the said Province.

### CAP XXXIX.

An Act to simplify the proceedings in the Court of Chancery in certain cases.

*Passed 7th April 1847.*

Preamble.

3 W. 4, c. 19.

‘ **W**HEREAS by the first section of an Act made and passed in the third year of the Reign of His late Majesty King William the Fourth, intitled *An Act in addition to an Act for making process in Courts of Equity effectual against persons who reside out of this Province, and cannot be served therewith*, it is provided that a copy of the order for the appearance of any such persons shall be inserted in the Royal Gazette for the space of not less than three months: And whereas the publication of every such order in the Royal Gazette increases the expense of the proceedings, without producing any corresponding benefit: And whereas it is expedient to make provision for service of process upon Corporations;’

Act 3 W. 4, c. 19, so far as it requires the publication in the Royal Gazette, of order for appearance, repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, so much of the said recited Act as requires the publication of the copy of the order for the appearance of any defendant or defendants in the Royal Gazette, be and the same is hereby repealed.

II.