

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.

II. And be it enacted, That from and after the passing of this Act, every subpoena, rule, order, or other proceedings in Chancery, requiring to be served upon any Corporation, shall and may be served upon the Mayor, President, or other Head Officer, or on the Secretary, Treasurer, Cashier, or principal Agent of such Corporation.

Proceedings in Chancery may be served on certain Officers of Corporations.

### CAP. XL.

An Act relating to Courts of Oyer and Terminer and General Gaol Delivery in this Province.

*Passed 7th April 1847.*

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That if any Court of Oyer and Terminer and General Gaol Delivery hereafter to be holden in this Province, from pressure of business at other places, or other unforeseen circumstances, shall not be opened at any place specified for holding the same on the day appointed for the attendance of the Grand and Petit Juries respectively, summoned by virtue of any precept or precepts for that purpose to be issued, it shall and may be lawful to open the same on the following day, or, if such following day shall be Sunday or other day of public rest, then on the next succeeding day; and such opening shall be as effectual to all intents and purposes as if the same had been opened on the day appointed for the attendance of such Jurors as aforesaid, and shall be deemed and taken to be an opening thereof on the day so appointed; and all Records or other proceedings under or relating to the said Court which may be opened and read by virtue of this Act, shall and may be drawn up, entered and made out under the same date and in the same form in all respects as if such Court had been opened on the day originally appointed for such Juries' attendance.

Power to open the Courts after the day appointed, in cases of unforeseen circumstances.

II. And be it enacted, That all Jurors duly summoned or required by law to attend at any Court of Oyer and Terminer and General Gaol Delivery, or Court of Nisi Prius, established or to be established by law, and the respective Sheriffs, Coroners, Bailiffs, Constables, and Officers and Ministers of the Law of the respective Counties where the said Court of Oyer and Terminer and General Gaol Delivery, Circuit Court, or Court of Nisi Prius, may be opened, and also all parties and witnesses, both in Criminal and Civil cases, shall give their attendance at such Courts of Oyer and Terminer and General Gaol Delivery on such day as the said several Courts may actually be opened, whether the same be the day appointed or established as aforesaid or not, and shall be charged and bound in like manner, and upon like pains and penalties, for non-appearance and non-attendance, or for any misdemeanor or default, at such several Courts respectively, as if the said Courts were opened on the very day appointed as hereinbefore mentioned, and as if the said parties respectively were bound to appear and give their attendance on the day of the actual opening of the said Courts.

Jurors and Ministers of the Law to attend on the day of the actual opening of the Court.

### CAP. XLI.

An Act for the safe custody of Insane persons charged with offences, and for the confinement of Insane Prisoners.

*Passed 7th April 1847.*

**W**HEREAS persons charged with high treason, murder, felony, or misdemeanors, may have been or may be of unsound mind at the time of committing the offence wherewith they may have been or shall be charged, and by reason of such insanity may have been or may be found not guilty of such offence, and it may be dangerous to permit persons so acquitted to go at large;

Preamble.

I.