

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.

WHEREAS 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.

The Court to order any person charged with Treason, &c. and proved to be insane, to be kept in custody till the Lieutenant Governor's pleasure be known, &c.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases where it shall be given in evidence upon the trial of any person charged with treason, murder, felony, or any misdemeanor, that such person was insane at the time of the commission of such offence, and such person shall be acquitted, the Jury shall be required to find specially whether such person was insane at the time of the commission of such offence, the Court, before whom such trial shall be had, shall order such person to be kept in strict custody, in such place and in such manner as to the Court shall seem fit, until the pleasure of the Lieutenant Governor or Administrator of the Government for the time being shall be made known; and it shall thereupon be lawful for the said Lieutenant Governor or Administrator of the Government to give such order for the safe custody of such person, during his pleasure, in such place and in such manner as to the said Lieutenant Governor or Administrator of the Government for the time being shall seem fit; and in all cases where any person, before the passing of this Act, has been acquitted of any such offences on the ground of insanity at the time of the commission thereof, and has been detained in custody as a dangerous person by order of the Court before whom such person has been tried, and still remains in custody, it shall be lawful for the said Lieutenant Governor or Administrator of the Government to give the like order for the safe custody of such person during his pleasure, as the said Lieutenant Governor or Administrator of the Government is hereby enabled to give in the cases of persons who shall hereafter be acquitted on the ground of insanity.

Persons indicted for any offence, and upon arraignment found to be insane, or if upon trial they shall be so found, &c., the Court shall order them to be kept in custody till the Lieutenant Governor's pleasure be known.

II. And be it enacted, That if any person indicted for any offence shall be insane, and shall, upon arraignment, be found to be so by a Jury lawfully impannelled for that purpose, so that such person cannot be tried upon such indictment, or if upon the trial of any person so indicted, such person shall appear to the Jury charged with such indictment to be insane, it shall be lawful for the Court before whom any such person shall be brought to be arraigned or tried as aforesaid, to direct such finding to be recorded, and thereupon to order such person to be kept in strict custody until the pleasure of the said Lieutenant Governor or Administrator of the Government shall be known; and if any person charged with any offence shall be brought before any Court to be discharged for want of prosecution, and such person shall appear to be insane, it shall be lawful for such Court to order a Jury to be impannelled to try the sanity of such person, and if the Jury so impannelled shall find such person to be insane, it shall be lawful for such Court to order such person to be kept in strict custody in such place and in such manner as to such Court shall seem fit, until the pleasure of the said Lieutenant Governor or Administrator of the Government shall be known; and in all cases of insanity so found, it shall be lawful for the said Lieutenant Governor or Administrator of the Government to give such order for the safe custody of such person so found to be insane, during his pleasure, in such place and in such manner as to the said Lieutenant Governor or Administrator of the Government shall seem fit.

Prisoners becoming insane, two Justices may inquire, with medical aid, respecting such insanity :

III. 'And whereas it is expedient that provision should be made for the confinement of insane prisoners;' Be it therefore enacted, That if any person, while imprisoned in any prison or other place of confinement under any sentence of death or imprisonment, or under a charge of any offence, or for not finding Bail for good behaviour, or to keep the peace, or to answer a criminal charge, or in consequence of any summary conviction or order by any Justice or Justices of the Peace, or under any other than Civil Process, shall appear to be insane, it shall be lawful for any two Justices of the Peace of the County, City and County,

or place where such person is imprisoned, to inquire, with the aid of two Physicians or Surgeons, as to the insanity of such person; and if it shall be duly certified by such Justices and such Physicians or Surgeons that such person is insane, it shall be lawful for the said Lieutenant Governor or Administrator of the Government, upon receipt of such certificate, to direct, by Warrant under his hand, that such person shall be removed to such County Lunatic Asylum, or other proper receptacle for insane persons, as the said Lieutenant Governor or Administrator of the Government may judge proper and appoint; and every person so removed under this Act, or already removed or in custody under any former Act relating to insane prisoners, shall remain under confinement in such County Asylum or other proper receptacle as aforesaid, or in any other County Lunatic Asylum or other proper receptacle to which such person may be removed, or may have been already removed, or in which he may be in custody by virtue of any like order, until it shall be duly certified to the said Lieutenant Governor or Administrator of the Government, by two Physicians or Surgeons, that such person has become of sound mind; whereupon the said Lieutenant Governor or Administrator of the Government is hereby authorized, if such person shall still remain subject to be continued in custody, to issue his Warrant or Order to the Keeper or other person or persons having the care of any such Asylum or receptacle as aforesaid, directing that such person shall be removed back from thence to the Prison or other place of confinement from whence he or she shall have been taken; or, if the period of imprisonment or custody of such person shall have expired, that he or she shall be discharged.

If certified to be insane, Lieutenant Governor to grant Warrant for removal to Lunatic Asylum.

If afterwards sane, how to be dealt with.

Warrant for removal back to Prison, or to be discharged.

IV. And be it enacted, That this Act may be altered, amended or repealed by any Act to be passed in the present Session of the General Assembly.

Act may be altered this Session.

CAP. XLII.

An Act to consolidate and amend the Laws relating to the Registry of Deeds and other Instruments.

Passed 7th April 1847.

6 WHEREAS it is expedient to consolidate and amend the Laws relating to 'the Registry of Deeds and other Instruments, and the execution of Deeds by Femmes Covert;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the several Acts and parts of Acts hereinafter mentioned shall be and the same are hereby repealed, (save as hereinafter otherwise is provided,) that is to say: an Act passed in the twenty sixth year of the Reign of His Majesty King George the Third, intituled *An Act for the Public Registering of all Deeds, Conveyances and Wills, and other incumbrances which shall be made of, or that may affect any Lands, Tenements or Hereditaments within this Province*; an Act passed in the twenty seventh year of the same Reign, intituled *An Act for more effectually securing the Title of Purchasers of Real Estates against claims for Dower*; an Act passed in the thirty second year of the same Reign, intituled *An Act in amendment of an Act, intituled 'An Act for more effectually securing the Title of Purchasers of Real Estates against claims of Dower,' and also to enable Femmes Covert more easily to convey any Real Estate they may hold in their own right*; an Act passed in the thirty third year of the same Reign, intituled *An Act in amendment of an Act, intituled 'An Act for more effectually securing the Title of Purchasers of Real Estate against claims of Dower'*; an Act passed in the fifty second year of the same Reign, intituled *An Act supplementary to the Acts now in force for the Public Registering of Deeds, Conveyances and Wills, and other incumbrances of,*

Acts repealed, viz:

26 G. 3, c. 3.

27 G. 3, c. 9.

32 G. 3, c. 2.

33 G. 3, c. 5.

52 G. 3, c. 20.