

ferred on Courts of
General Sessions.

Fines imposed by
General Sessions
under this Act to
be levied by War-
rant of distress, &c.

Costs of prosecu-
tions to be regula-
ted by the Ordina-
nce of Fees.

given by the said hereinbefore in part recited Act, to two Magistrates, shall be and the same is hereby given to the several Courts of General Sessions of the Peace in the several Counties in this Province.

II. And be it enacted, That all fines or penalties imposed by the Justices in General Sessions by virtue of this Act, together with costs of prosecution, shall be levied by Warrant of distress and sale of the offender's goods and chattels, directed to the Sheriff of the County within which the offence shall have been committed, rendering the overplus, (if any) after deducting the costs and charges of such distress and sale, to the offender; and if no goods shall be found whereon to levy, it shall and may be lawful for such Sheriff to commit such offender to the Common Gaol of the County where such offence may be committed, there to remain without bail or mainprise, the period to be specified in such Warrant, not exceeding thirty days, unless such fine, costs and charges are sooner paid.

III. And be it enacted, That the costs of prosecution under this Act, had before the Justices in General Session of the Peace, shall be regulated by the Ordinance of Fees established in this Province.

CAP. LIX.

An Act to amend the Act repealing the Acts affording relief to persons unfortunate in business.

Passed 14th April 1847.

Proceedings refer-
red to in the provi-
so to Act 9 V. c. 58,
to be taken by the
debtor within six
months, or order
of the Master of
the Rolls, &c.
to be null.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases within the meaning of the proviso of an Act made and passed in the ninth year of Her present Majesty's Reign, intituled *An Act to repeal the Acts to afford relief to persons unfortunate in business*, the debtor or debtors obtaining the Order of the Master of the Rolls therein mentioned, shall take all the necessary proceedings required by the said recited Acts, for the purpose of bringing such Order, and the matter on which the same was granted, to final adjudication within six calendar months from the passing of this Act; and, in default thereof, such Order and all proceedings whatever had or to be had thereon, and all matters and things arising therefrom, shall and are hereby declared to be null and void, and no longer binding on any person or persons whomsoever; saving to Clerks of the Peace, and all other persons by whom any services may have been performed for such debtor or debtors, under the said recited Acts, their right to recover for the same against such debtor or debtors.

Right of recovery
for services per-
formed, reserved.

CAP. LX.

An Act for the further amendment of the Law and the better advancement of Justice.

Passed 14th April 1847.

Preamble.

7 W. 4, c. 14.

WHEREAS in and by the provisions of the twenty first and twenty second sections of an Act passed in the seventh year of the Reign of His late Majesty, intituled *An Act for the amendment of the Law and for the better advancement of Justice*, the Jury, Court or Judge are authorized to allow or give damages, in the nature of interest, in certain cases, as therein mentioned, and also in other cases interest is allowed and assessed: And whereas it frequently happens that the final judgment of the Court therein is delayed by reason of Rules Nisi, Demurrers, or otherwise, and it is considered just and advisable that the said Court should be empowered in its discretion to allow interest at a rate not exceeding six per cent. per annum, on the amount of the debt or damages found or assessed by the Jury, Court or Judge from the time the same were found or assessed, until the giving of final judgment;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases when any verdict for or assessment of any debt or damages may be given or made for any party in any suit in such Court in which interest is or may have been included under the provisions of the said recited Act or otherwise, and the final judgment of the Court thereupon may have been delayed by the opposite party, either by a Rule Nisi, Demurrer, or otherwise, it shall be lawful for such Court in its discretion, when such verdict or assessment is sustained, to allow interest thereupon at a rate not exceeding six per cent. per annum, from the time of such verdict or assessment until the rendering of final judgment therefor.

Court may allow interest on amount of certain verdicts or assessments, when the verdict or assessment may be sustained after suspension by Rule Nisi, &c.

II. And be it enacted, That the said Court may by General Rule prescribe the form of the entry of judgment and execution in cases where such further interest may be so allowed.

Court may prescribe form of entry of judgment, &c. in such cases.

III. And be it enacted, That the provisions of the fifth section of an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to establish and regulate a Summary Practice in the Supreme Court*, authorizing a Judge of the Supreme Court to allow a Counsel fee of not more than two guineas on every cause entered for trial, and for every argument before the Court, shall extend to Defendants as well as Plaintiffs.

A Counsel fee for defendant may be allowed under Act 4 W. 4, c. 41, s. 5.

CAP. LXI.

An Act to amend an Act, intituled *An Act for improving the administration of Justice in Criminal cases.*

Passed 14th April 1847.

6 WHEREAS the provisions contained in the thirteenth section 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*, do not apply to the crime of Forgery;

Preamble.

1 W. 4, c. 14.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That if any person shall commit any offence of forging or altering any writing or matter whatsoever, or of offering, uttering, disposing of, or putting off any writing or matter whatsoever, knowing the same to be forged or altered, with intent to defraud any person whomsoever, whether the offence in any such case shall be indictable at Common Law, or by virtue of any Act or Acts now in force, or hereafter to be made, the offence of every such offender may be dealt with, indicted, tried, and punished, and laid and charged to have been committed in any County or place in which he shall be apprehended or in custody, as if his offence had been actually committed in that County or place; and every principal in the second degree, and every accessory before the fact, and every accessory after the fact, may be dealt with, indicted, tried, and punished, and his offence laid and charged to have been committed in any County or place in which the principal offender may be tried.

Trials, &c. for forgery or utterance may be had, &c. in any County in which the offender may be apprehended.

Accessories may be tried in the same place as the principals.

CAP. LXII.

An Act further to amend the Law regulating proceedings before Justices of the Peace in Civil Suits.

Passed 14th April 1847.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That if any order for the removal of any cause tried before any Justice of the Peace under and by virtue of the Act of Assembly made and passed in the fourth year of the Reign of King William the Fourth, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*, shall be or hath already

Party obtaining an order for the removal of a cause tried before a Justice of the Peace, and which has been obeyed, shall apply to the Judge within