dered by his sureties to close custody.

sureties, or one of them, to close custody in the gaol, in discharge of the limit bond, in like manner as a principal may render himself or be rendered in discharge of his bail in cases of special bail, and upon such render being made, the obligation of the said bond shall thenceforth become void.

Mayor or Recorder of the City of Saint John may carry into execution the provisions of this Act within the City and County.

XXIII. And be it enacted, That it shall and may be lawful for either the Mayor or Recorder of the City of Saint John, to carry into execution in the City and County of Saint John, the several provisions of this Act as fully and completely as any Justice of the Inferior Court of Common Pleas, together with any Justice of the Peace being of the quorum for the City and County of Saint John, might or could do by virtue of this Act.

6 W 4, c 31,

7 W 4, c 33,

8 V c 42, repealed.

Reservations.

XXIV. And be it enacted, That an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act relating to Insolvent Confined Debtors;* also an Act made and passed in the seventh year of the same Reign, intituled *An Act to amend an Act, intituled 'An Act relating to Insolvent Confined Debtors;'* also an Act made and passed in the eighth year of the Reign of Her present Majesty, intituled *An Act to continue the several Acts now in force relating to Insolvent Confined Debtors,* be and the same are hereby repealed: Provided always, that every act, matter or thing heretofore done under and by virtue of the said recited Acts, shall remain and continue valid and effectual for all intents and purposes; and all bonds, acts or things which may have been taken or done under the said recited Acts, or any of them, shall continue in force, and may be proceeded upon in all respects the same as if said recited Acts were perpetual.

CAP. XXXII.

An Act in further amendment of the Law.

Passed 26th April 1850.

Preamble.

'WHEREAS the practice of pleading several matters of defence to the 'same cause of action, frequently leads to great delay and expense, 'and tends more to defeat than to advance the cause of Justice;'

Imperial Act 4 Anne, c 16, repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the fourth section of an Act of Parliament made and passed in the fourth year of the Reign of Her Majesty Queen Anne, intituled *An Act for the amendment of the Law, and the better advancement of Justice,* which has hitherto been considered in force in this Province, be and the same is hereby declared to be repealed and of no force or effect within this Province, any usage or practice to the contrary notwithstanding; provided always, and be it enacted, that the defendant in any action or suit brought against him as an Executor or Administrator, or the plaintiff or defendant in any action of replevin in any Court of Record in this Province, may plead as many matters thereto as he shall think necessary to his defence, in the same manner and subject to the same provisoes, costs and certificates as if this Act had not been made and passed.

Executors or administrators as defendants, or plaintiff or defendant in any action of replevin, may plead as many matters as are necessary.

Defendant, except in actions of replevin or as executor or administrator, may give in evidence any matter of defence on notice.

II. And be it enacted, That the defendant in any action in any Court of Record in this Province, (except actions of replevin, or where he is sued as Executor or Administrator,) may, in addition to any matter which may be by him pleaded in bar to such action, and put to issue for trial by a jury, give in evidence on the trial thereof any other matter of defence whatsoever; provided that notice of such other matter be given in writing to the plaintiff or his attorney, at the time of the delivery of the plea, (which notice may be proved on the trial to have been delivered either *ore tenus* or by affidavit of the person delivering the same); and provided also, that any such other matter of defence may, without any previous notice

And may be met on the trial by evidence of other matter

notice thereof, be met on the trial by evidence of any matter which might have been pleaded thereto by way of replication, in case such other matter had been pleaded, and so *toties quoties* by either party.

pleadable by way of replication, when no notice has been given.

III. And be it enacted, That the defendant may be allowed either by the Court or any Judge thereof wherein the action is brought, to amend or add to such notice in like manner and upon the same terms as defendants can now by the practice of the Court be allowed to add or amend pleas.

Defendant may amend or add to notice.

IV. And be it enacted, That the notice of any such other matter of defence shall be in a general and brief form, and shall be deemed sufficient unless the plaintiff shall make it appear to the Court or Judge before whom the trial is had, that he has been misled by the defect or generality of such notice.

Notice to be in a brief form.

V. 'And whereas the insertion of several counts in the declaration for the same 'subject matter of complaint, often tends to unnecessary prolixity and expense;' Be it therefore enacted, That where there is more than one count in the plaintiff's declaration, and he fails to establish a distinct subject matter of complaint in respect to each count, a verdict and judgment may at the instance of the defendant, pass against the plaintiff upon each count which he shall have so failed to establish, and he shall also be liable to the defendant for the reasonable costs occasioned by such count, including those of the evidence, pleading and notices relating to such count, unless the Judge before whom the trial is had shall certify that there was a reasonable cause for the insertion of such count.

Verdict or judgment, with costs, may pass against the plaintiff in respect of counts in declaration not established.

VI. And be it enacted, That in action brought on any note, bill of exchange, bond, or other writing, where damages may be assessed by the Court or a Judge, after judgment on demurrer or by default, costs only shall be allowed the plaintiff for one count in the declaration, or in case there be several causes of action in the same declaration, on such counts as the damages may be assessed upon, unless the Court or Judge making the assessment shall certify that there was a reasonable cause for the insertion of other counts.

In actions on notes, &c., costs to be allowed for one count only, or on such as the damages may be assessed upon.

CAP. XXXIII.

An Act to remove doubts as to the abbreviation of the names of parties and persons in proceedings at Law or in Equity.

Passed 26*th April* 1850.

Preamble.

'WHEREAS it has been the almost invariable practice in this Province, 'instead of setting out the whole christian or first name or names of 'any of the parties in suits at law or in equity, to designate such persons by one 'christian or first name, and using initial letters, contractions or abbreviations for 'any other christian or first name such persons may have; which practice has, 'without the least disadvantage, tended to shorten proceedings: And Whereas 'doubts have lately arisen whether such mode of proceeding is regular, and 'whether it is not necessary to set out the whole christian or first names at length; 'for removal whereof,'

I. Be it declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall not be necessary in any process, pleading, affidavit, or other proceeding whatsoever, in any Court of Law or Equity in this Province, to designate any of the parties or any other person whose name may be introduced into any such proceeding, by any other than one christian or first name, being a name commonly used by such person himself or herself, or by which he or she may generally have been known or called, and to insert initial letters or usual contractions or abbreviations for any other christian or first name, where such person may have more than one; and that no process, pleading, affidavit or other

Unnecessary in legal proceedings to designate a party by more than one christian or first name, and initial letters or usual contractions for other names where party has more than one.