

other proceeding whatsoever, shall be vacated, annulled, set aside, or be demurred to, or otherwise affected, or treated as nugatory, defective or irregular, by reason of the insertion of initial letters, or other usual contractions or abbreviations of christian or first names, where one christian or first name commonly used by the person or by which he or she may be generally called or known, is set out at length ; provided always, that nothing herein contained shall extend or be construed to apply to the insertion of names in the recital or setting forth of any deed or paper where it is necessary, or it is purported, to recite or set out such deed or paper *in hæc verba* ; and provided also, that nothing herein contained shall extend or be construed to limit or control the operation of the thirty eighth section of an Act passed in the twelfth year of Her Majesty's Reign, intituled *An Act to consolidate and amend various Acts of Assembly relating to the further amendment of the Law.*

Not to apply to recital of Deeds, &c.

Nor to control the operation of 12 V c 39, s 38.

No plea in abatement allowed for misnomer for not setting out at length the right christian or first name where one such name is set out and others by initial letters or contractions, unless on affidavit, &c.

Name may be altered on application to the Court.

II. And be it enacted, That no plea in abatement for misnomer for not setting out at length the right christian or first name of any defendant where one such name is set out, and another or others designated by initial letters, contractions or abbreviations, shall be allowed or filed, unless the same is accompanied by an affidavit of such defendant, that he or she doth not commonly use and is not generally known by that name, but by some other and which of the names designated by initial letters, contractions or abbreviations, and further, that he or she hath not in the matter in contest in such suit or other transaction with the plaintiff or plaintiffs, described or designated himself or herself by that name ; and that in case of any plea in abatement being duly filed, with such affidavit, it shall be open to the plaintiff or plaintiffs, by application to the Court in which such proceeding may be had, or any Judge thereof, to have the name in the declaration or writ altered and amended so as to conform to the name set out in such plea in abatement, upon such terms as such Court or Judge may prescribe ; and so in case of motion to set aside any proceeding for such misnomer, the Court or Judge shall have the same power to alter and amend the proceeding objected to on that ground on like conditions.

CAP. XXXIV.

An Act for the punishment of persons guilty of injuring Electric Telegraphs.

Passed 26th April 1850.

Wilfully damaging the works of any Electric Telegraph made felony.

Punishment.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That whosoever shall wilfully break, throw down, cut, sever, injure, damage, or destroy any of the works or property of any Electric Telegraph Company in this Province, or do any other act whereby the communication by any Telegraph may be interrupted, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding four years, which punishment shall be in addition to any civil or other remedy for such offence.

CAP. XXXV.

An Act to amend an Act, intituled *An Act to provide for the summary punishment of persons committing trespasses upon Square Timber and other Lumber.*

Passed 26th April 1850.

2 V. c. 48.

Preamble. 2 V. c. 48.

WHEREAS the Act intituled *An Act to provide for the summary punishment of persons committing trespasses upon Square Timber and other Lumber*, and the several Acts of Assembly in continuation thereof, are about to expire, and