

Form of certificate  
of the Clerk of the  
Circuits or his  
Deputy mentioned  
in 12 V. c. 30, s. 68.

III. And be it enacted, That the certificate required by the sixty eighth section of the said recited Act to be signed and delivered or transmitted by the Clerk of the Circuits or his Deputy, as in the said section mentioned, shall be in the form as near as may be, or to the effect mentioned in the annexed Schedule, with the necessary alterations to adapt it to the circumstances; and that the same certificate shall have all the effect given in and by the said section to the certificate therein mentioned, in the same manner and to the same extent as if the said Schedule had been annexed to the said recited Act.

#### SCHEDULE.

Whereas at the Session of Oyer and Terminer and General Gaol Delivery held for the — of — on — before, among others, —, one of the Justices of the Supreme Court, and — Justices of Oyer and Terminer and General Gaol Delivery, [*here name the Quorum Commissioners,*] A. B., late of —, Labourer, having been found guilty of Felony, and judgment thereupon given, that [*state the substance,*] the Court before whom he was tried reserved a certain question of law for the consideration of the Justices of the Supreme Court, and execution was thereupon respited in the meantime.

This is to certify, that it having been considered by the said Justices of the said Supreme Court, at Fredericton, in — Term, in the — year of the Reign of —, that the Judgment aforesaid should be annulled, and an entry made on the Record that the said A. B. ought not, in the judgment of the said Justices, to have been convicted of the felony aforesaid, you are therefore hereby required forthwith to discharge the said A. B. from your custody.

To the Sheriff or Gaoler of —, and all others whom it may concern.

(Signed) E. F., Clerk of the Circuits for [*as the case may be.*]

#### CAP. XX.

An Act in further amendment of the Law.

*Passed 30th April 1851.*

Special demurrers  
abolished.

Proviso.

Amendments in  
any process or pro-  
ceeding to be  
allowed by a Judge  
or Court, at  
discretion.

In actions of  
ejectment a joint  
demise of the  
lessors of the  
plaintiff to be  
sufficient.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no special demurrer in any of the Courts of Common Law in this Province shall in any case hereafter be allowed, any law, usage or custom to the contrary notwithstanding; provided always, that in all cases of duplicity, informality, or other ground of special demurrer under the present practice of the Supreme Court, in any pleading, the same may be objected to before any Judge of the said Courts, and allowed or refused on such terms as may be deemed just.

II. And be it enacted, That amendments in any process, pleading, or other legal proceeding, shall at any time be made and allowed, with or without a rule or order for that purpose, by any Judge or Court at discretion, either at Chambers, at Nisi Prius, or at Bar, and in no case shall an amendment be refused unless it shall be apparent to the Judge or Court, by affidavit or otherwise, that manifest injustice to the opposite party would be the result of such amendment, and that such injustice could not be prevented by granting further time to the opposite party, and the amendments may be made on such terms as to payment of costs and other conditions as may be deemed necessary.

III. And be it enacted, That in all actions of ejectment a joint demise of the lessors of the plaintiff shall in all cases be sufficient, and shall be deemed to be joint or several as the facts of the case may require, and shall have all the force and effect that several demises now have or heretofore have had.

CAP.