

be made; but should such person be committed to gaol for want of bail, and there remain for forty eight hours, he may be tried before three Justices of the County where the offence was committed, and if convicted, may be imprisoned in the common gaol or Provincial Penitentiary for a term not exceeding nine months.

CAP. XXIII.

An Act to amend and explain Chapter 126, of Title XXXIV, of the Revised Statutes, "Of Landlord and Tenant, and Replevin."

Section.

Section.

1. Interpretation of 'Justices' and 'Lessor,' in s. 27 and 26, of Cap. 126, Rev. Stat.

2. Costs in Fee Table.

Passed 6th April 1858.

WHEREAS it is enacted by the twenty seventh Section of Chapter 126, Title xxxiv, of the Revised Statutes, that when any tenant shall after the expiration of his tenancy refuse to deliver up the possession to the person entitled thereto, such person may apply to two Justices where the premises are situated; and it is doubtful whether the term "two Justices" used in the said Section mean Justices of the Peace, or Justices of the Common Pleas; and whereas the term "Lessor" in the twenty sixth Section, is used instead of the term "Lessee";—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the terms "two Justices" used in the said Section, shall mean two Justices of the Peace, and that the Form of Summons (S) and the Form of Warrant (T) referred to in the said twenty seventh Section, shall conform thereto, and that the term "Lessor" in the said twenty sixth Section, shall be read Lessee.

2. That the costs of proceedings under the said Statute shall be according to the following Table of Fees:—

FEEs.

Drawing affidavit of Landlord,	-	-	-	£0	2	0
Administering oath,	-	-	-	0	1	0
Signing affidavit,	-	-	-	0	0	6
Summons,	-	-	-	0	1	0
Copy do.	-	-	-	0	0	6

Copy of affidavit to annex to copy of summons, -	£0	1	0
Subpœna, each, -	0	1	0
Justices on hearing, each 11s. 8d., -	1	3	4
Swearing every witness, -	0	0	6
Warrant of possession, -	0	2	6
Counsel fee to the successful party, when counsel attend, a sum not to exceed -	2	6	8
CONSTABLE.			
Travel on service of summons, each mile going and returning, -	0	0	3
Service of summons, copy and affidavit, -	0	2	0

CAP. XXIV.

An Act in addition to Chapter 113, of Title XXX, of the Revised Statutes, "Of Judgments, Executions, and Proceedings thereon."

How Registry of Memorial of Judgment to be cancelled, when judgment set aside.

Passed 6th April 1858.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That when any judgment of the Supreme Court, of which a memorial shall have been registered, shall be set aside, annulled or altered by any rule or order of the said Court, a copy of the said rule or order, certified under the hand of the Clerk of the Pleas, whose signature shall be proved by affidavit, to be made by any person who shall have seen him sign the same, before any Judge of the said Court or Commissioner for taking affidavits in the said Court, shall be registered in the same office where the memorial shall have been registered, and the Registrar shall in the margin of the entry of memorial make a memorandum referring to the book and page wherein the said rule or order may be registered, and the memorial shall have no other or greater effect as a charge on the lands than is allowed by such rule or order.

CAP. XXV.

An Act relating to Dower.

Section.

1. Dower and arrears assignable.
2. Order for view, and return of Viewers as Jurors.
3. Interlocutory judgment and proceedings on non-appearance.

Section.

4. Equity of dower to inure in a certain case.
5. Dower to inure where husband shall have had right of entry. &c.
6. Act not to extend to suits now pending.
7. Execution as in Action of Ejectment.