

CAP. XXX.

An Act in further amendment of the Law.

Section.

1. Bail may render principal to County Gaol any time before return of process.
2. Sheriff may take new bail.

Section.

3. Sheriff of Saint John may reside within three miles of the Court House

Passed 9th April 1860.

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

1. That any person being bail to any Sheriff for the appearance of any person arrested under any mesne process issued out of any Court, may at any time before the return of such process, render the principal to the gaol of the County in which such process was executed, as provided in Sections thirteen, fourteen and fifteen of the Act of Assembly twelfth Victoria, Chapter thirty nine, intituled *An Act to consolidate and amend various Acts of Assembly relating to the further amendment of the Law.*

2. The Sheriff, upon such render being made, may take new bail for the appearance of such person as if no previous bond had been entered into.

3. That the Sheriff of the City and County of Saint John may be permitted to reside within three miles of the Court House in the said City and County.

CAP. XXXI.

An Act to amend the Law relating to Guarantees, Bills of Exchange, and Promissory Notes.

Section.

1. Written guarantee not avoidable because consideration not stated in writing.
2. Effect of change in constitution of a Firm.

Section.

3. Judge may order loss of a negotiable instrument not to be set up.

Passed 9th April 1860.

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

1. No special promise to be made by any person after the passing of this Act to answer for the debt, default or miscarriage of another person, being in writing and signed by the party to be charged therewith, or some person by him thereunto lawfully authorized, shall be deemed invalid to support an action, suit, or other proceeding, to charge the person by whom such promise shall have been made, by reason only that

the consideration for such promise does not appear in writing, or by necessary inference from a written document.

2. No promise to answer for the debt, default, or miscarriage of another, made to a Firm consisting of two or more persons, or to a single person trading under the name of a Firm, and no promise to answer for the debt, default, or miscarriage of a Firm consisting of two or more persons, or of a single person trading under the name of a Firm, shall be binding on the person making such promise, in respect of any thing done or omitted to be done after a change shall have taken place in the constitution of the Firm, by the increase or diminution of the members thereof, unless the intention of the parties that such promise shall continue to be binding notwithstanding such change, shall appear either by express stipulation, or by necessary implication from the nature of the Firm or otherwise.

3. In case of any action founded upon a Bill of Exchange or other negotiable instrument, it shall be lawful for the Court or a Judge to order that the loss of such instrument shall not be set up, provided an indemnity is given to the satisfaction of the Court or Judge, or the Clerk of the Pleas, against the claims of any other person upon such negotiable instrument.

CAP. XXXII.

An Act relating to procedure in Criminal Cases.

Section.

1. In certain cases, Court or Judge in vacation may issue warrant to compel attendance of witnesses.
2. Sheriff's fees for service.
3. Peremptory challenge of Jurors on part of Crown.

Section.

4. Supposed interest not to disqualify Freemen, &c. of Saint John, as Jurors.
5. Private prosecutor's name to be endorsed on Indictment.

Passed 9th April 1860.

WHEREAS inconvenience arises in the administration of Criminal Law, from the want of a power in the Judges of the Supreme Court to compel the attendance of Witnesses at a Criminal Trial;—

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

1. If in any criminal case cognizable at the Sittings for the County of York, or in any Circuit Court or Court of Oyer and Terminer or Gaol Delivery in any part of this Province,