

Statutes, pay into the hands of the constable arresting him the amount sworn and costs endorsed, together with the constable's fees.

2. The constable executing such *capias* shall, on receiving such deposit, forthwith make return to the Justice who issued the *capias*, and shall pay over the said deposit and costs to the Justice who issued the *capias*, and shall be dealt with in all respects in the same manner as a deposit made with a Justice under said Title xxxvii, Chapter 137.

3. If judgment should be recovered by the plaintiff, the amount of such deposit shall be applied to the payment thereof, and the surplus, if any, shall be returned to the defendant on demand; nothing herein contained shall be construed to prevent the defendant from defending the said action.

4. Every Justice of the Peace issuing a *capias* shall, before delivering the same to a constable, endorse the amount of the Justice's fees upon the said *capias*.

CAP. XVI.

An Act relating to Municipalities.

Section.

1. Power of Council.

Section.

2. Coroners eligible to be elected Councillors.

Passed 8th June, 1865.

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

1. That the Council of any Municipality shall have power to make bye laws regulating the mode, manner and form of making out Accounts and claims against the same for any matter or thing upon which said Municipality may be liable to pay any sum of money for any purpose provided for by the Laws relating to Municipalities now or hereafter to be made, or by any Law of this Province, and to declare the time at which the said Accounts shall be filed with the Auditor, and to direct that the said Accounts or claims shall not be received for Audit unless such form is complied with.

2. Nothing in any Act of this Province relating to Municipalities shall be construed to prevent Coroners from being elected Councillors.