

Justices to issue Summons for the attendance of witnesses, if they live at the distance of five miles from where the Court is held.

I. *Be it enacted by the Governor, Council and Assembly, and by the authority of the same it is enacted,* That when it is found necessary to summon any person or persons as witness or witnesses to attend and give evidence in any trial, whose place of residence shall be five miles or upwards from the place where the Court at which such trial is to be had, or held, it shall and may be lawful for the Justices in the several Counties, to issue a summons for such person or persons to attend as a witness or witnesses at the trial of the said causes, which summons shall be in form following :

You A. B. are summoned personally to be and appear before _____ at _____ on the _____ day of _____ next, then and there to give evidence in a cause depending in said Court between A. B. plaintiff, and C. D. defendant, and not to depart without leave of said Court, and in this you are not to fail, under penalty of being found guilty of a contempt of said Court. Witness _____ one of His Majesty's Justices of the Peace for the County of _____ this _____ day of _____ A. D.

Person summoned as witness on any trial, refusing to attend or give evidence, &c.

Penalty for the same.

No persons shall be obliged to give evidence without their reasonable charges allowed.

II. *And be it also enacted,* That when any person or persons shall be summoned to give evidence upon the trial of any issue between party and party, or in behalf or against any prisoner upon trial, and such person or persons so summoned shall refuse or neglect to give his or her attendance at the time and place mentioned in such summons, (not having any just or reasonable cause therefor to be allowed of by the Court, or Justice or Justices, before whom the trial shall be,) or wilfully withdraw himself or herself before sworn, or shall refuse to give his or her evidence, in every such case, the party so offending shall be liable to such pains and penalties as such person or persons would have been liable to, if he or they had acted in contempt of a subpoena, issued out of the Court at which such person or persons attendance was so required.

III. *Provided always,* That no person shall be obliged to give evidence in any cause, before he or she be paid, or secured to be paid his or her reasonable charges for attendance, to be allowed of and ordered by the Court, Justice or Justices.

-CAP. III.

An ACT for Establishing an Inferior Court of Common Pleas and a Court of General Sessions of the Peace in the Township of Manchester, in the District formerly called Chedabucto.

This Act altered by 37th Geo. 3d. cap. 5.

CAP. IV.

An ACT in amendment of, and further addition to, an Act made in the Thirty-Second year of His late Majesty's Reign, entitled, an Act for preventing Trespases.

Preamble,

WHEREAS the expence attending the process in suing out replevins in the Courts of Law, in cases of trespases, by horses, neat cattle, sheep, goats and swine, where the value of the damage does not exceed three pounds, is found to be grievous :

Mode of obtaining redress for damage done by cattle, where it does not exceed 3l.

I. *Be it enacted, by the Governor, Council and Assembly,* That in all cases where a trespass or supposed trespass shall have been committed by horses, neat cattle, sheep, goats or swine, and that the value of the damage alledged to be suffered, shall not exceed the sum of three pounds, the same shall be heard and tried before one or more Justices of the Peace, who shall summon the parties before him or them, and proceed thereon, as in cases of debt, to determine the amount of the damages and cost, and give judgment accordingly, any law, usage or custom, to the contrary notwithstanding.

II.

II. *And be it also enacted*, That in all such cafes where it may be neceffary, the Juftices of the Peace fhall grant a replevin, and take fecurity for profecuting the fame with effect, within a term not exceeding feven days, which replevin fhall be in form following :

Justices may grant replevin upon receiving fecurity to profecute.

" You are hereby commanded to replevy to A. B. his which C. C. unjuftly, as is alledged, detains under pretence of having committed a trefpafs not exceeding the fum of three pounds ; and alfo to fummon the faid C. C. to be and appear before me the day of at o'Clock in the there to answer fuch things as fhall be objected againft him by the faid A. B. Witnefs my hand and feal this day of A. D. "

Form of Replevin.

And fhall hear the merits of the cafe between the parties, and fhall give judgment and grant execution as in fummary cafes heretofore tried before a fingle Juftice, and fhall receive no more or greater fees than Juftices of the Peace have been heretofore allowed in fummary cafes.

Decision of the Juftices.

CAP. V.

An ACT to afcertain the Number of Representatives to be elected to ferve in General Affembly for the feveral Counties and Townfhips therein mentioned.

For Acts in amendment or addition to this Act, fee note on 5th Geo. 3d. cap. 10.

WHEREAS from the acceffion of fettlers and inhabitants in this Province, it is expedient that the number of Counties and Townfhips therein be increafed, and that the freeholders thereof be authorized to elect representatives to ferve in General Affembly :

Preamble.

I. *Be it enacted*, by the Governor, Council and Affembly, That the freeholders of the feveral Counties and Townfhips herein after named, fhall have the privilege of electing in manner and form as heretofore hath been accuftomed, Representatives, to ferve in General Affembly, that is to fay, for the County of Shelburne, fittuate on the western boundary of Queen's County, two Members ; for the County of Sydney, fittuate on the eastern boundary of the County of Halifax, two Members ; for the Townfhip of Shelburne, fittuate on the harbour called Port Roseway, one Member ; for the Townfhip of Digby, in the County of Annapolis, fittuate on the bafon of Annapolis, formerly called Conway, one Member.

Shelburne, Sydney and Digby, privileged to fend Representatives.

II. *Provided*, That nothing in this Act contained fhall be of any force or effect until His Majefty's pleafure therein fhall be known.

CAP. VI.

An ACT to prevent the Destroying of Buoys, Beacons or Sea Marks, which fhall be fet or placed by Authority, in any Harbour River, Creek, or Bay, within this Province.

Acts to fecure navigation, 33d Geo. 3d. cap. 3. and 4th Geo. 3d. temporary Act.

WHEREAS the destroying of buoys, beacons, and fea marks, fet or placed by authority in any harbour, river, creek or bay, for the fafe navigation of fhips and veffels may prove of dangerous confequence to the lives and properties of perfons navigating therein :

Preamble.

I. *Be it enacted*, by the Governor, Council and Affembly, That any perfon or perfons who fhall take away, cut down, or destroy, or aid or affift in taking, cutting down or destroying, in any manner whatever, fuch buoys, beacons or fea marks, which are placed, or fhall be placed or fet by order or direction of the Governor, Lieutenant Governor, or Commander in Chief of the Province, or any other perfon, having authority fo to do, in any harbour, creek or bay,

Any perfon taking or destroying Buoys placed by authority, to be made to pay fool.