

them to the Attornies who issued the same. That they attend the Court every Term, (e) by themselves or their under-Sheriffs, and that they appoint Deputies, respectively, who shall always reside in the district in which the Court sits, and as near as convenient to the Court House; (f) who shall always attend the Court in the absence of the High Sheriff: and that all Writs, Rules, and Orders delivered to such Deputy, shall be of like effect as if served upon the High Sheriff.

Dockets and Fees.

4th. That every Attorney of this Court enter the return, and file the Writ or Process, in all actions which have not been agreed, and in which they intend to proceed; and shall make a docket of all such returns and rules, and on the last day of the term (g) shall deliver the same to the Clerk of the Court; and shall pay to the Clerk his own fees, as well as those of the Judges and Crier, in such actions. (h)

Spécial Bail.

5th. That there be allowed *twenty* days (i) to all Defendants to put in Special Bail; and the like number to all Plaintiffs to except against such Bail, from the time of due notice of Bail put in.

Declarations.

6th. That all Attornies file their Declarations on or before the last day of the Term next ensuing the return and filing the Writ, or be *non prossed*. (k)

(e) In *Scott v. Clarke*, Chipman's MS. 114, it was held that a Sheriff coming to Fredericton in Term was privileged from arrest, and that it would be intended his coming was on the business of the Courts, without enquiring into the particular cause. This part of the Rule is now never acted upon in practice.

(f) The Act, 9 Vict., c. 26, s. 4, requires that where the Sheriff resides out of the Shire Town of the County, he shall not only keep a Deputy Sheriff resident in the Shire Town, but also an office, as near as conveniently may be to the Court House, which office is to be kept open for the transaction of business at all reasonable times. See also 6 W. 4, c. 1, s. 10, regulating the appointment of Deputy Sheriffs.

(g) By Rule 2, Hilary T., 7 W. 4, the time for filing the Docket is extended to 30 days after the last return day of the Term.

(h) See also Rule of Hilary T., 50 Geo. 3, and Rule 2, Hilary T., 60 Geo. 3, to the same effect.

(i) The time for putting in Bail is extended to 30 days by Rule Mich. T. 59 Geo. 3. See also Rules of Hilary T., 2 W. 4, and Mich. T., 5 W. 4. The same time is allowed for putting in Bail in summary actions, by the Act 1 Vict., c. 13, s. 2.

(k) See Rule 5, Hilary T., 6 W. 4., requiring demand of declaration, &c., 10 days before signing Judgment. If two Writs for the same cause of action are simultaneously issued to different Counties, on both of which the Defendant is arrested and enters bail, and is afterwards informed that there is but one cause of action, and only one declaration is filed, he cannot sign Judgment of non-pros on the other. He should apply to the Court for relief.—*Johnston v. Bransfield*, Bert. R. 78. A judgment of non-pros will not be set aside for irregularity on a summary motion, where there has been unreasonable delay in making the application. *Ludden v. Rogers*, 2 Kerr, 326. A delay of ten months, not satisfactorily accounted for, after knowledge of the judgment, is too great.—*Lonchester v. Murray*, *ibid* 334.