

Taking depositions, &c.

4. Any affidavit or deposition under oath required in civil matters in any cause, action or process before the said Recorder's Court or to be submitted to the said Court, may be made before the said clerk or his deputy; and if any oath taken in pursuance of this provision be false to the knowledge of the party taking such oath, such party shall be punished in accordance with the law against perjury.

Prosecutor denying any exemption, &c.

57. If in a complaint or summons made for an offence within the jurisdiction of the said Recorder's Court, the prosecutor negatives any exemption, exception, proviso or condition in the statute or by-law on which such complaint or summons is founded, it shall not be necessary for the prosecutor to prove such negative; but the defendant must prove that his case is covered by or falls within the scope of such exemption, exception, proviso or condition, in his defence, if he would take advantage of the same.

Sect. 38 amended.

58. Subsection thirteen of section thirty-eight of the Act twenty-ninth Victoria, chapter fifty-seven, above cited, is repealed, and the following substituted:

Powers as to incidental proceedings.

"13. The said Recorder's Court and the said Recorder, with respect to all civil actions, matters and proceedings within the jurisdiction of the said Court, shall as regards actions *en garantie*, incidental demands or demands in intervention, or any exception, defence or incident whatsoever during the suit, and as regards opposition under any form whatsoever to the execution of a judgment of the said Court, and other matters and things relating to the said judgment, have all and every the powers and authority which would be enjoyed in such cases by the Superior or Circuit Court of Lower Canada, and the judges of the said Courts, if such actions, matters or proceedings had been instituted or brought before the said Superior or Circuit Court instead of before the said Recorder's Court."

Tariff of fees may be made.

59. The said Recorder's Court shall have power to make a tariff of the costs and fees to be demanded and levied by the Clerk, the Bailiffs and other officers of the said Court, and may repeal, alter and amend such tariff; but the said tariff and the amendments thereto shall not be binding until the same shall have been approved by the Governor in Council.

Subject to approval of Governor in Council.

Execution against prosecutor or informer for non-payment of costs, in certain cases where the suit is dismissed.

60. In all cases where an action for the recovery of a fine or penalty shall be instituted before the said Recorder's Court, at the instance of the said Corporation, on the information of any person whomsoever, or in the name of any such person, if the action is dismissed, the said Court may at its discretion condemn the said person to pay the costs and charges incurred by the adverse party in such action, and in default of payment, may direct the levying of such costs by a writ of seizure and execution against goods and chattels as in civil matters.