

same is hereby repealed; and that it shall be lawful for anytwo of His Majesty's Justices of the Peace, upon application of any infirm and indigent person, to remit the whole or such part of the labour as is required to be performed by such infirm and indigent person, as they in their discretion may think just and proper.

Two Justices may remit the labour of the indigent and infirm.

II. And be it enacted, That the notices to be given by the surveyors in their respective districts, as required by the twentieth section of the above recited Act, shall be given at least six days previous to the commencement of the work, either by personally notifying the inhabitants respectively liable to work or by leaving a written or printed notice at the last place of residence of the person or persons intended to be notified, or by publishing in one of the most public places in each district the names of the persons in the district liable to work, in manner pointed out in the said twentieth section of the herein before recited Act.

Six days' notice to be given by surveyors to persons liable to work.

III. And be it enacted, That it shall be the duty of the respective Surveyors on or before the tenth day of September in each and every year, to make and deliver to the commissioner or commissioners respectively correct returns of the statute labour performed in their respective districts, which returns shall contain the names of all persons liable to perform statute labour within their respective districts, with the number of days' work performed by each person, and also the number of days for which any person may be delinquent.

Surveyors to make returns to the Commissioners by 10th September.

IV. And whereas doubts have arisen whether in all cases where Jurors are required to serve under the provisions of the above recited Act, there be sufficient authority therein to authorise the administration of the usual oaths; Be it therefore enacted, That in all cases where the services of Jurors are required by authority of the Act aforesaid, such Jurors shall be duly sworn in the usual manner, which oaths any one of His Majesty's Justices issuing the warrant for the summoning of the said Jurors, is hereby authorised and required to administer; and the said Justices or either of them are also hereby empowered and required, at the instance of either party, to call before the said Jurors at the time and place appointed, such witnesses as may be required to give evidence in and respecting all cases of damage or other matters that are by the above recited Act required to be decided and determined by the verdict of such Jurors; which witnesses shall be subpoenaed under the hand of any one of the said Justices, and sworn before either of the said Justices in the usual manner, and for refusal or neglect to attend and give evidence when so required, shall be subject to such damages as persons neglecting or refusing to attend and give evidence when duly summoned are made subject and liable to by an Act made and passed in the fourth year of His present Majesty's reign, intituled *An Act to regulate proceedings before Justices of the Peace in civil suits*; and all expenses attending the summoning, swearing and attendance of such witnesses, shall be estimated by the said Jurors, and paid by such party and in such manner as the said Jurors may determine and assess.

Justices authorised to swear jurors and summon and swear witnesses.

4 W. 4, c. 45.

V. And be it enacted, That in all cases where a Jury is summoned for any of the purposes provided by this Act or of the Act of which this Act is in amendment, the Justices issuing the warrant for the summoning of such Jury, or one of them, are hereby required to attend and preside at such inquest or examination.

Justices summoning jury to preside at the inquest.

VI. And be it enacted, That in all prosecutions instituted against delinquents for the recovery of fines under any of the provisions of the said recited Act, it shall and may be lawful for the Magistrate before whom any prosecution shall be instituted, on application by the commissioner or commissioners suing for such fine, and upon oath made by such commissioner or commissioners, or the surveyor or other person, of the offence or delinquency committed, to issue a

Justice may issue a *capias* for the recovery of fines upon application of a commissioner.

*capias*