

neared : Provided always, that no Bailiff or Sergeant of Militia, by whom any service shall be made upon one and the same Defendant, shall be entitled to travelling expenses, on more than one journey, though he may have more than one summons or process to serve ; and that he shall be allowed 5 *four pence* for each mile of the distance from his residence to the place of service, and *one shilling* for the service itself and no more ; And provided also, that if any Plaintiff who, having given more than one summons or process to one Bailiff or Sergeant of Militia to be by him served, shall compound with him for a less sum than that to which he would be entitled, 10 or if any Bailiff or Sergeant of Militia shall consent to any such composition, and such Plaintiff, or such Bailiff or Sergeant of Militia, shall afterwards receive from any person or persons, under colour of receiving the costs on the service of such summons or process, a greater sum than that so compounded for, he shall be deemed to have obtained the same under 15 false pretences, with intent to defraud the party from whom he shall have received it, and shall be liable to punishment accordingly.

XXXI. Provided always, that when the sum or the value of the thing for which judgment shall be rendered in any County Court shall not exceed currency, the costs and expenses (exclusive of travelling expenses) 20 which shall be adjudged against the defendant may be reduced and restrained by order of the Court to the principal sum or the value of the thing for which judgment shall be given, in case it shall appear just to the Court to make such order; any thing herein contained to the contrary notwithstanding.

Proviso in case of costs exceeding amount of judgment.

XXXII. Provided always, that every Commissioner, before proceeding 25 to exercise his functions as such, shall take and subscribe on oath before some Justice of the Peace, well and duly, to the best of his judgment and capacity, to perform the duty of Commissioner as required by this Act, of which oath such Justice of the Peace shall give a copy and certificate to the Commissioner having taken it, who shall cause the same to be annexed 30 to the register of the Court for which he shall be appointed, and the Clerk of any such Court shall in like manner, before entering upon the duties of his office, make oath before a Commissioner appointed therefor, faithfully and impartially to execute, to the best of his ability, the duties of his office according to the provisions of this Act: and such oath shall be 35 entered upon the register aforesaid.

Commissioners to be duly sworn.

XXXIII. Any Commissioner or any Clerk, who in the execution of the trust reposed in him shall misdemean himself, or deliver to any Bailiff or Sergeant of Militia or other person, any process to be by him or them distributed, sold, or otherwise illegally disposed of, shall for each such offence 40 incur a penalty of currency, and shall be thenceforth disabled from acting as Commissioner or Clerk as aforesaid.

In case of misconduct of Commissioners or Clerk.

XXXIV. All pecuniary penalties hereby imposed or incurred for offences committed against this Act, may be sued on and recovered before any Court having civil jurisdiction to the amount of the fine or penalty, in the 45 District in which the offence shall have been committed ; and one moiety of such penalty shall go to the person suing for the same, and the other moiety shall be paid into the hands of the Receiver General, and shall form part of the Consolidated Revenue Fund of this Province.

Penalties incurred under this Act how to be recovered.

XXXV. Each Commissioner appointed under this Act, shall be entitled 50 to receive a printed copy thereof, in the French and English languages, to be transmitted to him in the manner by law provided for the distribution of the printed Acts of the Legislature.

Commissioners to receive copies of statutes.