

V. *And be it further enacted,* That if, by reason of just excuses to be allowed of by the Court, a sufficient number of persons so summoned as aforesaid, either as Grand or Petit Jurors should not be likely to attend in any particular term, sessions or year, it shall be in the discretion of the Court to return the names of the persons so excused, or of such of them as the Court shall think fit, into the box, as though they had not been drawn, and to draw others in their stead, who shall be forthwith summoned by the Sheriff, and be subject to all the consequences of non-attendance as before provided. And in every case where a full Jury for the trial of any cause shall not appear, or appearing shall, by challenge of either of the parties, otherwise prove deficient, a *Tales de Circumstantibus* shall be awarded, and immediately returned in manner as has been heretofore practised.

In case of default of Jurors others to be drawn in their stead.

VI. *And be it further enacted,* That it shall and may be lawful for His Majesty's Supreme Court, upon motion made on behalf of any party, in any cause, civil or criminal, to order a special Jury to be struck before the Prothonotary from the list in his office, according to the course of the common law, for which he shall be entitled to a fee of five shillings: and the Jury so struck, shall be the Jury to be summoned and returned for the trial of such cause.

Special Jurors to be struck before the Prothonotary from the list in his office.

VII. *And be it further enacted,* That where, in the Supreme Court, or in any of the Inferior Courts of Common Pleas, a view shall be allowed in any cause, six or more of the Jurors to be mutually consented to by the parties or their agents, or if they cannot agree, to be named by the Court, together with two persons to be in like manner appointed to shew them the matters in question, shall have the same; and the said viewers, or such of them, as appear, shall be first sworn upon the Jury, to try the cause, in which it shall have been allowed: And in case a view shall either not have been had at all, or not had by the number appointed, yet the trial shall proceed, and no objection be received on either side, on account thereof.

Where a view is allowed six of the Jurors to have the same.

### CAP. III.

An ACT in addition to, and in amendment of, an Act, passed in the Sixth year of His present Majesty's reign, entitled, an Act for regulating the Times and Places of holding the several Courts of Justice therein named.

**W**HEREAS it will greatly conduce to the speedy determination of suits in His Majesty's Supreme Court, and in the Inferior Court of Common Pleas at Halifax, to increase the number of Terms for the sitting of the said Courts, and to add to the number of days for the return of writs therein:

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the said Supreme Court, (in addition to the terms now by law to be holden) shall hereafter be held annually on the second Tuesday of January in every year; and shall continue to sit for any period not exceeding fourteen days.

Supreme Court to hold an additional term at Halifax, on the second Tuesday January annually

II. *And be it further enacted, by the authority aforesaid,* That the Grand and Petit Jurors bound by law, to attend the setting of the said Court, shall not be bound to attend the said Supreme Court on the second Tuesday of January annually, or at any time during the continuance of that term, unless such Jurors shall be specially summoned to attend the same by the Sheriff of the said county, in consequence of an order from some one of the Judges of the said Court.

Attendance of Jurors in January, dispensed with, unless specially ordered to attend.

III. *And be it further enacted, by the authority aforesaid,* That from and after the publication hereof the Court of Common Pleas for the said county of Halifax, shall be holden on the first Tuesdays of March, June, September and December, in every year, to sit for any period, not exceeding fourteen days, and that the Justices of the said Courts respectively, shall and may appoint such, and so many days during the sittings of the said Courts for the returns

Time of holding Court of Common Pleas, for the County of Halifax established, and power given to Courts to appoint return days.

returns of writs and process, as to them, or the majority of them, shall seem proper and convenient.

*And where it will be convenient so to order the first sitting of the Inferior Court of Common Pleas, and General Sessions of the Peace, for the county of Cumberland, that those Courts may have the benefit of the same Juries summoned to attend the Supreme Court for that county:*

Time of holding Court of Common Pleas for the County of Cumberland.

IV. *Be it further enacted, by the authority aforesaid, That from and after the passing of this Act, the said Courts shall hold their first sittings in every year, upon the day next after the meeting of the Supreme Court, and that the Grand and Petit Juries returned for the said last mentioned Court, shall respectively serve at the said Inferior Court, and General Sessions of the Peace, in like manner as if they had been summoned for the same.*

#### CAP. IV.

For Acts in addition to this Act, see note on 3d. Geo. 4d. cap. 24.

An ACT in addition to, and in amendment of, an Act, entitled, an Act for the limitation of Actions, and for avoiding Suits of Law.

Preamble.

**W**HEREAS *in negligent and involuntary trespasses it frequently happens, that actions are commenced before the party, committing the trespass, has an opportunity of tendering satisfaction, agreeable to the Act of Assembly, of which this is in amendment :*

Notice allowed in actions of trespass.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly, That in all actions of trespass, quare clausum fregit, wherein the title of lands is not chiefly in question, hereafter to be prosecuted, the plaintiff shall, at least seven days previous to the issuing of process, serve the defendant with a notice in writing, to be left at the defendant's house, or place of abode, of his intention to commence such suit, unless the defendant shall, within that time, render reasonable satisfaction for the injury committed, and if, on the trial of any such actions, the plaintiff shall not prove due notice to have been given as aforesaid, he shall recover no more costs than damages; any law, usage or custom, to the contrary notwithstanding.*

#### CAP. V.

An ACT to alter and establish the Place, where the Courts of Justice for the Townships of Yarmouth and Argyle, shall in future be held.

Preamble.

Courts of Justice for the townships of Yarmouth and Argyle, to be held at Tusket Village.

**W**HEREAS *the place where the Courts of Justice for the townships of Yarmouth and Argyle, are now held, is found inconvenient to the inhabitants of both townships; for remedy whereof:*

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof the Courts of Justice for the said townships, shall be held at the Tusket Village, on the eastern side of the Tusket river, and at no other place within the said township.*