

the persons drawn to serve as Jurors, pursuant to the order of the Court, and shall deliver such list, so certified, to the Sheriff of the County, or Coroner, as the case may require, who shall proceed to summon the said Jurors in the usual manner.

V. And be it further enacted, That if it shall be made to appear to the said Court that the said Clerk is interested in the cause, related to either of the parties, or not indifferent between them, the said Court shall nominate and appoint two fit and proper persons to strike said Jury, who shall have the same power, and shall conduct the striking of the said Jury in the same manner as is herein pointed out for the said Clerk.

If the Clerk of the Peace be interested or related to either of the parties, the Court to appoint two fit persons.

VI. And be it enacted, That so much of the sixth section of an Act made and passed in the twenty sixth year of the Reign of His Majesty King George the Third, intituled *An Act for regulating Juries and declaring the qualification of Jurors*, as relates to the manner of striking Special Jurors, shall be and is hereby repealed.

26 G. 3, c. 6, s. 6, in part repealed.

CAP. XVI.

An Act to provide for the better payment of Petit Jurors attending the several Courts of Record in this Province.

Passed 30th March 1848.

WHEREAS by the Laws now in force, no adequate allowance is made for the services of Jurors, and it being deemed just, reasonable and expedient that Petit Jurors should receive compensation for their services in all Civil Actions;

Preamble. 18 1/2 by 11/100 cap 22

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That when any issue joined in any civil action brought in any Court of Record in this Province, shall be for trial before a Jury, the names of the parties therein shall on the first day of the Sittings of the Court at which the trial is to take place, be entered on a Trial Docket, and at such hour as the Court may after the opening thereof direct, unless the Court for some special and reasonable ground of excuse, to be shown by Affidavit, shall order and allow the same to be entered on such Trial Docket at a subsequent hour or day.

Civil actions for trial before a Jury in Courts of Record to be entered on a Trial Docket at the time appointed by the Court.

II. And be it enacted, That on the entry of any such cause as aforesaid, the party entering the same shall deposit in the hands of the Clerk with whom such entry is made, the sum of thirty shillings when the cause is not summary, and the sum of fifteen shillings when the cause is summary, to be applied towards a fund for the payment of Petit Jurors attending such Court, as hereinafter provided, which deposit shall be in lieu of all other fees heretofore allowed to Jurors, and shall be costs in the cause.

A deposit of 30s. in cases not summary, and 15s. in summary cases, to be made, to form a Jury Fee Fund.

III. And be it enacted, That when the Jury summoned for and in attendance at such Court shall have been discharged from further attendance, the Court shall divide such fund among the Jurors who may have attended such Court, having regard to the number of days each Juror has attended, and distance of his travel from place of residence, allowing in such division twenty miles travel to Court as equal to one day's attendance, and so on in like proportion; provided that no greater amount than four shillings shall be allowed to any Juror for any one day's attendance; and provided also, that when the Jury may have been discharged from further attendance before all the causes so entered for trial may have been tried or otherwise disposed of, such Court may divide any portion of such fund as may be thought reasonable among the said Jurors, leaving the residue of the fund to be in like manner afterwards divided among the Jurors who may be summoned

Fund to be divided among the Jurors according to time and distance of travel.

Allowance not to exceed 4s. per day.

If all the causes be not tried, the Court may divide a portion of the fund.

Not to extend to
Special Jurors.

summoned to attend for the trial of the remaining causes on said Trial Docket; and provided also, that nothing in this Act contained shall extend or be construed to extend to Special Jurors.

Construction of the
word "Court."

IV. And be it enacted, That in the construction of this Act, except there be something in the subject or context inconsistent with or repugnant to such construction, the word "Court" shall extend to and mean the Supreme Court of Judicature, any Assizes or Sittings for the trial of causes brought to issue in the said Supreme Court, any Inferior Court of Common Pleas in this Province, and the Mayor's Court in and for the City and County of Saint John.

Limitation.

V. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty one, and no longer.

CAP. XVII.

An Act to amend the Law relating to the Registry of Deeds and other Instruments.

Passed 30th March 1848.

Preamble.

‘ WHEREAS it frequently happens that a last Will and Testament relating to Lands situate in several Counties is proved before the Surrogate of some County, and filed in the office of the Register of Probates before the devisees or others interested in the said Will can have any opportunity of having the original Will registered in the office or offices of the Register of Deeds of the County or Counties in which the lands mentioned or devised in and by such Will may be situate, by reason whereof the devisees or others interested are unable to have such Will duly proved and registered agreeably to the provisions and for the purposes mentioned in the Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the Registry of Deeds and other Instruments*; for remedy whereof, it is considered desirable to provide for the registry of a certified copy of such Will;’

10 V. c. 42.

Certified copy of a Will filed with the Surrogate, and on which Letters Testamentary or of Administration *cum testamento anexo* may have issued, may be registered.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any case where any such Will may have been proved before the Surrogate of any County, and Letters Testamentary or of Administration *cum testamento anexo* may by such Surrogate have been granted, and the original Will filed with the Register of Probates, a copy of such Will, certified under the hand of such Register of Probates as being a true copy of the Will proved before the Surrogate, and filed in his office, may be registered in the office of the Register of Deeds in any County in this Province, without further proof than the production of such certificate; which Registry shall have the like force and effect in all respects the same as if the original Will had been duly proved and registered in the County where such copy is so registered, agreeably to the directions of the said recited Act.

Proof of Deeds by Corporations to be by subscribing witness proving the Seal.

II. ‘ And whereas doubts have arisen as to the proper mode of taking the proof of Deeds made by a Corporation for the purpose of Registry, and it is desirable to declare the Law in this respect;’ Be it therefore declared and enacted, That the proof of any such Deed, for the purpose of Registry, may be by the subscribing witness proving before the like authorities as in other cases provided for in said recited Act, that the Seal thereto affixed is the Seal of the said Corporation; a certificate of which proof shall be endorsed on such Deed, as in other cases.