

Part of the 9th Section
of the Ordinance of the
25th Geo. III. cap. 2,
repealed.

XXXI. And be it further enacted by the authority aforesaid, that the part of the ninth section of the Ordinance of the 25th year of the reign of His late Majesty Geo. III. cap. 2, which enacts, "That the agreement of nine of the twelve Jurors who shall compose a Jury, shall be sufficient and effectual to return a verdict; and that the same so made and returned shall be held as legal and effectual to every intent and purpose, inasmuch as if the whole twelve Jurors had agreed thereon," shall be and the same is hereby repealed, and that from and after the passing of this Act no verdict shall be returned into Court unless it be unanimous.

Verdict to be unanimous

Witnesses may be examined, and evidence taken, during or out of Term.

XXXII. And be it further enacted by the authority aforesaid, that in all cases which shall require the taking of evidence in the causes brought in the said superior Civil Court, the said Courts may order that the evidence be taken and the witnesses examined, and their depositions reduced to writing, in presence of one of the Judges of the said respective Courts, either during the time appointed for holding the sittings and terms hereby established, or in the intervals between the said days of sitting or of terms, any law, usage or custom to the contrary notwithstanding.

Commissioners appointed to examine witnesses, &c.

XXXIII. And be it further enacted by the authority aforesaid, that the said Judges of the Civil Superior Courts in the sitting days hereby fixed, may also appoint in each of the Circles (*arrondissement*) hereby established for the holding of the Circuit Courts,

Commissioners, who, or any one of whom, may proceed when and as often as they shall be thereunto required, to take evidence, and proceed to the examination of witnesses, and to reduce their depositions to writing, either upon interrogatories in writing, or *vis à voce*, in the manner which may be ordered by the Judges in the causes brought before them, in which the taking of evidence may be required.

No proof to be made upon interrogatories in writing without the consent of the parties.

XXXIV. Provided always, and be it further enacted by the authority aforesaid, that the Judges of the said Civil Courts shall not, in any case, order that proof be made upon interrogatories in writing, unless with consent of the parties, or in cases in which it is already by Law prescribed, that such proof shall be made, by means of interrogatories in writing.

Commissioners may administer oaths in certain cases.

XXXV. And be it further enacted by the authority aforesaid, that in all cases in which there may be occasion for the nomination of Ar-