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5 enquiring of hearing and determining of any Crime or Misdemeanor, or any Suit or Complaint of a Civil nature.

And be it further Enacted, That where the cause of Action shall exceed the sum of forty Shillings, and it shall be prayed by the Plaintiff or Defendant in such Suit or Complaint that a Jury may be summoned to try such Action, it shall be lawful for the said Chief Justice and Surrogates respectively, and he and they are hereby respectively required to cause twenty-four Persons to be summoned, of whom twelve shall be a Jury for the trial of such Action, and to proceed therein according to Law: Provided always, that if a number of Jurors sufficient for the trial of such Action, having been duly summoned, shall not appear to be sworn, it shall and may be lawful for the Governor of the said Island to nominate and appoint two proper Persons to be Assessors to the said Chief Justice, and for each Surrogate in his Court in like manner to nominate and appoint two proper Persons to be his Assessors, which Assessors, together with the said Chief Justice or Surrogates respectively, shall proceed to the trial of such Action in like manner as if such Jury had not been prayed.

For summoning Jurors.

6 And be it further Enacted, That upon any Decree or Judgment given in a Surrogate Court, for any sum exceeding forty Pounds, it shall be lawful for the Party against whom such Decree or Judgment shall be given to appeal therefrom to the Supreme Court, having first given notice of such intention, and having entered into a security to the Surrogate in double the sum for which such Judgment or Decree was given or made, within two days after making or giving such Judgment or Decree, for duly prosecuting such Appeal; and upon any Decree or Judgment given in the Supreme Court for any sum exceeding one hundred Pounds, it shall be lawful for the Party against whom such Decree or Judgment shall be given or made to appeal therefrom to His Majesty in Council, having first given notice of such intention, and having entered into security, to be approved by the Chief Justice, in double the sum for which such Judgment or Decree was given or made within two days after the giving or making of such Judgment or Decree, for duly prosecuting such Appeal; and in all cases of Appeal, as soon as notice shall be given and security entered into as aforesaid, execution shall be stayed, but not otherwise.

Allowing Appeals.

7 AND whereas it will greatly contribute to the advancement of the Trade and Fishery of *Newfoundland*, if such effects as Persons becoming insolvent in the said Island of *Newfoundland* and the Islands aforesaid were possessed of or entitled unto within the said Island or in the Islands or Seas aforesaid, or on the Banks of *Newfoundland*, should be divided among their Creditors with more equality than hath hitherto been practised; BE it further Enacted, That as often as the Goods Debts and Credits of any Person shall be attached, and it shall be made appear to the Court out of which the Process of Attachment hath issued, that the Goods Debts and Credits so attached are not sufficient to pay twenty Shillings in the Pound to all those who shall be Creditors by reason of Debts contracted within the Island of *Newfoundland* and on the Islands and Seas aforesaid, or on the Banks of *Newfoundland*, or in Great Britain and Ireland, it shall be lawful for such Court to summon the Party whose Goods Debts and Credits are so attached, together with the Plaintiff or Plaintiffs who have sued out any Attachment, and also such Persons who are known to be Creditors as aforesaid of the Defendant, to appear in Court at a certain day; and if upon a due examination of the Defendant and the said Creditors, it shall appear that he or she is insolvent, the Court shall declare him or her insolvent accordingly; and shall immediately proceed to take order for

When Goods attached, if it shall appear the Party is insolvent, the Court shall order his Effects to be collected and distributed.