

## SESSIONAL PAPER No. 18

I think it will be necessary to have a particular Ordinance for the Regulation of Juries —if so this Clause had better be omitted for the present, indeed I am much inclined to doubt the Principles or Propriety of it at any Time.

Enacted and ordained that in all Issues directed to be tried by a Jury in the Court of Common Pleas it shall not be necessary for the whole twelve Jurors to agree in their Verdict but the Verdict of Eight out of the twelve and not fewer agreeing and consenting thereto shall be as good valid and effectual for ascertaining any Fact or Facts directed to be tried in such Issue or Issues or for assessing such Damages as if the whole twelve Jurors had agreed and been consenting to the same.

And whereas the Governor and Commander in Chief of the Province for the time being has been used to hear and determine causes in Equity and to pronounce order and decree therein between the Parties in a Court called and known by the Name stile and title of the Court of Chancery held before himself as keeper of the public Seal of the Province the proceedings of which Court with the Delay and Expence incident to a Suit commenced therein have been very Burthensome to the parties and are ill adapted to the state and Condition of the Province— It is further Enacted and ordained by the Authority aforesaid that from and after the Publication of this Ordinance No Governor, Lieu<sup>t</sup> Governor or other keeper of the Public Seal of the Province shall hold or keep or sit as Judge in any such Court of Equity or Exercise any Powers & Authorities touching the same as belonging to or derived from the Custody of the Public Seal, but the same are hereby and by the Authority aforesaid revoked, annulled, and made void to all Intents & Purposes whatsoever.

And in place thereof and in order to retain & preserve so much of the Jurisdiction of a Court of Equity as is adequate to the purpose of attaining specific Justice & necessary thereto, it is farther enacted & ordained that in Matters of Account, Trust, Fraud, Concealment, and other Cases where any Plaintiff or Plaintiffs, or any Defendant or Defendants shall seek a Discovery of any Deed, Trust or other Matter or thing within the Knowledge of any Defendant or Defendants, Plaintiff or Plaintiffs which in all Equity and good Conscience ought to be discovered & made known to the Parties seeking such Discovery it shall and may be lawful to and for the Judges of the Court of Common Pleas as well in Quebec as Montreal to permit such Plaintiff or Plaintiffs & such Defendant or Defendants upon his, her or their Prayer for that purpose to exhibit one or more Interrogatory or Interrogatories for the purpose of procuring such Discovery and to compel the Parties from whom such Discovery is sought to answer the same upon pain of being proceeded against in the same manner as persons in Contempt for not answering or making such Discovery are usually proceeded against in any of the