

at Common Law where both claims arise out of the same circumstances—leave granted to apply to trial Judge to limit the hearing to the issues raised under the Act, *Schultz v. Lyall-Mitchell Co.*, 17 W.L.R. 103.

Generally, *Seymour v. Winnipeg Electric Ry. Co.*, 11 W.L.R. 679.

Where two causes of action one within section 49 and one not within it, and the plaintiff is not willing to waive his right to a jury trial of the first action, and he does not apply within a reasonable time after the action becomes at issue for the trial of the other cause of action by a jury, the defendant may move under rule 245 to strike out clauses setting up the latter cause of action—the motion may not be made before issue or before delivering a defence. *Coates v. Pearson*, 3 W.L.R. 1.

By the Jury Act, R.S.M. 1913, cap. 108, s. 59, a Judge in Chambers may direct a trial by special jury within 6 days after the action is at issue to try certain actions, ss. 40 (1) or (3).

In civil actions the verdict of 9 jurors is sufficient, s. 68, and see s. 69.

In cases of trial by jury each party has three challenges without cause, s. 75; if by special jury, two, s. 76.

SECTION 51.—VERDICT—COURT OR JUDGE MAY DIRECT JURY TO GIVE SPECIAL VERDICT, EXCEPT IN ACTIONS FOR LIBEL.

In an action for libel there may be a general verdict and the jury are not to be required or directed to find the defendant guilty merely upon proof of publication and of the sense ascribed to the same in the action, but the Court may direct and the jury may find a special verdict if desired, R.S.M., cap. 113, s. 13.

SECTION 65.—FEES—SALARIES—OFFICERS TO SEE FEES PAID—NO FEES TO BE CHARGED GOVERNMENT.

By the Law Fees Act, R.S.M. 1913, cap. 110, sec. 4, additional fees must be paid when documents are used for any other or further purpose than that for which the fee was paid.

Fees are taxable as costs, s. 48.

No proceedings are to be taken until fees are paid, sec. 9, and are void if fees not paid, sec. 10.

Payment of a triple fee may be allowed where default is