

6-7 EDWARD VII, A. 1907

able by the Sheriff at such day and time as the Court shall appoint for the Trial of the same.

And if upon review of the Pleadings aforesaid it shall appear to the Court that the Right of either Party depends upon a complicated Question both of Law & fact it shall and may be lawfull for the Court in that Case upon the consent of all the Parties as aforesaid to try such Issue of Fact themselves upon such Evidence as aforesaid or otherwise at the instance and request of either of the Parties to direct one or more Issue or Issues for the tryal of such Fact or Facts by Jury reserving to themselves the sole Right of determining (in which the Jury shall not interpose) the Question or Questions of Law Dependant upon such Facts and to give Judgment and pronounce thereon according to the Laws and Customs of the Province and according to their best knowledge and understanding of the same.

And it is further enacted and ordained that in all Actions hereafter to be commenced in either of the Courts of Common Pleas of the Nature of Actions of Assault and Battery, Slander false imprisonment and other Actions wherein a Recompence in Damages is sought for Personal wrongs, where no Justification in Law is pleaded on the part of the Defendant but the Issue is a meer Question of Fact upon Guilty or not Guilty it shall and may be Lawfull to and for the Judges of such Court to direct the same to be tried by a Jury of twelve Men who shall give their Verdict and assess the Damages between the Parties in the same manner as Juries do or have right to do who are at any time returned to try such Issues in the Court of Common Pleas at Westminster or any other Court of Civil Jurisdiction within the Kingdom of England.

And where in such Action or Actions as aforesaid any Justification in Law is set up by the Defendant or any Question of Law goes to the whole merits of the Case shall arise out of the pleadings the Court shall give Judgment thereon before any Issue shall be directed for the Trial of any Fact, and if such Judgment shall be with the Plaintiff it shall and may be Lawfull for the Court to direct and award to the Sheriff of the District in which such Judgment shall have been given a writ to Summon a Jury of twelve Men to appear before the Court on a certain Day therein appointed to enquire concerning the Damages sustained and suffered by the Plaintiff in the said Action and Assess the sum necessary to be given to him as a Compensation for the same.

And whereas it has been found by Experience that the unanimity heretofore required from Jurors in giving their Verdict has been attended with many inconveniencies, it is further