

rect the said Jury to be filled up by any person then present, who may not be liable to any such legal challenge, or by directing any Constable to summon any other person not liable to such challenge; and if, after hearing the testimony, and parties, and direction of the Justices, before whom such Trial shall be had, such Jury shall find it impracticable to agree on their verdict, they shall be discharged, and a new Jury summoned for another day, which shall be appointed for the trial of the Cause.

VIII. *And be it further enacted*, That the Fees to be allowed for and in respect of any Cause, tried by a Jury as herein before directed, over and above, and in addition to, the Fees already allowed by Law, for Causes between Three Pounds and Five Pounds, shall be as follows:—

To the Justice for the Venire, One Shilling.

To the Constable for summoning the Jury, One Shilling.

To each Juror, One Shilling.

IX. *And be it further enacted*, That whenever, in any case, a Defendant or Defendants shall, before any Justice or Justices, as a defence, produce a sett-off, it shall and may be lawful for the Justice or Justices to inquire into, and determine upon, such sett-off, and in case of finding it sufficient in amount to meet the Plaintiff's demand, to give Judgment for the Defendant or Defendants, with costs of the defence, whether the amount of such sett-off shall or shall not be greater than the sum for which a Plaintiff could or might maintain, and prosecute, an action against the said Defendant or Defendants. *Provided always*, that where such sett-off shall be of greater amount than the sum or amount for which an Action could or might be maintained before such Justice or Justices, the said Justice or Justices shall not give Judgment in favor of the Defendant or Defendants for any excess of such sett-off, over the claim or demand of the Plaintiff or Plaintiffs, but only for the costs of the Defendant or Defendants.

X. *And be it further enacted*, That in case of any appeal from the Judgment of any Justice or Justices of the Peace before such appeal shall be allowed, the party making the same shall make and file with such Justice or Justices an Affidavit in writing, that he is really dissatisfied with such Judgment, and feels aggrieved thereby, and that such appeal is not prosecuted solely for the purpose of delay.

XI. *And be it further enacted*, That when any Plaintiff or Plaintiffs shall sue out any writ of Summons or Capias, such Plaintiff or Plaintiffs shall file with the Justice or Justices an account or written statement of his demand against the Defendant or Defendants, at the time of issuing out such Writ, and, if such Action be brought or commenced on any written instrument, shall file the same with such Justice or Justices.

XII. *And be it further enacted*, That nothing in this Act contained, shall extend, or be construed to extend, to the Counties of Cape-Breton, Richmond or Inverness.

Fees

Defendants  
producing a  
sett-off

Appeals

Statement of  
demand to be  
made and filed  
before issue of  
Summons, &c.Act not to ex-  
tend to certain  
Counties

### CAP. LXL.

## An Act to repeal an Act in addition to, and amendment of, the Act for the choice of Town Officers and regulating of Townships, and to revive an Act in further addition to, and amendment of, the several Acts for the choice of Town Officers and regulating of Townships.

(Passed 21st day of April, 1837.)

**W**HEREAS, in and by the Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, entitled, An Act relating to Highways, Roads and Bridges, an Act passed in the Fifty-first Year of the Reign of His late Majesty King George the Third, entitled, An Act in further addition to, and amendment of, the several Acts for the choice of Town Officers and regulating of Townships is repealed. *And whereas*, it would be more conducive to the object of the said Act of the

Preamble

Seventh