

SESSIONAL PAPER No. 18

Proof of the Plaintiff's Demand, shall Cause their final Judgment to be entered against the Defendant, and shall award such Costs thereupon as they shall think reasonable, and issue such Execution as the Law, according to the nature of the Case, may direct.

Art 7. Provided always, That every Proof that may be offered by the Plaintiff in Support of his Action and Demand, shall be filed in Court, and remain of Record, in the same manner as if the Defendant had appeared and defended the Action.

If Defendant appears, he is to answer the Declaration.

Art 8. Provided always, That the Defendant upon his Appearance at the Return Day of the Writ, or in Case of Default upon his Appearance at the next Weekly Court after such Return, and after payment of Costs of such Default as abovesaid, shall then or on such other Day, as he may obtain from the Court, make his Answer to the Declaration, either in writing or Verbally, as he thinks fit ; and if the answer be verbal, the Clerk of the Court shall take down the Substance thereof in writing, and preserve the same among the Records of the Court, and in the said Action. And if the Plaintiff doth not appear at the Return Day of such Writ, or appearing doth not prosecute his Action, the same shall be dismissed, with Costs to the Defendant.

Trial by Juries in certain Cases, at the option of the Parties.

Art 9. That all and every Person having Suits at Law and Actions in any of the said Courts of Common Pleas, grounded on Debts, Promises, Contracts, and Agreements of a Mercantile Nature only, between Merchant and Merchant, and Trader and Trader, so reputed and understood according to Law, and also of Personal Wrongs proper to be compensated in Damages, may, at the Option and Choice of either Party, have and obtain the Trial and Verdict of a Jury, as well for the Assessment of Damages, on Personal Wrongs committed, as the Determination of Matters of Fact, in any such Cause : Provided always, That the Agreement of Nine of the Twelve Jurors who shall compose such Jury shall be sufficient and effectual to return a Verdict, and that the same so made and returned, shall be held as legal and effectual to every Intent and Purpose, *inasmuch*, as if the whole Twelve Jurors had agreed therein ; and the Clerk of the Court shall set down the Names of the Jurors on the Register of the Court in every case where Verdicts may be returned as abovesaid : Provided also, That in all such Causes and Actions that may be between His Majesty's Natural born Subjects of Great Britain, Ireland, or the Plantations and Provinces in America, the Juries in such causes shall be composed of such natural born Subjects as abovesaid ; and in all Causes and Actions between His Majesty's Canadian or new Subjects, the Juries shall be composed of such Canadian or new Subjects ; and in all Causes of Actions between natural born Subjects and the Canadians or new