

Circuit courts to be courts of record, exercising the same jurisdiction as the Supreme Court, except in the cases of treason and felonies not within benefit of clergy, &c.

And be it further Enacted, That the said Circuit Courts shall be respectively courts of record, and shall, within the district in which it may be holden, have and exercise all such and the same jurisdiction powers and authority as is hereby vested in the said Supreme Court of *Newfoundland*, throughout the whole of the said colony; saving and excepting the trying and determining of treasons or misprisions of treason, and felonies not within the benefit of clergy, and the hearing or determining of any information suit or action for the breach or violation of any Act of Parliament relating to the trade and revenue of the *British* colonies in *America*; all which said crimes and offences, informations, suits and actions shall be tried, inquired of, heard and determined in the said Supreme Court of *Newfoundland*, and not elsewhere within the said colony.

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Crimes cognizable in circuit courts and civil actions to be tried by jury according to the law of *England*.

And be it further Enacted, That all crimes and misdemeanors cognizable in the said Circuit Courts, and all issues of fact which may be joined between the parties in any civil action, depending in the said Circuit Courts, shall be enquired of heard and determined by the said circuit judge and a jury of twelve men, according to the rules and course of the law of *England*, as far as the situation and circumstances of the said colony will permit.

But where a jury shall not be formed, trials for crimes shall be had by the circuit judge and three assessors, being justices of peace, and nominated by the governor. Such assessors liable to be challenged.

Provided nevertheless, and be it further Enacted, That if upon the trial of any crimes or misdemeanors before any of the said Circuit Courts, twelve good and lawful men shall not appear to form a jury, then and in all such cases such trial shall be had by the circuit judge and three assessors, being Justices of the peace in and for the said colony, or for some district thereof; and the said Justices shall be nominated from time to time, to serve as such assessors as aforesaid, by the governor or acting governor for the time being of the said colony, and shall severally be liable to be challenged or objected to upon the special ground of direct interest or affection, to be specified in open court at the time of challenge; and in case of such challenge or objection being allowed by the judge of the said Circuit Court, the Justice of the peace so challenged or objected to, shall be succeeded by another such Justice of the peace, who shall in like manner be nominated by the governor or acting governor for the time being as aforesaid, and be liable in the same manner to challenge or objection, until three such Justices of the peace shall appear duly qualified for the trial of any offender in the said Circuit Courts respectively; and the said Justices of the peace shall thereupon severally take and repeat, in open court, the same oath as is taken by petit jurors impannelled for the trial of any crime or misdemeanor in a court of record in *England*; and the judges of the said Circuit Courts respectively shall, together with the said three assessors, give their verdict upon every such trial in open court; but no person shall be found guilty by any such verdict unless the judge of the said court, and two at the least of his said assessors, shall concur in such verdict; and the proceedings in the said Circuit Courts respectively shall be under the control and direction of the respective judges thereof, and all matters of law arising in the course of any trial shall be determined by such judges respectively.

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Provided