

ing no legal
representa-
tions.

be a member, it shall and may be lawful for such Judge forthwith to name and appoint some person known to him, to be of integrity and capacity to secure and protect for the benefit of all the parties who may be interested, all the property and assets of the person so deceased. 5

Property to be
delivered up to
Curator.

IV. Provided always, That such property and assets of the person so deceased shall be delivered over to the Curator, or other person duly authorised under and by virtue of an order of such Judge; and provided further, that no Judge shall in any case, confirm or homologate 10 the advice of any number of persons, for the nomination of a Tutor or Curator, without fully inquiring into the facts, and ascertaining the true relation in which each of the persons offering their advice may stand to the deceased, or person whose property may be in question. 15

Proviso: as to
appointment
of Curator.

Compensation
to Sequestre
or Curator.

V. And be it enacted, That such Judge shall, in every case, assign and tax a proper compensation to be paid to such person or persons whom he may select and appoint, as *Sequestre* or Curator, payment whereof shall be made with a due regard to the estate of the deceased, and the 20 interest of his representatives.

Certain things
relative to
Trials of Jury
may be done
at weekly
sittings.

VI. And be it enacted, That it shall and may be lawful for the Judges of the Superior Court, in their weekly sittings, to determine according to law upon the option and choice of either party to have and obtain a trial by 25 Jury, and in the event of their granting such application, forthwith to assign a day for the trial, and also to receive and adjudicate upon all motions consequent upon the recording of the verdict, and to grant new trials, or to pronounce the judgment of the court upon verdict, as fully 30 to all intents and purposes as it has been usual to do in term.

Articulation de
faits to be
fyled.

Its effects.

Proviso

Proviso.

VII. And be it enacted, That whensoever the issue shall be joined, each of the parties to any suit shall be held and bound to prepare and fyle a statement of facts (*arti-* 35 *culation de faits*), containing a full and precise detail of every fact, admitted or denied, and that the adduction of evidence (*enquête*) shall be narrowed and restricted to such facts only as are expressly denied: Provided always, that every fact not expressly denied shall be taken 40 to have been admitted, and that the mode of procedure in this case shall be regulated by the rules of practice of the Court, so as to prevent any evasion of this statute: Provided further, whatever the issue of the suit, the cost of inquiry and making proof, as well as reasonable fees 45 to the counsel and attorney engaged therein, shall be taxed against the party who shall have failed to prove what he alleged, or whose adversary shall have proved what such party denied.