

XXIV. And be it enacted, That an Act made and passed in the fourth year of the Reign of His Majesty William the Fourth, intituled *An Act more effectually to provide for the support of a Nightly Watch in and for lighting the City of Saint John, and for other purposes*, and all Acts continuing the same, be and the same are hereby repealed, except as to any rates, assessments or taxes made or imposed, or penalties incurred under the said Acts, all which rates, assessments, taxes or penalties may be recovered in the same manner as if this Act had not been passed.

Act 4 W. 4, c. 32, and Acts continuing the same, repealed.

XXV. And be it enacted, That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty three.

Limitation.

#### CAP. XIV.

An Act in further amendment of the Law.

Passed 30th March 1848.

**W**HEREAS the practice of requiring a Rule of Court to be taken out for 'pleading several matters in any cause brought in any Court of Record in this Province is found inconvenient, and may be abolished, leaving to the Court or any Judge the power to set aside any improper or inconsistent pleas as heretofore accustomed ;

Preamble.

Be it therefore enacted, by the Lieutenant Governor, Legislative Council and Assembly, That in all cases where by the law or practice of the Courts a party may be authorized or required to take out a rule to plead several matters, such party may plead such several matters without actually obtaining such rule, and the leave of the Court to plead such several matters, agreeably to the directions of the Statute in such case made and provided, shall always be presumed to have been given ; provided, that any pleas may be set aside by the Court or Judge, either on the ground of inconsistency or any other grounds, (except for not taking out such rule,) where by law or the practice of the Court, pleas can now be set aside.

Several matters may be pleaded without actually obtaining a Rule of Court in the cases heretofore accustomed.

Proviso.

#### CAP. XV.

An Act in addition to the Law relating to Juries.

Passed 30th March 1848.

**W**HEREAS in and by an Act made and passed in the thirty first year of 'the Reign of His Majesty King George the Third, intituled *An Act in addition to an Act, intituled 'An Act for regulating Juries and declaring the qualification of Jurors*, it is among other things provided, that no Sheriff shall empanel 'or return any person or persons to try any issue joined in any Court of Record in this Province, that shall not be named and mentioned in the List of Jurors referred to in and by the said recited Act : And whereas doubts have arisen 'whether the neglect to return such List, or enter the same in a Book as provided 'for in and by the said recited Act, or the omission or insertion of the name of 'any person qualified or not qualified by Law to serve as a Juror, may not be a 'ground of challenge or excuse for non-appearance, by reason whereof a failure of 'Justice may frequently happen, and it is therefore considered proper to amend 'the Law in this respect ;

Preamble.

31 G. 3, c. 6.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the neglect of any Sheriff to return such List pursuant to the directions of the said recited Act, or of this Act, or of the Clerk of the Peace to enter such List in a Book, or the omission or insertion of the name of any person in such List who may be qualified or not qualified to serve as a Juror, or any error in the description of such Juror, or any other defect in the same, shall not be deemed or allowed as any ground of excuse or objection to any person (otherwise qualified,) being summoned, sworn or serving as a Juror for the trial of any issue joined in any Court of Record in this Province, or of any ground of challenge either to the array or to the poll, any thing in the said recited Act to the contrary in any wise notwithstanding.

The neglect of a Sheriff to return the Jury List required by Act 31 G. 3, c. 6, or the Clerk of the Peace to enter the same, or any error therein, shall not be a ground of excuse, objection, or challenge.

II. And be it enacted, That from and after the first day of January, one thousand eight hundred and forty nine, the time for returning such List by the Sheriff shall be between the first day of January and the fourteenth day of February in each year, instead of the time mentioned in the said recited Act.

Time for filing the Jury List.

III. 'And whereas it is considered desirable to allow either party to challenge 'peremptorily a limited number of Jurors, without assigning any cause ;' Be it therefore enacted, That when any Jury, other than a special Jury, may be empannelled for the trial of any issue joined or any inquisition to be taken in any

A peremptory challenge of three Jurors, without assigning cause, may be made.