

- (e.) As often as the trial is adjourned to a future day the party liable as aforesaid shall, before the commencement of each such day's proceedings, pay to the Clerk such further sum as is required in order to provide a fee of ten shillings for each Assessor, and each Assessor shall be entitled to such fee accordingly. 5
- (f.) The Assessors' fees and expenses shall be costs in the cause, and shall be ultimately payable by such party as the Warden on the conclusion of the trial directs.
- (g.) Before the Assessors are sworn, either party may challenge any number not exceeding two without assigning cause, and any additional number on assigning cause. The truth of any cause so assigned shall be forthwith inquired into and determined by the Warden, whose decision shall be final. 10 15
- (h.) If by reason of non-attendance, challenge, or otherwise the number of Assessors is reduced to less than five, the Clerk shall make up the required number by orally summoning a sufficient number of indifferent persons then present in the Court or its vicinity to sit and act as Assessors on the trial. 20
- (i.) Before taking his seat on the trial each Assessor shall make oath before the Warden to give a true verdict according to the evidence.
- (j.) All questions of law arising on the trial shall be determined by the Warden, and all questions of fact by the Assessors. 25
- (k.) The decision of the Assessors, or of a majority of them, shall be the decision of the Court, and the Court shall give judgment accordingly :

Provided that if, after consulting for two hours, the Assessors intimate that a majority of them cannot agree upon a verdict, the Warden shall discharge the Assessors and himself decide the claim in the like manner as if the trial were before himself alone. 30

Procedure, mode of  
trial, and costs.  
1898, No. 38, sec. 264

317. With respect to all suits in the Warden's Court in its civil jurisdiction, the following provisions shall apply :—

- (a.) The Warden may administer an oath.
- (b.) Every witness shall be examined on oath.
- (c.) If any person, being duly summoned to attend, whether as Assessor or witness, fails to duly attend at the time and place named in the summons, or, attending, refuses to be sworn as Assessor or witness, or to serve as Assessor, or to answer any lawful question put to him as a witness, the Court may forthwith inflict on him any penalty not exceeding five pounds unless reasonable cause for such failure or refusal is made to appear to the Court. 40 45
- (d.) Every suit shall be heard in open Court at the time and place appointed in that behalf :

Provided that if for any reason the Court cannot be held at the time or place appointed, the Clerk may adjourn it to such other time or place as the Warden or, in the absence of the Warden, as the Clerk appoints in that behalf. 50