

as a witness, in his own behalf, respecting what had occurred before the death of the deceased, but may on behalf of the opposite party.

#### AFFIRMATION INSTEAD OF AN OATH.

Cap. 14.—If a person refuse or is unwilling, from alleged conscientious motives, to be sworn, a court or judge, &c., may permit him to make solemn affirmation or declaration in which such conscientious objection is asserted.

#### JURORS AND JURIES.

Cap. 15.—In determining the amount to be reserved for payt. of jurors, by a county from a city or town withdrawn from the jurisdiction of the county council, but united with it for judicial purposes, the sums paid them for attendance at quarter sessions is not first to be deducted as heretofore.

#### J. P.'S AND JURIES.

Cap. 16.—For attendance at draft of panel of juries under C. S. U. C., c. 31, s. 78, the J. P.'s shall each receive \$1 for each panel, to be paid by the County Treasurer on receipt of the sheriff's certificate.

#### INTERPLEADING.

Cap. 17.—Whenever goods, &c., in the hands of a common carrier or other bailee, are claimed [from him, and he has reason to believe that other claims may be made, he may, upon affidavit, stating the facts, apply to any judge of the superior common law courts (or the judge of county court where such goods are, if their value does not exceed \$200) for an order calling upon all persons interested to state their claims. Such judge thereupon may exercise the powers given by C. S. U. C., cap. 30. A claimant, being duly notified and failing to appear or comply with any order of the judge, may be barred from recourse against the bailee receiving it nevertheless, against the parties to whom the goods are delivered. The judge may make such order respecting the lien of the bailee and costs as he may deem just. The clauses of C. S. U. C., cap. 30, not inconsistent with this Act, apply to proceedings under it.

#### EXECUTORS AND ADMINISTRATORS.

Cap. 18.—An applicant for administration to an estate, with the will annexed, shall in his affidavit of the value of the property, depose to the value of the realty; and the land given by him and the justification of directors shall include such amount—the condition providing that such administrator shall pay over moneys accruing from such realty or his exercise of authority over it. Whenever by the will a power is granted to an executor to sell or encumber etc., any real estate such administrator may execute such powers or may execute them under a will in which no executor is named, upon giving the additional security before mentioned. If a person, having contracted to sell or convey realty, die intestate or without making provision for the execution of such contract, his executor, administrator, or administrators with the will annexed may convey in pursuance of such contract, such conveyance having the same validity as if made by deceased. Parties acting under this act, have the same duties and liabilities as executors appointed by will to perform them, or any person appointed by the law or a competent judge. When one of several such persons dies the powers of all vest in the survivor or survivors. After the appointment of an administrator with the will annexed, no executor named in it can exercise the powers confided to such administrator. This act does not apply to cases already adjudicated on.

#### BILLS OF LADING.

Cap. 19.—A consignee under, or an endorsee of a bill of lading to whom the property therein mentioned passes, shall have all rights of suit, and be subject to all liabilities, as if the bill were made in his favour. This shall not affect the stoppage *in transitu* or the claim for freight, etc. A bill of lading in the hands of a consignee or endorsee is evidence of the shipment against the signer of the bill, unless the holder has had notice to the contrary, or the bill has a contrary stipulation, but the signer may exonerate himself by showing the misrepresentation was caused without his fault, by fraud of the shipper or holder or person under whom the holder claims.

#### REGISTRATION OF CO-PARTNERSHIP.

Cap. 20.—Partners are to deliver to the registrar of the county, etc., a declaration signed by all of them, or on behalf of those absent by those present authorized thereto, containing their names residence etc., and name of firm, the term of the partnership, and that they are the only partners, within six months after the passing of this act or after the formation of the partnership, under a penalty of \$200—half to go to the crown, half to the party suing. The registrar enters such declaration in a book kept for the purpose, receiving 50c therefor, if it do not exceed 200 words, and 10c per 100 words over the 200. The allegations of the declaration may not be contradicted by those who sign it or any person really a partner at the time. Persons signing the declaration are deemed partners until a new declaration is filed, but a partner failing to sign may still be sued jointly with the others, or they may be sued first and he afterwards; nor does this act affect the rights of partners towards each other, except that no signer of the declaration may contravert it. After ninety days from the passing of this act, if partners have not filed such declaration, any one or more of them may be sued under the name and style of their co-partnership. The other partners may be sued jointly or severally afterwards, unless upon an obligation in which all are named, when all must be sued, a judgment rendered against any such partner or partners is executory against the partnership property.

#### INSURANCE IN FAVOR OF WIVES AND CHILDREN.

Cap. 21.—Insurance moneys due to minors may be paid to the executors of the insured on their behalf. If the party insured die intestate they may be paid to the guardian of minors. In either case they may be invested for minors' benefit in Government securities, municipal debentures, or on mortgage on real estate, or the presumptive share of any child