

inquiry, or by or before any Commissioners appointed under the Great Seal of the Province, or the Seal of any Court in Upper Canada, having general jurisdiction throughout the same, or having general jurisdiction throughout any County of the same, or throughout any City or Town and the liberties or precincts thereof within the same, unless the name of such person shall appear upon one or other of the Jurors' Rolls, for the year in which such person shall be called upon to serve on such inquest or inquiry: Provided always, that nothing herein contained shall extend or be construed to extend to any inquest to be taken by or before any Coroner of any County, Union of Counties, City or Town, by virtue of his office, or to any inquest or inquiry to be taken or made by or before any Sheriff, High Bailiff or Coroner of any County, Union of Counties, City or Town, but that the Coroners, Sheriffs and High Bailiffs aforesaid, in all such Counties, Unions of Counties, Cities and Towns respectively, when acting otherwise than under a writ of enquiry, shall and may respectively take and make all inquests and inquiries by Jurors of the same description as they have been used and accustomed to do before the passing of this Act.

Proviso; as to certain inquests.

X.—CHALLENGES.

LV. And be it enacted, That if any man shall be returned as a Juror for the trial of any issue in any cause civil or criminal, or on any Penal Statute in any of the Courts hereinbefore mentioned, who shall not be qualified according to this Act, the want of such qualification shall be a good cause of challenge, and he shall be discharged upon such challenge, if the Court shall be satisfied of the fact; Provided always, that nothing herein contained shall extend in any wise to any Special Juror.

Want of qualification to be cause.

LVI. And be it enacted, That if any man returned as a Juror for the trial of any such issue, shall be qualified in other respects according to this Act, the want of freehold shall not on such trial in any case civil or criminal, or on any Penal Statute, be accepted as a good cause of challenge either by the Crown or by the party, nor as cause for discharging the man so returned upon his own application; any law, custom or usage to the contrary notwithstanding.

Proviso; as to special jurors.

Want of freehold, not a cause.

LVII. And be it enacted, That no challenge shall be taken to any Panel of Jurors for want of a Knight's being returned on such Panel, nor any array quashed by reason of any such challenge; any law, custom or usage to the contrary notwithstanding.

Want of a knight, no cause.

LVIII. And be it enacted, That no person arraigned for murder or felony shall be admitted to any peremptory challenge above the number of twenty, and that the defendants arraigned for any misdemeanor, if they, or such of them as may be tried together, shall unite in such challenge, may challenge peremptorily without assigning any cause for the same, any two of the Jurors who may be called upon to serve on such trial.

Peremptory challenges limited.

LIX. And be it enacted, That in cases in which the Queen shall be a party, those who sue for the Queen shall not be allowed a challenge to any Juror who may be called to serve upon the Jury in any such case, except for cause to be assigned, tried and disposed of according to the custom of the Court.

Crown to challenge for cause only.

LX. And be it enacted, That in all civil cases, and cases upon any Penal Statute, each party, the plaintiff or plaintiffs, demandant or demandants, on one side, and the defendant or defendants, tenant or tenants, on the other, may each challenge peremptorily without assigning any cause for the same, any two of the Jurors who may be called upon to serve on the trial of any such cause; Provided always nevertheless, that the Juror so challenged shall not be a Special Juror, struck upon such Jury according to the provisions in this Act contained for the striking of Special Juries.

Peremptory challenge in civil cases.

Proviso; as to special jurors.

XI.—SUMMONING JURORS.

LXI. And be it enacted, That the summons of every man to serve on Grand Juries and on Petit Juries, not being Special Juries, in any of the Courts aforesaid, shall be made by the proper officer, eight days at the least before the day on which the Juror is to attend, by delivering to the man to be summoned, or in case he shall be absent from the usual place of his abode, by leaving with some grown person there inhabiting,

Time during which jurors must be summoned before day of attending.