

any Justice of the Peace, within his jurisdiction, be levied, unless such penalty be forthwith paid, by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such Justice, who is hereby authorized to hear and examine witnesses on oath or affirmation on any complaint, and to determine the same, and to mitigate the penalty, if he shall see fit, to the extent of the moiety thereof. And all penalties, the application whereof is not herein particularly directed, shall be paid to the complainant; and for want of sufficient distress, the offender shall be committed by warrant, under the hand and seal of such Justice, to the Common Gaol or House of Correction, for such term not exceeding six calendar months, as such Justice shall think proper, unless such penalty is sooner paid.

Mitigation of penalty where no application is directed.

Committal for non-payment.

XIII.—APPLICATION OF PROVISIONS.

LXXV. And be it enacted, That in every City in Upper Canada in which there is or shall be established a Recorder's Court, or any other Court either Civil or Criminal, or both, having local jurisdiction within such City and the liberties thereof, and in which Court or any Sittings or Sessions thereof, Jurors shall be required for the trial of issues of fact joined in any such Court, according to the course of the Common Law, the Clerk of the Recorder's Court of every such City, shall annually, within the same period as is hereinbefore provided for the performance of a similar duty by the Clerk of the Peace of the different Counties and Unions of Counties in Upper Canada, and in a similar manner, prepare from such Reports of the Selectors of Jurors of the County or Union of Counties within the limits of which such City shall be embraced, as shall be returned for Wards, or other local divisions of such County or Unions of Counties lying within such City or the liberties thereof, a Jurors' Book for such City, inserting in the Jurors' Rolls in such Book respectively, the names of such persons resident within such City, or the liberties thereof, as upon such Reports or upon such of them as shall then have come in as aforesaid, shall be returned as qualified and liable to serve as Grand or Petit Jurors respectively, either in the Superior or Inferior Courts, except only that there shall, in every such case, be but two Rolls, one of Grand Jurors consisting of all such persons as shall have been so selected and reported for Grand Jurors in either the Superior or Inferior Courts, and the other of all such persons as shall have been in like manner selected and reported for Petit Jurors in either the Superior or Inferior Courts, as is hereinbefore required of the Clerk of the Peace of every County and Union of Counties, in respect of his County, and the heads of such Rolls in such Jurors' Books shall be adapted to the same accordingly. And such Recorder's Court, the Recorder of such City or the Chairman or other presiding Member thereof, and the Clerk of such Court for the time being, shall respectively perform the like duties in respect of such Books, the preparing the Ballots and the balloting of the Jury Lists from the Jurors' Rolls, as are hereinbefore prescribed to the Quarter Sessions of the Peace, the Chairman thereof, and the Clerk of the Peace for the respective Counties or Unions of Counties; and all other duties which are by this Act prescribed to the Sheriffs of Counties, in respect of Jurors, whether Grand or Petit, within their respective bailiwicks, shall, as respects Grand or Petit Juries for the administration of justice in any such Courts of any such Cities, be performed by and required of such High Bailiff, or other officer, as aforesaid: and that the manner of drafting, striking, returning and summoning Juries by the Sheriff, upon writs of *venire facias juratores*, as prescribed by this Act, shall be observed and followed by the High Bailiff, Coroners, Elisors, and other Officers and Ministers, having the return of Jury process within every such City, which Coroners, Elisors and other Officers and Ministers shall for such purpose have free access, at all reasonable times to the Jurors' Book, in the office of the Recorder's Court or other similar office of such City; and it shall be the duty of such High Bailiffs, Coroners, Elisors, and other Officers and Ministers of every such City, to perform all such duties in any way connected with the drafting, striking, returning and summoning such Juries, and they are hereby invested with all such powers as in and by this Act are prescribed to or vested in the Sheriffs of the different Districts with respect to Juries returned by them upon similar process.

In cities, the clerk of the recorder's court shall perform the duties performed by the clerk of the peace in counties; other functionaries of the Court performing certain other duties.