

a note in writing under the hand of the Sheriff or other proper Officer, containing the substance of such summons, and the summons of every man to serve on Special Juries in any of the Courts aforesaid shall be made by the like person and in the like manner as aforesaid, three days at the least before the day on which the Special Juror is to attend; which last mentioned day may be any day after the commission day of the Assizes at which the cause is to be tried as well as such commission day, and the Judges of the different Courts may by any general rule to be made by them according to law for that purpose, make such regulations as they may deem expedient for regulating the time and manner of bringing on such Special Jury trials at *Nisi Prius*.

Jurors on inquest, &c., and matrons *de ventre*, to be summoned as before.

LXII. And be it enacted, That the summons of every man to serve upon any Inquest or Inquiry before any Sheriff or Coroner, or before any Commissioners appointed under the Great Seal of this Province or under the Seal of either of Her Majesty's Superior Courts of Common Law at Toronto, or to serve as a talesman upon any Jury either for the trial of an issue, or assessment of damages, in any of the Courts aforesaid, and of any matron to serve on a Jury *de ventre inspiciendo*, shall notwithstanding any thing in this Act contained, be made by the proper officer in the manner heretofore used and accustomed in such cases respectively, as if this Act had not been passed.

XII.—PENALTIES.

On jurors for non-attendance.

LXIII. And be it enacted, That if any man having been duly summoned to attend on any kind of Jury, in any of the Courts in Upper Canada, hereinbefore mentioned, shall not attend in pursuance of such Summons, or being there called shall not answer to his name: or if any such man or any talesman after having been called shall be present, but not appear, or after his appearance shall wilfully withdraw himself from the presence of the Court, the Court shall set such fine upon every such man or talesman so making default, (unless some reasonable excuse shall be proved by oath, affidavit or affirmation,) as the Court shall think meet.

On viewers for non-attendance.

LXIV. And be it enacted, That where any viewer having been duly summoned to attend on a Jury shall make default, as in the last preceding section of this Act is set forth, the Court at which he shall have been summoned to attend for the trial of such cause, is hereby authorized and required to set upon such viewer, (unless some reasonable excuse shall be proved as aforesaid,) a fine to the amount of five pounds at the least, and as much more as the said Court under the circumstances of the particular case shall think proper.

On jurors upon inquests and inquiries for non-attendance.

LXV. And be it enacted, That if any man having been duly summoned and returned to serve as a Juror in any County, Union of Counties, City or Town in Upper Canada, upon any inquest or inquiry, before any Sheriff or Coroner, or before any of the Commissioners aforesaid, shall not, after being openly called three times, appear and serve as such Juror, every such Sheriff, Coroner and Commissioners respectively, are hereby authorized and required (unless some reasonable excuse shall be proved on oath, affidavit, or affirmation) to impose such fine upon any man so making default, as they shall respectively think fit, not exceeding Five pounds; and every such Sheriff, Coroner and Commissioners respectively shall make out and sign a certificate, containing the christian and surname, the residence and addition of every man so making default, together with the amount of the fine imposed, and the cause of such fine, and shall transmit such certificate to the Clerk of the Peace for the County or Union of Counties, or Clerk of the Recorder's Court of any such City as aforesaid, in which, or the liberties thereof, every such defaulter shall reside, on or before the first day of the General Quarter Sessions of the Peace, or Sittings or Sessions of every such Recorder's Court of any such City as aforesaid, next ensuing. And every such Clerk respectively is hereby required to copy the fines so certified on the Roll, on which all fines and forfeitures imposed at such Quarter Sessions, or Sittings or Sessions of such Recorder's Court of any such City, shall be copied, and the same shall be estreated, levied and applied in like manner, and subject to the like powers, provisions and penalties in all respects as if they had been

Sheriff to certify defaults, and transmit certificate.

Fines to be estreated.