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No. 52.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to limit the number of Petty Jurors to be summoned to attend the several Courts in Upper Canada, and to provide for the payment of them.

Received and Read a first time, Thursday, 1st
February, 1849.

Second Reading, Thursday, 15th February, 1849.

Mr. WILSON.

PRINTED BY LOVELL AND GIBSON.

BILL.

An Act to limit the number of Petty Jurors to be summoned to attend the several Courts in Upper Canada, and to provide for the payment of them.

BE it enacted, &c.

And it is hereby enacted by the authority of the same, That not more than forty Jurors shall hereafter be summoned as Petty Jurors 5 for any Court of Assize and *Nisi Prius*, Oyer and Terminer, General Gaol Delivery, General Quarter Sessions of the Peace or District Court, in Upper Canada; and that whenever from any cause the number in actual attendance shall be less than thirty-six, it shall be the duty of the Sheriff, forthwith, from time to time, to summon other Jurors or talesmen, so as to keep in attendance thirty-six Petty Jurors.

Not more than 40 Jurors to be summoned to certain Courts in U. C.

36 to be kept in attendance.

15 II. And be it enacted, That every Petty Juryman actually attending any of the said Courts, shall be entitled to receive and shall be paid in manner hereinafter provided the sum of shillings per day, for 20 every day he shall attend such Court, and the sum of pence per mile for every mile he shall necessarily travel from his place of residence to the said Court, which distance shall be ascertained by the 25 declaration of the Sheriff's Bailiff summoning such Juror, or by the declaration of the Juror himself: Provided always, that any false declaration respecting the distance of such party's residence shall forfeit the right 30 of every Juror making such false declaration to receive any payment for travelling or attending such Court as a Juror; and provid-

Each Juror to have 5s. for each day's attendance, and 6d. for each mile travelled in coming to Court.

Proviso: penalty for false declaration as to mileage.

ed also, that no Petty Juror shall be entitled to any fee or allowance other than is provided by this Act.

Sheriff to
make pay-lists
in the form of
the Schedule.

III. And be it enacted, That it shall be the duty of every Sheriff to make a pay list for the Petty Jurors summoned to attend the said Courts, in the form set forth in the Schedule to this Act, and to attend or cause some officer to attend at the opening of the said Courts, on the morning of every day such Court shall sit for the trial of causes by jury, and upon the Jurors being called over, shall check and mark with a cypher in the proper column of such list, the name of every Juror present, and shall leave the column blank in case he shall be absent, and on the last day of the sitting of such Court shall certify and return to the Treasurer of the District the said pay list. 5 10 15

Treasurer to
pay upon such
pay-lists.

IV. And be it enacted, That the said pay list, checked and certified as aforesaid, shall be a sufficient authority for the Treasurer to pay to each Juror the sum to which he shall appear entitled, as certified by such list, and it shall be the duty of the Treasurer forthwith to pay every Juror the sum so appearing due to him on such list. 20 25

Fees to the
Sheriff for
such services.

V. And be it enacted, That every Sheriff shall be entitled to receive from the District of which he is Sheriff the sum of *five shillings* for each pay list, *one shilling and three pence* per diem for checking the same every day at the opening of the Court, and *two shillings and sixpence* for certifying and returning the same to the Treasurer; Provided always, that the District Court and General Quarter Sessions, shall be one Court for the purposes of this Act, and the duty of calling over the Jurors at the opening of the Court daily, shall be performed by the Clerk of that Court, whether District Court or Quarter Sessions, which shall first be opened. 30 35 40

VI. And be it enacted, that it shall be the duty of the Marshal or Clerk of Assize, the Clerk of the District Court or Clerk of the Peace, as the case may be, at the opening of the Court and before any other business is proceeded with, to call over the names of the Petty Jurors, that the Sheriff or his Officer may check who are present.

Clerk of the Court to call over the Jurors.

VII. And be it enacted, That every Juror not appearing when so called, shall not be entitled to any pay for the day on which he makes default in appearing at the opening of the Court, and shall for every default he shall make during the day, be liable to such a fine as to the Court shall seem meet.

Penalty on Jurors in default

VIII. And be it enacted, That to the Clerk of Assize for every District, there shall be paid with every Record entered for trial or assessment the sum of *fifteen shillings*, and to the Clerks of the several District Courts the sum of *seven shillings and sixpence*, which sums shall forthwith be paid over to the Treasurer and shall form part of the fund from which Jurors shall be paid as hereinbefore provided; Provided always, that no Record shall be entered for trial or assessment unless the sums before mentioned are paid.

Certain sums to be paid into the hands of the Clerk, with each Record entered for trial.

Proviso.

IX. And be it enacted, That in all Criminal cases in which by law the party prosecuting or the party prosecuted, shall be liable to pay the costs of the prosecution, it shall be the duty of the Officer of the Court, to charge against and receive from the party so liable, the sum of shillings over and above that to which by law he was heretofore liable, which sum shall form part of the fund for the payment of Jurors, and shall forthwith be paid over by the officer receiving it to the Treasurer of the District in which the prosecution is carried on.

Sum to be paid in Criminal cases, where parties pay costs.

X. And be it enacted, That all fines and penalties imposed upon and levied in the

Certain fines and penalties to form part of the jury fund.

several Districts, not payable to the Receiver General, shall henceforth be paid to the Treasurers of the Districts respectively, and shall form part of the fund for the payment of Jurors under this Act.

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District Council to provide for any deficiency in the jury fund.

XI. And be it enacted, That it shall be the duty of the several District Councils, and they are hereby required, to provide for the jury fund such a sum as shall be sufficient to pay the Jurors in manner hereinbefore provided for, in case the sums appropriated by this Act shall not be sufficient to pay the said Jurors.

District Council may provide for paying Grand Jurors.

XII. And be it enacted, That the several District Councils are hereby authorized by By-law, in their discretion, to provide for the payment to Grand Jurors, either at the Courts of Oyer and Terminer and General Gaol Delivery or at the General Quarter Sessions, out of the District funds, such sum per diem as they shall deem reasonable.

Court may order business to be proceeded with on the first day.

XIII. And to prevent unnecessary delay and expense, be it enacted, That every Court or Judge sitting for the trial of causes by jury, may in the discretion of such Court or Judge, peremptorily order the Records to be entered and the business of the Court to be proceeded with, on the first day of the sitting of the Court, any law or usage to the contrary notwithstanding.

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SCHEDULE TO THIS ACT.

Pay List for Petit Jurors, who have attended "the Assizes" (or "District Court and Quarter Sessions," as the case may be) held for the District, begun on the _____ day of _____ and ended on the _____ day of _____ 184 .

Names of Jurors.	Number of miles travelled in coming to Court.	Check of Attendance.								Amount to be paid to Juror.			Juror's signature acknowledging receipt of Money.
		1st day.	2nd day.	3rd day.	4th day.	5th day.	6th day.	7th day.	8th day.	£	s.	d.	
		John Just,	21	0	0	0	0	0	0	0			

I _____ Sheriff of the _____ District, do hereby certify to the Treasurer of the said District, that the above is, to the best of my knowledge, a correct return of the number of miles travelled by each Juror in coming to the said Court, a true check of the number of days every such Juror attended the Court, and the just sum to which every Juror on the above list is entitled.

A. B.
Sheriff.