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No. 164.

3D SESSION, 3D PARLIAMENT, 13 VICTORIA, 1850.

BILL.

An Act for the consolidation and amendment
of the Laws relative to Jurors, Juries and
Inquests, in that part of this Province called
Upper Canada.

Received and read first time,

Second reading,

[750 Copies.]

Honble Mr. Baldwin.

S. Derbshire and G. Desbarats, Queen's Printer.

JURY BILL (UPPER CANADA.)

SYNOPSIS.

TITLE AND PREAMBLE.

ENACTMENTS :

I.—QUALIFICATIONS, EXEMPTIONS AND DISQUALIFICATIONS OF JURORS.

1. Who to be Jurors.
2. No one disqualified from his having parted with his property in interval between return on Assessment Roll and being called upon to serve.
3. Persons returned in Assessment Roll as jointly interested, to be deemed owners in equal proportions.
4. Jurors to be those persons assessed to an amount equal to the smallest amount amongst those composing that three-fourths of the Assessed Inhabitants of Township, Village or Ward who are assessed on Roll for the highest amounts;
5. Exemptions of persons in Public Service.
6. Legislative Councillors, &c. exempt from serving on certain Panels.
7. Exemptions from having served as Jurors within limited time.
8. Service as City Juror not to exempt from serving as County Juror.
9. Aliens not naturalized disqualified except in certain cases.
10. Persons attainted disqualified.

II.—SELECTION AND DISTRIBUTION OF JURORS :

11. Head of Municipal Corporation, Clerk of same and Assessors to be Selectors of Jurors for each Township, Village and Ward.
12. How Selectors to proceed with selection.
13. How Selectors to proceed with distribution.
14. Proportion in which Jurors to be distributed for service of the different Courts.
15. Selectors to make Report of selection of Jurors in duplicate. Schedule A.

III.—JURORS BOOK :

16. Clerk of the Peace to prepare annually a Jurors Book from the Reports of the Selectors to be kept in form Schedule B.
17. Arrangement of Rolls in Jurors Book, and certifying same.

IV.—BALLOTING JURY LISTS FROM JURORS ROLLS :

18. Clerk of the Peace to procure Ballots for Ballotting.
19. Clerk of the Peace annually to bring Books and Ballots into first Quarter Sessions after 1st October, and Court to decide how many Jurors to be ballotted.
20. Mode of Ballotting Grand Jury List for Superior Courts:
21. Ballotting the other three Jury Lists.
22. Jurors Book to be certified and deposited with Clerk of the Peace.
23. Clerk of the Peace to transmit copies of Jurors Book to Clerks of the Crown and Pleas and their Deputies.

V.—DRAFTING PANELS FROM JURY LISTS:

24. Panels to be returned from Jury List.
25. Public notice of drafting Panel to be given.
26. Ballots to be prepared by Sheriff
27. Manner of drafting Panel.
28. Number of Jurors to be returned on Precept.

VI.—JURY PROCESS:

29. Precepts to be issued for the return of General Panels.
30. Time for issuing such Precepts.
31. Form of *Venire Facias*.
32. Teste and Return of Jury Process.
33. Form of *Habeas Corpora* and *Distringas*.
34. *Venire Facias Juratores* (dispensed with in certain cases).
35. Power to sue out new *Venire* where no trial on former one.

VII.—DRAWING JURY AT TRIAL:

36. Jury to be drawn by Ballot.
37. When Jury not discharged names not to be again drawn.
38. Same Jury may by consent try several causes.

VIII.—SPECIAL JURIES:

39. Special Juries allowed in all cases except Treason or Felony.
40. How *Venire Facias* to be sued out and indorsed where Special Jury desired.
41. Notice of striking Jury to be given to the opposite party.
42. Who to be struck on Special Juries.
43. Manner of striking Special Jury.
44. When officer to proceed *ex-parte*.
45. Special Juries of Merchants, Manufacturers or Men of Science may be struck in certain cases.
46. Form of Rule and indorsement on *Venire Facias* for Special Jury of Merchants, &c.
47. Manner of striking Special Jury of Merchants.
48. Same Special Jury may by consent try different causes.
49. Costs of Special Juries how to be borne.

IX.—VIEWS, JURIES *DE MEDIETATE LINGUE* AND INQUESTS:

50. Superior Courts at Toronto may grant views in certain cases.
51. How viewers to be nominated where parties cannot agree.
52. Viewers to be sworn upon the Jury first.
53. Jury *de medietate lingue*.
54. Who to be summoned on Inquests.

X.—CHALLENGES:

55. Want of Qualification cause of challenge.
56. Want of freehold no cause of challenge.
57. Want of Knight no cause of challenge to array.
58. Challenges in Murder, Felony and Misdemeanor.
59. Crown to have no challenge but for cause.
60. In civil cases, except where Special Jury struck, each party allowed two peremptory challenges.

XI.—SUMMONING JURORS:

61. Grand and Petit Jurors to be summoned ten days and Special Jurors three days before day of attendance.
62. Summons of Jurors on Inquests and as Talesmen to be as heretofore.

XII.—PENALTIES:

63. Penalty on Jurors for non-attendance.
64. On Viewers for non-attendance.
65. On Jurors returned on Inquests for non-attendance.
66. On Sheriffs, &c. for defaults.
67. On Sheriffs, &c. for taking money to excuse persons.
68. On Sheriffs, &c. for making alterations in Jurors Book except as directed.
69. On Clerk of the Crown and Pleas and Deputies for making any such alterations.
70. On Assessors for omitting to make out and return Assessment Roll by prescribed time.
71. On Selectors of Jurors for defaults.
72. On Clerks of the Peace, &c. for defaults.
73. Certifying Fines and application of same.

XIII.—APPLICATION OF PROVISIONS:

74. In Cities Clerk of Recorder's Court to furnish Jurors Book, and perform other duties required of Clerks of the Peace in Counties.
75. Aldermen of Cities to have powers and duties hereby imposed on Justices of the Peace.
76. Under-Sheriffs and Deputy Clerks of the Peace may perform duties hereby imposed on principal.
77. Coroners, Elisors, &c. to draft Juries in the same manner as Sheriffs directed to do.
78. Directions for return of Panel of Grand Jurors for Assizes applicable to Quarter Sessions, &c.
79. Directions for return of Panel of Petit Jurors for Assizes applicable to Quarter Sessions and County Courts, &c.

XIV.—MISCELLANEOUS PROVISIONS:

80. Allowance for Jurors Book, &c. &c.
81. When no Court of Quarter Sessions, &c. at which Jury Lists could be ballotted Governor may authorize Special Session for purpose.
82. Proceedings when Clerk of Peace, &c. unable to make oath prescribed by 19th section of Act.
83. Courts to exercise the same powers as formerly.
84. Justices of Assize may direct general Petit Jury Panel to be divided into two sets, and Jurors summoned for different periods.
85. In default of full Jury appearing Court may direct a Tales.
86. Sheriffs, &c. indemnified for return of persons not qualified if on Jurors Rolls.
87. Sheriffs after every Court to register in Jury Lists those who attended and served on general Panels for such Court.
88. Sheriff to grant certificates to Jurors of having attended.
89. High Bailiff after every Recorder's Court to register in Jury Lists those who attended and served on general Panel for such Court.
90. High Bailiff to grant certificates to Jurors if having attended.
91. Attaint abolished.
92. Jurors may be proceeded against for corruption.
93. Act not to interfere with acts allowing affirmations instead of oaths.
94. Act not to alter powers of Courts except as specially stated.
95. Acts repealed.
96. Commencement of Act.

SCHEDULES.

A

REPORT OF SELECTION AND DISTRIBUTION OF JURORS BY SELECTORS.

B

JURORS BOOK.

1. Roll of Grand Jurors for Superior Courts.
2. Grand Jury List for Superior Courts.
3. Grand Jury Panels for Superior Courts.
 - (a) No. 1.
 - (b) No. 2, &c.
4. Roll of Grand Jurors for Inferior Courts.
5. Grand Jury List for Inferior Courts.
6. Grand Jury Panels for Inferior Courts.
 - (a) No. 1.
 - (b) No. 2, &c.
7. Roll of Petit Jurors for Superior Courts.
8. Petit Jury List for Superior Courts.
9. Petit Jury Panels for Superior Courts.
 - (a) No. 1.
 - (b) No. 2, &c.
10. Roll of Petit Jurors for Inferior Courts.
11. Petit Jury List for Inferior Courts.
12. Petit Jury Panels for Inferior Courts.
 - (a) No. 1.
 - (b) No. 2,
 - (c) No. 3, &c.

C

STATUTES REPEALED.

JURY BILL (UPPER CANADA.)

TITLE AND PREAMBLE.

An Act for the consolidation and amendment of the Laws relative to Jurors, Juries and Inquests, in that part of this Province called Upper Canada.

2 **W**HEREAS it is expedient to consolidate and amend Preamble.
the Laws now in force in that part of this Province
called Upper Canada, relating to Juries and Inquests, and
4 those to be summoned to serve thereon, and to introduce
such a system for the selection and return of Jurors as shall
6 better secure public confidence in the impartial administration
of justice in the trial by Jury; Be it therefore
8 enacted, &c.

and it is hereby enacted by the authority of the same,

ENACTMENTS.

I. *Qualifications, Exemptions, and Disqualifications of Jurors.*

10 I. That every man except as hereinafter excepted
between the ages of twenty-one and sixty years, residing
12 in any County or in any City or the Liberties thereof, or
in any other local judicial division in Upper Canada, in
14 the possession of his natural faculties and not infirm or
decrepit, who shall be assessed for local purposes according
16 to Law, for property, real or personal or both belonging to
him in his own right or in that of his wife to the amount
18 hereinafter mentioned, shall be qualified and liable to serve
as a Juror both on Grand and Petit Juries in Her Majesty's
20 Superior Courts of Common Law at Toronto, having
General Criminal or Civil Jurisdiction throughout Upper
22 Canada, and in all Courts of Criminal or Civil Jurisdiction
within the County, Union of Counties, City or other
24 local judicial division of the Country in which he shall so
reside.

Who shall be qualified as a juror.

26 II. And be it enacted, That no person shall be disqua-
lified or relieved from serving as such Juror in conse-
28 quence of his having ceased to be seized or possessed of
the property in respect of which he may have been enrolled

Parting with property after assessment, not to disqualify.

1. Qualifications, Exemptions, and Disqualifications of Jurors.

as such Juror, between the time of enrollment and his
being called upon to serve as such Juror, nor shall the
same form any ground of challenge to such Juror.

Joint proprie-
tors to be
deemed equally
interested.

III. And be it enacted, That whenever property shall
be assessed on the assessment Roll of any Township,
Village or Ward, as the property of two or more persons
jointly the Returnors of Jurors hereinafter mentioned to
whom it shall belong to extract from such Roll, the names
of those thereon qualified and liable to serve as Jurors
under this Act, may and if they shall have the requisite
information as to the names of the parties to enable them
to do so, such Returnors shall in making such extract, and
for all the purposes of this Act, treat such property as if
it belonged to such persons in equal proportions, and each
of such persons as respects his qualification and liability
to serve as such Juror shall be treated by such Returnors
of Jurors in making such abstract as if he had been severally
assessed for such equal proportion of such property.

What amount
of assessed
property shall
qualify.

IV. And be it enacted, That the amount of assessed
property in respect of which every man shall be qualified
and liable to serve as such Juror, shall be the amount
at which the person who, amongst the three-fourths of
the assessed inhabitants of the Township, Village or
Ward in which he shall reside, assessed for the largest
amounts on the Assessment Roll of such Township, Vil-
lage or Ward, shall be so assessed for the smallest amount
amongst such three-fourths of such assessed inhabitants.

Persons hold-
ing certain
offices, or
exercising
certain pro-
fessions or
callings, or
exempted from
serving as
jurors.

V. And be it enacted, that all Members of the Executive
Council of this Province, the Secretary of His Excellency
the Governor of the Province for the time being ; and all
officers and others in the service of the Governor for the
time being, all officers of the Provincial Government ; and
all clerks and servants belonging to either House of the
Provincial Parliament, or to the Public Departments of
the Province ; the Warden of the Provincial Penitentiary,
and all the officers and servants of the said Penitentiary ;
all Judges of Courts having general jurisdiction throughout
Upper Canada ; the Judges of the County Courts and the
Judges of all other Courts, except the Quarter Sessions of
the Peace, having jurisdiction throughout any County,
Union of Counties or City in Upper Canada ; all Sheriffs,
Coroners, Gaolers and Keepers of Houses of Correction
and of Lock up Houses ; all Priests, Clergymen, and
Minsters of the Gospel, recognized by law, to whatever
denomination of Christians they may belong : all members

1. Qualifications, Exemptions, and Disqualifications of Jurors.

of the Law Society of Upper Canada, actually engaged in
 2 the pursuit or practice of their profession, whether as
 Barristers or Students ; all Attornies, Solicitors, and
 4 Proctors actually practising ; all Officers of the Courts of
 Justice, whether of general County, City or other local
 6 jurisdiction, actually exercising the duties of their respective
 offices ; all Physicians, Surgeons, and Apothecaries ac-
 8 tually practising ; all Officers in Her Majesty's Army or
 Navy on full pay ; all Pilots and Seamen actually engaged
 10 in the pursuit of their calling ; all Officers of the Post
 Office, Customs, and Excise ; all Sheriff's Officers and
 12 Constables ; all County, Township, City, Town and
 Village Treasurers and Clerks and Town Clerks ; all Pro-
 14 fessors, Masters, and Teachers of any University, College,
 County Grammar School, Common School or other School
 16 or Seminary of learning actually engaged in performing
 the duties of such appointments respectively ; and all
 18 Officers and Servants of any such University, College,
 School or Seminary of learning actually exercising the
 20 duties of their respective offices or employments ; all
 County, Township, City, Town and Village Officers not
 24 however including Justices of the Peace, all Millers and
 all Firemen belonging to any regular Fire Company, shall
 22 be and are hereby absolutely freed and exempted from
 being returned, and from serving as either Grand or Petit
 26 Jurors in any of the Courts aforesaid, and shall not be
 inserted in the rolls to be prepared and returned by the
 28 Returnors of Jurors by virtue of this Act, as hereinafter
 mentioned.

30 VI. And be it enacted, That all Members of the Legis-
 32 lative Council and of the Commons House of Legislative
 Assembly of this Province, all Wardens of Counties or
 Unions of Counties and all other Members of any County
 34 Council ; all Mayors, Townreeves and Deputy Townreeves
 of any City, Town, Township or Village, all Justices of
 36 the Peace, and all other Members and Officers of any
 Municipal Corporation, shall be and are hereby absolutely
 38 freed and exempted from being selected by the Returnors
 of Jurors hereinafter mentioned to serve as Grand or Petit
 40 Jurors in Her Majesty's Inferior Courts, and the names of
 such persons shall not be inserted in the Rolls from which
 32 Jurors are to be taken for such purpose, and if any such
 names shall have been accidentally inserted in any such
 34 Roll, it shall if drawn in balloting any Jury List or drafting
 any Panel therefrom be set aside and not inserted therein,
 36 and all such persons shall be moreover absolutely freed and
 exempted from being returned upon any General Precept

Members of
 the legislature
 and certain
 municipal
 functionaries,
 exempted from
 serving at
 certain courts.

I. Qualifications, Exemptions, and Disqualifications of Jurors.

to any Sessions of Assize or *Nisi Prius* Oyer and Terminer
or Gaol Delivery, and the names of such persons if drawn
in drafting such Panel shall be set aside and not inserted
in the same.

Exemptions
arising from
having actually
served as a
juror within a
certain time
previously.

VII. And be it enacted, That every person whose name
shall have been inserted in any of the Jury Lists as herein-
after provided, for the year next before that in which his
name shall be again drawn in any of such Lists for some
prior year, within the Rule of Exemption hereby established,
and shall have duly served on some Panel returned under
a general Precept from such Jury List, until discharged by
the Court to which such Panel was so returned, shall be
exempt from having his name inserted in any of such lists
for any subsequent year within such rule of exemption, that
is to say, if the Jurors' Roll from which such name shall
be drawn as hereinafter provided, shall contain a sufficient
number of names to make two complete Jury Lists of the
denomination of such Jurors' Roll, such person shall be
exempt from having his name inserted in such Jury List if
it shall appear by the Jurors Book of the preceding year,
that his name had been inserted in any of the Jury Lists
for that year, and that he duly attended and served upon
any such Panel as aforesaid; and if there shall be a suffi-
cient number of names on such Jurors' Roll to make three
such complete Jury Lists, such person shall be exempt from
having his name so inserted if it shall appear by either of
the Jurors Books of either of the two preceding years, that
his name had been inserted in any of such Jury Lists, for
either of such years, and that he had so attended and
served as aforesaid, for either of such years, and so on,
toties quoties, allowing one additional year's exemption for
each complete additional Jury List that such Jurors' Roll
shall furnish as aforesaid,

Service as a
city juror, not
to exempt from
service as a
county juror,
and vice versa.

VIII. And be it enacted, That notwithstanding any
thing in this Act contained, service as a Juror upon any
Panel returned by the Sheriff of any County or Union of
Counties, shall not exempt the person who shall so serve
from again serving as a Juror upon any Panel returned by
the High Bailiff or other proper Officer of any City
embraced within the Bailiwick of such Sheriff, though
such service may be so required of such Juror within the
period of exemption provided for by the next preceding
sections of this Act, nor shall any such service upon any
Panel returned by the High Bailiff or other proper Officer of
any such City, having a Recorders Court established in the
same, exempt the person who shall have so served, from

I. *Qualifications, Exemptions, and Disqualifications of Jurors.*

2 again serving as a Juror upon any Panel returned to any
 4 of the Superior Courts of Criminal or Civil Jurisdiction,
 6 by the Sheriff of the County or Union of Counties within
 8 the limits of which such City shall be embraced: and the
 10 Jury Lists for such Superior Courts for such County or
 12 Union of Counties, and for such City respectively, shall
 14 be ballotted without any regard being had to any such
 service, but the inhabitants of every such City, and of the
 liberties thereof, shall be exempt from serving on Juries
 at any other than the City Courts, and the Courts of
 Assize and *Nisi Prius*, *Oyer* and *Terminer*, and General
 Gaol Delivery for the County or Union of Counties within
 the limits or on the borders of which such City shall be
 situate.

Citizens ex-
 empted from
 serving, except
 at certain
 courts.

16 IX. And be it enacted, That no man not being a natural
 18 born or naturalized subject of Her Majesty, is or shall be
 20 qualified to serve as a Grand or Petit Juror in any of the
 Courts aforesaid, on any occasion whatsoever, except only
 in the cases hereinafter expressly provided for.

Aliens dis-
 qualified.

22 X. And be it enacted, That no man who hath been or
 24 shall be attainted of any Treason or Felony, or convicted
 of any crime that is infamous, unless he shall have obtained
 a free pardon, nor any man who is under outlawry is or
 shall be qualified to serve as a Grand or Petit Juror in
 any of the said Courts on any occasion whatsoever.

Attainted
 persons dis-
 qualified.

II. *Selection and Distribution of Jurors.*

26 XI. And be it enacted, That the Mayor or Townreeve,
 28 the City, Town, Village or Township Clerk, and the
 30 Assessors or Assessor if there be only one of the respec-
 32 tive Cities, Towns, Villages and Townships in Upper
 34 Canada, shall be *ex officio* Selectors of Jurors for every
 36 such Township and Village, and for each of the Wards of
 38 every such City or Town, and in the discharge of their
 40 duty as such Selectors shall assemble annually on the *first*
 42 *day of September* in each year, at the place where the
 Meetings of the Municipal Corporation of such City,
 Town, Village or Township shall be usually held, or at
 such other place within the jurisdiction of such Municipal
 Corporation as may for that purpose be appointed by the
 head of such Municipal Corporation, or in his absence, or
 the vacancy of the Office by the Clerk of such Municipal
 Corporation for the purpose of selecting from the Assess-
 ment Rolls or Assessment Roll of such City, Town, Vil-
 lage or Township, the names of such persons as being

Certain muni-
 cipal function-
 aries to be
 selectors of
 jurors.

What persons
 shall be
 selected.

II. Selection and Distribution of Jurors.

qualified and liable to serve as Jurors under this Act, shall from the integrity of their characters, the soundness of their judgments and the extent of their information, be in the opinion of such Selectors of Jurors, or of a majority of them, most discreet and competent for the performance of the duties of a Juror.

When the selection shall be made.

XII. And be it enacted, That the Selectors of Jurors for each City, Town, Village and Township in Upper Canada, shall annually on the day mentioned in the next preceding section of this Act, or on the first day thereafter not being a Sunday or other Statutory Holiday, if they shall have been unable to complete the duty hereby imposed upon them on such first day, proceed to select such names from such Rolls accordingly: Provided always nevertheless, firstly, that they shall in no case select from any of such Rolls, a smaller number of names than what shall be equal to two-thirds of the whole number of names on such Roll, provided there shall be a sufficient number for that purpose on the same, qualified and liable to serve in respect of the amount of property for which they shall be assessed on such Roll, and not otherwise wholly disqualified or exempt from serving as Jurors according to the provisions of the *fifth*, *sixth*, *ninth* and *tenth* sections of this Act, or any of them: And provided also, secondly, that in case of an equality of votes amongst such Selectors of Jurors, as to any one or more of the names to be selected, or as to the Division of the Report of such Selectors in which any such name should be inserted in the distribution of such names as hereinafter provided, or as to any other incidental question which may arise in the performance of the duty hereby imposed upon such Selectors, the Mayor or Townreeve, or in his absence or the vacancy of the office, the City, Town, Village or Township Clerk; or in the absence or vacancy of the offices of both, then the Assessor whose Roll for the year shall have contained the greatest number of assessed names, and in the case of joint Assessors, the Assessor first named in the appointment of such Assessors, shall have a casting or double vote in the decision of the same.

Proviso: as to number to be selected.

Proviso: case of equal division among the selectors.

Jurors to be distributed into four divisions.

XIII. And be it enacted, That the said Selectors of Jurors having made such selection as hereinbefore provided, shall for the purpose of the Report thereof to be by them made as hereinafter provided, distribute the names of the persons so selected from each Roll into four divisions, the first to consist of persons to serve as Grand Jurors in the Superior Courts, the second of persons to serve as Grand

II. Selection and Distribution of Jurors.

Jurors in the Inferior Courts, the third of persons to serve
 2 as Petit Jurors in the Superior Courts, and the fourth of
 persons to serve as Petit Jurors in the Inferior Courts, and
 4 shall make such distribution according to the best of their
 judgment as to the relative competency of the parties with
 6 reference to the duties to be required of them respectively.

XIV. And be it enacted, That the said Selectors of
 8 Jurors shall make such distribution amongst the said four
 divisions as nearly as may be in the following proportions,
 10 relatively to the whole number of persons so selected by
 them from each of such Rolls for that purpose as aforesaid,
 12 that is to say : one ninth as nearly as may be under the
 first of such divisions, two ninths as nearly as may be
 14 under the second of such divisions, two ninths as nearly as
 may be under the third of such Divisions, and four ninths
 16 as nearly as may be under the fourth of such Divisions.

Proportionate
 number in
 each division.

XV. And be it enacted, That the said Selectors of
 18 Jurors shall thereupon make out in duplicate under their
 hands and seals, or under the hands and seals of such of
 20 them as shall have performed such duty, a Report of such
 Selection and Distribution for every such Township, Vil-
 22 lage or Ward, which Report shall be as nearly as may be
 in the form set forth in the Schedule to this Act annexed,
 24 marked A, and be filled up agreeably to the directions
 contained in the notes to such Schedule, to which said
 26 Report shall be subjoined a written declaration subscribed
 by such Selectors of Jurors, stating each for himself, that
 28 they had made such Selection and Distribution to the best
 of their judgment and information pursuant to this Act,
 30 and without fear, favour or affection of, to, or for any
 person or persons whomsoever, gain, reward or hope
 32 thereof, other than such fees as they may be lawfully inti-
 tled to receive for the same under the authority of this
 34 Act; and one of such Duplicate Reports shall be deposited
 by such Selectors of Jurors, with the Clerk of the Peace
 36 for the County in which such Town, Village or Township
 shall lie or within the limits of which such City shall be
 38 embraced ; and the other with the City, Town, Village or
 Township Clerk of such City, Town, Village or Town-
 40 ship respectively, which Clerks respectively, shall keep
 the same on file in their respective offices for the use
 42 and information of all such Sheriffs, High Bailiffs and other
 Officers, and others Her Majesty's Subjects who may have
 46 lawful occasion to examine or make use of the same ; and
 in the event of the loss or destruction of any such Dupli-
 48 cate Report, by fire or other accident, a copy thereof

Selectors to
 make duplicate
 reports in form
 of schedule A.

Declaration to
 be annexed.

Where the
 said reports
 shall be
 deposited.

Renewal if
 destroyed.

II. Selection and Distribution of Jurors.

made from the other of such Duplicates and certified to be a true copy of such last mentioned Duplicate, by the Officer to whom the legal custody of such last mentioned Duplicate shall belong, shall and may be filed in the office in or out of which such first mentioned Duplicate Original was so lost or destroyed as aforesaid, and shall and may be thenceforth taken, received, and acted upon in all respects as if it were the said Duplicate Original Report so lost or destroyed as aforesaid.

III. Jurors' Book.

Clerk of the peace to prepare jurors' books in form of schedule B.

XVI. And be enacted, That the Clerk of the Peace for every County and Union of Counties in Upper Canada, shall annually procure a Book to be kept as nearly as may be in the Form set forth in the Schedule to this Act annexed marked B, and agreeably to the directions contained in the notes to such Form to be called "The Jurors Book" for the County or Unions of Counties, of which he is such Clerk of the Peace as aforesaid, and the year for which such Book is to be used as hereafter provided, and shall between the *fifteenth day of September and the first day of October* in each and every year, transcribe or procure to be transcribed into such Book, from the different Reports of the different Selectors of Jurors for the different Townships, Villages and Wards or other like local divisions of his County or Union of Counties, so made to him for such year as aforesaid, or from such of them as shall have been so made to him as aforesaid, on or before such *fifteenth day of September*, the names and additions of all persons so selected to serve as Grand or Petit Jurors, as the same are set forth and distributed in such Reports, which names shall be transcribed into such Book in four Rolls, the first to be called "Roll of Grand Jurors to serve in Her Majesty's Superior Courts of Criminal Jurisdiction;" the second "Roll of Grand Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction;" the third "Roll of Petit Jurors to serve in Her Majesty's Superior Courts of Criminal and Civil Jurisdiction;" and the fourth "Roll of Petit Jurors to serve in Her Majesty's Inferior Courts of Criminal and Civil Jurisdiction," and in each of such Rolls shall be transcribed as aforesaid, the names and additions of all persons so selected and reported by the Selectors of Jurors as aforesaid, to serve as such Jurors in such County respectively.

Book to contain four distinct rolls.

III. *Jurors Book.*

2 XVII. And be it enacted, That such Jurors' Rolls shall
 4 be each divided into Townships, Wards and Villages or
 6 other like subdivisions, answering to the local divisions of
 8 such Counties, and the Cities and Towns embraced within
 10 the limits thereof, and such subdivisions and also the names
 12 within each subdivision respectively, shall be arranged
 14 alphabetically, and all the names in each of such Rolls
 16 thus arranged, numbered with a series of current numbers
 18 from one forward; and to each of such Rolls in the
 20 Jurors' Book shall be subjoined a certificate from such
 Clerk of the Peace, that he had carefully compared such
 Roll with the Reports made by the several Selectors of
 Jurors for the different Townships, Wards and Villages
 and other local divisions of the County or Union of Counties,
 and the Cities and Towns embraced within the limits
 of the same for the year, as such Reports remained on file
 in his office, on the *fifteenth day of September* of such
 year, and that such Roll contains a true and correct
 transcript of the names and additions of all persons so
 selected and reported to serve as such Jurors as aforesaid.

How the
jurors' names
shall be
arranged in
the rolls.

How the rolls
shall be
certified.

IV. *Ballotting Jury Lists from Jurors' Rolls.*

22 XVIII. And be it enacted, That the Clerk of the Peace,
 24 for every such County or Union of Counties, shall annually
 26 prepare for each of the said Jurors' Rolls in such Jurors'
 28 Book, a separate and distinct set of ballots or pieces of
 30 parchment, card or paper of uniform and convenient size,
 32 and containing the same number of such ballots as there
 34 are numbers in the Jurors' Roll to which the same shall
 36 belong, upon each set of which ballots there shall be printed
 or written, the whole of the numbers of such Jurors' Roll,
 allowing one number to each ballot, and shall carefully
 fold and enclose the whole of each of the said sets of ballots
 in a separate and distinct sheet of paper or envelope, and
 securely fold and seal the same, so as to prevent any of
 such ballots from being lost from or out of the same, and
 shall endorse each of such parcels of ballots with the year
 and the name of the Jurors' Roll to which the same shall
 belong.

Clerk of the
peace to pre-
pare ballots,
and how.

38 XIX. And be it enacted, That annually on the first day
 40 of the Court of General Quarter Sessions of the Peace for
 42 each of such Counties or Union of Counties, held next after
 44 the *first day of October* in each year, the Clerk of the Peace
 for such County or Union of Counties shall bring into
 Court and publicly deliver to the chairman of such Court
sedente curia, the Jurors' Book so prepared by him as

Jurors' book to
be brought into
Q. S. (sitting
the court) on
a certain day
yearly after 1st
October, oath
to be taken by
the said clerk.

IV. *Ballotting Jury Lists from Jurors' Rolls.*

aforesaid, for the then next year, and also the four parcels
of ballots belonging to the same as aforesaid, together 2
with the Jurors' Books for such and so many of the
then next preceding years as may be required for pro- 4
ceeding with the ballotting of the Jury Lists as here-
inafter directed, and shall thereupon make oath in open 6
Court, first, that he has carefully compared the Jurors'
Rolls in such first mentioned Jurors' Book, with the 8
Reports made by the several Selectors of Jurors for
the several Townships, Villages and Wards within such 10
County or Union of Counties as the same remained on
file in his office, on the *fifteenth day of September* prece- 12
ding, and that to the best of his knowledge and belief, the
said Jurors' Rolls, contain a true and correct transcript of 14
the names and additions of all persons so selected and
reported by such Selectors of Jurors as aforesaid, secondly, 16
that he has carefully examined and compared the ballots
in each of the parcels so delivered into Court as aforesaid, 18
with the Jurors' Roll to which such ballots by the indorse-
ment on such parcel purports to belong, and that each 20
parcel of such ballots so delivered into Court as aforesaid,
contains to the best of his knowledge and belief, the 22
whole of the numbers on the Jurors Roll, to which by
such indorsement such parcel purports to belong, and 24
thirdly, that the Jurors' Books secondly above mentioned,
are those remaining on file in his office for the years to 26
which they purport respectively to belong, and that all
entries in such last mentioned Books, have been truly and 28
faithfully made therein, without fraud or collusion of any
kind, and according to the very truth : Or if such Clerk of 30
the Peace shall not have been in office during all the time
that such Jurors' Books shall have been on file in the 32
office of the Clerk of the Peace for such County or Union
of Counties, then that all entries in such Books made 34
during the time that he shall have been in office, have
been truly and faithfully made therein, without fraud or 36
collusion of any kind, and according to the very truth,
and that he hath no reason but to believe, and doth there- 38
fore verily believe that all other entries made therein,
prior to his appointment, have been in like manner truly 40
and faithfully made therein as aforesaid : Whereupon the
receipt of such Books and the oath or affirmation upon 42
which the same were received respectively, shall be certi-
fied under hand and seal by the Chairman of such Court 44
in such Books respectively, and a remembrance of the
same also made in the minutes of such Court, and the 46
Court shall then proceed to consider whether with refer-
ence to the probable amount of judicial business to be 48

Chairman to
enter certifi-
cate in the
books : and
the court shall
determine the
number of
jurors to be
drawn.

IV. *Ballotting Jury Lists from Jurors' Rolls.*

disposed of through the instrumentality of the Jurors to
 2 be ballotted on that occasion, and the whole number of
 Jurors from whom the ballotting is to be had, it is most
 4 expedient upon such occasion to ballot a full Jury List, a
 two-third Jury List or a half Jury List, and they shall
 6 come to a resolution thereon accordingly, of which a
 remembrance shall be duly entered upon the minutes of
 8 such Court. And in the event of such resolution affirming
 the expediency of ballotting a full Jury List, then the
 10 numbers to be so ballotted from the said Rolls according
 to the provisions of the next succeeding section of this Act,
 12 shall be as follows, that is to say; from the Roll of Jurors
 to serve as Grand Jurors in the Superior Courts *forty-*
 14 *eight*, from the Roll of those to serve as Grand Jurors in
 the Inferior Courts *ninty-six*, from the Roll of those to
 16 serve as Petit Jurors in the Superior Courts, *one hundred*
and forty-four, and from the Roll of those to serve as
 18 Petit Jurors in the Inferior Courts *two hundred and*
eighty-eight; and in the event of such resolution affirming
 20 the expediency of ballotting a two-third Jury List, the
 numbers to be so ballotted as aforesaid, shall be as follows,
 22 that is to say : from the said first named of such Rolls
thirty-eight ; from the second *sixty-four* ; from the third,
 24 *ninety-six* ; and from the fourth *two hundred and sixteen*.

And in the event of such resolution affirming the expe-
 26 diency of ballotting a half Jury List, the numbers to be so
 ballotted as aforesaid, shall be as follows, that is to say :
 28 from the said first named of such Rolls *twenty-four* ; from
 the said second *forty-eight* ; from the said third *seventy-*
 30 *two* ; and from the said fourth *one hundred and forty-four* :

Provided always nevertheless, firstly, that the names of the
 32 different members of the said Court who shall be present
 and vote upon such resolution, shall be entered on the
 34 minutes of such Court, and that in the event of the votes
 of those members present being equal, the Chairman of
 36 the said Court for the time being, shall have a double or
 casting vote upon the same : And provided also, secondly,
 38 that on the first occasion of bringing into Court a Jurors'
 Book for any County or Union of Counties, or for any City

40 there being no Jurors' Book for any preceding year for such
 County, Union of Counties or City, the oath to be made
 42 by the Clerk of the Peace or Clerk of the Recorder's
 Court respectively, shall be modified so as to be adapted
 44 to such circumstances.

Proviso :
 names of
 members of
 the court
 present to be
 recorded.
 Casting vote.

Proviso : as to
 first jurors'
 book in any
 county.

XX. And be it enacted, That upon such resolution
 46 being so adopted, the said Court shall cause proclamation
 to be made for all persons to keep silence while the names

Proclamation
 previous to
 ballotting.

IV. *Ballotting Jury Lists from Jurors' Rolls.*

of the persons to serve as Jurors for the next year for such
 County or Union of Counties and City, where there is one 2
 having a Recorders Court established therein, within the
 limits of such County or Union of Counties are openly 4
 ballotted. And the Chairman of such Court and the
 Clerk of the Peace for such County or Union of Counties, 6
 shall immediately proceed to ballot the names of the
 requisite number of persons from the said Rolls, to serve 8
 as Jurors for such year, which ballotting shall be conducted
 in the following manner, that is to say: the Chairman of 10
 the said Court of General Quarter Sessions shall first
 openly break the seals of the parcel of ballots belonging 12
 to the Roll of Jurors to serve as Grand Jurors in the said
 Superior Courts, and place such ballots promiscuously in 14
 a box or urn to be procured for that purpose by the said
 Clerk of the Peace. And the said Chairman shall there- 16
 upon cause the said box or urn to be shaken so as
 sufficiently to mix the said ballots, and the said Chairman 18
 shall then openly draw from the said box or urn
 indiscriminately one of the said ballots and declare openly 20
 the number of such ballot, whereupon the Clerk of the
 Peace shall immediately declare aloud the name to which 22
 such number is appended in the said Roll. And thereupon
 if by reference to the Jurors' Book of preceding years or 24
 any of them, it shall appear, (regard being had to the
 number of names on such Roll,) that such person is exempt 26
 from having his name inserted in such Jury List, on the
 ground of its having been inserted in some one of the Jury 28
 Lists and of his having duly served on some Panel returned,
 under a General Precept from such Jury List as aforesaid, 30
 for some former year sufficiently recent to entitle him to
 such exemption, the same shall be so publicly announced 32
 by the Chairman of such Court, and that such person is
 on that account exempted from serving for the next year 34
 accordingly; and the Clerk of the Peace shall thereupon
 note in the said Roll for such next year opposite the name 36
 of such person, that he was exempted from serving as having
 served on one of the Grand or Petit Jury Lists for such a 38
 year, stating the List and year. But if such person
 shall be found not entitled to such exemption, then 40
 proclamation shall be made, that if any one can inform
 the Court why the name of such person should not be 42
 inserted in the Jury List for which it shall have been
 so ballotted as aforesaid, he shall come forth and he 44
 will be heard: Whereupon, if the party himself in per-
 son or by his Counsel or his Attorney in the absence 46
 of Counsel, shall by his own oath or by the testi-

Mode of
 ballotting.

Grand jurors
 at superior
 courts.

Open demand
 of objection,
 if any.

Hearing and
 determining on
 objection.

IV. *Ballotting Jury Lists from Jurors' Rolls.*

mony of witnesses, or if any other person by his own
 2 oath or by the testimony of witnesses, shall be able
 to satisfy the Court that the person whose name shall have
 4 been so drawn, is either exempt or disqualified from serving
 as a Grand Juror for which he shall have been so drawn,
 6 such persons name shall not be inserted in such Jury
 List for such next year, and the cause with the name of
 8 the person so objecting, and the names of the witnesses
 upon whose testimony such name was set aside, shall by
 10 the Clerk of the Peace be stated in the Minute Book of
 such Court and a short note of the cause of disqualification
 12 made on the proper Jurors' Roll opposite the name of such
 person. But if no such objection shall be so made or
 14 established to the satisfaction of the Court as aforesaid, the
 names and additions at length of such person, shall by the
 16 said Clerk of the Peace be forthwith inserted in the Minute
 Book of such Court. Which being done, the Chair-
 18 man and Clerk of the Peace shall in like manner proceed
 to ballott, canvass and set aside, or pass another name, and
 20 so on till they shall have transferred the required number of
 names from such Roll. After which the names so ballotted,
 22 with the places of residence and additions of the parties
 alphabetically arranged, shall by such Clerk of the Peace
 24 be copied into the Jurors' Book with the title of "The
 Grand Jury List for the Superior Courts," and which List
 26 shall have a series of current numbers from one forward
 as is hereinbefore provided with respect to the Jurors'
 28 Rolls, with a reference to the number of each name on the
 Roll of Grand Jurors for the Superior Courts. And each of
 30 such names shall by the said Clerk of the Peace, be there-
 upon marked on such last mentioned Roll as transferred
 32 to such Jury List, by a reference to the number belonging
 to such name on such List. Which List so ballotted, can-
 34 vassed and transferred shall be the Grand Jury List for
 the Superior Courts for the year next after the same shall
 36 be so ballotted as aforesaid.

Alphabetical
 arrangement
 of names
 finally ballot-
 ted, &c.

XXI. And be it enacted, That after the said Grand
 38 Jury List for the Superior Courts shall have been so
 ballotted, canvassed and transferred as aforesaid, the said
 40 Chairman and Clerk of the Peace shall in like manner
 proceed to ballot, canvass and transfer from the Roll of
 42 Jurors to serve as Grand Jurors in the said Inferior Courts,
 to a similar List in the same Book, to be called "The
 44 Grand Jury List for the Inferior Courts" for such next
 year, the required number of names from such Roll, which
 46 last mentioned List so ballotted, canvassed and transferred,

Ballotting for
 grand jurors
 for inferiors
 courts.

IV. *Ballotting Jury Lists from Jurors' Rolls.*

Petit jury lists for superior and inferior courts.

shall be the Grand Jury List for the Inferior Courts for the year next after the same shall be so ballotted as afore- 2
said. After which they shall in like manner proceed to 4
ballot, canvass and transfer from the Roll of Jurors to 4
serve as Petit Jurors in the said Superior Courts, the 6
Petit Jury List for the Superior Courts for such year; 6
and lastly from the Roll of Jurors to serve as Petit Jurors 8
in the said Inferior Courts, the Petit Jury List for the 8
Inferior Courts for such year.

Lists so made, to be certified and filed.

XXII. And be it enacted, That so soon as the said four 10
Jury Lists shall have been so ballotted, canvassed and 12
transferred, the Chairman and Clerk of the Peace shall 12
certify under their hands in the said Book, immediately 14
after each of such Jury Lists, that the same had on such a 14
day been duly ballotted, canvassed and transferred from 16
the proper Roll in open Court as the Law directs;— 16
whereupon such Jurors' Book, with the Jury Lists so 18
certified, shall be deposited with the said Clerk of the 18
Peace, to be kept on file in his office.

Clerk of the peace to deposit copies of lists in the offices of the proper courts.

XXIII. And be it enacted, That the Clerk of the Peace 20
shall on or before the *thirty-first day of December* there- 20
after, cause a correct copy of such Jurors' Book to be made 22
and deposited in the offices of each of the Clerks of the 24
Crown and Pleas of Her Majesty's two Superior Courts 24
of Common Law at Toronto, and another in that of their 26
Deputy for the County or Union of Counties for which 26
the same shall have been so prepared as aforesaid, each of 28
which shall be certified by him to be a true copy of the 28
original, and from it, in the event of the loss or destruction 30
of the original by fire or other accident, a duplicate origi- 30
nal of such Jurors' Book may be made and being certified 32
by either of the said Clerks of the Crown and Pleas, or the 32
Deputy for such County or Union of Counties, to be 34
truly copied from the copy deposited in his office, shall 34
upon such loss or destruction being established upon oath 36
or affirmation before two or more Justices of the Peace of 36
such County or Union of Counties be received and used 38
on all occasions and for all purposes as the original, which 38
shall have been so lost or destroyed as aforesaid.

If the lists be destroyed.

V. *Drafting Panels from Jury Lists.*

Panels of jurors to be drafted from the jury lists.

XXIV. And be it enacted, That every Sheriff or other 40
officer to whom any Writ of *Venire Facias* or precept for 40
the Return of Jurors shall be directed, shall to such Writ 42
or precept return a panel of the names of such men con-

V. *Drafting Panels from Jury Lists.*

2 tained in the proper Jury List for the year in which such
 3 Writ or precept is returnable, as shall be drafted from such
 4 List in the manner hereinafter mentioned: *Provido.*
 5 always, firstly, that if there shall be no Jurors' Book or
 6 certified copy thereof as aforesaid in existence for such
 7 year, it shall be lawful to return to any such Writ or
 8 precept, a panel of Jurors selected in like manner from
 9 the proper Jury List in the Jurors' Book of the nearest
 10 preceding year, for which there shall be a Jurors' Book or
 11 certified copy thereof in existence: *Provido.*
 12 And provided also, secondly, that if there shall be no Jurors or not a sufficient
 13 number of such Jurors upon any Jury List, from which
 14 any panel is so required to be drafted, liable to be drafted
 15 and to serve upon such panel, it shall be lawful to return
 16 to any such Writ or precept, a panel of Jurors selected in
 17 like manner, or the residue of whom respectively shall
 18 have been selected in like manner, from the proper Jury
 19 List in the Jurors' Book of the nearest preceding year, for
 20 which there shall be a Jurors' Book or certified copy
 thereof in existence.

XXV. And be it enacted, That upon any Sheriff or *Notice of draft-*
 22 other officer being called upon to return any Panel of *ing panels,*
 23 Jurors, whether Grand or Petit, it shall be his duty to *how given.*
 24 give notice by Public written Advertisement in his office,
 25 and also on the door of the Court House of the County or
 26 Union of Counties, or if there be no Court House, in some
 27 other public place, of the day, and hour at which he will at-
 28 tend at the office of the Clerk of the Peace to draft such pa-
 29 nel of Jurors from the Jury List, at which time and place
 30 he shall proceed publicly to draft such panel by ballot from
 31 such Jury List in manner hereinafter mentioned, in the
 32 presence of the Clerk of the Peace and any two Justices of
 33 the Peace of such County or Union of Counties, who upon
 34 reasonable notice from such Sheriff are hereby required to
 35 attend the same, and of any other person or persons who
 36 may desire to be present at the same, and attend for that
 37 purpose: *Provido, &c.*
 38 Provided always, nevertheless, firstly, that every
 39 such notice shall if such Sheriff or other officer shall have
 40 sufficient time for that purpose, be given by such Sheriff
 41 or other officer in the manner above mentioned, at least
 42 *eight* days before the drafting of such panel, and if there
 43 shall not be sufficient time for that purpose, the said notice
 44 shall be given as soon after the receipt of the precept or
 45 writ by him as conveniently may be: *Provido.*
 46 And provided also, secondly, that in the event of the drafting of such panel
 being prevented from taking place, or from being comple-
 ted by any unavoidable accident at the time so appointed,

V. Drafting Panels from Jury Lists.

the same may be had or completed at any other time in the presence of the Clerk of the Peace for the time being, and of the like number of Justices of the Peace, upon a similar notice being first given of such time.

Ballots to be prepared by the sheriff.

XXVI. And be it enacted, That in proceeding to draft such panel of Jurors from the said Jury List as hereinafter directed, the Sheriff or other officer to whom the return of such panel shall belong, shall in the first place prepare a proper title or heading for the panel of Jurors to be returned, to which he shall fix an appropriate number as such panel shall by the Jurors' Book appear to be the first, second, third or subsequent panel drafted from such Jury List, and which title or heading shall set forth the number of Jurors to be returned in words, at length, or where such Sheriff shall have a discretion as to such numbers, the numbers that in the exercise of such discretion, he shall have previously determined to return, and which number when discretionary, shall not be altered after the same shall have been so inserted in such title or heading as aforesaid, and thereupon such Sheriff or other officer shall append to such title or heading, a list of numbers from one forward to the number required, and having previously prepared a set of Ballots or pieces of Parchment, Card or Paper as nearly as reasonably may be of uniform and convenient size, and containing the same number of Ballots as there are numbers on the Jury List, from which the panel is to be drafted with the whole of the numbers of such Jury List, allowing one number to each Ballot printed or written on the same, shall proceed to draft such panel of Jurors in the manner hereinafter mentioned.

Mode in which the jurors shall be ballotted for.

XXVII. And be it enacted, That the manner of drafting such Panel, shall be as follows, that is to say:—the Sheriff or other officer to whom the return of such Panel, shall belong, shall place the ballots promiscuously in a Box or urn to be procured by him for that purpose, and shall cause such box or urn to be shaken so as sufficiently to mix the ballots, and he shall then openly draw from the said box or urn indiscriminately, one of the said ballots, and declare openly, the number of such ballot whereupon the Clerk of the Peace or one of the Justices of the Peace present at such drawing, as aforesaid, shall immediately declare aloud the name to which such number is appended in the Jury List from which the Panel is to be drafted, and thereupon, if such person shall be exempt from being drafted or serving upon such panel, under the provisions

V. *Drafting Panels from Jury Lists.*

of the sixth section of this act, or if upon the face of such
 2 Jury List it shall appear that the person whose number
 has been so drafted, has been already drafted so serve on
 4 any other panel drafted from such Jury List in obedience to
 any precept for the return of any general panel, for any ses-
 6 sions or sittings of Assize, *Nisi Prius*, Oyer and Terminer,
 Gaol Delivery, General Quarter Sessions of the Peace, or
 8 County Court, and that such person has actually attended
 and served upon such Panel as aforesaid, and there shall
 10 remain a sufficient number of names on such Jury List to
 complete the panel then in course of being drafted, without
 12 taking any of those who have been previously drafted upon
 any such former panel from the same list, the same shall be
 14 publicly announced, and that the name of such person so
 drafted is on such account, respectively, not inserted in such
 16 panel. But if upon examination of such Jury List, no such
 cause shall appear for omitting the name of such person
 18 from the said panel then being drafted, the name and
 addition of the person whose name shall have been so
 20 drafted, shall be thereupon written down on a sheet of
 paper to be provided for that purpose, and such name
 22 shall by the said Sheriff or other officer, be thereupon
 marked on the said Jury List, with a reference to the
 24 number which will belong to such panel in the Jurors'
 Book. Which being done, the Sheriff shall proceed in like
 26 manner to draft and dispose of other numbers from the
 said box or urn, until the necessary number for the panel
 28 to be so drafted, shall be completed. After which the names
 so drafted, with the places of residence and additions of
 30 the parties, arranged alphabetically, shall by such Sheriff,
 or other officer be transcribed on another sheet of paper, with
 32 a reference to the number of such name on the Jury List,
 and such name shall by the said Sheriff or other officer
 34 or his deputy, be thereupon marked in the said Jury List,
 with a reference to the number which will belong to such
 36 panel in the Jurors' Book. Whereupon such panel so
 alphabetically arranged and numbered, with a short state-
 38 ment of the writ or precept, in obedience to which it was
 drafted, the date and place of such drafting, and the names
 40 of the Sheriff or other officer or minister, or his deputy,
 and of the Clerk of the Peace and Justices of the Peace
 42 present at such drafting, or at least of two of them, shall be
 fairly entered in the said Jurors' Book, and attested by the
 44 signatures of such Sheriff or other officer or minister, or
 his deputy, and of the said Clerk of the Peace and the
 46 said Justices, or at least two of them, and the said Sheriff
 shall, upon his return of the writ of *venire facias*, or pre-

Names to be
 arranged
 alphabetically.

Panel to be
 entered in
 jurors' book
 and certified.

V. Drafting Panels from Jury Lists.

cept under authority of which such panel was drafted, annex a panel to the said writ or precept containing the names, together with the places of abode, and additions of the persons so drafted upon such panel, and shall transmit a copy thereof to the office of the Clerk of the Peace, and also one to each of the Clerks of the Crown and Pleas of the two Superior Courts of Common Law at Toronto, and also to that of the Deputy for his County, each of which copies as well as the Jurors' Book shall at all reasonable times be open to inspection by litigants or their professional Agents without fee or reward.

Copies to be transmitted to the proper courts.

Number of jurors to be returned on precept.

XXVIII. And be it enacted, That the number of the 12 Petit Jurors to be returned on any General Precept for the return of Petit Jurors for any sittings or Sessions of Assize, 14 *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, shall not in any case be 16 less than *forty eight* or more than *seventy two*, unless by the direction of the Judges appointed to hold such Sittings 18 or Sessions of Assize, *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, or 20 one of them, who are hereby empowered, by order under hand and seal, to direct a greater or lesser number, and 22 then such number as shall be so directed, shall be the number to be returned. 24

VI. Jury Process.

Precepts to be issued, and by whom.

XXIX. And be it enacted, That the Judges, Justices and others to whom the holding any Sittings or Sessions of Assize, *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, shall by law belong, or some one or more of such Judges, Justices or others shall for that purpose issue precepts to the Sheriff or other proper Officer or Minister for the return of a competent number of Grand Jurors, where such shall be requisite for such Sittings or Sessions, and of a competent number of Petit Jurors for the trial of such issues of fact in cases criminal or civil as it may be competent to such Petit Juries to try at such Sittings or Sessions according to law.

When precepts shall be issued and to whom directed.

XXX. And be it enacted, That the several precepts for the return of Panels of Grand and Petit Jurors' for any Sittings or Sessions of Assize, *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, shall be issued to the Sheriff or other Officer or

VI. Jury Process.

Minister to whom the return of such precepts shall belong,
 2 as soon as conveniently may be, after the Commission, or
 other day upon which the Jurors to be returned, upon
 4 such precepts, are to be summoned to attend, shall, or may
 be known, and where such day is fixed by law, then as
 6 soon as conveniently may be, after the close of the last
 preceding Sittings or Sessions of the same Court. Pro-
 8 vided always, that it shall and may be lawful for the
 Sheriff to return the same panels to the precepts, for the
 10 return of panels of Petit Jurors for the Sittings or Sessions
 of the Peace, and for the Sittings or Sessions of the
 12 County Court, in all cases where the day for holding
 such respective Sittings or Sessions shall be the same.

Proviso:
 when county
 court and Q.
 S. sit at the
 same time.

14 XXXI. And be it enacted; That every such *venire facias*
juratores, for the trial of any issue whatsoever, whether
 16 civil or criminal, or on any penal Statute, in any of the
 Courts of Upper Canada hereinbefore mentioned, shall
 18 direct the Sheriff or other Officer or Minister to whom
 the same shall be directed, to return twelve good and law-
 20 ful men of the body of his Bailiwick, qualified according to
 law, and the rest of the Writ shall proceed in the ac-
 22 customed form. And that every precept to be issued for the
 return of Jurors for Sittings or Sessions of Assize, *Nisi*
 24 *Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the
 Peace, or County Court, shall in like manner direct the
 26 Sheriff or other Officer or Minister to whom the same
 may be directed to return a competent number of good
 28 and lawful men of the body of his Bailiwick, qualified ac-
 cording to law, and shall not require the same to be returned
 30 from any hundred or Township, or from any particular
venue within such Bailiwick and that the want of Hundre-
 32 dors shall be no cause of challenge, any law, custom or
 usage to the contrary notwithstanding.

Writs of *venire*
facias, their
 form.

And of pre-
 cepts.

34 XXXII. And be it enacted, That except in trials at Bar,
 the Writ of *venire facias juratores* may be tested on the
 36 day on which the same shall issue and be made returnable
 on any day in Term or vacation, and that except in trials
 38 at Bar, the Writ of *distringas juratores* and *habeas corpora*
 may be tested either on the return day of the *venire* or on
 40 any subsequent day in Term or vacation.

Date of tests
 and return of
 jury process.

42 XXXIII. And be it enacted, That in any Writ of *habeas*
corpora juratorum or *distringas* subsequent to and found-
 44 ed upon any Writ of *venire facias juratores* it shall not be
 requisite to insert the names of all the Jurors contained

What must be
 inserted in
 writs of *habeas*
corpora, &c.

VI. *Jury Process.*

in such Panel, but it shall be sufficient to insert in the mandatory part of such Writs respectively—"the bodies 2
 "of the several persons in the Panel to this Writ annexed
 "named," or words of the like import and to annex to 4
 such Writs respectively, Panels containing the same names
 as were returned on the Panel to such *venire facias* with 6
 their places of abode and additions.

Actual writ of
venire facias,
 may be dis-
 pensed with.

XXXIV. And be it enacted, That for the trial of issues 8
 in cases whether criminal or civil which shall in course
 come on for trial at any Sittings or Sessions of Assize, 10
Nisi Prius, Oyer and Terminer, Gaol Delivery, Sessions
 of the Peace, or County Court, it shall not be necessary 12
 actually to sue out any Writ of *venire facias juratores* or
 other Jury process, but the award of such process by the 14
 Court and the entry of such award where necessary on the
 Roll together with the return of a Panel of Jurors upon 16
 the general precept issued for such Sittings or Sessions,
 and the trial of such issues respectively, by a Jury taken 18
 from such general Panel in the manner hereinafter pro-
 vided, shall be sufficient and shall be as valid and effectual 20
 in law to all intents and purposes whatsoever, as if such
venire facias juratores, or other process had been actually 22
 and regularly sued out in each case, and the names of the
 Jurors who shall have so tried such issues, respectively, 24
 been regularly returned upon such Jury process, respect-
 ively. Provided always, nevertheless firstly, that nothing 26
 in this section contained shall extend or be construed to
 extend to any issue, to be tried at Bar or by a 28
 Special Jury, or by a Jury *de medietate linguæ* or
 in a case in which a view shall have been granted, as 30
 hereinafter mentioned: And provided also secondly, that
 every Jury of which some of the Jurors shall have been 32
 regularly taken from such general Panel, shall, not-
 withstanding its being completed by the award of a *tales*: 34
de circumstantibus, be deemed where such *tales de cir-*
cumstantibus shall have been regularly awarded according 36
 to law, to be taken from such General Panel for the pur-
 poses of this section. And provided also, thirdly, that to 38
 every *venire facias* directed to any Sheriff in any case in
 which a view shall have been granted, and which *venire* 40
facias shall not be endorsed for the return of a special
 Jury thereon, such Sheriff shall return the same Jurors as 42
 those whose names are inserted in the panel returned upon
 the general precept for the Sittings or Sessions at which 44
 such cause is to be tried.

Proviso: as to
 jurors *de*
medietate.

Proviso: as to
tales.

Proviso:
 where a view
 is granted.

VI. *Jury Process.*

XXXV. And be it enacted, That if any Plaintiff or
 2 Demandant or any Defendant in *Quare impedit* or *Replevin*
 shall in any cause which shall be at issue, sue out any
 4 Writ of *Venire Facias* upon which any Writ of *Habeas*
Corpora or *distringas* with a *Nisi Prius*, shall issue in
 6 order to the trial of the said issue at the Assizes or
 Sessions of *Nisi Prius*, and shall not proceed to trial
 8 at the first Assizes or Sessions of *Nisi Prius*, after
 the teste of such Writ of *Habeas Corpora* or *distringas*
 10 then and in every such case, (except when a view by
 Jurors shall be directed as hereinafter mentioned,) such
 12 Plaintiff, Demandant or Defendant, whenever he shall
 think fit to try the said issue at any other Assizes or
 14 Sessions of *Nisi Prius*, shall sue forth a new Writ of
Venire Facias, commanding the Sheriff or other Minister
 16 to return anew, twelve good and lawful men of the body
 of the Bailiwick qualified according to Law, and the rest of
 18 the Writ, shall proceed in the accustomed manner, which
 Writ being duly returned, a Writ of *Habeas Corpora* or *dis-*
 20 *tringas* with a *Nisi Prius* shall issue thereupon, upon
 which such Plaintiff, Demandant or Defendant, shall, and
 22 may proceed to trial, as lawfully and effectually to all
 intents and purposes, as if no former Writ of *Venire Facias*
 24 had been prosecuted in that cause, and so *Toties Quoties*
 as the case shall require; And if any Defendant or Tenant,
 26 shall in any cause which shall be at issue be minded to
 bring to trial any issue joined against him when by the
 28 practice of the Court he may do so by Proviso, he shall
 or may of the issuable Term next preceding such intended
 30 trial to be had at the next Assizes or Sessions of *Nisi Prius*,
 sue out a *Venire Facias* in the form aforesaid by Proviso,
 32 and prosecute the same by Writ of *Habeas Corpora* or
distringas with a *Nisi Prius*, as lawfully and effectually
 34 to all intents and purposes as if no former Writ of *Venire*
 had been sued out, or returned in that cause and so *Toties*
 36 *Quoties* as the matter may require.

As to cases
 where the
 plaintiff, &c.,
 shall not pro-
 ceed to trial.

New venire.

When defen-
 dant, &c., may
 bring on trial
 by proviso.

VII. *Drawing Jury at Trial.*

XXXVI. And be it enacted, That the name of each
 man who shall be summoned and empanelled as Petit
 40 Juror, upon the general precept for any Sittings or Sessions
 of Assize, *Nisi Prius*, Oyer and Terminer, Gaol Delivery,
 42 Sessions of the Peace or County Court, with the name of
 his place of abode, and addition shall be written on a distinct
 44 piece of Parchment, Card or Paper, such pieces of Parch-
 ment, Card or Paper, being all as nearly as reasonably

Jury to be
 drawn by bal-
 lot, and in
 what manner.

VII. Drawing Jury at Trial.

may be of uniform and convenient size, and shall be deli- 2
 vered to the Clerk of Assize, Marshall or other Clerk of 3
 such Court by the Sheriff, and shall by direction and care 4
 of such Sheriff, be put together in a Box or Urn to be 5
 provided for that purpose, and when any issue shall be 6
 brought on to be tried by the Jurors returned upon such 7
 general precept, such Clerk of Assize, Marshall or other 8
 Clerk of such Court, shall in open Court draw out twelve 9
 of the said Parchments, Cards or Papers one after another, 10
 and if any of the men whose names shall be so drawn 11
 shall not appear or shall be challenged and set aside, then 12
 such further number until twelve men be drawn, who shall 13
 appear, and after all just causes of challenge allowed, shall 14
 remain as fair and indifferent, and the said twelve men so 15
 first drawn and appearing and approved as indifferent, 16
 their names being noted in the minute Book of such Clerk 17
 of Assize, Marshall or other Clerk of such Court, and 18
 they being sworn shall be the Jury to try the issue and 19
 the names of the men so drawn and sworn, shall be kept 20
 apart by themselves until such Jury shall have given in 21
 their verdict, and the same shall be recorded, or until such 22
 Jury shall by consent of the parties, or by leave of the 23
 Court be discharged, and then the same names shall be 24
 returned to the Box, or Urn there to be kept with the 25
 other names remaining at that time undrawn, and so *Toties* 26
Quoties as long as any issue remains to be tried.

How, appear-
ance or chal-
lenge.

Jurors to be
sworn, &c.

Jurors who
have not
brought in
verdict, not to
be included in
any ballot.

XXXVII. And be it enacted, That if any issue shall 27
 be brought on to be tried at any of the said Sittings or 28
 Sessions before the Jury, in any other issue shall have 29
 brought in their verdict, or been discharged, it shall be 30
 lawful for the Court to order twelve of the residue of the 31
 said Parchments, Cards or Papers not containing the 32
 names of any of the Jurors who shall not have so brought 33
 in their verdict or been discharged, to be drawn in the 34
 manner last aforesaid, for the trial of the issue which shall 35
 be so brought on to be tried. 36

By consent,
the same jury
may try several
cases.

XXXVIII. And be it enacted, That notwithstanding 37
 the two last preceding Sections, where no objection shall 38
 be made on the part of the Queen, or any other party, it 39
 shall be lawfull for the Court to try any issue with the 40
 same Jury that shall have previously tried, or been drawn 41
 to try any other issue without their names being returned 42
 to the Box or Urn, and redrawn or to order the name or 43
 names of any man or men in such Jury, whom both parties 44
 may consent to withdraw or who may be justly challenged

VII. *Dráwing Jury at Trial.*

or excused by the Court to be set aside, and another
 2 name or other names, to be drawn from the Box or Urn,
 and to try the issue with the residue of such original Jury,
 4 and with such man or men, whose name or names shall
 be so drawn, and who shall appear and be approved as
 6 indifferent, and so *toties quoties* as long as any issue
 remains to be tried.

VIII. *Special Juries.*

8 XXXIX. And be it enacted, That it shall be in the
 power of Her Majesty, or any prosecutor, Relator, Plain-
 10 tiff, or Demandant and of any Defendant or Tenant in
 any case whatsoever, whether civil or criminal or on any
 12 Penal Statute, excepting only on Indictments for Treason
 or Felony, to have the issues jointly in any such cases
 14 and triable by a Jury, tried by a Special Jury to be struck
 as hereinafter provided upon suing out the necessary Jury
 16 Process for that purpose, and procuring such Special Jury
 to be struck and duly summoned for the day on which the
 18 trial of such case is to be had, and every Jury so struck
 shall be the Jury returned for the Trial of such issue.
 20 Provided always, that in the event of a new Trial being
 ordered in any such case after a verdict of any such Jury,
 22 the *venire facias juratores* shall set forth the names of the
 Jurors who sat on the first trial of such cause or in the
 24 event of more trials, than one having been previously had
 the names of all Jurors who shall have sat upon any of
 26 such trials. And none of the Jurors who shall have so sat
 on any such former trial, shall be returned or sit as Jurors
 28 upon any subsequent trial of the same cause.

Either party may demand a special jury, except in cases of treason or felony.

Proviso: in case of a new trial.

XL. And be it enacted, That in every such case the
 30 party desiring such Special Jury to be struck, whether an
 actor in such cause or not, shall have a right in person, or
 32 by his Attorney or Agent, to sue out a Writ of *venire
 facias juratores* for that purpose, and every such Writ
 34 before it shall be delivered to the sheriff or other Officer
 or Minister to whom it shall be directed, shall be indorsed
 36 with a direction to such Sheriff or other Officer or Minister
 requiring him to return a Special Jury on the same, and
 38 every such Sheriff or other Officer or Minister upon receipt
 of any such *venire facias*, so endorsed as aforesaid, shall
 40 by a Memorandum in writing upon such writ appoint some
 convenient day and hour for striking such Special Jury,
 42 the day and hour to be so fixed for such purpose being
 sufficiently distant to enable the party suing out the said
 44 *venire* to give the necessary notice to the opposite party, as
 hereinafter provided.

Venire facias, for special jury how sued out, and indorsed.

VIII. *Special Juries.*

Notice to be given to the other party, of the time when the jury is to be struck.

XLII. And be it enacted, That in any such case the party, his Attorney or Agent suing out such *venire facias*, shall give notice in writing to the opposite party, his Attorney or Agent that he had sued out a *venire facias* in such case for the purpose of having a Special Jury struck therein, and of the day and hour appointed by the Sheriff or other Officer or Minister for striking the same, which notice shall be served on such last mentioned party, his Attorney or Agent at least four days before the day so appointed, and an Affidavit or Affirmation of such service, or an admission in writing under the hand of the Attorney or Agent on whom it may have been served, shall be produced to such Sheriff or other Officer or Minister at the time appointed for striking such Special Jury, and in default thereof the said Sheriff or other Officer or Minister shall not proceed to strike such Special Jury upon such Appointment.

Special juries to be taken from rolls of grand jurors.

XLII. And be it enacted, That every Special Jury to be struck under the authority of the *thirty-ninth* section, of this Act shall, except as hereinafter provided, consist solely of persons whose names shall appear on either the the Roll of Grand Jurors for the Superior Courts or on the Roll of Grand Jurors for the Inferior Courts for the year, in which the Writ of *venire facias* upon which such Jury shall be struck is returnable, and the same shall be struck in the manner hereinafter provided.

Mode of balloting for a special jury.

XLIII. And be it enacted, That every such Special Jury shall be struck in the following manner, that is to say: the Sheriff having furnished himself with a set of Ballots or pieces of parchment, card or paper, of as uniform and convenient size as reasonably may be, and containing the same number of ballots as there are numbers on the respective Grand Jurors' Rolls from which the said Special Jury is to be struck, and upon which ballots shall be printed or written the whole of the numbers of such Grand Jurors' Rolls allowing one number to each ballot, and distinguishing each number by the letters S. C. or I. C. according as it shall belong to the Roll of Grand Jurors for the Superior Courts, or to the Roll of Grand Jurors for the Inferior Courts, shall at the office of the Clerk of the Peace, at the time appointed for such purpose as aforesaid, in the presence of all the parties in the case and of their Attornies and Agents (if they respectively choose to attend, or if the said parties, their Attornies or Agents, all or any of them do not attend, then upon such proof as is hereinbefore provided of the service

VIII. *Special Juries.*

of the notice of striking such Special Jury in their
 2 absence,) put all the said ballots in a box or urn, to be by
 him provided for that purpose, and after having caused the
 4 said box or urn to be shaken so as sufficiently to mix the
 said ballots, shall draw out of the said box or urn, forty of
 6 the said numbers, one after another, and shall as each
 number is drawn, refer to the corresponding number in the
 8 Grand Jurors' Roll, to which such ballot shall belong,
 and read aloud the name to which such number is appended
 10 in the said Roll. And if at the time of so reading any such
 name, either party, or his Attorney or Agent shall object
 12 that the man whose name shall be so drawn, is in any
 manner incapacitated from serving on the said Jury, and
 14 shall also then and there prove the same to the satisfaction
 of such Sheriff, such name shall be set aside, and the said
 16 Sheriff shall instead thereof draw out of the said box or
 urn another number, and shall in like manner refer to the
 18 corresponding number in the Grand Jurors' Roll, to which
 such ballot shall belong, and read aloud the the name to
 20 which such number is appended in the said Roll. Which
 name may be in like manner set aside, and other numbers
 22 and names shall in every such case be resorted to, accord-
 ing to the mode of proceeding hereinbefore described, for
 24 the purpose of supplying names in the places of those set
 aside, until the whole number of forty names not liable to
 26 be set aside shall be completed. And if in any case it shall
 so happen that the whole number of forty names cannot
 28 be obtained from the said Grand Jurors' Rolls, in such
 case the said Sheriff, shall in like manner ballot such a
 30 number of names from the Grand Jurors' Rolls in the
 Jurors Book of the nearest year for which there shall be a
 32 Jurors Book or certified copy thereof, in the office of the
 said Clerk of the Peace, in addition to those already taken
 34 from the first mentioned Grand Jurors Rolls, as shall be
 required to make up the full number of forty names. And
 36 the said Sheriff shall thereupon make out a List of the
 forty names, together with their respective places of abode
 38 and additions, from which List, after a reasonable time
 allowed in the discretion of such Sheriff for enquiry and
 40 consideration respecting the same, each party, his Attorney
 or Agent shall strike out twelve names, such names being
 42 so struck out by such parties one by one alternately, the
 party suing out such *venire-facias* commencing. And the
 44 Sheriff shall thereupon return upon such *venire facias*, and
 summon or cause to be summoned thereon the sixteen
 46 persons whose names shall remain on such List to appear
 on the day appointed for the trial of such cause. And from

As to jurors,
 &c., objected
 to.

If forty names
 cannot be
 obtained from
 the rolls,
 recourse to be
 had to those of
 a previous
 year.

List of jurors
 to be made out;
 each forty to
 make out 12.

Remaining 16
 to be sum-
 moned, and
 jury taken
 from them.

VIII. *Special Juries.*

such sixteen persons or so many of them as shall appear in obedience to such summons, shall be taken by ballot in the manner hereinbefore, by the *thirty sixth* section of this Act, prescribed for the drawing of Petit Jurors from the General Panel therein mentioned, a Special Jury for the trial of such cause.

Sheriff may strike in place of party failing to attend.

XLIV. And be it enacted, That if either of the parties in such cause, shall neglect to attend either in person or by Attorney or Agent, at the striking of such Special Jury, the Sheriff upon production of such affidavit, affirmation or admission of service of such notice as aforesaid, and after waiting at least half an hour for such absent party, shall if requested by the other party, his Attorney or Agent, proceed to strike such Special Jury, and in case of the continued absence of such first mentioned party, shall on his behalf strike out of the said List the twelve names to be by such party struck out of such list as aforesaid.

Superior courts may order cases of certain kinds to be tried by a jury of men conversant with the subject, consent of parties required in certain cases.

XLV. And be it it enacted, That it shall and may be lawful for either of Her Majesty's Superior Courts of Common Law at Toronto, in Term time, or any Judge thereof, in vacation, in suits between Merchant and Merchant, or Trader and Trader, or merchant and Trader involving one or more questions of mercantile consideration, and in suits between Manufacturer and Manufacturer, or Mechanic and Mechanic, or Manufacturer and Mechanic involving one or more questions of Mechanical or scientific consideration, and in suits between any of the former and any of the latter involving one or more of any of such questions without the consent of parties; and in suits between any other persons involving one or more questions of scientific consideration, with the consent of the parties to such last mentioned suits, to order and direct any such cause to be tried by a Special Jury of men belonging to the appropriate kind or kinds of business as aforesaid or of scientific men respectively, as the case may be: provided always that every such Rule not made with the consent of parties, shall be made only upon a Rule to shew cause or summons upon which the adverse party shall have had the usual opportunity of being heard as in other cases.

How such extra special juries shall be summoned.

XLVI. And be it enacted, That in every Rule for striking any such Special Jury as is provided for in the last preceding section of this Act, it shall be ordered that such Special Jury shall be struck, and the names of such Special Jury certified to the Sheriff by three Eligors.

VIII. *Special Juries.*

to be appointed in writing by endorsement upon such Rule,
 2 one by the Plaintiff, in such cause his Attorney or Agent,
 another by the Defendant his Attorney or Agent, and the
 4 third by the Clerk of the Crown and Pleas of the Court
 in which the cause shall be pending or by the majority of
 6 such Elisors, all three being present, and that the Sheriff
 shall return and summon upon the *venire facias*, in such
 8 cause such persons as such Elisors, shall certify to him as
 having been struck as Special Jurors for the trial of the
 10 same. And the indorsement to return a Special Jury on the
venire facias in every such cause, shall direct the Sheriff to
 12 return a Special Jury of men of the appropriate kind or kinds
 of business as aforesaid or of scientific men as the case may
 14 be, pursuant to such certificate as he may receive from the
 Elisors (naming them,) in that behalf appointed by such
 16 Rule.

Indorsement
 or *venire*.

XLVII. And be it enacted, That every such Special
 18 Jury as is provided for by the *forty-fifth* section of this
 Act, shall be struck in the following manner, that is to
 20 say: the three Elisors or a majority of them upon the
 delivery to them of a copy of the Rule for such Special
 24 Jury, and of the *venire facias* for the return of such Jury,
 shall at the request of either of the parties in such cause
 22 make an appointment in writing of a day, hour and place
 for striking such Special Jury as by the *forty-third* section
 26 of this Act, is provided with respect to other Special Juries.
 And upon notice of such appointment being served upon
 28 the opposite party and such service proved as in the same
 section, is provided with respect to such other Special
 30 Juries, the said Elisors shall at the time and place so
 appointed and after waiting the time prescribed by the said
 32 *forty-third* section, proceed to make a list of the names
 and additions of all such persons whose names shall appear
 34 on any of the Jurors' Rolls for the year in which such
venire facias is returnable, who shall in their Judgment
 36 come within the description of persons required to be struck
 on such Jury according to the exigency of such Rule. And
 38 if there shall not be forty of such persons to be found upon
 such Rolls or either of them, then the said Elisors or the
 40 majority of them, if they shall know of a sufficient number
 of persons answering such description within the County,
 32 or Union of Counties whether such persons shall be
 otherwise qualified and liable to serve, or exempt
 34 from serving as Jurors or not, provided they be not
 persons disqualified from any of the causes set forth
 36 in the *tenth* section of this Act or either of them,

Mode of strik-
 ing such jury
 by elisors.

Elisors to
 attend.

If there be not
 forty proper
 persons on the
 rolls.

VIII. *Special Juries.*

shall add the names and additions of a sufficient number of such persons to such list to complete the same 2
 to forty names. And if there shall be the names of more
 than forty of such persons on such Rolls, the said Elisors 4
 or the majority of them from the names of all the persons
 on such Rolls who shall answer such description, shall in 6
 the manner prescribed by the *forty-third* section of this
 Act, for the striking other Special Juries, select forty of 8
 such names. And the list of such forty names being thus
 completed, the same shall be reduced in the same manner as 10
 hereinbefore by the said *forty-third* section is provided with
 respect to such other Special Juries. And the said Elisors 12
 shall thereupon give a certificate to each of the parties to
 such suit, their Attorney or Agent, certifying the names and 14
 additions of the sixteen persons whose names shall remain
 upon such List; and the Sheriff or other Officer or 16
 Minister to whom such *venire facias* shall be directed, shall
 upon receipt of either of such certificates, return and sum- 18
 mon such sixteen persons upon such *venire facias* accord-
 ingly, and from these sixteen persons so returned, shall be 20
 selected the Jury to try such cause in the same way and
 under and subject to the like restrictions as by the said 22
forty-third section of this Act is enacted with respect to
 other Special Juries provided always, that every such 24
 person so struck on any such Special Jury shall be liable
 to serve on the same although exempted from serving upon 26
 Juries by the general provisions of the *fifth*, *sixth* and
seventh sections of this Act as hereinbefore provided. 28

If there be
 more than
 forty such.

Elisors, to
 certify 16
 jurors: who
 shall be sum-
 moned
 accordingly.

Same special
 jury may by
 consent try
 any number of
 causes.

Proviso.

XLVIII. And be it enacted, that nothing herein con-
 tained shall be construed to prevent the same Special Jury, 30
 however nominated from trying any number of causes so
 as the parties in every such cause or their Attornies, shall 32
 have signified their assent in writing to the Sheriff or other
 Officer or Minister to whom the return of Juries in such 34
 cases shall belong, to the nomination and return of such
 Special Jury for the trial of their respective causes. 36
 Provided always that it shall be lawful for the Court at
 which he shall be summoned to attend, if it shall so think 38
 fit, upon the application of any man who shall have served
 upon one or more Special Juries at any Assizes or Sessions 40
 of *Nisi Prius*, to discharge such man from serving upon
 any other Special Jury during the same Assizes or Sessions 42
 of *Nisi Prius*.

VIII. *Special Juries.*

XLIX. And be it enacted, That the party who shall
 2 sue out a *venire facias* for a Special Jury in any cause, shall
 pay the fees for striking such Special Jury, the fees of the
 4 Jurors and all the expences occasioned by the trial of the
 cause by such Special Jury, and shall not have any further
 6 or other allowance for the same upon taxation of costs,
 than such party would be entitled to, in case the cause had
 8 been tried by a common Jury, unless the Judge before
 whom the cause is tried, shall immediately after the ver-
 10 dict in open Court, or afterwards upon a Summons at
 Chambers, certify under his hand that the same was a
 12 cause proper to be tried by a Special Jury.

As to fees and
 costs of trial
 by special
 jury.

IX. *Views, Juries de medietate linguæ and Inquests.*

L. And be it enacted, That when in any case either
 14 civil or criminal, or on any Penal Statute depending in
 either of Her Majesty's Superior Courts of Common Law
 16 at Toronto, it shall appear to such Court or to any Judge
 thereof in vacation, that it will be proper and necessary
 18 that some of the Jurors who are to try the issues in such
 case, should have the view of the place in question, in
 20 order to their better understanding the evidence that may
 be given upon the trial of such issues, in every such case,
 22 such Court, or any Judge thereof in vacation, may order
 a Rule to be drawn up containing the usual terms, and also
 24 requiring if such Court or Judge shall so think fit, the party
 applying for the view to deposit in the hands of the Sheriff
 26 a sum of money to be named in the Rule, for payment of
 the expences of the view and commanding Special Writs of
 28 *venire facias* and *distringas* to issue, by which the Sheriff
 or other Officer or Minister, to whom the said writs shall
 30 be directed, shall be commanded to have six or more of the
 Jurors named in such Writs, or in the Panels thereunto
 32 annexed, (who shall be mutually consented to by the par-
 ties, or if they cannot agree shall be drawn by ballot from
 34 such Panel as hereinafter provided,) at the place in ques-
 tion, some convenient time before the trial, who then and
 36 there shall have the place in question shewn to them by
 two persons in the said writs named, to be appointed by
 38 the Court or Judge; and the said Sheriff or other Officer
 or Minister, who is to execute any such writ shall by a
 40 Special return upon the same certify that the view hath
 been had according to the command of the same, and shall
 42 specify the names of the viewers.

Superior courts
 may grant
 views when
 they shall
 think them
 necessary,
 conditions, &c.

IX. *Views, Juris de medietate linguæ and Inquests.*

How viewers shall be chosen, if not agreed upon by the parties.

LI. And be it enacted, That when the parties in any such case shall not agree as to the Jurors to be nominated to take such view, such viewers shall by the Sheriff or other Officer or Minister, to whom the *venire facias juratores* in such case shall be directed, be drawn by ballot from the Panel returned upon such *venire facias*, at some time and place to be appointed by such Sheriff or other Officer or Minister for that purpose, in the like manner as by the *thirty-sixth* section of this Act is provided for drawing Juries from the general Panel at *Nisi Prius*.—Provided always, nevertheless that no such Sheriff or other Officer or Minister shall proceed to draw such viewers from such Panel without having first given at least forty-eight hours notice in writing to the respective parties in such suit of the day, hour and place of such drawing.

Viewers to be the first sworn on the jury.

LII. And be it enacted, That when a view shall have been allowed in any case, those men who shall have had the view or such of them as shall appear upon the Jury to try the issue shall be first sworn, and so many only shall be added to the viewers, who shall appear, as shall after all defaults and challenges allowed, make up a full Jury of twelve.

Right of alien to be tried by jury, *de medietate* saved.

LIII. And be it enacted, That nothing herein contained shall extend or be construed to extend to deprive any alien not naturalized, indicted or impeached of any felony or misdemeanor, of the right of being tried by a Jury *de medietate linguæ*, but that on the prayer of every such alien so indicted or impeached, the Sheriff shall by command of the Court return for one half of the Jury a competent number of aliens, if so many there be in the Town or place where the trial is had, and if not then so many aliens as shall be found in the same town or place any, and that no such alien Juror shall be liable to be challenged for want of any qualification required by this Act, but every such alien may be challenged for any other cause in like manner as if he were qualified by this Act.

What persons only may be summoned as jurors on inquests.

LIV. And be it enacted, That no man shall be liable to be summoned or impannelled to serve as a Juror in any County, City or Town in Upper Canada, upon any inquest or inquiry to be taken or made before any Sheriff or Coroner, by virtue of any writ of 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 juris-

IX. *Views, Juries de medietate linguæ and Inquests.*

diction throughout any County of the same, or throughout
 2 any City or Town and the liberties or precincts thereof
 within the same, unless the name of such person shall
 4 appear upon one or other of the Jurors Rolls, for
 the year in which such person shall be called upon
 6 to serve on such inquest or inquiry: provided always
 that nothing herein contained, shall extend or be con-
 8 strued to extend to any inquest to be taken by or
 before any Coroner of any County, Union of Counties,
 10 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
 12 Bailiff or Coroner of any County, Union of Counties,
 City or Town, but that the Coroners, Sheriffs, and High
 14 Bailiffs aforesaid in all such Counties, Unions of Counties,
 Cities, and Towns respectively, when acting otherwise
 16 than under a writ of inquiry, shall and may respectively
 take and make all inquests and inquiries by Jurors of the
 18 same description as they have been used and accustomed
 to do before the passing of this Act.

Proviso: as to
 certain
 inquests.

X. *Challenges.*

20 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
 22 any Penal Statute in any of the Courts hereinbefore mentioned, who
 shall not be qualified according to this Act, the want of such quali-
 24 fication shall be a good cause of challenge and he shall be discharged
 upon such challenge, if the Court shall be satisfied of the fact; Pro-
 26 vided always, that nothing herein contained shall extend in any wise
 to any Special Juror.

Want of
 qualification
 is cause.

Proviso: as to
 special jurors.

28 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 accord-
 30 ing 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
 32 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,
 34 any law, custom or usage to the contrary notwithstanding.

Want of free-
 hold, not a
 cause.

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

Want of a
 knight, no
 cause, as to
 array.

LVIII. And be it enacted, That no person arraigned for murder
 40 or felony shall be admitted to any peremptory challenge above the
 number of twenty, and that the Defendants arraigned for any mis-
 42 demeanor, if they, or such of them as may be tried together, shall
 unite in such challenge, may challenge peremptorily without assign-
 44 ing any cause for the same, any *two* of the Jurors who may be called
 upon to serve on such trial.

Peremptory
 challenges
 limited.

X. Challenges.

Crown to challenge for cause only.

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: 2 4

In civil cases, each party may challenge two jurors peremptorily:

Proviso.

As to special jurors.

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. 6 8 10 12 14

XI. Summoning Jurors.

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

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, *ten* 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, 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. 16 18 20 22 24 26

Jurors on inquest, 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 anything 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. 28 30 32 34 36

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. 38 40 42 44 46

XII. Penalties.

LXIV. And be it enacted, That where any viewer having been
 2 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
 4 have been summoned to attend for the trial of such cause, is hereby
 authorized and required to set upon such viewer, (unless some rea-
 6 sonable 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
 8 the circumstances of the particular case shall think proper.

On viewers for
non-attend-
ance.

LXV. And be it enacted, That if any man having been duly sum-
 10 moned and returned to serve as a Juror in any County, Union of Count-
 12 ties, 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
 14 such Juror, every such Sheriff, Coroner, and Commissioners respec-
 tively, are hereby authorized and required (unless some reasonable
 16 excuse shall be proved on oath, affidavit, or affirmation) to impose
 such fine upon any man so making default, as they shall respectively
 18 think fit, not exceeding *five* pounds; and every such Sheriff, Coroner
 and Commissioners respectively shall make out and sign a certificate,
 20 containing the Christian and Surname, the residence and addition of
 every man so making default, together with the amount of the fine
 22 imposed, and the cause of such fine, and shall transmit such certifi-
 cate to the Clerk of the Peace for the County or Union of Counties,
 24 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
 26 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
 28 City as aforesaid, next ensuing. And every such Clerk respectively,
 is hereby required to copy the fines so certified on the Roll, on which
 30 all fines and forfeitures imposed at such Quarter Sessions, or Sittings
 or Sessions of such Recorder's, Court of any such City, shall be
 32 copied, and the same shall be estreated, levied and applied in like
 manner, and subject to the like powers, provisions and penalties in
 34 all respects as if they had been part of the fines imposed at such
 Quarter Sessions or Sittings respectively, as aforesaid.

On jurors
upon inquests
and inquiries
for non-attend-
ance.

LXVI. And be it enacted, That if any Sheriff or other Officer or
 36 Minister as aforesaid, shall wilfully impanel and return any man to
 38 serve on any Jury, in any of the Courts aforesaid, such man's name
 not being duly drawn upon such Panel, in the manner in this Act
 40 prescribed: or if any Clerk of Assize, Associate, Marshall, Clerk of
 the Peace, Clerk of the Recorder's Court or other Officer of any of
 42 Courts aforesaid, shall wilfully record the appearance of any man
 so summoned and returned, who did not really appear; in every such
 44 case the Court shall, and may upon examination in a summary way,
 set such fine upon such Sheriff, Officer, or other Minister, Clerk of
 46 Assize, Associate, Marshall, Clerk of the Peace, Clerk of the Re-
 corders' Court or other officer offending, as the Court shall think meet.

On sheriffs,
&c., for de-
fault to per-
form duties
assigned to
them.

LXVII. And be it enacted, That no Sheriff, under Sheriff,
 48 Coroner, Elisor, Bailiff, or other Officer, Minister or person what-
 50 soever, shall directly or indirectly, take or receive any money or
 other reward or promise of money or reward, to excuse any

On sheriffs,
&c., taking
money as a
bribe.

XII. *Penalties.*

man from serving or being summoned to serve on Juries, or under any such colour or pretence; and that no Bailiff or other officer, appointed by any Sheriff, Under Sheriff, Coroner, or Elisor, to summon Juries, shall summon or pretend to summon any man to serve thereon other than those whose names are specified in a warrant or mandate signed by such Sheriff, Under Sheriff, Coroner, or Elisor, and directed to such Bailiff, or other officer; and if any Sheriff, Under Sheriff, Coroner, Elisor, Bailiff, or other officer, shall wilfully transgress in any of the cases aforesaid, or shall summon any of the Jurors, not being a Special Juror, less than *ten* days before the day on which he is to attend, or shall summon any Special Juror less than *three* days before the day on which he is to attend; except in the cases hereinbefore excepted; the Court of Assize, *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, County and Recorder's Court, within whose jurisdiction the offence shall be committed, may and is hereby required on examination and proof of 16 such offence, in a summary way to set such fine upon every person so offending, as the Court shall think meet, according to the nature of 18 the offence.

On sheriffs, &c., making any un-authorized alteration in any jurors' book, or neglecting to return the same, &c.

LXVIII. And be it enacted, That if any Sheriff or Deputy Sheriff of any County or Union of Counties, or any High Bailiff or other Officer of any City, shall make or cause to be made any alteration whatever in the Rolls, Lists, or Panels in any Jurors' Book, or in the certified copies thereof in their official custody, or in the official custody of any of them, or in any of them, except in compliance with the directions in this Act contained, or shall neglect or refuse to prepare the Jurors' Book, the Ballots necessary for Balloting the Jury Lists, drafting the Panels, striking Special Juries, and drawing Juries at the trial, or shall neglect or omit to return such Jurors' Book, and the ballots for drafting such Jury Lists to the Court, which, by this Act he is required to return the same, or shall neglect or omit to perform any other duty required of him by this Act, or shall wilfully do anything inconsistent with the provisions of this Act, every such Sheriff, Deputy Sheriff, High Bailiff, or other Officer so offending, shall for every such offence forfeit the sum of *fifty* pounds, one moiety thereof to the use of Her Majesty, Her Heirs or Successors, and the other moiety thereof, with full costs to such person as shall sue for the same in any Court of competent jurisdiction, by action of debt, bill, plaint, or information.

On clerks of C. & P., making such alterations or certifying falsely, &c.

LXIX. And be it enacted, That if any Clerk of the Crown and 40 Pleas or any of their Deputies shall make or cause to be made any alteration whatever in the Rolls, Lists or Panels in any Jurors' Book, 42 or in any copy thereof deposited in his office, or shall wilfully certify as true any copy of any Jurors' Book, or any Roll, List or Panel therein, when the same shall not be a true copy thereof, every such Clerk of the Crown and Pleas, or Deputy Clerk of the Crown; and 46 Pleas, shall for every such offence, forfeit the sum of *fifty* pounds, one moiety thereof to the use of Her Majesty, Her Heirs or Successors, 48 and the other moiety thereof with full costs to such person as shall sue for the same in any Court of competent jurisdiction by action of 50 debt, bill, plaint or information.

XII. Penalties.

- LXX. And be it enacted, That if any Assessor of any Township, Village or Ward in Upper Canada, shall neglect or omit to make out and complete his Assessment Roll for such Township, Village or Ward and to return the same to the office of the Clerk of the County or City, or other office or place of deposit for such Roll, at least on or before the *fifteenth day of September*, of the year for which he shall be such Assessor, every such Assessor so offending, shall forfeit for every such offence the sum of *fifty* pounds, one moiety thereof to the use of Her Majesty, Her Heirs or Successors, and the other moiety thereof with full costs to such person as shall sue for the same in any Court of competent jurisdiction by action of debt, bill, plaint or information : provided always, that nothing herein contained shall be construed to relieve any such Assessor from the obligation of returning such Assessment Roll at an earlier period of the year, or from any penalty he may incur by not returning the same accordingly.
- LXXI. And be it enacted, that if any Selector of Jurors for any Township, Village or Ward in Upper Canada, shall wilfully select and report as qualified and liable to serve as a Grand or Petit Juror, any person whom according to the provisions of this act ought not to have been so selected or reported or shall take any money or other reward for so selecting or reporting or omitting to select or report any person whomsoever, or shall wilfully insert in any such Report a wrong description of the name, place of abode, or addition of any one so selected and reported, or shall neglect or omit to complete his selection and Report, and to deposit the same in the proper office at least on or before the *fifteenth day of September* of the year for which he shall act as such Selector of Jurors ; every such Selector of Jurors offending in any of the foregoing cases, shall for every such offence forfeit a sum not exceeding *twenty* pounds, nor less than *five* pounds at the discretion of the Justice before whom he shall be convicted.
- LXXII. And be it enacted, That if any Clerk of the Peace, or Clerk of any such Recorder's Court of any City as aforesaid, or his deputy, shall when acting in performance of the duties required of him by the *eighteenth, nineteenth, twentieth, twenty-first, twenty-second and twenty-third* sections of this act, neglect or omit to perform any duty required of him by those sections in the manner therein prescribed, or shall wilfully do anything inconsistent with the provisions of the same, every such Clerk of the Peace, or other Clerk as aforesaid, or his deputy, so offending, shall for every such offence forfeit the sum of *fifty* pounds, one moiety thereof to the use of Her Majesty, Her Heirs or Successors, and the other moiety thereof, with full costs, to such person as shall sue for the same, in any Court of competent jurisdiction; by action of debt, bill, plaint, or information.
- LXXIII. And be it enacted, That all fines to be imposed under this act by either of Her Majesty's Superior Courts of Common Law at Toronto, or by any Court of Assize, *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, County Court or Recorder's Court, shall be levied and applied in the same manner as any other fines imposed by the said Courts respectively, and that all other penalties hereby enacted (for which no other remedy is

On assessors not making and returning the assessment roll in proper time.

Proviso.

On selectors of jurors for wilful dereliction of duty.

On clerks of the peace, for wilful dereliction of duty.

How pecuniary penalties, shall be levied and applied.

XII. Penalties.

given) shall on conviction of the offence, before 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 chattles, 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.

XIII. Application of Provisions.

LXXIV. 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 Ballotting 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

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.

XIII. Application of Provisions.

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 officer of such City; and it shall be the duty of such High Bailiff, 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.

LXXV. And be it enacted, That all the powers conferred and duties imposed by this Act upon Justices of the Peace, with respect to Counties and Unions of Counties, shall be and the same are hereby conferred and imposed upon the Aldermen of the different Cities in Upper Canada, in which a Recorder's Court shall have been established in respect of the Cities of which they are or shall be Aldermen respectively.

Aldermen to act as justices of the peace, under this act.

LXXVI. And be it enacted, That the duties by this Act required of the Sheriffs of the different Counties and Unions of Counties and of the High Bailiffs, or other similar officers of the different Cities in Upper Canada, and those also required of the Clerks of the Peace, and Clerks of the Recorder's Courts of such Cities as aforesaid, may be executed and performed either by the principal officer himself, or by his Under Sheriff or Deputy respectively.

Deputies of sheriffs &c., may perform duties assigned to principals.

LXXVII. And be it enacted, That the manner of drafting or 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 all Coroners, Elisors, and other Officers and Ministers having the return of Jury process, who shall for such purpose have free access at all reasonable times to the Jurors' Book in the Sheriff's office, and it shall be the duty of every such Coroner, Elisor, and other Officer and Minister to perform all such duties, and they are hereby invested with all such powers, in any way connected with the drafting, striking, returning and summoning such Juries, 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.

Coroners, Elisors, &c. to draft juries in like manner as sheriffs are required to do.

LXXVIII. And be it enacted, That the several directions in this Act contained, respecting the issue of precepts for the return of a Panel of Grand Jurors for the sittings or Sessions of Oyer and Ter-

Provisions as to panel of grand jurors for oyer and

XIII. *Application of Provisions.*

terminer, &c.,
to apply to
other courts.

miner, and Gaol Delivery, as well as for the execution and return
of such precepts, with all things touching the same, shall, in all and
several their particulars be observed and followed, with respect to
the Sittings or Sessions of the General Quarter Sessions of the
Peace in Upper Canada, and with respect to the Sittings or Sessions
of the several Recorder's Courts of the different Cities in Upper
Canada, in which such Court shall have been established.

Provisions as
to panel of
petit jurors, at
assizes, &c., to
apply to quar-
ter sessions
and county
courts.

LXXIX. And be it enacted, That the several directions in this
Act, contained respecting the issue of precepts for the return of a
General Panel of Petit Jurors, for the Sitting or Sessions of Assize, and
Nisi Prius as well as for the execution, and return of such precepts
with all things touching the same, except only those contained in the
Eighty-third section of this Act, shall in all and several their par-
ticulars be observed and followed with respect to the Sittings or
Sessions, of the several Quarter Sessions and County Courts in
Upper Canada, and with respect to the Sittings or Sessions of the
several Recorder's Courts of the different Cities in Upper Canada, in
which such Court shall have been established.

XIV. *Miscellaneous provisions.*

Allowances
for services
under this act.

Selectors.

Clerks of the
peace, and of
recorder's
courts.

LXXX. And be it enacted, that the Selectors of Jurors for every
selecton and distribution of Jurors and the Report thereof made by
them under this Act shall be entitled to the sum of
each to be paid to them respectively, by the Treasurer of the County
or Union of Counties, for which such Jurors are to serve, out of any
monies in his hands belonging to such County or Union of Counties
not otherwise specially appropriated by act of Parliament, and which
money shall be paid by such Treasurer to every such Selector of Jurors
upon receipt of a certificate from the Clerk of the Peace for such
County or Union of Counties, that such Report had been duly made
to him within the time for that purpose prescribed by this Act. That
the Clerk of the Peace of every such County or Union of Counties,
and the Clerk of the Recorder's Court of every City, in which a
Recorder's Court shall have been established for every Jurors Book
furnished and prepared by him under this Act, shall be entitled to the
sum of
the further sum of
for every hundred names contained in the Rolls of Jurors by him
entered in such Jurors Book as directed by this Act, the further
sum of
for each Jury List ballotted and entered in such
Jurors' Book according to the provisions thereof, and which several
sums of money shall be paid by the Treasurer of such County or Union
of Counties or the Chamberlain of such City as the case may be, out
of any monies in his hands belonging to such County, Union of
Counties or City respectively not otherwise specially appropriated by
Act of Parliament, upon receipt of a certificate from the Cairman of
the Quarter Sessions of such County or Union of Counties, or the
Recorder or other presiding officer of such Recorder's Court, that
such Book had been furnished and prepared and such other services
performed by such Clerk of the Peace or mlerk of the Recorder's
Court respectively, within the time and according to the directions
prescribed by this Act, and the further sum of
for

XIV. *Miscellaneous provisions.*

every Panel of Jurors drafted from any Jurors' Book in his office,
 2 to be paid in the case of General Panels returned upon such General
 Precepts as are mentioned in the *twenty-ninth* section of this Act,
 4 out of the like monies and by the like officer as hereinbefore mentioned,
 upon the production to such officer of the Certificate of the Sheriff or
 6 other officer who shall have drafted the same, that such General
 Panel was so drafted as aforesaid, and in all other cases to be paid
 8 by the party suing out the Jury process upon which such Panel shall
 have been drafted. And the Sheriff, High Bailiff or other Officer of
 10 every such County, Union of Counties or City, exclusive of such
 fees as he may be entitled to from the parties in any suit or otherwise,
 12 for each Panel of Jurors whether Grand or Petit, returned and sum-
 moned by him in obedience to any General Precept for the return of
 14 Grand or Petit Jurors for any Sittings or Sessions of *Assize and Nisi*
Prius, Oyer and Terminer, Gaol delivery, Sessions of the Peace,
 16 or County or Recorders' Court respectively, under this Act, shall be
 entitled to the sum of _____ and which sum of money shall be
 18 paid by the Treasurer of such County or Union of Counties or by the
 Chamberlain of such City, as the case may be, out of any monies in
 20 his hands belonging to such County, Union of Counties or City respec-
 tively, not otherwise specially appropriated by Act of Parliament,
 22 upon receipt of a certificate from any two Justices of the Peace or
 Aldermen respectively, as the case may be, who may have been
 24 present at the drafting of such Panel pursuant to the *twenty-fifth*
 section of this Act, of such Sheriff, High Bailiff or other Officer
 26 having performed such service according to the directions of this Act.
 For all which monies so to be paid as aforesaid, every such Trea-
 28 surer and Chamberlain shall be allowed in his accounts with such
 County, Union of Counties or City, as if the same had been paid
 30 under the Special Authority and direction of the Municipal Corpora-
 tion of such County, Union of Counties or City respectively.

Sheriffs, high
 bailiffs, &c.

The said sums
 to be allowed
 to treasurers in
 their accounts.

32 LXXXI. And be it enacted, That in every case in which in any
 County or Union of Counties or any City of Upper Canada, there
 34 shall be no Sittings or Sessions of the General Quarter Sessions of the
 Peace, or Recorder's Court respectively, at which according to the
 36 provisions of this Act, the Jury Lists for the following year for such
 County, Union of Counties or City respectively, are hereby required
 38 to be balloted from the Jurors' Rolls as herein provided, or if from
 any other cause such Lists or either of them shall not have been
 40 balloted, pursuant to the provisions of this Act, it shall and may be
 lawful for the Governor of this Province, by warrant under his privy
 42 Seal of which a copy shall be published in the Official Gazette of the
 Province, and also (if there be such) in one public Newspaper
 44 published in such County, Union of Counties or City as the case may
 be, to fix any day not sooner than fourteen days from the publication
 46 of the same in such Gazette, and also a place in such County,
 Union of Counties or City for holding a Special Sittings or Sessions
 48 of such Court for the purpose of balloting such Jury Lists as herein-
 before directed; and that the several provisions and clauses of this
 50 Act, relating to the Sittings or Sessions of such Court, in which the
 balloting of such Jury Lists are hereinbefore directed to be done,
 52 shall be extended and applied to and be in force with respect to any
 such Special Sittings or Sessions, by any such warrant so directed to
 54 be held as aforesaid.

Governor may
 in certain cases
 authorize the
 holding of
 special sessions
 for balloting
 for jurors, &c.,
 under this act.

XIV. Miscellaneous provisions.

What shall be done if from any circumstance the clerk of the peace, &c., cannot take the oath required by section 19.

LXXXII. And be it enacted, That in the event of any Clerk of the Peace or Clerk of the Recorder's Court being unable to make such 2 oath as is required by the *nineteenth* section of this Act, as to the Entries made in any of such Jurors' Books, previous to the time of 4 such Book coming into his custody from his Predecessor or having reason to suspect that any original entries in any of such Books have after 6 their original completion been erased, mutilated or altered, he shall in lieu of that part of the said oath, make oath that as to such 8 entries he is unable to speak, but that from circumstances which have come to his knowledge or of which he has been informed, he has reason 10 to doubt the correctness thereof, or of some parts thereof or has reason to suspect that some of the original entries in some of such 12 Books have been erased, mutilated or altered as the case may be.; and in every such case such Court shall immediately after the ballot- 14 ting shall have been completed proceed either on the same or some subsequent day to examine and enquire by the oaths of such as may 16 be informed thereof into such supposed incorrect entries, erasures, mutilations or alterations, their nature and extent and by whom, 18 when and for what purpose made and to punish the parties who may be thereupon found to have made such incorrect entries, erasures, 20 mutilations or alterations, by fine or imprisonment in their discretion and to cause such incorrect entries, erasures, mutilations or alterations 22 to be rectified, and such Books restored to their original state as nearly as may be according to the best information they shall have been able 24 to obtain of or concerning the same.

Certain courts to have the same powers as heretofore, for certain purposes.

LXXXIII. And be it enacted, That Her Majesty's two Superior 26 Courts of Common Law at Toronto, and all Courts of Oyer and Terminer, and Gaol Delivery in Upper Canada, shall 28 respectively have and exercise the same powers, and authority as they have heretofore had or exercised in issuing any writ, 30 or precept, or in making any award or order orally or otherwise for the return of a Jury for the trial of any issue before any of 32 such Courts respectively, or for the amending or enlarging the Panel of Jurors, returned for the trial of any such issue and the return 34 to any such writ, precept, award or order shall be made in the manner heretofore used and accustomed in such Courts respectively, save 36 and except that the Jurors shall be returned from the body of the County or Union of Counties, and not from any hundred or Town- 38 ship or from any particular venue within such County or Union of Counties and shall be qualified according to this Act. 40

Justices of assize, may in their discretion direct the panel of petit jurors to be divided into two sets, each sett to serve a certain time.

LXXXIV. And be it enacted, That in any County or Union 42 of Counties in which the Justices of Assize shall think fit so to direct the Sheriff, the Sheriff to whom the return of the precept for the trial of causes at *Nisi Prius*, for such County or Union of Counties doth 44 belong, shall summon and empanel such number of Petit Jurors, not exceeding *one hundred and forty-four* as such Justices shall think fit 46 to direct to serve indiscriminately on the criminal and civil side, and that where such Justices shall so direct, the Sheriff shall divide such 48 Jurors equally into two sets, the first of which sets to consist, except as hereinafter provided, of the necessary number of those first drawn 50 upon such Panel, shall attend and serve for so many days at the

XIV. Miscellaneous provisions.

beginning of each Assizes as such Justices shall, within a reasonable
 2 time before the commencement of such Assize think fit to
 direct, and the other of which setts to consist except as before
 4 excepted, of the residue of such Jurors shall attend and serve
 for the residue of such Assize.—Provided always, firstly, that
 6 such Sheriff shall in the summons to the Jurors, in each
 of such setts specify whether the Juror named therein, is in the
 8 first or second sett, and at what time the attendance of such
 Juror will be required, and during the attendance and service of the
 10 first of such setts, the Juries on the civil side shall be drawn from the
 names of the persons in that sett, and during the attendance and ser-
 12 vice of the second of such setts, from the names of the persons in
 such second sett: And provided also, secondly, that in any cause
 14 where a Rule for a view shall have been obtained as hereinbefore
 mentioned, in a case to be tried by a Jury to be taken from such
 16 Panel, it shall be lawful for the Judge before whom such case is to
 be tried, and he is hereby required on the application of the Party
 18 obtaining such Rule, to appoint that in case the names of any one of
 the viewers shall stand in such Panel, among the first half of the
 20 names in the same, the names of all the viewers in such case, shall
 by such Sheriff be placed in the first of such setts, and that the case
 22 shall be tried during the attendance and service of that sett of Jurors
 in which such viewers are included.

Proviso.

Proviso.

24 LXXXV. And be it enacted, That where a full Jury shall not
 appear before any Court of Assize or *Nisi Prius*, or before any
 26 sittings of any County Court for the trial of issues, and assessment
 of damages as at *Nisi Prius* or before any such Court, of any such
 28 City as aforesaid, when engaged in the trial of a civil suit or where
 after the appearance of a full Jury, by challenge of any of the par-
 30 ties, the Jury is likely to remain untaken for default of Jurors, every
 such Court upon request made for the Queen, by any one thereto au-
 32 thorized or assigned by the Courts or on request made by the Parties,
 Plaintiff, Demandant, Defendant or Tenant, or their respective
 34 Attornies, in any action or suit whether popular or private, shall
 command the Sheriff or other Officer or Minister, to whom the
 36 making of the return shall belong, to name and appoint as often as
 need shall require, so many of such other able men, of the County,
 38 Union of Counties or City, as the case may be, then present, as shall
 make up a full Jury, and the Sheriff or other Officer or Minister
 40 aforesaid, shall at such command of the Court return such men duly
 qualified, as shall be present, or can be found to serve on such Jury,
 42 and shall add and annex their names to any Panel that may have
 been returned upon any *venire facias*, in such cause; provided
 44 always that when a Special Jury shall have been struck for the trial
 of any issue, the talesmen shall be such as shall be empannelled upon
 46 the Common Jury Panel to serve at the same Court, if a sufficient
 number of such men can be found, and the Queen by any one so
 48 authorized or assigned as aforesaid, and all and every the parties
 aforesaid, shall, and may in each of the cases aforesaid, have their
 50 respective challenges to the Jurors so added, and the Court shall pro-
 ceed to the trial of every such issue with those Jurors who were be-

Tales may be ordered in default of jurors.

Proviso.

XIV. *Miscellaneous provisions.*

fore empannelled together with the talesmen so newly added and annexed, as if all the said Jurors had been returned upon the writ or precept awarded to try the issue. 8

Sheriff, &c., indemnified for summoning any man who is on the roll, although he be not qualified.

LXXXVI. And be it enacted, That every Sheriff and other Officer or Minister to whom the return of Jurors shall belong, shall, be, and is hereby indemnified for empannelling and returning any man as a Grand or Petit Juror respectively, who shall be named in the Grand or Petit Juror's Rolls from which he shall be taken respectively, for the year for which he shall be summoned, although he may not be qualified or liable to serve as such Juror for such year. 10

Sheriffs to note names of jurors attending and serving at any court: and also of those in default.

LXXXVII. And be it enacted, That immediately after every Sittings or Sessions of Assize *Nisi Prius*, Oyer and Terminer, Gaol Delivery Sessions of the Peace, and County Court, the Sheriff shall on the Jury List, from which the Panel of Grand Jurors, (if any) returned to such Sittings or Sessions was drafted, and on the Jury List from which the Panel of Petit Jurors returned upon the General Precept to such Sittings or Sessions respectively was drafted, opposite the names of the Jurors respectively, note the non-attendance or default of all such of the Jurors in such Panels respectively, as shall not have duly attended and served upon such Panels until discharged by the Court. 12

Certificates to be given to jurors attending.

LXXXVIII. And be it enacted, That every Juror who shall have so attended and served upon any such Panel as last aforesaid, shall (upon application by him made to such Sheriff or Deputy Sheriff before he shall depart from the place of trial), receive a certificate testifying such his attendance and service, which certificate the Sheriff or Deputy Sheriff is hereby required to give upon payment of one shilling. 22

High bailiff to note names of jurors attending and serving.

LXXXIX. And be it enacted, That immediately after every Sittings or Sessions of the Recorder's Court for any City, the High Bailiff of such City, shall on the Jury List from which the Panel of Grand Jurors returned to such Sittings or Sessions was drafted, and on the Jury List from which the Panel of Petit Jurors returned upon the General Precept to such Sittings or Sessions was drafted, opposite the names of the Jurors respectively, note the non-attendance or default of all such of the Jurors in such Panels respectively as shall not have duly attended and served upon such Panels until discharged by the Court. 30

And to give certificates to such jurors.

XC. And be it enacted, That every Juror who shall have so attended and served upon any such Panel as last aforesaid, shall (upon application by him made to such High Bailiff or his Deputy, before he shall depart from the place of trial) receive a certificate testifying such his attendance and service, which certificate the High Bailiff or his Deputy is hereby required to give upon payment of one shilling. 40

XIV. Miscellaneous provisions.

- XCI.** And be it enacted, That it shall not be lawful either for the
2 Queen or for any one on her behalf, or for any party or parties in any
 case whatsoever, to commence or prosecute any writ of attaint against
4 any Jury or Jurors for the verdict by them given, or against the party
 or parties who shall have Judgment upon such verdict, and that no
6 inquests shall be taken to inquire of the concealments of other in-
 quests, but that all such attaints and inquests shall henceforth cease,
8 become void, and be utterly abolished, any Law, Statute or usage to
 the contrary notwithstanding.
- 10** **XCII.** And be it enacted, That notwithstanding any thing herein
 contained, every person who shall be guilty of the offence of embra-
12 cery, and every Juror who shall wilfully or corruptly consent thereto,
 shall and may be respectively proceeded against by indictment or
14 information, and be punished by fine and imprisonment, in like
 manner as every such person and Juror might have been before the
16 passing of this Act.
- 18** **XCIII.** And be it enacted, That nothing herein contained, shall
 be construed to affect or alter any Statute or Law whereby the affir-
 mation of persons belonging to certain religious societies, classes or
20 discriptions of persons is allowed, or directed to be in all cases re-
 ceived and taken from such persons in lieu of an oath.
- 22** **XCIV.** And be it enacted, that nothing herein contained shall
 extend or be construed to extend to alter, abridge or affect any power
24 or authority, which any Court or Judge now hath, or any practice
 or form in regard to trials by Jury, Jury Process, Juries or Jurors,
26 except in those cases only where any such power or authority, practice
 or form is repealed or altered by this Act, or is, or shall be incon-
28 sistent with any of the provisions thereof, nor to change or alter any
 privilege of Parliament.
- 30** **XCV.** And be it enacted, That the several Acts and parts of
 Acts of the Parliament of the late Province of Upper Canada, set
32 forth in the Schedule to this Act annexed marked C, and containing
 a description of the Acts and parts of Acts repealed by this Act, so
34 far as the same shall be in force at the commencement of this Act,
 and all Acts continuing or making permanent any of the said Acts,
36 or continued or made permanent by any of them, shall be, and the
 same are hereby repealed; Provided always nevertheless, Firstly :
38 That no Act or part of an Act repealed by any of the Acts hereby
 repealed, shall be revived by the passing of this Act, and no Act,
40 or part of an Act, perpetuated or continued by any of the Acts here-
 by repealed, (except such as are herein expressly repealed) shall be
42 repealed by the passing of this Act. And provided always, Secondly :
 That notwithstanding the repeal of the Acts and parts of Acts here-
44 by repealed, all Acts which might have been done and all proceed-
 ings which might have been taken or prosecuted relating to any
46 offences or neglects which may have been committed, or to any
 matters which shall have happened, or to any monies which shall
48 have become due, or to any fines or penalties which shall have been
 incurred before the day on which this Act shall come into full opera-

Attaints of
jurors
abolished.

Embracery,
punishable as
heretofore.

As to affir-
mations in-
stead of oaths,
in certain
cases.

Powers of
courts, practice,
&c., not be
altered unless
it be express-
ly so provided.

Acts and parts
of acts in
schedule C,
repealed.

Proviso.

Proviso.

XIV. Miscellaneous provisions.

tion, shall and may still be done or prosecuted, and the offences and omissions may be dealt with and punished, and the monies may be recovered and dealt with, and the fines and penalties may be imposed and applied as if the Acts and parts of Acts hereby repealed, continued in force.

When the enactments in this act shall respectively, take effect.

XCVI. And be it enacted, That all the provisions of this Act relating to the qualifications of Jurors, the selection and distribution of such Jurors, the preparation of the Jurors' Books, the Ballotting the Jury Lists, and the completion of such Jurors' Books, and the deposit thereof in the proper office, so far as they regard Jurors to be returned on any precept, or other Jury Process which shall be delivered to any Sheriff, High Bailiff or other Officer to whom the return of such Jury Process shall by law belong, upon or after the first day of January in the year of our Lord, one thousand eight hundred and fifty-one; and all such other provisions thereof as require to be acted upon, so as to have the Jurors' Books for the said year in the hands of the proper Officers through Upper Canada, ready to be made use of by all such Sheriffs, High Bailiffs, and other Officers aforesaid, according to the directions thereof, upon and after the said first day of January in the year aforesaid, shall so far as is necessary for that purpose but no further, come in force and take effect immediately after the passing thereof; but none of such provisions shall extend or be construed to extend to any Jurors or Panel of Jurors either Grand or Petit to be returned upon any Precept or other Jury Process which shall be delivered to any Sheriff, High Bailiff or other Officer to whom the return thereof shall belong, on or before the thirty-first day of December in this present year; and all such last mentioned Precepts and other Jury Process, shall be executed and returned by the Officers to whom the same shall be directed, and all Jurors so returned thereupon shall be held to be the proper Jurors to inquire for the Queen or to try all issues of fact in that behalf, and all proceedings to be had thereupon in all causes, criminal as well as civil, shall be had and taken and held good in law, to all intents and purposes whatsoever, as if this act had not been passed; and that except as to such last mentioned Jury Process, the Jurors to be returned and the proceedings to be had thereupon, this Act and all the provisions thereof, shall come in force and take effect in all and several the particulars thereof, upon, from and after the said first day of January in the year of our Lord, one thousand eight hundred and fifty-one, and not before.

SCHEDULE

A

REPORT

OF THE

SELECTION AND DISTRIBUTION

OF

JURORS

For the Township of Albion (*or* for the Ward of St. James in the City of Toronto), in the County of York, for the year 1850, made at the Town (*or* City) Hall of the said Township (*or* City) by A. B. Townreeve (*or* Mayor), C. D. Town (*or* City) Clerk, and E. F., G. H. and I. J., Assessors of the said Township (*or* Ward), on the day of _____ in the year aforesaid, pursuant to the directions of the Act of Parliament. (1)

1st DIVISION.

*For the Roll of Grand Jurors to serve in Her Majesty's
SUPERIOR COURTS of Criminal Jurisdiction.*

NAMES.	No. of Lot or House, where known to the Selectors.	Concession, or Street, or Unincorporated Village; or Hamlet, where known to the Selectors.	Additions.
John Anderson	16	2	Esquire
Peter Cameron	4	6	Yeoman
William O'Leary	—	Oatlands	Gentleman
Alfred Piper &c.	17	1	Esquire

2nd DIVISION.

*For the Roll of Grand Jurors to serve in Her Majesty's
INFERIOR COURTS of Criminal Jurisdiction.*

NAMES.	No. of Lot or House, where known to the Selectors.	Concession, or Street, or Unincorporated Village, or Hamlet, where known to the Selectors.	Additions.
William Adams	9	4	Gentleman
Richard House	7	5	Yeoman
Jacob Wyse	2	1	Tailor
Allan Thomas &c.	24	5	Esquire

3rd DIVISION.

*For the Roll of Petit Jurors to serve in Her Majesty's
SUPERIOR COURTS of Criminal Jurisdiction.*

NAMES.	No. of Lot or House, where known to the Selectors.	Concession, or Street, or Unincorporated Village, or Hamlet, where known to the Selectors.	Additions.
David Worth	11	7	Merchant
George Sullivan	3	4	Esquire
Nathan Lowe	6	1	Shoemaker
Henry Grace &c.	24	7	Yeoman

4th DIVISION.

*For the Roll of Petit Jurors to serve in Her Majesty's
INFERIOR COURTS of Criminal Jurisdiction.*

NAMES.	No. of Lot or House, where known to the Selectors.	Concession, or Street, or Unincorporated Village, or Hamlet, where known to the Selectors.	Additions.
George Young	7	8	Tailor
Samuel Jones	15	3	Yeoman
William Carpenter	7	2	Esquire
Thomas Hoole Rogers &c.	11	1	Gentleman

We, the above-named Selectors of Jurors for the Township of Albion ⁽²⁾ do hereby solemnly declare, each severally for himself, that we have made the Selection and Distribution of Jurors in this Report from the Assessment

Roll of the said Township for the present year to the best of our judgment and information, pursuant to the directions of the Act of Parliament of ⁽¹⁾ and that we have so made the same without fear, favor or affection of, to or for any person or persons whomsoever, gain, reward or hope thereof, other than the fees to which we are entitled under the provisions of the said Act of Parliament.

Witness our Hands and Seals the day and year above written.

A. B. [L. S.]

Townrecvc.

C. D. [L. S.]

Town-Clerk.

E. F. [L. S.]

Assessor.

G. H. [L. S.]

Assessor.

I. J. [L. S.]

Assessor.

SCHEDULE B

The JURORS' BOOK for the County of York, for
the year 1851. ⁽¹⁾

I

ROLL OF GRAND JURORS

*To serve in Her Majesty's SUPERIOR COURTS ⁽²⁾ of Criminal
Jurisdiction.*

No. on Roll.	NAMES.	No. of Lot or House as in Report of Selectors	Concession, or Street, or Unincorporated Village, or Hamlet, as in Report of Selectors.	Additions.	No. on List.	Remarks.
	1 ALBION, (Township.)					
1	Anderson John	16	2	Esquire		Exempted having served on G. J. List, S. C. 1850.
2	Peter Graham	9	4	Gentleman		
3	Bosworth David	11	7	Merchant		
4	Cameron Peter (<i>&c. to, say</i>)	4	6	Yeoman		
20	Young David	7	8	Tailor	3	
	2 BROCK, (Township.)					
21	Allan Simon	21	7	Yeoman		
22	Bolland George (<i>&c. to, say</i>)	5	12	Gentleman	2	
31	Wilkinson James	13	4	Esquire		
32	Yates Edward	1	5	Yeoman	144	
	3 OSHAWA, (Village.)					
	4 ST. JAMES WARD, (City of Toronto.) [<i>&c. to, say</i>]					
	26 YORK, (Township.)					
503	Arthur Thomas	3	2 From Bay.	Yeoman	1	
504	Bull Peter	14	1 E. Yonge St.	Yeoman		

These are to certify that I have carefully compared the above Grand Jurors' Roll with the Reports made by the several Selectors of Jurors for the different Townships, Villages and Wards in the County of York, including the City of Toronto, as embraced within

GRAND JURY PANELS

For the SUPERIOR COURTS. (2)

(a) No. 1.

Panel of Grand Jurors returned upon a precept from the Honorable G. H., the Honorable I. J. [&c.] Her Majesty's Justices in that behalf, tested the day of 185 , for the return of twenty-four of such Jurors for the Sessions of *Oyer and Terminer* and Gaol Delivery, to be held for this County on the day of 1851, as drafted on the day of 1851, at the Office of the Clerk of the Peace in Toronto, by A. B. Esquire, Sheriff, in the presence of K. L. and M. N. Esquires, Justices of the Peace for the said County, pursuant to the directions of the Act of Parliament of (3)

No. on Panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession, or Street, or Unincorporated Village, or Hamlet, as in Jury List.	Township, Village, or Ward.	Additions.	No. on List.	Remarks
1	Arthur Thomas	3	2 From Bay	York	Yeoman	1	
2	Bolland George (&c. to)	5	12	Brock	Gentleman	2	
24	Yates Edward	1	5	Brock	Yeoman	144	

Witness our hands the day and year last above written.

A. B. Sheriff.
K. L. J. P.,
M. N. J. P.

(b) No. 2. (5) &c.

ROLL OF GRAND JURORS

To serve in Her Majesty's INFERIOR COURTS (2) of Criminal Jurisdiction. (4)

No. on Roll.	NAMES.	No of Lot or House as in Report of Selectors	Concession, or Street, or Unincorporated Village, or Hamlet, as in Report of Selectors.	Additions.	No. on List.	Remarks.
	1 ALBION, (Township)					
1	George White	16	2	Esquire		Exempted having served on G. J. List, S. C. 1850.
2	Adams William	9	4	Gentleman		
3	Oswald David	11	7	Merchant		
4	Hamilton Peter (&c. to, say)	4	6	Yeoman		
20	Large George	7	8	Tailor	3	
	2 BROOK, (Township)					
21	Little Simon	21	7	Yeoman		2
22	Borland George (&c. to, say)	5	12	Gentleman		
31	Wilkins James	13	4	Esquire		
32	Gates Edward	1	5	Yeoman	144	
	3 OSHAWA, (Village)					
	4 ST. JAMES WARD, (City of Toronto) [&c. to, say]					
	26 YORK, (Township)					
503	Astor Thomas	3	2 From Bay,	Yeoman		
504	Peel Peter	14	1 E. Yonge St.	Yeoman		

These are to certify that I have carefully compared the above Grand Jurors' Roll with the Reports made by the several Selectors of Jurors for the different Townships, Villages and Wards in the County of York, including the City of Toronto, as embraced within the same for certain judicial purposes for the year 1850, as such Reports remained with me as Clerk of the Peace on the *fifteenth day of September* in that year, and that such Grand Juror's Roll contains a true and correct transcript of the names, descriptions and additions of all persons so selected and reported as competent, qualified and liable to serve as Grand Jurors in Her Majesty's Inferior Courts of Criminal Jurisdiction for such County.

Witness my hand this

day of 1850.
E. F. Clerk of the Peace.

THE GRAND JURY LIST

For the INFERIOR COURTS, (2) as balloted in open Court at a General Quarter Sessions of the Peace for the County, on the _____ day of _____ 1850, being the first day of the first General Quarter Sessions of the Peace for the County, held next after the first day of October in that year, by C. D. Chairman of the said Court, and, E. F. Clerk of the Peace, pursuant to the directions of the Act of Parliament of (3)

No. on List.	NAMES.	No. of Lot or House, as in Jurors' Roll.	Concession, or Street, or Unincorporated Village, or Hamlet, as in Jurors' Roll.	Township, Village, or Ward.	Additions.	No. on Roll.	No. of Panel.	Remarks.
1	Astor Thomas	3	2 From Bay.	York	Yeoman	503	1	Served accordingly. Omitted to attend altogether.
2	Borland George	5	12	Brock.	Gentleman	22	1	
3	Large George (Sec. to)	7	8	Albion.	Tailor	29		
144	Gates Edward	1	5	Brock	Yeoman	32	1	Served accordingly.

These are to certify that on _____ the _____ day of _____ instant, being the first day of the first General Quarter Sessions of the Peace for the County of York, next after the first day of October in this year (6) the foregoing Grand Jury List for the Inferior Courts for this County, for the year 1851, was in open Court duly balloted, canvassed and transferred from the Roll of Grand Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction for the same year, pursuant to the directions of the Act of Parliament of (3)

Witness our hands this _____

_____ day of _____ 1850.

C. D. Chairman.

E. F. Clerk of the Peace.

6

GRAND JURY PANELS

For the INFERIOR COURTS. (2)

(a) No. 1.

Panel of Grand Jurors returned upon a precept from S. B. H. and K. L. M. Esquires, two of Her Majesty's Justices of the Peace in and for the County of York, tested the _____ day of _____ 185 _____, for the return of twenty-four of such Jurors for the General Quarter Sessions of the Peace to be held for this County on _____ the _____ day of _____ 1851, as drafted on _____ the _____ day of _____ 1851, at the Office of the Clerk of the Peace in _____

Toronto, by A. B. Esquire, Sheriff, in the presence of K. L. and M. N. Esquires, Justices of the Peace for the said County, pursuant to the directions of the Act of Parliament of (3):

No. on Panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession, or Street, or Unincorporated Village, or Hamlet, as in Jury List.	Township, Village, or Ward.	Additions.	No. on List.	Remarks
1	Astor Thomas	3	2 From Bay	York	Yeoman	1	
2	Borland George (&c. to)	5	12	Brock	Gentleman	2	
21	Gates Edward	1	5	Brock	Yeoman	144	

Witness our hands the day and year last above written.

A. B. Sheriff.

K. L. J. P.

M. N. J. P.

(b) No. 2. (5), &c.

7

ROLL OF PETIT JURORS

To serve in Her Majesty's SUPERIOR COURTS (2) of Criminal and Civil Jurisdiction. (4)

No. on Roll.	NAMES.	No. of Lot or House, as in Report of Selectors.	Concession, or Street, or Unincorporated Village, or Hamlet, as in Report of Selectors.	Additions.	No. on List.	Remarks.
	1 ALBION. (Township.)					
1	Parley Peter	16	2	Esquire		
2	Alley Simon	21	7	Yeoman	2	
3	Aikins William	25	3	Yeoman		
4	Ashford Thomas	19	5	Yeoman	3	
5	Adams George	5	5	Gentleman	1	
6	Worth David	11	7	Merchant	5	
7	Barclay John	9	2	Shoemaker	4	
8	Cameron William	4	6	Yeoman		Exempted
9	Daniel George	22	11	Yeoman	6	having served on P.J.
10	Small William (&c. to, say)	7	8	Tailor	7	List, S. C.
1050	Yarroll George	14	9	Baker	288	1950.
	2 Brock. (Township.)					
	&c.					

These are to certify that I have carefully compared the above Petit Jurors' Roll with the Reports made by the several Selectors

PETIT JURY PANELS

For the SUPERIOR COURTS, (2)

(a) No. 1.

Panel of Petit Jurors returned upon a precept from the Honorable G. H., the Honorable J. J. (&c.) Her Majesty's Justices, in that behalf tested the day of 185 , for the return of forty-eight of such Jurors for the Sessions of *Assize* and *Nisi Prius, Oyer and Terminer*, and Gaol Delivery, to be held for this County, on the day of 1851, as drafted on the day of 1851, at the Office of the Clerk of the Peace, in Toronto, by A. B. Esquire, Sheriff, in the presence of K. L. and M. N. Esquires, Justices of the Peace for the said County, pursuant to the directions of the Act of Parliament of (3)

No. on Panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession, or Street, or Unincorporated Village, or Hamlet, as in Jury List.	Township, Village, or Ward.	Additions.	No. on List.	Remarks.
1	Alley Simon (&c. to)	21	7	Albion	Yeoman	2	
43	Yarrold George	14	9	Albion	Baker	288	

Witness our hands, the day and year last above written.

A. B. Sheriff,
K. L. J. P.
M. N. J. P.

(b) No. 2, (5), &c.

ROLL OF PETIT JURORS

To serve in Her Majesty's INFERIOR COURTS⁽²⁾ of Criminal and Civil Jurisdiction. (4)

No. on Roll.	NAMES.	No. of Lot or House, as in Report of Selectors	Concession, or Street, or Unincorporated Village, or Hamlet, as in Report of Selectors.	Additions	No. on List.	Remarks.
	1 ALBION (Township.)					
1	Alford Peter	16	2	Esquire		
2	Adams Simon	21	7	Yeoman	2	
3	Addis William	25	3	Yeoman		
4	Ashton Thomas	19	5	Yeoman	3	
5	Aylwin William	5	5	Gentleman	1	
6	Brooks David	11	7	Merchant	5	
7	Burley John	9	2	Shoemaker	4	
8	Catty Peter	4	6	Yeoman		Exempted
9	Davis George	22	11	Yeoman	6	having served on P J
[10	Yule George (&c. to, say)	7	8	Tailor	7	List. S C
1060	Yold George	14	9	Baker	288	1850.
	2 Brock, (Township)					
	&c.					

These are to certify that I have carefully compared the above Petit Jurors' Roll with the Reports made by the several Selectors of Jurors for the different Townships, Villages and Wards in the County of York, including the City of Toronto, as embraced within the same for certain judicial purposes, for the year 1850, as such Reports remained with me as Clerk of the Peace, on the *fifteenth day of September* in that year, and that such Petit Jurors' Roll contains a true and correct transcript of the names, descriptions and additions of all persons so selected and reported as competent, qualified and liable to serve as Petit Jurors in Her Majesty's Inferior Courts of Criminal and Civil Jurisdiction for such County.

Witness my hand this _____ day of _____ 1850.

E. F. Clerk of the Peace.

THE PETIT JURY LIST

For the INFERIOR COURTS, (2) as ballotted in open Court at a General Quarter Sessions of the Peace for the County, on the _____ day of _____ 1850, being the first day of the first General Quarter Sessions of

the Peace for the County, held next after the first day of October in that year, by C. D. Chairman of the said Court, and E. F. Clerk of the Peace, pursuant to the directions of the Act of Parliament of (3)

No. on List.	NAMES.	No. of Lot or House, as in Jurors' Roll.	Concession, or Street, or Unincorporated Village, or Hamlet as in Jurors' Roll.	Residence.	Additions.	No. on Roll.	No. of Panel.	Remarks.
1	Aylwin William	5	5	Albion	Gentleman	5		
2	Adams Simon	21	7	Albion	Yeoman	2	1	Served accordingly.
3	Ashton Thomas	19	5	Albion	Yeoman	4		
4	Burley John	9	2	Albion	Shoemaker	7		
5	Brooks David	11	7	Albion	Merchant	6		
6	Davis George &c. to)	22	11	Albion	Yeoman	9		
288	Yold George	14	9	Albion	Baker	1060	1	

These are to certify that on _____ the _____ day of _____ instant, being the first day of the first General Quarter Sessions of the Peace for the County of York, next after the *first day of October* in this year; (7) the foregoing Petit Jury List for the Inferior Courts for this County for the year 1851, was in open Court duly balloted, canvassed and transferred from the Roll of Petit Jurors to serve in Her Majesty's Inferior Courts of Criminal and Civil Jurisdiction for the same year, pursuant to the directions of the Act of Parliament of (2).

Witness our hands this _____ day of _____ 1850.

C. D. Chairman.
E. F. Clerk of the Peace.

12

PETIT JURY PANELS

For the INFERIOR COURTS. (2)

(a) No. 1.

Panel of Petit Jurors returned upon a precept from S. B. H. and K. L. M. Esquires, two of Her Majesty's Justices of the Peace in and for the County of York, tested the _____ day of _____ 185____, for the return of forty-eight of such Jurors, for the General Quarter Sessions of the Peace to be held for this County, on _____ the _____ day of _____ 1851, as drafted on _____ the _____ day of _____ 1851,

at the Office of the Clerk of the Peace in Toronto, by A. B. Esquire, Sheriff, in the presence of K. L. and M. N. Esquires, Justices of the Peace for the said County, pursuant to the directions of the Act of Parliament of (3)

No. of Panel.	NAMES,	No. of Lot or House, as in Jury List.	Concession or Street, or Unincorporated Village, or Hamlet, as in Jury List.	Township, Village, or Ward.	Additions.	No. on List.	Remarks.
1	Adams Simon (&c. to)	21	7	Albion.	Yeoman.	2	
48	Yold George	14	9	Albion.	Baker.	288	

Witness our hands the day and year last above written.

A. B. Sheriff.
K. L. J. P.
M. N. J. P.

(b) No. 2.

Panel of Special Jurors returned upon a Writ of *venire facias juratores*, out of the Court of Queen's Bench, in the case of N. O. plaintiff, against P. Q. Defendant, tested (&c.) and returnable (&c.) as struck at the Office of the Clerk of the Peace in Toronto, on the day of 185 by A. B. Esquire, Sheriff, in the presence of R. S. Attorney for the Plaintiff and T. A. Agent for the Attorney of the Defendant (or in the presence of R. S. Attorney for the Plaintiff, the Defendant's Attorney, though served with the appointment, not appearing) pursuant to the directions of the Act of Parliament of (3)

No. on Panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession, or Street, or Unincorporated Village, or Hamlet, as in the Jury List.	Township, Village, or Ward.	Additions.	No. on Grand Jurors' Rolls.	Remarks.
1	Abbott William	11	9	Albion	Gentleman	J. C. 31	From G. J. Roll for S. C. for year 1850 No. 10, the G. J. Rolls for this year being exhausted.
2	Wilkins James (&c. to)	13	4	Brock	Esquire		
16	Young David	7	8	Albion	Tailor	S. C. 20	

Witness my hand, the day and year last above written.

A. B. Sheriff.

(c) No. S. (6) &c.

SCHEDULE

C

Containing a description of the Acts and parts of Acts of
the Parliament of the late Province of Upper Canada,
Repealed by this Act.

No.	Date and Subject of Act.	TITLE.	Extent of Repeal.
1	32 Geo. 3, cap. 2, (Jury Trials.)	An Act to establish Trials by Jury.	So much of the First Section as directs the mode of Summoning Jurors.
2	34 Geo. 3, cap. 1, (Regulation.)	An Act for the Regulation of Juries	The whole.
3	36 Geo. 3, cap. 2, (Venire.)	An Act to amend certain parts of an Act, intituled, "An Act for "the Regulation of Juries," and a certain other Act, intituled, "An Act to establish a Superior "Court of Civil and Criminal "Jurisdiction, and to Regulate "the Court of Appeal."	The whole.
4	40 Geo. 3, cap. 2, (Special Juries.)	An Act for the Regulation of Special Juries	The whole.
5	49 Geo. 3, cap. 13, (Special Juries.)	An Act for the better Regulation of Special Juries	The whole.

NOTES TO SCHEDULE A.

- (1) Here insert the Year and Chapter of this Act.
- (2) Or as the case may be.

NOTES TO SCHEDULE B.

- (1) This Title to be placed at the head of each page or folio throughout the Book.
- (2) So much of this Sub-Title as ends with this word to be placed at the head of each page or folio of the Book appropriated to this class of entries.
- (3) Here insert the year and Chapter of this Act.
- (4) This Roll to be commenced on a new page or folio after leaving a sufficient number of leaves for the Jury List to be balloted from the preceding Roll and the probable number of Panels that may be drafted from such List, in the course of the year.
- (5) The subsequent Panels following immediately may be commenced on the same page or folio on which the preceding one is closed.
- (6) Or if at a Special Sessions held under the authority of the *eighty-first* section of this Act, say, "Of a Special General Sessions of the Peace for the County of York, held " for that purpose under the warrant of His Excellency the Governor General " (or Lieutenant Governor, *as the case may be,*) the foregoing Grand or Petit Jury List &c. was open in Court, &c.