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No. 256.

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4th Session, 6th Parliament, 24 Victoria, 1861.

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**BILL.**

An Act to provide for equitable apportionment among Counties, Cities and incorporated Towns united for Judicial purposes, of sums payable for the services of Jurors in Upper Canada.

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Received and read, first time, Saturday,  
4th May, 1861.

Second reading, Monday, 6th May, 1861.

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Mr. MORRISON.

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QUEBEC:

PRINTED BY THOMPSON, HUNTER & CO.,  
ST. URSULE STREET.

An Act to provide for the equitable apportionment among Counties, Cities, and Incorporated Towns united for judicial purposes in Upper Canada, of sums payable for the services of Jurors.

**WHEREAS** it is expedient to provide for the equitable apportionment among Counties, Cities, and Incorporated Towns united for judicial purposes in Upper Canada, of sums payable for the services of Jurors : Be it therefore enacted, &c. :

Preamble.

- 5 I. Every record entered for trial at Nisi Prius or the sitting of the County Courts shall be endorsed with the names and proper residence of each and every party to the suit, by the Attorney or party entering the same for trial, and shall not be entered on the docket of cases for trial unless so endorsed.
- 10 II. Every case shall be entered on the Court docket with a column opposite to each name, setting forth the residence of the parties as endorsed on the record for trial as per Schedule A.
- 15 III. Every Firm, Company, Bank, Corporation or Society shall be treated as one name, and the residence stated according to its chief place of business in Upper Canada, if any.
- IV. When the residence of any of the parties is uncertain or unknown, it shall be so endorsed.
- 20 V. Every indictment for trial at Courts of Assize and general Gaol Delivery and Quarter Sessions shall be endorsed with the proper residence of the party or parties charged in such indictment.
- VI. The County Treasurer shall continue to pay Jurors as heretofore subject to repayment by any City or incorporated Town of any sum advanced by him and chargeable to such City or Town under this Act.
- 25 VII. The sums necessary for the payment of Jurors shall be contributed according to the assessed value of property, apportionately by every County, Union of Counties, City or Town comprehended within the same Judicial Division, in the following cases :
1. When the parties to the suit or either or any of them reside without the Judicial Division, or the residence be unknown or uncertain.
  - 30 2. When the parties to the suit or either or any of them reside within the same Judicial Division, but not in the same locality—such locality for the purpose of this Act being distinguished into County, City and Town residence :

Names, &amp;c., of parties to be endorsed on record.

Column for names in Court docket.

As to companies, &amp;c.

Residence unknown.

Endorsement on indictments.

Payment of Jurors and repayment.

Sums for payment of jurors to be contributed proportionately to assessed value of property in each county, &amp;c., in certain cases.

**Proviso.** Provided that no such locality shall be chargeable for Jurors, unless at least one of the parties, plaintiffs or defendants, reside therein, or the residence be uncertain or unknown.

**When locality chargeable in full.** VIII. Each locality shall be chargeable, in full, with every case, when all the parties to such case reside within such locality. 5

**Localities to reimburse the County Treasurer on certificate of County Attorney.** IX. It shall be the duty of the County Attorney, within ten clear days after the close of the sittings of any of the Courts aforesaid, to certify to the County Treasurer and to the Treasurer or Chamberlain of each locality as aforesaid, an abstract showing the amount ascertained by him under the provisions of this Act as chargeable to each locality, and the Chamberlain or Treasurer of any City or Town so charged by him the said County Attorney shall, within ten clear days thereafter, reimburse the Treasurer of the County or Union of Counties in the amount advanced by such Treasurer and payable by such locality; such payment to be made from the general funds of such City or Town, or from a special fund to be raised by assessment for such purpose. 10 15

**Orders in Council.** X. The Governor in Council may, from time to time, make such order or orders as may be deemed necessary to enable the County Attornies to give full effect to the apportionment of Jury expenses as intended by this Act. 20

**Existing laws how affected.** XI. This Act shall not affect the provisions of any existing laws relating to Jurors, unless where the same or any part thereof shall be inconsistent with this Act:—such provisions as are inconsistent with the provisions of this Act are hereby repealed.

**Commencement of Act.** XII. This Act shall come into force on the \_\_\_\_\_ day of 25 and not before.