

No. 93.

5th Session, 8th Parliament, 29th Vict., 1866.

BILL.

An Act to amend the Law in respect of
View by Jurors.

Received and read, first time, Friday, 22nd
June, 1866.

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Mr. WOOD.

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An Act to amend the Law in respect of View by Jurors, in Upper Canada.

WHEREAS, by law, a view by Jurors in Civil and Criminal cases cannot be had of a place out of the County in which the venue in any such actions is laid; and whereas it is expedient so to amend the law that Her Majesty's Superior Courts of Common Law at Toronto or any Judge thereof may order a view of any place by the Jurors, whether the same be within or without the County in which the venue in any such cases may be laid; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

10 **1.** When in any case either Civil or Criminal or on any penal statute, now pending or hereafter to be brought in either of Her Majesty's Superior Courts of Common Law at Toronto, it appears to such Court or to any Judge thereof in vacation, that it will be proper and necessary that the Jurors, or some of them, who are to try the issues in such case, should have a view of the place in question in order to their better understanding the evidence that may be given upon the trial of such issues, whether such place be situate within the County or United Counties in which the venue in any such case is laid, or without such County or United Counties, in any other County in Upper Canada, such Court or Judge in vacation may order a rule to be drawn up containing the usual terms, and, if such Court or Judge thinks fit, also requiring the party applying for the view to deposit in the hands of the Sheriff of the County or United Counties in which the venue in any such case is laid, a sum of money to be named in the rule, for payment of the expenses of the view.

Court may order a view out of the County in which the venue is laid.

Deposit by party requiring view.

20 **2.** All the duties and obligations now imposed by law on the several Sheriffs and other persons when the place to be viewed is situate in the County or United Counties in which the venue in any such case is laid, shall be imposed upon and attach to such Sheriffs and other persons when the place to be viewed is situate out of the County or United Counties in which the venue in any such case is laid in any other County in Upper Canada.

Duties of sheriffs, &c., in such cases.

30 **3.** The one hundred and twenty-fourth section of chapter thirty-one of the Consolidated Statutes for Upper Canada, is hereby repealed.

Repeal of Con. Stat. U. C., cap. 31, sec. 124.