

THE  
ACTS  
OF  
THE GENERAL ASSEMBLY, &c.

CAP. I.

*Repealed by 12 vic cap 41*

An Act relating to the summoning and attendance of Petit Jurors at the respective Sittings and Circuit Courts in this Province.

Passed 19th March 1841.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Judges of the Supreme Court, or any two of them, and for the Commissioners named in any Commission of Oyer and Terminer and General Gaol Delivery, or any two of them, of whom the presiding Judge shall be one, when and so often as occasion may require, to issue their precept to the Sheriff of the County of York or to the Sheriff of any County or City and County in which any Court of Oyer and Terminer and General Gaol Delivery may be appointed to be holden, as the case may be, directing such Sheriff to summon such number of persons duly qualified to serve as Petit Jurors, for any Sittings for the County of York, or for such Court of Oyer and Terminer and General Gaol Delivery respectively, as to such Judges or Commissioners may seem necessary or expedient, as may in such Precept be specified, not less however than twenty four; which persons so duly summoned shall be bound to give their attendance at the time and place appointed for holding any such Sittings or Court, to serve as Petit Jurors during the Sittings of such Court: Provided always and be it enacted, that the presiding Judge at any such Sittings or Court, shall be and he is hereby authorized and empowered to make any such arrangements or regulations, or give such directions, respecting the daily attendance of any and such of the said Jurors as to him may seem meet, in case he shall be of opinion that the constant attendance of the whole of the said Jurors so summoned as aforesaid may not be requisite.

Authority given to issue precepts for summoning Petit Jurors for the Sittings in York or Courts of Oyer and Terminer and general Gaol delivery.

Persons summoned bound to attend.

Presiding Judge may regulate the daily attendance.

II. And be it enacted, That the Jurors so summoned to attend at any Court of Oyer and Terminer, or such and so many of them as the presiding Judge may direct and appoint, shall be the Juries for hearing and determining all causes Criminal to be heard and tried at such Court, and also for the trial of all causes Civil to be tried at Nisi Prius at any Circuit Court held contemporaneously with such Court of Oyer and Terminer; the Jury for any Civil cause to be drawn and returned in the manner now by Law directed.

Jurors for the Court of Oyer and Terminer to be also Jurors for the trial of civil causes to be tried at Nisi Prius at any Circuit Court.

III.

Absent Jurors, on proof of having been duly summoned, to be fined.

Amount.

Recovery.

Act not to repeal the fifth section of 6 Wm. 4, c. 47, but extended to Jurors summoned by virtue thereof.

Provisions of 26 G. 3, c. 6, to remain in force, except so far as altered or repealed.

Commencement of Act.

III. ' And whereas much delay and obstruction have occurred in the administration of Justice, for the default of Jurors in attendance, in some of the Circuits in this Province; and it is deemed necessary to increase the Fines for such delinquency; Be it enacted, That every person who may be duly summoned to attend as a Petit Juror at any Court of Oyer and Terminer, and who shall not appear when called upon the trial of any Criminal cause in such Court, or upon the trial of any Civil cause at Nisi Prius, shall on due proof being made by oath or affidavit of the summoning Officer that such person hath been lawfully summoned, forfeit and pay for the first default any sum not exceeding ten shillings, and for every subsequent default any sum not exceeding five shillings as the presiding Judge at such Court shall think reasonable to inflict or assess, unless some sufficient cause of his absence be assigned and proved to the satisfaction of such Judge: Provided always, that the amount of the said fines, to be levied on each Juryman for the several defaults at any one Court, shall not exceed the sum of five pounds; such fines so inflicted as aforesaid to be levied and collected under and by virtue of the Laws now in force for the recovery of fines imposed on Jurors and Officers attending the Courts of Justice in this Province, and subject to the provisions therein contained.

IV. And be it enacted, That nothing in this Act contained shall be deemed or taken to repeal the fifth section of an Act made and passed in the sixth year of the Reign of King William the Fourth, intituled "An Act in addition to an Act for regulating Juries, and declaring the qualification of Jurors," but the provisions in this Act contained in regard to fines to be imposed on delinquent Jurors, shall extend and be construed to apply to Jurors summoned under and by virtue of the said section of the said recited Act.

V. And be it enacted, That all the provisions of the Act passed in the twenty sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for regulating Juries and declaring the qualifications of Jurors," shall continue and remain in full force and effect, excepting so far as the same may have been altered or repealed by this Act, or by any other Act of Assembly now in force.

VI. And be it enacted, That this Act shall commence and take effect on the first day of June one thousand eight hundred and forty one.

CAP. II.

An Act in addition to the Acts relating to Circuit Courts.

Passed 19th March 1841.

Preamble. Recites an adjournment of the Saint John Circuit Court and Court of Oyer and Terminer and General Gaol Delivery.

WHEREAS in consequence of the great quantity of business at the Circuit Court and Court of Oyer and Terminer and General Gaol Delivery holden in and for the City and County of Saint John on the second Tuesday in January in the present year, it became impossible to finish the same before the Hilary Term of the Supreme Court then next following and now past; and such Circuit Court and Court of Oyer and Terminer and General Gaol Delivery, were on Saturday the thirtieth day of January last adjourned to the second Tuesday in April next: And whereas doubts may arise as to the validity of such adjournment: And whereas it is expedient to provide for similar adjournments in future;

Adjournment deemed valid, notwithstanding a Term of the Supreme Court intervenes.

I. Be it declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That such adjournment of the said Courts is and shall be deemed to be good, valid and effectual, notwithstanding a Term of the Supreme Court intervenes; and the business of the said Courts shall be proceeded in and finished upon and after the said second Tuesday in April next in the usual manner.

II.

a) Act referred to 16 G. 3. c. 8 - 5<sup>th</sup> Wm 4. c. 37 - & the acts then referred to