

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1848. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1848.

11 Victoria – Chapter 16

An Act to provide for the better payment of Petit Jurors attending the several Courts of Record in this Province. Passed 30th March 1848.

Whereas by the Laws now in force, no adequate allowance is made for the services of Jurors, and it being deemed just, reasonable and expedient that Petit Jurors should receive compensation for their services in all Civil Actions;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That when any issue joined in any civil action brought in any Court of Record in this Province, shall be for trial before a Jury, the names of the parties therein shall on the first day of the Sittings of the Court at which the trial is to take place, be entered on a Trial Docket, and at such hour as the Court may after the opening thereof direct, unless the Court for some special and reasonable ground of excuse, to be shown by Affidavit, shall order and allow the same to be entered on such Trial Docket at a subsequent hour or day.

II. And be it enacted, That on the entry of any such cause as aforesaid, the party entering the same shall deposit in the hands of the Clerk with whom such entry is made, the sum of thirty shillings when the cause is not summary, and the sum of fifteen shillings when the cause is summary, to be applied towards a fund for the payment of Petit Jurors attending such Court, as hereinafter provided, which deposit shall be in lieu of all other fees heretofore allowed to Jurors, and shall be costs in the cause.

III. And be it enacted, That when the Jury summoned for and in attendance at such Court shall have been discharged from further attendance, the Court shall divide such fund among the Jurors who may have attended such Court, having regard to the number of days each Juror has attended, and distance of his travel from place of residence, allowing in such division twenty miles travel to Court as equal to one day's attendance, and so on in like proportion; provided that no greater amount than four shillings shall be allowed to any Juror for any one day's attendance; and provided also, that when the Jury may have been discharged from further attendance before all the causes so entered for trial may have been tried or otherwise disposed of, such Court may divide any portion of such fund as may be thought reasonable among the said Jurors, leaving the residue of the fund to be in like manner afterwards divided among the Jurors who may be summoned to attend for the trial of the remaining causes on said Trial Docket; and provided also, that nothing in this Act contained shall extend or be construed to extend to Special Jurors.

IV. And be it enacted, That in the construction of this Act, except there be something in the subject or context inconsistent with or repugnant to such construction, the word "Court" shall extend to and mean the Supreme Court of Judicature, any Assizes or Sittings for the trial of causes

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brought to issue in the said Supreme Court, any Inferior Court of Common Pleas in this Province, and the Mayor's Court in and for the City and County of Saint John.

V. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty one, and no longer.