

tinſt pieces of paper, being all as near as may be of equal ſize, and ſhall be put together in a box or glaſs to be provided for that purpoſe, from which the ſheriff, his deputy, or any indifferent perſon appointed by the court, may draw out forty of the ſaid papers, and the ſaid ſheriff or his deputy ſhall forthwith make a liſt of the names written upon the ſaid forty papers, from which liſt each party, his, her or their attorney or attorneys, ſhall and may alternately ſtrike out twelve names, and the ſheriff ſhall ſummon or cauſe to be ſummoned the ſixteen perſons whoſe names ſhall remain on ſuch liſt, to appear on the firſt day of the next enſuing aſſizes, from whom a ſpecial jury ſhall be taken for the trial of the reſpective indictment, information, action, ſuit or cauſe.

affected ſhall be drawn.

Each party may ſtrike out 12 out of the 40 names, remaining 16 perſons ſhall be ſummoned by the ſheriff to appear the next aſſizes.

If either of the parties do not appear to ſtrike out the twelve names, ſheriff or his deputy ſhall do ſo for ſuch party.

VI. *And be it further enacted by the authority aforeſaid,* That if any party or parties who ſhall be ſerved with ſuch written notice, or his, her or their attorney, ſhall neglect to appear at the Sheriff's office at the ſaid day appointed, it ſhall and may be lawful for the Sheriff or his deputy, in behalf of ſuch party, to ſtrike out of the ſaid liſt, twelve names in manner aforeſaid.

ſs to be given to each ſpecial jurymen

VII. *And be it further enacted by the authority aforeſaid,* That every perſon who ſhall ſerve on a ſpecial jury as aforeſaid, ſhall be entitled to receive the ſum of five ſhillings.

Manner in which the fees for ſtriking a ſpecial jury ſhall be paid.

VIII. *And be it further enacted by the Authority aforeſaid,* That the perſon or party who ſhall apply for ſuch ſpecial jury, ſhall not only bear and pay the fees for ſtriking ſuch jury, but ſhall alſo pay and diſcharge all expences occaſioned by the trial of the cauſe by ſuch ſpecial jury, and ſhall not have any further or other allowance for the ſame upon taxation of coſts, than ſuch perſon or party would be entitled unto in caſe the iſſue had been tried by a common jury, unleſs the judge before whom the cauſe is tried ſhall immediately after the trial certify in open court, under his hand, upon the back of the record, that the ſame was a cauſe proper to be tried by a ſpecial jury.

C H A P. XIV.

*An Act for the better regulation of Pariſh and Town Officers throughout this Province.*

Paſſed 16th March, 1808.

Preamble.

**W**HEREAS the proviſions contained in the ſeventh, eighth and tenth clauses of an act of the parliament of this Province, paſſed in the forty-fixth year of his preſent Maſteſty's reign, entitled, "an act to alter and amend an act paſſed in the thirty third year of his Maſteſty's reign, entitled "an act to provide for the nomination and appointment of pariſh and town officers within this Province," have been found inexpedient; Be it therefore enacted by the King's Moſt Excellent Maſteſty, by and with the advice and conſent of the Legiſlative Council and Aſſembly of the Province of Upper Canada, conſtituted and aſſembled by virtue of, & under the authority of an Act paſſed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act paſſed in the fourteenth year of his Maſteſty's reign, intituled, "an Act for making more effectual proviſion for the government of the Province of Quebec, in North America, and to make further proviſion for the government of the ſaid Province," and by the authority of the ſame, That the ſaid ſeventh, eighth and tenth clauses be and the ſame are hereby repealed.

Part of the 46th Geo 3d ch. 5, repealed.

Bond to be entered into by every collector of rates.

II. *And be it further enacted by the authority aforesaid,* That each and every collector of rates for the respective townships of this Province, hereafter to be chosen, nominated and appointed, shall within one month after such nomination, or before he shall collect any money, enter into a bond jointly and severally, with two sufficient freeholders, to the treasurer of the district for which he shall be so nominated or appointed, in the sum of two hundred pounds lawful money of this province; which bond shall be in the following form:

Form of the Bond and Condition.

KNOW all men by these presents, that I A. B. collector of the rates for the township of \_\_\_\_\_ in the district of \_\_\_\_\_ C. D. and E. F. of the same place, yeomen, (or as the case may be) are held and firmly bound to I O. treasurer of the district of \_\_\_\_\_ in the sum of two hundred pounds lawful money of Upper Canada, for which payment well and truly to be made to the said I. O. we bind ourselves jointly and severally, our and each of our heirs, executors and administrators, firmly by these presents. Sealed with our seals. Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ &c. &c.

THE Condition of the above obligation is such, that if the above bounden A. B. shall collect and levy all the rates and assessments of the township or townships of \_\_\_\_\_ for the present year, ending on the first Monday in March next, so far as the law may enable him to do, and shall pay all the money which he shall so collect and levy, to the treasurer of the said district on or before the eighth day of March next, then this obligation to be void, otherwise to remain in full force and effect. Signed, &c.

Town Clerks to provide the said Bonds.

III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town clerks in their respective townships, and they are hereby required to provide such bond and transmit the same to the treasurer of said district, within one month after the said bond shall be executed, for which each and every of them shall be allowed the sum of five shillings, to be paid out of the district treasury.

If Collector should die or leave the Parish the Quarter Sessions to fill the vacancy

IV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act if any person who shall be chosen or nominated as a collector, shall die, or leave the parish or township, within the year for which he shall be chosen or nominated, it shall and may be lawful for the justices of the peace in quarter sessions assembled, or the majority of them, to nominate and appoint a fit and proper person to fill the vacancy occasioned by such death or removal, and such collector so nominated, shall be and he is hereby declared to be vested with the same power and liable to the same penalties as any collector nominated and appointed under any act or acts of the Legislature of this province.

C H A P. XV.

*An Act for building a Court House and Gaol in the Township of Elizabethtown, in the District of Johnstown.*

Passed 16th March, 1808.

Preamble.

**W**HEREAS the present court house and gaol in the town of Johnstown in the district of Johnstown, is situate at the lower extremity of the said district, which renders it inconvenient, and whereas the inhabitants of said district are desirous of building a new court house and gaol in a more central