

SCHEDULE C.

Containing a description of the Acts and parts of Acts of the Parliament of the late Province of Upper Canada, repealed by this Act.

No.	Date and Subject of Act.	TITLE.	Extent of Repeal.
1	32 Geo. 3, Cap. 2..... (Jury Trials.)	An Act to establish Trials by Jury.....	So much of the First Section as directs the mode of Summoning Jurors.
2	34 Geo. 3, Cap. 1..... (Regulation.)	An Act for the Regulation of Juries.....	The whole.
3	36 Geo. 3, Cap. 2..... (Venire.)	An Act to amend certain parts of an Act intituled, "An Act for the Regulation of Juries," and a certain other Act, intituled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal.".....	The whole.
4	40 Geo. 3, Cap. 2..... (Special Juries.)	An Act for the Regulation of Special Juries.	The whole.
5	43 Geo. 3, Cap. 13..... (Special Juries.)	An Act for the better Regulation of Special Juries.....	The whole.

NOTES TO SCHEDULE A.

- (1) Here insert the Year and Chapter of this Act.
- (2) Or as the case may be.

NOTES TO SCHEDULE B.

- (1) This Title to be placed at the head of each page or folio throughout the Book.
- (2) So much of this Sub-Title as ends with this word, to be placed at the head of each page or folio of the Book appropriated to this class of entries.
- (3) Here insert the year and Chapter of this Act.
- (4) This Roll to be commenced on a new page or folio after leaving a sufficient number of leaves for the Jury List to be ballotted from the preceding Roll and the probable number of Panels that may be drafted from such List in the course of the year.
- (5) The subsequent Panels following immediately may be commenced on the same page or folio on which the preceding one is closed.
- (6) Or, if at a Special Sessions held under the authority of the eighty-second section of this Act, say, "Of a Special General Sessions of the Peace for the County of York, held for that purpose under the warrant of His Excellency the Governor General," (or Lieutenant Governor, as the case may be,) the foregoing Grand or Petit Jury List, &c. was in open Court, &c.

CAP. LVI.

An Act to amend the Law respecting the office of Coroner.

[24th July, 1850.]

WHEREAS the regulations for holding Coroners' Inquests are insufficient, and it is desirable that some remedy should be provided therefor: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, no Inquest shall be holden on the body of any deceased person by any Coroner until it has been first made to appear to such Coroner, that there is reason

Preamble.

In what cases only Inquests shall be held.

reason

reason to believe that such deceased person came to his death under such circumstances of violence or unfair means, or culpable or negligent conduct, either of himself or of others, as require investigation, and not through any mere accident or mischance: Provided always, that an Inquest shall be holden on the body of any person who shall die while in confinement in any Penitentiary.

Proviso.

Proceedings in case of the death of any prisoner, or person confined in a lunatic asylum.

Penalty on persons summoned to attend Inquests and not attending: and how enforced.

II. And be it enacted, That upon the death of any prisoner or any lunatic confined in any Lunatic Asylum, it shall be the duty of the Warden, Gaoler, Keeper or Superintendent of any Penitentiary, Gaol, Prison, House of Correction, Lock-up-house or Lunatic Asylum in which such prisoner or lunatic shall have died, immediately to give notice of such death to some Coroner of the County or City in which such death shall have taken place, and thereupon such Coroner shall proceed forthwith to hold an Inquest upon the body of such deceased prisoner or lunatic.

III. And be it enacted, That if any person having been duly summoned as a juror or witness to give evidence upon any Coroner's Inquest, shall not, after being openly called three times, appear and serve as such juror, or appear and give evidence on such Inquest, every such Coroner shall be empowered to impose such fine upon any person so making default as he shall think fit, not exceeding twenty shillings; and every such Coroner shall make out and sign a certificate, containing the name, residence, trade or calling of such person so making default, together with the amount of the fine imposed, and the cause of such fine, and shall transmit such certificate to the Clerk of the Peace in the County in which such defaulter shall reside, on or before the first day of the Quarter Sessions of the Peace then next ensuing for such last mentioned County, and shall cause a copy of such certificate to be served upon the person so fined, by leaving it at his residence, within a reasonable time after such Inquest; and all fines and forfeitures so certified by such Coroner shall be estreated, levied and applied in like manner, and subject to the like powers, provisions and penalties in all respects as if they had been part of the fines imposed at such Quarter Sessions: Provided always, that nothing herein contained shall be construed to affect any power now by law vested in any Coroner for compelling any person to appear and give evidence before him on any Inquest or other proceeding, or for punishing any person for contempt of Court, in not so appearing and giving evidence or otherwise.

Proviso.

Omission of unnecessary words, &c., not to vitiate any inquisition.

IV. And be it enacted, That no Inquisition found upon or by any Coroner's Inquest, nor any judgment recorded upon or by virtue of any such Inquisition, shall be quashed, stayed or reserved for want of the averment therein of any matter unnecessary to be proved, nor for the omission of any technical word or words of mere form or surplusage, and in all such cases and all others of technical defect, it shall be lawful for either of the Superior Courts of Common Law, or any Judge thereof, or any Judge of Assize or Gaol Delivery, if he shall think fit, upon the occasion of any such inquisition being called in question before them or him, to order the same to be amended, and the same shall be amended accordingly.

Coroner may summon a medical practitioner to attend at any Inquest.

V. And be it enacted, That whenever upon the summoning or holding of any Coroner's Inquest, it shall appear to the Coroner that the deceased person was attended at his or her death, or during his or her last illness by any legally qualified medical practitioner, it shall be lawful for the Coroner to issue his order in the form in the Schedule hereunto annexed, for the attendance of such practitioner as a witness at such inquest; and if it shall appear to the Coroner that the deceased person was not attended immediately at or before his or her death by any legally qualified medical practitioner, it shall be lawful for the Coroner to issue such order for the attendance of any legally qualified medical practitioner being at the time in actual practice in or near the place where the death has happened; and it shall be lawful for the Coroner, either in his order for the attendance of the medical witness, or at any time between the issuing of such notice and the termination of the Inquest, to direct the performance of a *post mortem* examination, with or without an analysis of the contents of the stomach or intestines, by the medical witness or witnesses who may be summoned to attend at any Inquest; Provided that if any person shall state upon oath before the Coroner, that in his or her belief the death

Proviso.

death

death of the deceased individual was caused partly or entirely by the improper or negligent treatment of any medical practitioner or other person, such medical practitioner or other person shall not be allowed to assist at the *post mortem* examination of the deceased.

VI. And be it enacted, That whenever it shall appear to the majority of the Jurymen sitting at any Coroner's Inquest, that the cause of death has not been satisfactorily explained by the evidence of the medical practitioner or other witness or witnesses who may be examined in the first instance, such majority of the Jurymen are hereby authorized and empowered to name to the Coroner, in writing, any other legally qualified medical practitioner or practitioners, and to require the Coroner to issue his order in the form hereinbefore mentioned, for the attendance of such last mentioned medical practitioner or practitioners, as a witness or witnesses, and for the performance of such *post mortem* examination, as in the fifth section of this Act mentioned, whether such examination has been before performed or not; and if the Coroner, having been so required, shall refuse to issue such order, he shall be deemed guilty of a misdemeanor, and shall be punishable by a fine not exceeding Ten Pounds, or by imprisonment not exceeding one month, in the discretion of the Court trying such offence, or by both, as to the said Court shall seem fit.

A majority of the jurymen may require the Coroner to summon another medical practitioner.

Penalty on Coroner refusing.

VII. And be it enacted, That where any legally qualified medical practitioner has attended upon a Coroner's Inquest, in obedience to any such order as aforesaid of the Coroner, the said practitioner shall receive for such attendance, if without a *post mortem* examination, One Pound Five Shillings; if with a *post mortem* examination, without an analysis of the contents of the stomach or intestines, Two Pounds Ten Shillings; if with such analysis, Five Pounds, together with the sum of One Shilling per mile, for each mile he shall have to travel in going to and returning from such inquest, such travel to be proved by his own oath to the said Coroner, who is hereby authorized and empowered to administer the same; and the Coroner is hereby required and commanded to make his order on the Treasurer of the County in which such inquest shall be holden, in favor of such medical practitioner or practitioners, for the payment of such fees or remuneration, and such Treasurer is hereby required and commanded to pay the sum of money mentioned in such order of the Coroner, to the medical witness therein mentioned, out of any funds he may then have in the County Treasury.

Allowance to such medical practitioner.

Allowance to be paid on Coroner's order, and by whom.

VIII. And be it enacted, That where any order for the attendance of any medical practitioner as aforesaid, shall have been personally served upon such practitioner, or where any such order not personally served shall have been received by any medical practitioner as aforesaid, or left at his residence, in sufficient time for him to have obeyed such order, and in every case where such medical practitioner has not obeyed such order, he shall for such neglect or disobedience forfeit the sum of Ten Pounds upon complaint made thereof by the Coroner or any two of the Jury holding such Inquest, before any two Justices of the Peace of the County where the Inquest was held, or the County where such medical practitioner resides; and such two Justices are hereby required, upon such complaint, to proceed to the hearing and adjudication of the same; and if such medical practitioner shall not shew to the said Justices a good and sufficient reason for not having obeyed such order, to enforce the said penalty by distress and sale of the offender's goods as they are empowered to proceed by any Statute for the summary enforcement of any penalty or forfeiture.

Penalty on practitioners summoned and failing to attend.

How recoverable.

IX. And be it enacted, That this Act shall be in force in Upper Canada.

Extent of Act.

SCHEDULE

TO WHICH THIS ACT REFERS.

Coroner's Inquest at

, upon the body of

By virtue of this my order, as Coroner for , you are required to appear before me and the Jury, at , on the day of , at o'clock, to give evidence touching the cause of death of

(and

(and then add when the witness is required to make or assist at a post mortem examination) and make or assist in making a post mortem examination of the body, with (or without) an analysis, (as the case may be) and report thereon at the said Inquest.

Signed,
Coroner.

CAP. LVII.

An Act to alter and amend the practice and proceedings in actions of Ejectment in Upper Canada.

[10th August, 1850.]

Preamble, **W**HEREAS the present mode of proceeding in actions of Ejectment, occasions not only unnecessary delays, but is attended with great inconvenience and useless expense to the parties; And whereas it is expedient to provide, that, in future, all actions of Ejectment and the proceedings therein may be commenced and conducted to final judgment and execution as hereinafter provided: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in future all actions of Ejectment shall and may be commenced and prosecuted to final judgment and execution in the several Counties or united Counties of Upper Canada, in the manner hereinafter provided.

Actions of ejectment how to be commenced, &c.

In what place the declaration, &c., shall be filed.

Lessor of plaintiff to insert notice in form of schedule on the declaration.

If no plea, judgment may be entered, and writ of possession taken out; and where.

After consent rule, judgment case may go as if proceedings were at Toronto.

How landlords, &c., may become parties.

Landlord, &c., becoming a party sub-

II. And be it enacted, That in every such action of Ejectment, the declaration, pleadings, papers, and all other proceedings therein, shall be filed, had or issued in the office of the Clerk of the Crown and Pleas in the Courts of Queen's Bench and Common Pleas, or in the office of the Deputy Clerk of the Crown and Pleas, as the case may be, in the County or United Counties, as may be, in which the lands and premises sought to be recovered are situated.

III. And be it enacted, That in future the Lessor or Lessors of the Plaintiff or Plaintiffs in any action of Ejectment, shall, instead of the notice now required to be given to the tenant or tenants in possession of the premises, indorse upon or annex to the declaration to be filed, and upon the copy or copies thereof to be served, a notice in writing, in the form given in the Schedule to this Act; and the Lessor or Lessors of the Plaintiff or Plaintiffs, upon filing the declaration and notice and the affidavit of service thereof, with a motion paper for judgment against the casual ejector, may, after the expiration of the time limited in such notice, and no plea having been filed, enter final judgment and sue out a writ of possession from the office of the Clerk of the Crown and Pleas, or his Deputy, as the case may be, in the County or United Counties wherein the proceedings in any such action shall have taken place.

IV. And be it enacted, That upon the Defendant or Defendants entering into the necessary and usual consent rule, and filing the same, together with his plea, in the office with the declaration, it shall and may be lawful for the Lessor or Lessors of the Plaintiff or Plaintiffs, to proceed thereon to judgment and execution, in the same manner as if the proceedings were had in the principal office at Toronto.

V. And be it enacted, That any person or persons desirous of defending any action of ejectment as Landlord or otherwise, may become a defendant of such action upon entering into the usual consent rule and filing an appearance and plea as such within the time mentioned in the rule nisi for judgment against the casual ejection, or at any time before final judgment is signed without obtaining a Judge's order or fiat for that purpose.

VI. And be it enacted, That from the time that any Landlord or Landlords, or other person or persons defending any action of ejectment, shall have filed such consent appearance