

that the Judgment aforesaid should be annulled, and an entry made on the record, that the said A. B. ought not, in the judgment of the said Justices, to have been convicted of the felony aforesaid ; and you are therefore hereby required forthwith to discharge the said A. B. from your custody.

(Signed, E. F.
(Clerk of the Peace for the County (or united Counties of (or Recorder's Clerk of the City of , or Clerk of Assize of , as the case may be.)

To the Sheriff of
the Gaoler of
all others whom it may concern. , and }
, and }

C A P . X I V .

An Act to provide for the payment of Petit Jurors in Upper Canada.

[2d August, 1851.]

BE it 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 every Petit Jurymen actually attending any of the Courts of Assize and Nisi Prius, Oyer and Terminer, General Gaol Delivery, General Quarter Sessions of the Peace, or County Courts in Upper Canada, shall be entitled to receive and be paid, in the manner hereinafter provided, the sum of Five Shillings per day, for every day he shall attend such Court, and the sum of Six Pence per mile for every mile he shall necessarily travel from his place of residence to the said Court, or such other sums as any County Council shall by By-law from time to time fix and determine, and that the distance shall be ascertained by the declaration of the Sheriff's Bailiff summoning such Juror, or by the declaration of the Juror himself: Provided always, that any false declaration respecting the distance of such party's residence, shall forfeit the right of every Juror making such false declaration to receive any payment for travelling or attending such Court as Juror ; and provided also, that no Petty Juror shall be entitled to any fee or allowance other than is provided by this Act.

Allowance to Petit Jurors attending certain Courts.

Proviso: false declaration to forfeit allowance.
Proviso.

II. And be it enacted, That it shall be the duty of every Sheriff to make a pay list for the Petit Jurors summoned to attend the said Courts, in the form set forth in the Schedule to this Act, and to attend or cause some Officer to attend at the opening of the said Courts, on the morning of every day such Court shall sit for the trial of causes by Jury, and upon the Jurors being called over, shall check and mark the word " present," or " absent," as the case may be, in the proper column of such list opposite the name of every Juror, and on the last day of the sitting of such Court shall certify and return to the Treasurer of the County the said pay list.

Sheriff to make a Pay list for Petit Jurors.

And to transmit it to Treasurer.

III. And be it enacted, That the said pay list, checked and certified as aforesaid, shall be a sufficient authority for the Treasurer to pay to each Juror the sum to which he shall appear entitled, as certified by such list, and it shall be the duty of the Treasurer forthwith to pay every Juror the sum so appearing due to him on such list.

Treasurer to pay the Jurors.

IV. And be it enacted, That every Sheriff shall be entitled to receive from the Treasurer of the County of which he is Sheriff such sum for each pay list, and such sum per diem for checking the same every day at the opening of the Court, and for certifying and returning the same to the Treasurer as the County Council by By-law shall determine ; Provided always, that the County Court and General Quarter Sessions

Allowances to Sheriffs.

Proviso.

Sessions shall be one Court for the purposes of this Act, and the duty of calling over Jurors at the opening of the Court daily shall be performed by the Clerk of that Court, whether County Court or Quarter Sessions which shall first be opened.

List of Jurors to be called over daily, when Court opens.

V. And be it enacted, That it shall be the duty of the Marshal or Clerk of Assize, the Clerk of the County Court or Clerk of the Peace, as the case may be, at the opening of the Court, and before any other business is proceeded with, to call over the names of the Petty Jurors, that the Sheriff or his Officer may check who are present or absent.

Jurors not attending to be fined.

VI. And be it enacted, That every Juror not appearing when so called shall not be entitled to any pay for the day on which he makes default in appearing at the opening of the Court, and shall, for every default he shall make during the day, be liable to such a fine as to the Court shall seem meet.

Sums to be paid with record when entered for trial.

VII. And be it enacted, That to the Clerk of Assize for every County there shall be paid, with every record entered for trial or assessment, the sum of Fifteen Shillings, and to the Clerks of the several County Courts the sum of Seven Shillings and Six Pence, which sums shall forthwith be paid over to the Treasurer, and shall form part of the fund from which Jurors shall be paid as hereinbefore provided : Provided always, that no Record shall be entered for trial or assessment unless the sums before mentioned are paid.

Proviso.

The like in criminal cases, where either party is liable to pay costs.

VIII. And be it enacted, That in all criminal cases in which by law the party prosecuting or the party prosecuted shall be liable to pay the costs of the prosecution, it shall be the duty of the Officer of the Court, to charge against and receive from the party so liable the sum of Fifteen Shillings, over and above that to which by law he was heretofore liable, which sum shall form part of the fund for the payment of Jurors, and shall forthwith be paid over by the Officer receiving it to the Treasurer of the County in which the prosecution is carried on.

Certain fines to go towards payment of Jurors.

IX. And be it enacted, That all fines and penalties imposed upon and levied in the several Counties in Upper Canada, not payable to the Receiver General, and all fines upon Jurors for non-attendance levied in such County, shall henceforth be paid to the Treasurers of each of the said Counties respectively, and shall form part of the fund for the payment of Jurors under this Act.

County Councils to provide funds for paying Jurors.

X. And be it enacted, That the several County Councils in Upper Canada are hereby authorized to raise and appropriate such sum or sums of money as in their judgment shall be sufficient to pay the Jurors according to the terms of this Act, in case the sums appropriated by this Act shall not be sufficient to pay the said Jurors.

County Councils may provide for payment of Grand Jurors.

XI. And be it enacted, That the several County Councils are hereby authorized by By-law, in their discretion, to provide for the payment to Grand Jurors, either at the Courts of Oyer and Terminer and General Gaol Delivery, or at the General Quarter Sessions, out of the County funds, such sum per diem as they shall deem reasonable.

Act not to apply to Counties not providing such fund.

XII. And be it enacted, That the foregoing clauses of this Act shall not be in force in or apply to any County in Upper Canada until the County Council of such County, desirous of availing themselves of the provisions of this Act, shall appropriate such a sum of money as will in their judgment, with the moneys applicable under this Act, form a fund sufficient to pay Jurors under the provisions hereinbefore contained, or in which the County Council shall not appropriate a sum of money for payment of any deficiency that may occur in the Jury fund of such County.

County Treasurer to notify Sheriff, when fund are provided, &c.

XIII. And be it enacted, That in every County or Union of Counties in which a Jury fund shall be provided, the Treasurer of such County or Union of Counties shall give notice to the Sheriff of such County, who shall thereupon perform the duties imposed upon him under this Act.

Court may order records to be entered, &c, on first day of sitting.

XIV. And to prevent unnecessary delay and expense, Be it enacted, That every Court or Judge sitting for the trial of causes by Jury, may, in the discretion of such Court or Judge, peremptorily order the records to be entered, and the business of the Court to be proceeded with, on the first day of the sitting of the Court; any usage to the contrary notwithstanding.

SCHEDULE TO THIS ACT.

PAY LIST for Petit Jurors who have attended "the Assize" or "County Court and Quarter Sessions" (as the case may be), held for the County of _____, and ended on the _____ day of _____, 185 .

Names of Jurors.	Number of miles travelled in coming to Court.	Check of Attendance.							Amount to be paid to Juror.			Juror's signature acknowledging receipt of money.	
		1st day.	2nd day.	3rd day.	4th day.	5th day.	6th day.	7th day.	8th day.	£	s.		d.
John Just.....	21	present.	present.	present.	present.	absent.	present.	present.	present.				
Charles Careless.....													

I, _____, Sheriff of the County of _____, do hereby certify to the Treasurer of the said County, that the above is, to the best of my knowledge, a correct return of the number of miles travelled by each Juror in coming to the said Court, a true check of the number of days every such Juror attended the Court, and the just sum to which every Juror on the above list is entitled.

A. B., Sheriff.