

County Court of York or Peel not to be brought in the Superior Courts, unless upon Judge's fiat founded on affidavit.

said United Counties, (or in the County of York if separated from the County of Peel,) shall institute or carry on such action in either of the Superior Courts of Common Law in Upper Canada, under the provisions of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to alter and amend the Act regulating the practice of the County Courts in Upper Canada, and to extend the jurisdiction thereof*, or under any other Act or authority whatsoever, unless such plaintiff shall, before issuing the first process in such action, obtain the fiat of one of the Judges of either of such Superior Courts, allowing the plaintiff to bring such action in one of such Superior Courts, on proof, by affidavit, to the satisfaction of such Judge, that some important question of law or evidence is likely to arise in such action, rendering it advisable to have such action tried in such Superior Court, in which case such suit may be brought in the same manner as to costs and otherwise as provided by said last mentioned Act.

## C A P . X C I I .

An Act to amend so much of the Upper Canada Jurors' Law Amendment Act of 1853, as fixes the amount of Fees payable to Sheriffs and Clerks of the Peace.

[Assented to 1st July, 1856.]

Preamble.

16 V. c. 120.

**W**HEREAS it is expedient to amend so much of the Upper Canada Jurors' Law Amendment Act of 1853, as fixes the amount of Fees payable to Sheriffs and Clerks of the Peace: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Part of section 9, repealed.

I. So much of the ninth section of the Act above cited as fixes the amount of Fees payable to Sheriffs and Clerks of the Peace, shall be and the same is hereby repealed.

Fees to Clerks of Peace and of Recorder's Courts.

II. The Clerk of the Peace of every County or Union of Counties, and the Clerks of the Recorder's Courts in every City in which a Recorder's Court shall have been established, shall be entitled to the following sums of money for the respective services performed by them under this Act, that is to say:

For receiving and examining the Reports of Selectors for each City, Town, Village and Township, causing any deficiency which may be found therein to be supplied, and filing the same in his office, three shillings and nine pence;

For giving certificates to Selectors of Jurors, of Report having been made, two shillings and six pence;

For

For preparing in proper form the Jurors' book and superintending the making up of the same (besides actual disbursements for stationer's charges), each, thirty shillings ;

For arranging alphabetically and in order the names contained in Selector's Report, per one hundred names, fifteen shillings ;

For making up Jurors' books, entering all the names and numbers, and all other matter required to be entered therein, per one hundred names, fifteen shillings ;

For each copy of the Jurors' book required by the Jurors Acts, per one hundred names, fifteen shillings ;

For preparing on cards the ballots for Jurors, to correspond with the numbers in the Jurors' book, per one hundred names, two shillings and six pence ;

For each certificate required to be entered on the Jurors' book to verify same, five shillings ;

For balloting and entering each jury list, per one hundred names, thirty shillings ;

For copy of Jury list required to be entered, per one hundred names, fifteen shillings ;

For each panel of Jurors drafted from the Jury list, per one hundred names on such Jury list, twenty shillings ;

For entering each panel in the Jurors' book, with the numbers corresponding to the Jury list, ten shillings ;

For making up aggregate return in detail of Jurors, forty shillings ;

For copy thereof and transmitting same to Provincial Secretary when required, and for office copy of the same, each, twenty shillings.

The Sheriff, High Bailiff or other officer of every such County, Union of Counties or City shall, exclusive of such fees as he may be entitled to from the parties in any suit, be entitled to the following sums of money for the respective services performed by him under the Jurors' Acts, that is to say :

For each panel of Jurors whether Grand or Petit returned and summoned by him in obedience to any general precept for the Return of Grand or Petit Jurors for any sittings or sessions of Assize and Nisi Prius, Oyer and Terminer, Gaol Delivery, Sessions

Sessions of the Peace or County or Recorder's Court respectively, under this Act, twenty-five shillings ;

For copies of such panel to be returned in the offices of the Superior Courts of Common Law at Toronto, each, five shillings ;

For every summons served upon the Jurors on such panel, the sum of two shillings and six pence ;

And for every certificate given to any or such Jurors of his having served, to evidence his exemption from serving again until his time for doing so shall return in its course, the sum of one shilling and three pence ; .

And in case of the Sheriffs of Counties, the further sum of six pence for every mile that the Sheriff or his Deputy or Bailiffs may necessarily and actually have had to travel from the County Town for the purpose of serving such summonses.

How the said fees shall be paid.

Which several sums shall be paid by the Treasurer of such County or Union of Counties, or by the Chamberlain of such City, as the case may be, to such Officers severally, out of any moneys in his hands belonging to such County, Union of Counties, or City respectively, not otherwise specially appropriated by Act of Parliament, upon proof by affidavit made before some Commissioner for taking affidavits in some one of Her Majesty's Superior Courts of Common Law at Toronto, for such County or Union of Counties, of such several services having been executed, and of such travel having been so necessarily performed in the service of such summonses ; for all which moneys so to be paid as aforesaid, every such Treasurer and Chamberlain shall be allowed in his accounts with such County, Union of Counties or City, as if the same had been paid under the special authority and direction of the Municipal Corporation of such County, Union of Counties or City respectively ; Provided always nevertheless, that in all such cases when there shall be more than a hundred or more than an even number of hundreds of such names, if the broken number beyond such hundred or hundreds shall fall short of fifty names, the same shall not be reckoned, and if such broken number shall amount to fifty names or upwards, the same shall be reckoned as a full hundred, but in all cases of there being altogether less than a single hundred, the same shall be reckoned as a full hundred.

Proviso :  
Where there is a broken number of names.