

Gaol Delivery holden as aforesaid, at which any Indictment may be preferred, or shall come on to be tried against any person or persons for any Felony or Crime for which the punishment of death is awarded, to issue a Special Precept under his hand and seal, or direct a special venire to issue under the seal of the Court, directed to the Sheriff of the County or City and County in which such Court may be holden, commanding such Sheriff to summon such number of men duly qualified as to such Judge may seem proper, and in such precept or venire to be stated, to appear and serve as Jurors for the trial of the person or persons so indicted as aforesaid, on a day to be named in such precept or venire, which day shall in no case be earlier than the third day, inclusive, after the day on which such precept or venire shall be issued, and such Sheriff shall cause such persons to be personally summoned, and shall return a panel of such Jurors to the Court on the day named in the precept or venire; and such Jurors so summoned shall give their attendance accordingly; and the names of such Jurors so summoned, impannelled and returned, shall be called from the said panel when the indictment is to be tried, and if any of the persons so called as Jurors, shall not appear, or shall be challenged, excused or set aside, then a further number shall be called, until twelve shall be allowed and sworn, who shall be the Jury for the said trial: Provided always, that in case a sufficient number of Jurors named in such panel shall not appear or be allowed, a tales may be awarded to complete the Jury, as is now by Law directed: And provided also, that no Juror shall be fined for non-attendance according to the exigency of such special precept or venire, unless proof be duly made by affidavit or *viva voce* in open Court, by the summoning officer, that he was personally summoned at least forty eight hours before the time appointed for his appearance.

Persons to be personally summoned and penal returned.

Jurors to be called from the penal until twelve be allowed.

A tales may be awarded to complete the Jury.

No fine for non attendance allowed, without proof of 48 hours personal service.

### CAP. XXIX.

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act further to amend the Law relating to Offences against the Person*. 5 V. c. 33.

Passed 11th April 1843.

**‘ WHEREAS** in and by the second Section of the said in part recited Act, **‘ it is enacted,** That any person who shall be convicted of any offence **‘ in the said Section of the said Act mentioned,** shall be liable, at the discretion **‘ of the Court,** to be imprisoned for the term of the natural life of such offender, **‘ or for any term not less than three years: And whereas by the third Section of** **‘ the same Act,** it is further enacted, That any person who shall be convicted of **‘ any offence in the said third Section of the said Act mentioned,** shall be liable, **‘ at the discretion of the Court,** to be imprisoned for the term of the natural life **‘ of such offender, or for any term not less than three years: And whereas it is** **‘ deemed expedient to mitigate the punishment prescribed by the said second** **‘ and third Sections of the said Act, for any offence in either of the said Sections** **‘ mentioned;’**

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, those parts of the said second and third Sections of the said Act, which subject any offender convicted of any offence mentioned in either of the said second and third Sections of the said Act, to be imprisoned for the term of the natural life of such offender or for any term not less than three years, be and the same are hereby severally repealed.

5 V. c. 33, s. 2 and 3, so far as they prescribe the punishment of imprisonment for life, &c. repealed.

II. And be it further enacted, That from and after the passing of this Act, every offender who shall be convicted of any offence in either of the said second and third Sections of the said Act mentioned, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding fourteen years.

Imprisonment not exceeding fourteen years may be awarded for offences mentioned in 5 V. c. 33, s. 2 and 3.

### CAP. XXX.

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend the Law relating to Burglary*. 5 V. c. 32.

Passed 11th April 1843.

**‘ WHEREAS** in and by the third Section of the said in part recited Act, it **‘ is enacted,** That whoever shall be convicted of the crime of Burglary, **‘ shall be liable at the discretion of the Court to be imprisoned for the term of the** **‘ natural life of such offender, or for any term not less than three years: And**

Preamble.