

by a Judge on sufficient cause shewn by affidavit, and in such case the order of the Judge shall be delivered to the Sheriff and be his discharge, and shall by him be returned to the Clerk with the levam facias; but if the fine shall in the mean time be paid to the Clerk, Sheriff, or County Treasurer, it shall be returned to the delinquent.

33. All Jury fines shall be paid by the person receiving the same to the County Treasurer, for the use of the County.

34. When any issue joined in any civil action brought in any Court of Record in this Province, shall be for trial before a Jury, the names of the parties therein shall on the first day of the sittings of the Court at which the trial is to take place, be entered in a trial docket, and at such hour as the Court may after the opening thereof direct, unless the Court for some special and reasonable ground of excuse, to be shewn by affidavit, shall order and allow the same to be entered on such trial docket at a subsequent hour or day.

35. On the entry of any such cause as aforesaid, the party entering the same shall deposit in the hands of the Clerk with whom such entry is made, the sum of thirty shillings when the cause is not summary, and the sum of fifteen shillings when the cause is summary, to be applied towards the payment of Petit Jurors attending such Court as hereinafter provided, and if the cause is not tried, the money so deposited with the Clerk shall be returned to the party entering the same.

36. Every Petit Juror actually attending any of the Courts of Record, shall be entitled to receive and be paid in the manner hereinafter mentioned, 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, and the distance shall be ascertained by the declaration of the Sheriff, or 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.

37. The respective Clerks of such Courts, on the last day of the sitting of such Court, shall prepare a list, duly certified, shewing the names of the Jurors who actually attended such Court, the number of days each attended, the distance each travelled, the amount each shall be entitled to receive, and the amount so received by them as aforesaid, and forthwith deliver the same, together with the moneys so received by him as aforesaid, to the County Treasurer of the County where such Court shall be held, who shall hold and apply such moneys as other County funds.

38. It shall be the duty of the County Treasurer upon receiving such list, forthwith to pay to each Juror the sum to which he shall appear entitled by such list, out of the County funds.

39. It shall be the duty of the County Treasurer within a reasonable time to forward the said list to the Provincial Secretary, whereupon a Warrant may be issued by order of the Governor in Council in favour of the County Treasurer for the amount so paid by him, deducting therefrom the amount so received by him from the Clerk; and the Provincial Treasurer is hereby authorized and required to pay the amount of such Warrant to the County Treasurer, to be held and applied by him as other County funds.

40. Every Grand Juror not appearing when openly called three times, shall upon oath or affidavit of the summoning Officer that he had been lawfully summoned, pay a fine not exceeding three pounds, in the discretion of the Court; unless sufficient excuse for his absence be shewn by affidavit to the satisfaction of such Court.

41. Every Petit Juror who shall not appear when called upon the trial of any cause, shall on proof by the oath or affidavit of the summoning Officer that he was duly summoned, pay a fine not exceeding five shillings for each default, in the discretion of the Court, unless a sufficient excuse for his absence be shewn by affidavit to the satisfaction of such Court, but the amount of fines imposed upon any Juror shall not at any Court exceed three pounds.

42. Any officer neglecting to perform any duty imposed upon him by this Act, shall pay a fine of twenty pounds, one half to the prosecutor, the other half to the County Treasurer for the use of the County.

43. If any person duly summoned to serve as a Juror upon an inquiry before a Sheriff or Coroner, shall not appear when openly called three times, the officer having execution of the writ may impose a fine upon the defaulter not exceeding ten shillings, unless he shew a reasonable excuse on oath, and immediately after taking the inquisition, he shall certify the name, residence, and calling of every defaulter, with the amount of the fine, to the Clerk of the Court out of which the writ issued, who shall enter them on a list, and they shall be levied, paid, and applied in all respects as in other cases.

44. The neglect of the officer to make the out Jury list, or the omission of the name of any qualified person, or the insertion of the name of any unqualified person therein, or any error in description, or other defect therein, shall not be a cause of challenge.

45. Notwithstanding the provisions of this Act as to the qualification of Jurors, or in any other respect, the list filed by the respective Sheriffs shall be the Jury list, till others can be prepared under this Act.

46. The following Acts shall be repealed when this Act comes into operation: An Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to provide for the better payment of Petit Jurors attending the several Courts of Record in this Province*; An Act made and passed in the twelfth year of the same Reign, intituled *An Act to amend the Laws relating to Juries*; An Act made and passed in the thirteenth year of the same Reign, intituled *An Act to amend the Laws relating to Juries*; An Act made and passed in the fourteenth year of the same Reign, intituled *An Act relating to Grand Juries in this Province*; and An Act made and passed in the same year of the same Reign, intituled *An Act to revive and continue an Act for the better payment of Petit Jurors attending the several Courts of Record in this Province*.

#### SCHEDULE.

##### ( A )

##### *Summons to Jurors.*

To Mr. A. B. You are required to attend as a Grand (or Petit, as the case may be) Juror, at the Court to be holden for the County of \_\_\_\_\_, at the Court House in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ instant (or next), on pain of fine.—Dated the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 .

[The above may be modified to suit an inquiry before Sheriff, &c.]