

CAP. XXII.

An Act to amend the Law respecting Jurors and Juries.

[Assented to 5th April, 1869.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Secs. 1, 2, 3, 4, 5, 6 of 27, 28 V. c. 41, and secs. 1, 2, 3, 4, 5, 6 of Quebec act 31 V. c. 16 repealed.

1. Sections one, two, three, four, five, and six of the act of the late province of Canada, twenty-seventh and twenty-eighth Victoria, chapter forty-one, and sections one, two, three, four, five and six of the act of the Legislature of this Province, thirty-first Victoria, chapter sixteen, are repealed; but all jury lists made thereunder, for any district shall remain in force until new jury lists are made, under this act, for such district.

QUALIFICATION OF GRAND AND PETIT JURORS.

Grand jurors. 2. The following persons, (subject to the exemptions and disqualifications hereinafter provided for), are qualified to act, and shall, when duly chosen and summoned, be bound to serve as grand jurors, namely :

In towns and cities. 2. Every male person resident in a town or city containing at least twenty thousand inhabitants, or in the *banlieue* thereof, who is assessed upon the valuation roll of such town or city, as proprietor of immovable property of an assessed total value above two thousand dollars, or as occupant or lessee of immovable property of an assessed annual value above three hundred dollars; or who is a justice of the peace and has duly qualified as such ;

In other municipalities. 3. Every male person resident within the limits of any other municipality, any part whereof is situate within ten leagues of the place of holding the court in the district in which he resides, who is assessed upon the valuation roll of such municipality as proprietor of immovable property of an assessed total value above one thousand five hundred dollars, or as occupant or lessee of immovable property of an assessed annual value above one hundred and fifty dollars.

Petit jurors. 3. The following persons, (subject to the exemptions and disqualifications hereinafter provided for,) are qualified to act, and shall, when duly chosen and summoned, be bound to serve as petit jurors :

In towns and cities. 2. Every male person resident in a town or city containing at least twenty thousand inhabitants, or in the *banlieue* thereof, who is assessed upon the valuation roll of such town or city, as proprietor of immovable property of an assessed total value of at least eight hundred

dollars, but not more than two thousand dollars, or as occupant or lessee of immovable property of an assessed annual value of at least one hundred dollars, but not more than three hundred dollars, except justices of the peace duly qualified as such ;

3. Every male person resident within the limits of any other municipality, whereof any part is situate within ten leagues of the place of holding the court in the district in which he resides, who is assessed upon the valuation roll of such municipality, as proprietor of immovable property of an assessed total value of at least six hundred dollars, but not more than one thousand five hundred dollars, or as occupant or lessee of immovable property of an assessed annual value of at least eighty dollars, but not more than one hundred and fifty dollars.

DISQUALIFICATIONS.

4. The following persons are disqualified from serving as grand or petit jurors respectively :

1. Persons who are not qualified as such under the foregoing provisions of this act ; Persons not qualified.
2. Persons below the age of twenty-one years ; Minors.
3. Persons afflicted with blindness, deafness, or any other physical infirmity incompatible with the discharge of the duties of a juror ; Persons physically infirm.
4. Persons who are arrested or under bail upon a charge of treason or felony, or who have been convicted thereof ; Persons under arrest or bail, or conviction for felony.
5. Aliens, except in cases where, according to law, one half of the jury must be composed of aliens. Aliens.

EXEMPTIONS.

5. The following persons are exempt from serving as jurors : Who are exempt.

1. Members of the clergy ;
2. Members of the privy council, or of the senate or of the house of commons of Canada, or persons in the employ of the government of Canada ;
3. Members of the executive council, legislative council or legislative assembly of Quebec, or persons in the employ of the government of Quebec or of the Legislature thereof ;
4. Practising advocates and attorneys ;
5. Prothonotaries, clerks of the crown, clerks of the peace, and clerks of the circuit court ; the clerk, treasurer and other municipal officers of the cities of Quebec and Montreal ;
6. Sheriffs and coroners ;
7. Officers of her majesty's courts ;

8. Gaolers and keepers of houses of correction ;
9. Officers of the army and navy on full pay ;
10. Pilots duly licensed ;
11. School-masters not exercising any other profession ;
12. All persons employed in the running of railway trains ;
13. Physicians, surgeons and apothecaries, practising their professions ;
14. Cashiers, tellers, clerks, and accountants of incorporated banks ;
15. Masters and crews of steamboats, during the season of navigation ;
16. All persons employed in the working of grist mills ;
17. Officers, non-commissioned officers and privates of the active militia ;
18. Firemen ;
19. Registrars ;
20. Persons above sixty years of age ;
21. The persons mentioned in section twenty-three of the act fourth and fifth Victoria, chapter ninety.

JURY LISTS.

Extract from valuation roll to be sent to the Sheriff of the District.

6. Whithin three months after this act comes into force, the clerk or secretary-treasurer of every local municipality, being wholly or in part within thirty miles of the place of holding the court in the district in which such municipality is situate, shall cause to be delivered, without charge, to the sheriff of such district, an extract from the assessment or valuation roll then in force in such municipality, giving the names of all persons named on such roll, who reside within the municipality and are qualified to act respectively as grand jurors and petit jurors.

And so of new rolls.

7. Within two months after the completion of every new valuation or assessment roll in such municipality, the clerk or secretary-treasurer shall in like manner cause to be delivered, without charge, to the said sheriff, a similar extract from such roll, giving the names of all persons named thereon, who reside within the municipality and are qualified to act respectively as grand jurors and petit jurors.

Extract to be first submitted to council.

8. Before delivering to the sheriff the extract mentioned in the two preceding sections, the clerk or secretary-treasurer, after having given at least eight days' public notice thereof, shall submit the said extract to the council of the municipality, at a special meeting, convened for such purpose. The council shall, at such meeting, examine the said extract, make such corrections therein as it deems necessary, and approve the same, and in testimony of such approval, the head of the council, or the councillor pre-

siding at such meeting, and also the clerk or secretary-treasurer shall sign the said extract.

9. In the interval between the completion of each such valuation roll and the completion of the next, the said clerk or secretary-treasurer shall also, every twelve months, deliver to the sheriff, free of charge, a supplement, containing the names of all persons who, to his knowledge, since the delivery of the previous extract or supplement have died, or no longer reside within the limits of the municipality, or have become disqualified or exempt from serving as jurors, or have been discovered to have been erroneously included in or omitted from the previous extract or supplement, and such clerk or secretary-treasurer shall in each case give, with the said extract or supplement, all necessary details and information for identifying each person named therein.

Supplement to extracts to be sent every year in the interval.

10. The said clerk or secretary-treasurer shall ascertain, by enquiries and all other necessary means, what persons within his municipality are disqualified or exempt from serving as jurors, and he shall not knowingly include in any extract or supplement, to be furnished to the sheriff under this act, the name of any person so disqualified or exempt under sections four and five of this act.

Duty of clerk of municipality to ascertain who are disqualified or exempt.

11. The said clerk or secretary-treasurer shall make and keep among the records of his office, and open gratuitously to public inspection, a duplicate of every extract or supplement furnished to the sheriff under this act.

Duplicate extracts to be kept by clerk of municipality.

12. Every such extract and every such supplement shall be accompanied with an affidavit of the clerk or secretary-treasurer, taken before a justice of the peace, and swearing to his belief in the correctness of the said extract or supplement, and of the information furnished therewith.

Clerk to swear to each extract or supplement.

13. Every such extract and supplement shall state the christian name or names of the persons named therein, their occupation and residence, whether they are assessed as proprietors, or as occupants, or lessees, or otherwise, and the amount of such assessment; and for the purposes of this section, as well as for all the purposes of this act, the clerk or secretary-treasurer shall be deemed to be an officer of the court.

What extracts and supplements shall contain.

14. Upon receipt of the extracts from the assessment or valuation rolls in force in every municipality bound to furnish the same within a district, the sheriff of such district shall forthwith prepare two lists, the first containing the names of all persons qualified to serve in such district as grand jurors; the second the names of those qualified to serve in such district as petit jurors; and he shall keep the said lists in his office, and shall deliver a certified copy of the grand jury list to the prothonotary of the superior court and a certified copy of the petit jury list to the clerk of the crown.

Sheriff to make lists of grand and petit jurors.

Copies to be delivered to the prothonotary and clerk of the crown.

How the lists shall be made from the rolls.

15. In making out the jury lists, the sheriff shall successively insert therein, one after the other, the name of the first person in every extract furnished to him, and afterwards the name of the second person in every such extract and so on in rotation, till the names of all the persons appearing on such extract are exhausted; but if the number of jurymen, appearing upon any of such extracts exceeds the number appearing upon others the sheriff shall take from the more numerous extract, in its turn, a proportionably greater number of names, so that the jurors from each municipality may be distributed throughout the whole jury list in a manner corresponding, as far as practicable, to the proportion which the total number of jurors in such municipality bears to the total number of jurors on the list.

If number on one roll greatly exceeds that on another.

Lists to be written in registers.

16. The lists of jurors so prepared shall be written in registers in which the names of the jurors shall be entered one after another without interruption, and shall be authenticated by the certificate and signature of the sheriff, and such list shall not be altered in any manner whatsoever, except as hereinafter directed.

Public to have access to copies of lists.

17. All persons shall have free access to the copies of the lists deposited in the offices of the said prothonotaries or clerks of the crown, between the hours of nine in the morning and four in the afternoon of every day, without becoming thereby liable to any fee or charge whatsoever.

Corrections to be noted by sheriff.

18 If the name of any person who is disqualified or exempt has been erroneously inserted in the extract or supplement delivered to the sheriff, or if at any time a juror dies or removes his domicile from the district, or becomes disqualified or exempt, and the fact in each such case is established to the satisfaction of the sheriff, by affidavit in writing to be deposited with him, the sheriff shall note the same in the jury list, opposite the name of the juror, in a blank column or columns retained for the purpose, and shall give notice thereof to the secretary-treasurer or clerk, who shall make the same changes in the duplicate in his possession.

List to be revised yearly.

19. The lists of jurors shall be revised by the sheriff once in every year, which revision shall be completed on or before the thirty-first day of December in every year other than that in which such lists are first made; and such revision shall be based upon the information obtained under the last preceding section, and upon the extracts and supplements obtained from municipalities under this act.

How revision shall be effected.

20. Such revision shall be effected by drawing a line through the name of each juror who has died, or removed his domicile from the district, or is disqualified or exempt; and by adding to the jury lists the names in

full, with the residence and occupation, of all persons, whose names are not already inserted therein, who, by the extracts or supplements, are bound to serve as such jurors; and such additional names shall be arranged and distributed on the jury list, in the same manner as is herein provided for the distribution of the names of the jurors inserted in such list at the making thereof; and when any name is so struck out, the reason of so striking it out shall be written opposite such name; and when any name is added, the date of such addition shall be written opposite such name or at the end of such names, if more than one are inserted on the same day, and in both cases the sheriff shall authenticate the whole with his signature in the same manner as in the first completion of the registers.

Reason of striking out a name to be inserted.

21. Forthwith after the revision of any jury list the sheriff shall notify the prothonotary of the superior court, and the clerk of the crown of such revision; and thereupon they shall correct the copies thereof in their possession respectively, by the jury lists so revised by the sheriff.

Copies kept by prothonotary &c. to be corrected.

22. Upon any complaint with notice to the party interested, and proof that in making a jury list, the name of any person not qualified to serve as a juror, or disqualified or exempt, has been inserted therein, or that the name of any person, fit and qualified to serve as such, has been omitted therefrom, or that such list has not been made in the manner by this act directed, the court may order the name of such unqualified or exempted person to be struck out of such list, or the name of any person qualified to serve as a juror to be inserted therein, or the list to be made over again or corrected, as the case may be; and in such case the court may make such order as to the costs of correcting such list or of making anew such list, as may in its discretion appear just.

On complaint with notice, Court may order any list to be corrected.

23. If any clerk or secretary-treasurer of any municipality fails to cause any extract or supplement, as the case may be, to be transmitted to the sheriff, within the time and in the manner prescribed by this act, the sheriff shall procure the same from the secretary-treasurer; and he may recover from the municipality his disbursements in and about procuring the same, including all travelling expenses of a messenger, if one be sent; together with a sum equal to the amount so disbursed, by way of penalty for such failure, with costs, by suit in his own name, before any competent tribunal.

If the extracts &c. be not transmitted in due time to the sheriff.

24. If in any parish, township or local municipality from which jurors should be summoned under this act, there shall be no assessment or valuation roll, the sheriff shall cause lists to be made of the persons within such locality, qualified to be grand and petit jurors respectively under

If there be no roll in any municipality.

this act; and such lists shall be made from the best information attainable, by inquiring in such locality, and shall be sworn to by the person employed to make the same; and such lists shall be retained, held, and used for the same purposes and in the same manner, and with the same effect, as if they were extracts from valuation or assessment rolls, delivered to the sheriff under this act.

In default of revision a judge may order it to be made.

25. If any list of jurors for any district, which the sheriff is required to make, revise or renew, is not made, revised or renewed in the manner and within the period hereinbefore fixed, then as soon as the fact is made known by the sheriff, prothonotary, clerk of the peace or of the crown, to any judge of the court of queen's bench, or any judge of the superior court, when in such district, or whenever the fact has come to the knowledge of such judge, he shall order the sheriff of such district to make, revise or renew such list of jurors, and shall, by such order, fix a period within which such list shall be made, revised or renewed; the old list remaining in force until the new one is completed.

Revised list to be good but sheriff liable to penalty.

26. The list made, revised or renewed under any such order shall then be of the same force and effect as if originally made within the time prescribed by law, and shall remain in force and be dealt with and used as if it had been so made; but nothing herein contained shall relieve the sheriff from any penalty or liability incurred by his default to make, revise or renew such list as prescribed by law.

Court may order new lists in certain cases.

27. If at any time the book or register containing a jury list should become defaced or be filled up, the court, on a representation to that effect, made by the sheriff, or in its own discretion, may order the sheriff to make a new jury list, instead of revising the list contained in the book so defaced or filled up; and thereupon the sheriff shall make such new list from the information afforded him by the list which it is intended to replace, and from the extracts or supplements furnished to him under this act. In so doing, and as to the making and delivery of certified copies of the new list so made, the sheriff shall be guided by the provisions hereinbefore contained in those respects; and in all cases the old lists shall remain in force until the new ones are completed.

THE PANELS.

With what name panel shall begin.

28. In making any panel of grand or petit jurors in any district, the sheriff of such district shall begin with the first name upon the register, when such register is newly made, and thereafter with the first name following that of the last juror already summoned.

Panels of

29. Except in the districts of Quebec and Montreal, and

in other districts in which juries half French and half English shall be permitted as hereinafter provided, the panel of grand jurors to be summoned for any term of the court of queen's bench, or for any session of the court of quarter sessions, in any district, shall be made from the grand jury list then in force in such district, by taking therefrom the names of twenty-four persons in turn, following uninterruptedly and successively the order of the list, commencing as provided in and by the preceding section, and so on successively until the number on the list has been entirely gone through, and then beginning again and going through in like manner.

grand jurors,
elsewhere,
than in Quebec
and Montreal.
how made.

30. Except in the districts of Quebec and Montreal, and in other districts in which juries half French and half English shall be permitted as hereinafter provided, the panel of petit jurors to be summoned for any term of the court of Queen's bench, or for any session of the court of quarter sessions, shall be made from the petit jury list then in force, by taking therefrom the names of forty persons in turn, following the order of the list, commencing as provided in and by section twenty-eight, and so on successively, omitting only the names of those jurors who are not bound to serve at such term or session by reason of previous service, until the number on the list has been entirely gone through, and then beginning again and going through in like manner.

Panels of petit
jurors else-
where than in
Quebec and
Montreal, how
made.

31. In the districts of Quebec and Montreal there shall be twenty-four grand jurors and sixty petit jurors summoned to serve before any court holding criminal jurisdiction, at the cities of Quebec and Montreal, one half of whom shall be composed of persons speaking the English language and the other half of persons speaking the French language, to be taken by the sheriff from the lists of grand jurors and petit jurors, respectively, in the order in which the names of each class respectively appear therein, commencing in the same manner as is herein provided for the making of panels of grand and petit jurors respectively; and the provisions of this section may be extended to any other district, by an order of the lieutenant-governor in council, upon the presentment of the grand jury of such district, approved by the presiding judge, asserting the expediency of such extension.

Panels how
made in Que-
bec and Mon-
treal.

32. If the sheriff or prothonotary be required, by this act or by any order made thereunder, to insert in any panel of any kind, the names of persons possessing any special qualification, either of language or occupation, such qualification shall be by him inserted on the panel, opposite the name of such juror; and such designation or qualification shall be *prima facie* evidence of the possession of such qualification by the juror opposite whose name it is placed.

Special quali-
fication of ju-
rors to be in-
serted on the
panel.

As to jurors
who have al-
ready served.

33. A juror shall not be bound to serve as such, nor shall his name be inserted in the panel, so long as there remain upon the jury list the names of jurors, speaking the same language as such juror, who have served or have been summoned to serve as jurors, subsequently to the making of such list, a less number of times than he has served or has been summoned to serve, during the same period.

Panels to be
kept secret un-
til returned.

34. Neither the grand jury panel, nor the petit jury panel, nor the name of any person on such panel, shall be communicated either verbally or otherwise, to any person or persons whomsoever, until after such panel is returned into court by the sheriff; nor shall the sheriff's jury lists be inspected by, or communicated to, any person not employed in his office, except upon an order of the court, or of a judge, granted for that purpose.

SUMMONING THE JURY.

Jurors not to
be summoned
if no cases ap-
pear to be
tried.

35. In every district, the sheriff, before summoning persons to serve therein as grand or petit jurors, shall inquire of the clerk of the crown or clerk of the peace, as the case may be, whether there are any criminal cases to be tried at the next term or session of any court of criminal jurisdiction to be held therein;—and he shall not summon any grand or petit jurors for such court, unless he is thereupon informed that such jurors are required; but every such court shall nevertheless meet at the time fixed by law; and if thereupon it appears to the court to be necessary for the investigation or trial of any case coming before such court, the court may then direct the sheriff to summon the usual number of persons to serve as grand or petit jurors before that court, on any day to which it may be adjourned; and all proceedings had at and before such adjourned court, shall be as valid as if had at or before such court at the ordinary time of holding it; and any judge or person holding such adjourned court shall adjourn the same from day to day, so long as there is any business before it; but the above provision shall in no way prevent the court from proceeding in the absence of grand or petit jurors, to the despatch of such business as does not require the intervention of either of them.

If such cases
should after-
wards arise.

Second panel
not to be sum-
moned unless
required.

36. Before summoning petit jurors for criminal matters in any district, the sheriff shall inquire of the clerk of the crown or of the peace, as the case may be, whether the number of cases and the nature thereof to be tried before the court appear to justify the summoning of a second panel of petit jurors, and if he is thereupon informed in writing that a second panel will be required, then, but not otherwise, the sheriff shall summon a second

panel of petit jurors for such court in the same manner, at the same time, and to the same number, and subject to the same rules as to exemptions and as to additions to such panel, as that summoned for the first day of the court; and such second panel of petit jurors shall, for the court of Queen's bench, be summoned to attend on the twelfth juridical day of the term thereof, and for the court of general quarter sessions, on the tenth juridical day of the session thereof; and every such second panel of petit jurors shall attend and serve for the residue of every such term or session, unless the court shall have ordered a third panel, in which case they shall not serve for more than eleven days, for the court of Queen's bench, or nine days for the court of quarter sessions; and when a second panel of jurors is summoned as aforesaid for any term or session, the jurors on the first panel shall be discharged in the court of Queen's bench, on the eleventh juridical day of such term, or on the ninth juridical day of such session, as the case may be.

For what time second panel shall be summoned if required.

First panel when discharged.

37. Whenever the court is of opinion that the business of the term or session is likely to necessitate the attendance of the jurors summoned on the second panel, for a period of more than fourteen days in the court of Queen's bench, or for more than eleven days in the court of quarter sessions, such court may, at the instance of the representative of the crown, order the sheriff to summon a third panel, in the same manner, containing the same number of jurors, and subject to the same rules respecting exemption and additions, as the second panel; and the jurors summoned on such third panel shall serve during the remainder of the term or session. Such third panel of petty jurors shall, for the court of Queen's bench, be summoned for the twenty-third juridical day of the term, and for the court of quarter sessions, for the nineteenth juridical day of the session.

When a third panel may be summoned, and for what time, &c.

38. There shall be an interval of at least six days between the service of a summons upon a juror summoned to serve before any court of criminal jurisdiction, and the day upon which he is called upon to appear, except when such juror is summoned as one of a special or supplementary panel, in which case an interval of forty-eight hours shall be sufficient; but it shall be the duty of the sheriff to cause the jurors mentioned in every ordinary panel made by him for the first or any other day of any term, to be summoned at least fourteen juridical days before the term or session of such court, to afford time for the summoning of additional jurors, in the place of those who have either not been summoned or who have given notice of their intention to claim exemption.

Delay between summons and attendance.

39. In every summons served upon any juror requiring Notice to be

given to jurors
as to claims of
exemption.

him to attend and serve as such juror, a notice shall be inserted informing such juror, that if he intends to claim exemption from serving as such juror, under section five of this act, he must, within three juridical days from the service of the summons, furnish the sheriff with an affidavit in writing, sworn to before a justice of the peace or before the sheriff, or his deputy, establishing the ground of his claim to exemption; and if such juror neglects so to do he shall not be allowed the benefit of such exemption; and no juror shall be exempt for any other reason than those set forth in the said section five, unless the court be convinced that the public interest admits of such exemption being allowed.

Duty of sheriff
as to claims
for exemption.

40. The sheriff shall insert upon the panel, before he returns the same before the court, opposite the name of any juror who furnishes such an affidavit, the fact of such affidavit having been furnished, and the grounds stated by such juror as those upon which such claim for exemption is to be made.

Additional
names to be
placed on the
panel and
summoned.

41. Immediately upon receipt of such affidavits, the sheriff shall add to the panel a further number of names of jurors, equal to the number of jurors who have furnished such affidavit, added to those on the panel who have not been served with a summons, by reason of death, absence from the province, or other sufficient cause; which names shall be taken from the proper jury list in turn, commencing with the name of the juror liable to serve which follows upon the list next after the last name upon the panel, and proceeding with the taking of a sufficient number of names successively in the order in which they appear on the list; and shall proceed to summon such additional jurors in the same manner as if they had been upon the panel in the first instance.

Provisions as
to exemption
to apply to
such additional
juries.

42. All the provisions hereinbefore contained as to notice to jurors respecting intended claims for exemption, and as to the mode of claiming exemption, and as to the invalidity of a claim made for exemption without previous affidavit, and as to the summoning of additional jurors in the place of those not served with a summons, or who have furnished an affidavit in support of their claim for exemption, shall apply to the jurors so added to the panel, in the same manner and to the same extent as to the jurors placed upon the panel in the first instance.

Return of
panel and pro-
ceedings of
sheriff.

43. The sheriff shall return before the court the panel as first made by him, together with the additions made to such panel; and shall also report his proceedings as to the summoning, or attempting to summon, the persons whose names appear in such panel and in such additions.

Discharge of
surplus jurors

44. If in consequence of the disallowance of claims for exemption, there remain more than sixty jurors in attend-

ance upon the court, the surplus number of jurors may be discharged by the court; such surplus number being taken from amongst the names added to the panel first made, commencing at the end thereof, unless specially otherwise ordered by the court; but such discharged jurors shall be considered as having served at the term of the court for which they were summoned.

PENALTIES.

45. Every sheriff, prothonotary, clerk of the peace, or clerk of the crown, who wilfully or negligently offends against any of the provisions of this act shall, for the first offence, incur a penalty not exceeding sixty dollars, nor less than forty dollars, and for the second offence a penalty not exceeding eighty dollars, nor less than sixty dollars, and for the third or any subsequent offence, a penalty not exceeding two hundred and eighty dollars, nor less than one hundred and twenty dollars.

On sheriffs, prothonotaries, &c., wilfully infringing this act.

46. Every person summoned to serve as a juror under the authority of this act, who refuses or neglects to appear in obedience to the summons, or to attend in conformity with the law, without assigning some lawful cause or excuse therefor, shall incur a penalty for each offence not exceeding ten dollars, nor exceeding in the aggregate fifty dollars, for all of such offences committed during the same term of any court; which shall be levied, on rule or order of the court, by the sheriff on the goods and chattels of such person, and in default thereof he may be imprisoned for such time, not exceeding fifteen days, as the said court may direct, with power to reduce, mitigate or remit the said penalty or imprisonment, upon good cause shewn to the said court.

On jurors summoned and not serving.

How levied.

47. Every clerk or secretary-treasurer of any municipality who shall, within six days, neglect to transmit to the sheriff any extract or supplement required of him under this act, shall incur a penalty of twenty dollars, and a further penalty of five dollars for every day, subsequent to the service upon him of any information or complaint for such neglect, during which he shall continue to be in default.

On municipal officers failing to transmit extracts, &c.

48. The penalties hereby imposed upon officers of the court shall be levied on rule or order of the court, in the same manner as is provided by section forty-six of this act.

Penalties on officers of the court how levied.

49. The penalties hereby imposed shall belong to the building and jury fund for the district in which each penalty is recoverable.

Appropriation of penalties.