

Not to abridge the right of challenge for cause, as heretofore practised.

An order to be made on motion in the Supreme Court, for the striking of Special Juries, before the Clerk of the Peace of the County in which the venue is laid.

Manner of striking the Jury.

If the Clerk of the Peace be interested or related to either of the parties, the Court to appoint two fit persons.

26 G. 3, c. 6, s. 6, in part repealed.

Preamble.

Civil actions for trial before a Jury in Courts of Record to be entered on a Trial Docket at the time appointed by the Court.

action or prosecution in any Court of Record in this Province, except in cases where by Law a peremptory challenge is now allowed; the party plaintiff or plaintiffs, prosecutor or prosecutors, defendant or defendants, prisoner or prisoners, may as the Jurors come to the Book to be sworn, peremptorily challenge not exceeding three of the Jurors, which challenge shall be allowed by the Court or Judge or Officer presiding before whom such issue or inquisition may be tried or taken; provided that this Act shall not be construed to authorize either party to challenge peremptorily more than three Jurors, notwithstanding such party may consist of several persons; and provided also, that nothing herein contained shall be construed to impair or abridge the right to any challenge for cause, as heretofore practised.

IV. 'And whereas it is necessary to make provision for the more convenient striking of Special Jurors;' Be it enacted, That upon motion made in the Supreme Court on behalf of Her Majesty, or on motion of any prosecutor or defendant in an indictment or information for any misdemeanor, or information in the nature of a *quo warranto*, or on motion of any plaintiff or defendant in any cause depending in the said Court, the Justices are required to order a Jury to be struck before the Clerk of the Peace of the County in which the venue is laid; and the party obtaining such order shall get an appointment from the said Clerk of the time and place for striking said Jury, and shall serve a copy of the said order and appointment on the opposite party or his Attorney, at which time and place the said Clerk of the Peace, or his Deputy, shall attend with the Jury List returned in the office of such Clerk, and shall then and there, in the presence of the parties, or their Counsel or Attornies, proceed to strike a Jury in the manner following:—

First.—He shall select from said Jury List entered in his Office the names of forty eight persons whom he shall deem most indifferent between the parties and best qualified to try such cause, and whose attendance is likely to be procured, and if no such list shall be entered for the current year, the selection shall be made from the list of the preceding year.

Second.—The party on whose application such special Jury was ordered, or his Attorney or Counsel, shall then first strike out one of the said names, and the opposite party, or his Attorney or Counsel, shall strike out another of such names, and so alternately, until each party shall have stricken out twelve names.

Third.—If either party shall fail to attend for striking such Jury, or shall neglect to strike out any names according to the foregoing provisions, the Clerk, or his Deputy, shall strike for such party.

Fourth.—The Clerk or his Deputy shall thereupon make out a list of the names of the twenty four persons not stricken out, and certify the same to be the persons drawn to serve as Jurors, pursuant to the order of the Court, and shall deliver such list, so certified, to the Sheriff of the County, or Coroner, as the case may require, who shall proceed to summon the said Jurors in the usual manner.

V. And be it further enacted, That if it shall be made to appear to the said Court that the said Clerk is interested in the cause, related to either of the parties, or not indifferent between them, the said Court shall nominate and appoint two fit and proper persons to strike said Jury, who shall have the same power, and shall conduct the striking of the said Jury in the same manner as is herein pointed out for the said Clerk.

VI. And be it enacted, That so much of the sixth section of an Act made and passed in the twenty sixth year of the Reign of His Majesty King George the Third, intituled *An Act for regulating Juries and declaring the qualification of Jurors*, as relates to the manner of striking Special Jurors, shall be and is hereby repealed.

## CAP. XVI.

An Act to provide for the better payment of Petit Jurors attending the several Courts of Record in this Province.

Passed 30th March 1848.

**W**HEREAS by the Laws now in force, no adequate allowance is made for the services of Jurors, and it being deemed just, reasonable and expedient that Petit Jurors should receive compensation for their services in all Civil Actions;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That 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