

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the 4th day of December 1759, and in the 33^d year of His Majesty's Reign.

33 George II – Chapter 9 (Session 2)

An Act in Addition to an Act intituled, “An Act for regulating Petit Juries, and declaring the Qualification of Jurors.”

Be it enacted by his Excellency the Governor, council, and assembly, and by the authority of the same it is hereby enacted, that from and after the publication hereof, no person shall be deemed qualified to serve as a grand juror for the county of Halifax, at the supreme court, or at the sessions of the peace for the said county, unless such person shall be possessed of a freehold in the said county, of the clear yearly value of ten pounds, or of a personal estate of the value of one hundred pounds.

And be it further enacted, that the provost-marshal of the said county, shall, every year, to wit, on or before the tenth day of April, make return of fifty-five persons, so qualified as aforesaid, to the clerk of the supream court [supreme court], who shall thereupon cause the names of the persons so returned to him, to be written on distinct pieces of paper or parchment, as near as may be of equal size, which shall be severally rolled up in the same manner, and put into a box to be locked up by the said clerk; and ten days before the sitting of the supream court, the said clerk shall publickly in the presence of the chief justice, at the court-house, draw twenty-three of the said papers or parchments, and eight days before the sitting of the said court, a precept shall issue in the usual form, containing the names of the persons so drawn, to the said provost-marshal or his deputy, requiring him to summon the said persons to attend as Grand Jurors at each of the two sittings of the supream court next following, and to make sure return of the same, and at the end of the first term, the said box be delivered to the clerk of the peace of the said county, who shall in like manner, in the presence of the chairman of the general quarter sessions, draw sixteen papers or parchments, ten days before the meeting of the then next quarter-sessions; and the persons so drawn be summoned and returned as aforesaid, to attend the said court of quarter-sessions at each of their two next sittings as grand jurors; and the remaining sixteen persons, shall in like manner, be summoned and returned to serve as grand jurors at each of the two next quarter-sessions ensuing the quarter-sessions aforesaid.

And be it further enacted, that if any person so summoned, shall refuse or neglect to appear on the first day of the sitting of the said respective courts, unless prevented by sickness or other necessary cause, to be judged of by the court, it shall and may be lawful to impose a fine of five pounds on the person so neglecting to appear; or if any person who shall appear, shall, without just cause to be allowed by the court, be absent, it shall and may be lawful to impose a fine of twenty shillings for each day's absence; and in case such fines shall not be paid in two days after imposing the same, to the said clerks respectively, the same shall be levied by warrant of distress, to be forthwith issued from the court wherein such fine was imposed, and shall be deposited with the clerk of such court, and within two days after the

rising of the said courts, the said fines shall be paid to the treasurer of the province for the use of His Majesty.

And be it further enacted, that if a sufficient number shall not appear upon such summons, for constituting a grand jury, the said clerks shall be directed to draw in open court, so many of the remaining papers or parchments, as shall be requisite for that purpose, and the persons whose names are contained in the same, shall be immediately summoned by the provost-marshal or his deputy, to attend as grand jurors; and the papers or parchments containing the names of those who shall not appear, shall be forthwith returned into the said box, and the said persons shall be liable to the line fines for non-appearance or absence, to be levied and paid as herein before directed.

And be it further enacted, that no person who hath served as a grand juror, at two terms of the supream court, or at two terms of the quarter sessions, shall be compelled to serve as petit jurors within one year from the time of such his attendance as a grand juror.

And be it further enacted, that no papist shall serve or be returned to serve on any grand jury; and that in all trials of issues on any presentment, indictment, or information, it shall be lawful to challenge any papist returned as a juror to try the same, and such challenge shall be allowed.

And be it further enacted, that in all cases where it shall be judged necessary to hold a special supream court or court of sessions, it shall and may be lawful for the said courts to issue a precept and venire for summoning grand and petit jurors, in the same manner as has been practiced before the making of this or the said former act for regulating petit juries, and declaring the qualifications of the same.

And be it further enacted by the authorities aforesaid, that grand-juries shall not be obliged to attend more than six days at each term of the supream court, nor more than three days at each term of the quarter-sessions, unless upon some special occasion; and that petit juries shall not be obliged to attend more than ten days from the first day of the jury's being sworn, at either of the said courts.