

No 34

An Ordinance for regulating Grand & Petit Juries & declaring the Qualifications of Jurors

It is Ordained & Ordered by His Honor the President, by and with the advice and Consent of His Majesty's Council, and by the Authority of the same. It is hereby Ordained and Ordered that no person shall be qualified to serve as a Grand Juror in the Island of Cape Breton or its Dependencis, unless such person shall be possessed of Landed Estate in said Island or its Dependencis of the clear Yearly Value of Five pounds, or of personal Estate of the Value of Fifty pounds. And that no person shall be Qualified to serve as a Petit Juror, unless he is possessed as aforesaid of Landed Estate of the clear Yearly Value of One pound, or of Ten pounds personal Estate -

And be it Ordained & Ordered by the Authority aforesaid that the Provost Marshal or his Deputy shall on the first Day of November Term in every Year, deliver into the Clerk of the Supreme Court correct Lists of all persons Qualified as aforesaid to serve as Grand & Petit Jurors, and who have resided six Months previous thereto in the said Island or its Dependencis. And after the said Lists shall be Examined, Approved or Corrected by the Chief or other Justices of the said Supreme Court in Open Court, the Clerk shall write the Names Contained in said Lists on separate distinct pieces of paper, which shall be severally rolled up and put respectively into Boxes for Grand and Petit Juries to be kept by the said Clerk under Lock for that purpose.

And be it further Ordained & Ordered by the Authority aforesaid, that it shall and may be lawful for the said Supreme Court on or before the last Day of said November Term in every Year, to cause such and so many Rolls or Names to be drawn in Open Court from the said Boxes as may

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may be sufficient to serve as Grand and Petit Jurors for the Year Commencing the
first Day of March Term next ensuing—

And be it further Ordained and Ordered by the Authority
aforesaid that the Clerk of the Supreme Court shall within Ten Days after
said last Day of November Term in every Year, Issue Writs of *Vimine Facias*
under his hand and seal of the said Supreme Court, Directed to the Provost Marshal
or his Deputy Commanding him to summon the several Persons for Grand
and Petit Jurors, whose Names have been drawn in manner aforesaid, to
attend the said Supreme Court on the first Day of March Term then next ensuing
And the said Provost Marshal or his Deputy shall accordingly cause the said
Grand & Petit Jurors to be duly Summoned in Writing under his hand at
least twenty Days before the said first Day of March Term Yearly—

And be it further Ordained and Ordered that each and every
Person whose Name shall be drawn, and who shall be summoned as a Grand or
Petit Juror as aforesaid, shall serve as such during one Year from the said
first Day of March Term in every Year, and shall duly give their Attendance on
the said Supreme Court, and also on the Court of General Sessions of the Peace
at their respective Stated Terms and Sittings during the above period—

And be it also further Ordained & Ordered by the Authority
aforesaid, that every Person whose Name shall be drawn and shall be
Summoned to serve as a Grand or Petit Juror as aforesaid, and shall (without
sufficient reason or excuse to be judged of by the Court) Refuse or neglect
to give his Attendance on the first Day of the sittings of the said respective
Courts, shall forfeit and pay the sum of Five Pounds, and for every Day
Neglect of Attendance when the Grand Jury or Petit Jury may be required
Attend during said Term or Sitting shall forfeit and pay if a Grand Juror
Twenty Shillings and if a Petit Juror Ten Shillings, to be levied on pain
of Imprisonment by Warrant from the Court when such default shall
happen, and be paid into the Public Treasury for the use of the Island
Provided always that the Chief or other Justices of the Supreme Court
shall have power according to his or their discretion to excuse the Attendance of
Grand or Petit Jurors coming from or residing at a distant part of the said Island or
Dependencies, at any term or sitting of the Courts aforesaid, Except at the March Term

of the said Supreme Court Yearly. And in Case of a deficiency of Grand Jurors the Number shall be Completed by drawing the same in Open Court and all deficiencies of Petit Jurors shall be filled up De talibus Circumstantibus to be immediately returned by the Provost Marshal or other proper Officer against whom no lawful Cause of Challenge may lay. —

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Provided always that no Person shall be Compelled to serve as either a Grand or Petit Juror more than one Year in three unless a sufficient Number shall not remain undrawn in the respective Boxes who have not served during that period. — And provided also that no person who has served as a Grand Juror, shall be Compelled to serve as a Petit Juror in the same Court within one Year from the time of his service as a Grand Juror. —

And lastly be it Ordained & Ordered by the Authority aforesaid that the Grand and Petit Jurors summoned or to be summoned impanelled and sworn in the Supreme Court the March Term next ensuing the publication hereof, shall Continue and serve for one Year from thence next ensuing, and shall give their Attendance on the said Supreme Court and Courts of General Sessions of the Peace at their respective Terms & Sittings during the said period, in like manner and under the like Penalties as if their Names had been drawn as herein before directed. —

Provided always that the Members of His Majesty's Council, The Secretary, The Treasurer, The Chief Surveyor of Lands and the Naval Officer of the Island. Officers of His Majesty's Customs. Judges, Attornies & Officers of His Majesty's Courts, Persons in Ecclesiastical Orders and Surgeons shall be excused from serving as Jurors. —

Approved, Ordained & Ordered accordingly
in Council the 14th February in the 43rd Year
of His Majesty's Reign. —

Passed in Council
14 February 1803