

in England is higher, and does not embrace all householders.

3rdly.—Special Jurors are in this Province returned according to the provisions of our Statute 48th Geo. III. chap. 13, which has remained without alteration since it was passed.

That Act gives to His Majesty, or to any prosecutor or defendant, in any case of misdemeanour, and also to the plaintiff or defendant in any action whatever, the right to have a Special Jury struck for the trial, without any motion in Court.

The persons qualified to be Special Jurors, are those who are rated on the assessment lists for property of the value of £200. The Sheriff is furnished by the Clerk of the Peace with lists of the persons so qualified, and on the day appointed for striking the Special Jury, the parties or their Attornies attend at his office. Out of the whole number of persons qualified the names of *forty* are drawn by lot; this number is reduced to *sixteen*, by each party striking off twelve alternately. The sixteen are summoned, and from them the twelve first called are taken for the Jury.

The costs are to be borne by the party requiring the Special Jury; unless the Judge shall certify at the trial that it was a cause proper to be tried by such Jury.

In England the persons qualified to be on Special Juries, are such as are described in the list of Jurors as an Esquire, or person of higher degree, or as a Banker or Merchant.