

In *Nova Scotia*, an application must be made to Court, which upon motion—upon sufficient cause shown on affidavit, may order a Special Jury, the expense (by which party to be borne) is subject to the decision of the Judge at the ultimate taxation of costs.

In *Ontario* the applicant sues out a writ of *Venire Facias Juratores* to the Sheriff, who appoints a time and place for striking the Special Jury, at which time (four full days previous notice having been given to the opposite party) the Special Jury is struck; being taken solely from the Grand Jury Roll. Forty names, to which no objection has been made, or, if made, sustained, are drawn by the Sheriff from the Ballot Box, a reasonable time allowed to each party to make enquiry (in the discretion of the Sheriff), at the expiration of which time, each party strikes off 12, and the Sheriff returns the 16 remaining as the Special Jury, from whom the 12 for the trial are to be drawn.

In *Nova Scotia* the Prothonotary draws 36 names from the Petit Jury Box, the number is reduced to 18, who constitute the Special Jury, from whom the 9 for the trial are to be drawn—those first drawn and in attendance, being the Jury.

In *New Brunswick* the party wishing a Special Jury obtains an appointment from the Clerk of the Peace in the County where *Venue* is laid; reasonable notice of the time and place must be given to opposite party. The Clerk attends with the Jury list last filed; in the presence of both parties, openly selects 28 indifferent persons, gives a certified list thereof to the applicant, with appointment of time and place for final striking—each party attends—strikes out alternately until list is reduced to 14.

The Clerk makes out the list of the 14, duly certified, and delivers the same to the Sheriff, who summons them in the usual way, and from those who attend the Court, the seven are drawn who try the issue.

Similar provisions are made in each of the Provinces, for the expenses of the Juries being borne out of the Public Funds, subject to reimbursement as far as the charges upon Litigants would go—but they differ as to the ultimate source from which the payment is to come.

In *Ontario* the charge falls upon the County. The Sheriff makes out the pay-list and hands it to the Treasurer of the County, who pays the Juror the sum he is entitled to receive as certified by the list.

Certain fees paid on the entry of every cause for trial or assessment; all fines and penalties imposed or levied in the Counties, not payable to the Receiver General or any Municipal Corporation, and fines on Jurors for non-attendance, are to be paid over to the Treasurer of the County to constitute a Jury Fund, and any deficit the County Council must raise by assessment specially provided for.

In *Nova Scotia* the charge is primarily upon the County Funds. The Prothonotary prepares the pay-list, instead of the Sheriff, and the Treasurer pays out of the County Funds. A Jury Fund is raised by certain entry fees on every cause, which are paid to the Prothonotary, and by him to the Treasurer; but no provision is made for any specific raising of the deficit, should the fund not be sufficient; such deficit, if any, would seem to be a general charge upon the County Funds.

In *New Brunswick* the Clerk of the Court, on the last day of the sitting of the Court, prepares the pay-list, and hands the same, together with the money received on the entry of each cause, for the Jury fees on trial, to the County Treasurer, who is, forthwith, to pay each Juror out of the County Funds the sum to which he is entitled.

The County Treasurer then forwards the List of such payment to the Provincial Treasurer, when a warrant is issued by order of the Governor in Council for the payment of the amount (less the sum received by the County Treasurer from the Clerk) to reimburse the County Treasurer for the difference so paid.

Thus, in *New Brunswick* the deficiency falls upon the Province: In *Ontario* and *Nova Scotia* upon the County.

In *New Brunswick* and *Nova Scotia* Petit Jurors alone are paid: in the former \$1 per day with mileage; in the latter 50 cents per day with mileage; but Grand Jurors receive nothing.