

No. III.

JURIES.

AN ORDINANCE to regulate the Constitution of Juries. [23rd December, 1841.]

BE IT ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council, as follows :—

I.—CONSTITUTION OF JURIES.

Who liable.

1. Every man, except as hereinafter excepted, between the ages of twenty-one years and sixty years, who shall have to his own use a freehold estate in lands and tenements within the Colony and who shall reside within the same, shall be qualified and liable to serve as a juror therein: Provided always that all Members of the Legislative Council, all persons holding office by appointment of His Excellency the Governor, all Judges of any Court and all ministerial officers thereof, all coroners gaolers and constables, all officers in Her Majesty's Army or Navy on full pay, all clergymen priests and ministers of religion, all barristers and solicitors actually practising, all physicians surgeons and apothecaries in actual practice, all revenue officers, all licensed pilots, and all masters of vessels actually employed in the service of the Government, shall be exempt from serving on any jury: Provided always that no man who hath been convicted of treason felony or perjury shall (unless he shall have received a free pardon) be qualified to serve on any jury.

Who exempt.

Who disqualified

II.—FORMATION

Juries.

II.—FORMATION OF JURY LIST.

2. The Registrar of Deeds in every district or county as the case may be shall, on or before the first day of January in every year, transmit to the nearest Police Magistrate a true list in alphabetical order of all men who shall be qualified and liable to serve on juries in respect of lands or tenements within the same, setting forth the Christian and surname of each at full length together with his place of abode and calling or business. The Police Magistrate shall forthwith cause a copy thereof to be published in one or more of the newspapers of the district or county, and shall also cause a copy thereof to be affixed upon the principal door of the Police Office, and to such lists and copy thereof shall subjoin a notice that all objections thereto will be heard and determined by him at any time before the first day of February then next.

Registrar of Deeds to make out Jury List.

3. The Police Magistrate shall have power after hearing such objections to strike out of the said lists the names of all persons who shall not be liable to serve as jurors, and also of such as are disabled by lunacy or unsoundness of mind or deafness blindness or other infirmity, and shall correct all errors therein.

Hear and determine objections to it.

4. A copy of the list so corrected, signed by the Police Magistrate, shall be transmitted by him before the tenth day of February to the Sheriff of the district.

And transmit it to the Sheriff.

5. The list so transmitted shall be called the "Jury List," and shall be brought into use the first day of March following, and shall continue to be used for one year then next ensuing.

And be in use for one year.

III.—MODE OF SUMMONING JURIES.

6. When it shall be requisite to summon a jury, the Sheriff shall summon the persons whose names shall appear on the Jury List in the order in which they shall be placed, and at the commencement of every year he shall begin with the names in the new list next after the names of the persons who were last summoned in the preceding year.

Order of summoning jurors.

7. The Sheriff shall, before the sitting of any Court within the district or county whereat a jury shall be necessary, issue summonses according to the form hereunto subjoined, requiring the attendance thereof of thirty-six good and lawful men qualified and liable to serve as aforesaid. Every summons shall be personally served upon or left at the usual place of abode of the person summoned ten clear days before the day appointed for the sitting of the Court: Provided that no man shall be summoned whose place of abode shall be distant more than twenty miles from the place at which the Court shall be holden.

Summons.

8. The Sheriff shall also at the same time cause to be delivered to the Registrar or Clerk (as the case may be) of the Court a panel containing the names places of abode and additions of the persons so summoned.

Panel.

9. If any man having been duly served with such summonses shall fail to attend, or being present shall not appear when called, or after appearance shall withdraw himself without the permission of the Court, the Court shall (unless some reasonable excuse shall be proved by oath or affidavit) set upon the person so making default such fine not exceeding the sum of ten pounds as to the Court shall seem meet.

Penalty for non-attendance.

IV.—FORMING OF JURY.

10. At the sitting of the Court the names of all the jurors summoned shall be written on separate pieces of card or paper of equal size and put into a box, and the Registrar or Clerk of the Court shall in open Court draw therefrom until twelve men appear who, after all just causes of challenge allowed, shall remain as fair and indifferent;

Jury to be ballotted for.

Juries.

and the same shall be done whenever it shall be requisite to form a new jury.

Number of chal-
lenges.

11. Every person who shall be put upon his trial either for felony or misdemeanour shall be allowed six peremptory challenges and no more.

Talesmen.

12. Whenever there shall be a deficiency of jurors it shall be lawful for the Court to put upon the jury so many good and lawful men of the bystanders (qualified and liable as aforesaid) as shall be sufficient to make up the full number thereof.

V.—PROVISIONAL JURY LIST.

Quarter Sessions Act.

13. And whereas by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, in the fourth and fifth years of the reign of Her Majesty Queen Victoria, No. 4, intituled "*An Ordinance for instituting and regulating Courts of General and Quarter Sessions in the Colony of New Zealand, and to authorize the holding of Petty Sessions within the same, and for defining their respective powers and determining the places at which the same shall be holden, and for repealing within the Colony of New Zealand certain Acts of the Governor and Council of New South Wales adopted and now in force within the said Colony of New Zealand,*" provision is made for the constitution and regulation of juries for the Courts of General and Quarter Sessions: And whereas some time may elapse before the registration of titles to land within the Colony shall be sufficiently advanced for the purpose of this Ordinance: Be it enacted, That in the meantime and until the first day of March, one thousand eight hundred and forty-three, so much of the said recited Ordinance as relates to the constitution of juries and the formation of the Jury List shall be deemed to extend to all juries in all Courts of Justice within this Colony.

Commencement.

14. So much of this Ordinance as relates to the mode of summoning juries and the forming of a jury shall come into operation on the passing thereof, and the residue thereof on the first day of March, one thousand eight hundred and forty-three.

Repealing.

15. So much of the aforesaid Ordinance as relates to the mode of summoning juries and the forming of a Jury List shall be repealed from the passing of this Ordinance, and that so much as relates to the constitution of juries and the formation of a Jury List shall be repealed from and after the last day of February, one thousand eight hundred and forty-three.

FORM OF SUMMONS.

Mr. A.B.

You are hereby summoned to appear as a juror at the Supreme [*or Circuit or County Court, as the case may be*] to be holden at _____, in the County of _____, on the day of _____ next, and there to attend from day to day until you shall be discharged by the said Court.

C.D., Sheriff.

N.B.—The penalty for disobedience hereto is any sum not exceeding ten pounds.