

## New Zealand.



### ANALYSIS.

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1898, No. 35.

Title. AN ACT to amend the Law relating to Juries.  
[5th November, 1898.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title. 1. The Short Title of this Act is “The Juries Act Amendment Act, 1898,” and it shall come into operation on the first day of January, one thousand eight hundred and ninety-nine.

Act part of principal Act. 2. This Act shall form part of and be read together with “The Juries Act, 1880” (hereinafter called “the principal Act”).

#### JURIES.

When case may be heard by special jury. 3. From and after the coming into operation of this Act no case or inquiry shall be tried or heard by a special jury unless all parties consent thereto, or unless in the opinion of the Court or Judge expert knowledge is required.

#### EXEMPTIONS FROM JURIES.

Additional exemptions from service. 4. The subsections following are hereby added to section six of the principal Act, that is to say:—  
“ (13.) All Visiting Justices under ‘The Prisons Act, 1882.’  
“ (14.) All persons appointed by the Postmaster-General under and for the purposes of ‘The Post Office Act, 1881,’ or ‘The Electric Lines Act, 1884.’ ”

Repeal. 5. Sections nine and ten of the principal Act are hereby repealed, and in lieu thereof the following provisions shall apply:—

- (1.) With respect to persons employed on or about a public railway, the following, whilst so employed, shall be exempted from serving on any jury, and shall not be summoned :—
- (a.) Engineers in charge of districts ;
  - (b.) Traffic Managers ;
  - (c.) Stationmasters ;
  - (d.) Guards, engine-drivers, firemen ;
  - (e.) Signalmen, porters, shunters ;
  - (f.) Inspectors, gangers, foremen ;
  - (g.) Shop-managers.
- (2.) If any such person, whilst so employed as aforesaid, is nevertheless summoned, the Judge or other officer before whom he is summoned shall discharge him from attendance upon his producing or forwarding a certificate, under the hand of the officer in charge of the railway at the place where such person is employed, stating the nature and fact of the employment by reason whereof he is exempted under this section.

Classes of railway officials exempt.

If summoned, to be excused on production of certificate.

#### AMENDMENT OF JURY-LIST.

6. The Sheriff, after receiving the jury-list from the Jury Officer, as provided by section twenty-six of the principal Act, may from time to time amend the same, and also the jury-book, by striking out the name of any person entered thereon who is dead or has left the colony, or is over the age of sixty years, or is otherwise absolutely exempted from service by law or by order of a Judge.

Sheriff may amend jury-list.

7. In exercising the aforesaid power of amendment the Sheriff may act on his own knowledge or on such evidence as he deems satisfactory, and every such amendment shall be initialled and dated by the Sheriff when making the same.

How amendments to be made.

8. In every case where any such amendment is made by the Sheriff after he has delivered to the Clerk of the District Court the jury-list for the purposes of that Court, as provided by section one hundred and eighty-five of the principal Act, he shall inform the Clerk thereof in writing, whereupon the Clerk shall make a corresponding amendment in such last-mentioned jury-list, and shall initial and date the same.

Amendments by Clerk of District Court.

#### MISCELLANEOUS.

9. For the purpose of reducing the size of jury districts, as prescribed by the principal Act, the word "ten" is hereby substituted for the word "twenty" wherever the latter word occurs in section thirteen of that Act:

Limits of jury districts reduced.

Provided that the Governor, by Order in Council gazetted, may from time to time enlarge any jury district to such extent as he thinks fit in any case where he is satisfied that a sufficient number of men qualified and liable to serve as jurors are not residing in such district, but so nevertheless that the area of the district when enlarged shall not exceed the area thereof as existing immediately prior to the coming into operation of this Act.

Proviso.

10. (1.) On the trial of all criminal cases, and of all civil cases to which the Queen is a party, there shall be the same right of

Right of challenge for Queen.

challenge on behalf of the Queen as any prisoner or party now by law possesses.

Repeal.

(2.) Sections one hundred and twenty-three and one hundred and twenty-four of the principal Act are hereby repealed.

Peremptory challenges reduced.

11. For the purpose of reducing the number of peremptory challenges, as prescribed by section one hundred and twenty-six of the principal Act, the word "six" is hereby substituted for the word "twelve" in that section.

Section 148 amended verbally.

12. Section one hundred and forty-eight of the principal Act is hereby amended by substituting the words "a Maori jury" for the words "such jury" where they first occur in that section.

Discharge of jury where they cannot agree.

13. For the purpose of making better provision for the discharge of juries in cases where they cannot agree, section one hundred and fifty-seven of the principal Act is hereby amended by repealing the words "twelve or more hours," and by inserting, next after the word "deliberation," the words "for such period as the Judge thinks reasonable, being not less than four hours."