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This Public Bill originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

*Legislative Council,
14th September, 1878.*

Hon. Colonel Whitmore.

Juries Act Amendment.

ANALYSIS.

<p>Title. 1. Short Title.</p> <p style="text-align: center;">SPECIAL JURIES IN CRIMINAL CASES.</p> <p>2. Special juries in criminal cases not to be struck. 3. To be balloted for. 4. Special jury process in criminal cases. 5. Selection of special jurors to be summoned. 6. Mode of balloting. 7. Challenges.</p>	<p style="text-align: center;">SPECIAL JURIES IN CIVIL CASES.</p> <p>8. Actions and suits may be had before special jury of four. 9. Forming of jury. 10. Payment of special juries. 11. Bank Managers exempt. 12. Militia officers not exempt. 13. Jury of four to be unanimous.</p>
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A BILL INTITULED

AN ACT to amend "The Juries Act, 1868."

Title.

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

1. The Short Title of this Act shall be "The Juries Act Amendment Act, 1878," and it shall come into operation on and after the first day of *November*, in the year one thousand eight hundred and seventy-eight.

Short Title.

SPECIAL JURIES IN CRIMINAL CASES.

2. The provisions of the twenty-third section of "The Juries Act, 1868" (hereinafter called "the said Act"), are hereby repealed in so far as the same relate to the summoning and striking of special juries in criminal cases and the preparing a panel thereof; but the provisions of the said section contained in the two provisoes thereto, and relating to the supplementing the required number of special jurors, shall continue in full force.
3. For the purpose of balloting for special jurors to serve on trials of criminal cases, the Sheriff of every Sheriff's district shall procure and keep in the same manner in every respect as provided in section thirteen of the said Act, two boxes of the description in the said section mentioned, on one of which boxes shall be painted the words "special jurors in use," and on the other the words "special jurors in reserve."

Special juries in criminal cases not to be struck.

To be balloted for.

Special jury process
in criminal cases.

4. Whenever a criminal case has been duly entered to be tried by a special jury, and whenever any rule or order for the trial of any criminal case by a special jury has been made, the Registrar, Clerk, or other proper officer of the Court at which any such trial is to be held, shall issue a special precept to the Sheriff of the Sheriff's district within which such trial is to be held, under their respective hands, commanding him to summon a sufficient number of special jurors to attend and serve on such trial. 5

The precept shall be in the form contained in the Seventh Schedule of the said Act, or to the like effect, and shall be intituled in the prosecution or other matter; and every such precept shall be delivered to the Sheriff or other person to whom the same is directed seven days before the same is returnable, or such other time as shall be fixed by any general rule or order, and shall command the Sheriff to summon not less than thirty-six special jurors. 10 15

Selection of special
jurors to be
summoned.

5. Upon receipt of any such special jury precept in criminal cases, the Sheriff shall proceed in manner indicated by section twenty-two of the said Act, in the selection by ballot of the special jurors to be summoned, in the same manner as he is by the aforesaid section directed to proceed in selecting common jurors; and for this purpose the said section shall be read as if the words "special jurors," "Special Jury Book," and "special jurors in reserve," had respectively been inserted therein in lieu of the words "common jurors in use," "Common Jury Book," and "common jurors in reserve." 20

Mode of balloting.

6. Upon delivery by the Sheriff to the proper officer of the Court of a special jury panel, as in the twenty-ninth section of the said Act mentioned, the last named officer shall, on trials in criminal cases, deal with the cards whereon are written the names of the special jurors in the same manner as if they were common jurors, and thereafter the said officer shall take all proceedings with respect to such special jury panel in a criminal case, and with the aforesaid cards, as if the same were a common jury panel. 25 30

Every special juror in such cases shall be sworn in the manner and form heretofore accustomed, according to the practice of the Supreme Court. 35

Challenges.

7. The right to challenge special jurors in criminal cases shall be the same as exists with respect to the challenge of common jurors in such cases.

SPECIAL JURIES IN CIVIL CASES.

Actions and suits
may be had before
special jury of four.

8. In any civil action or suit in the Supreme Court, when a party thereto is entitled to procure the trial or inquiry to be had by a special jury of twelve men, such trial or inquiry may in future be had by a special jury of four men, if both the parties to the action or suit agree thereupon, and the Judge of the aforesaid Court assents thereto: Provided that every such action or suit shall be had by a special jury of the ordinary number of twelve, unless it is otherwise agreed upon as aforesaid at the time of settling the issues in the case. 40 45

Forming of jury.

9. In any such case all proceedings relating to the issue of the precept and subsequent assembling of the jury shall be the same in all respects as is provided by the said Act in the case of special juries in civil cases consisting of twelve men; excepting that the said Act shall in this respect be read as if the words "four," "eight," and "sixteen" had been respectively inserted therein in lieu of the words "twelve," "twenty-four," and "forty-eight," wherever the same occur in relation to special jurors and special juries. 50 55

Payment of special
juries.

10. So much of section fifty-four of the said Act as appoints the amount to be paid to special jurors is hereby repealed, and in lieu thereof it is enacted as follows:—

Every special juror who shall be summoned and who shall have attended at the Supreme Court to try civil issues or assess damages, and shall have actually served as a juror upon a jury, shall be entitled to receive, if the jury be a special jury, and whatever may be the number thereof, the sum of *twenty* shillings in respect of the first day, and the sum of *ten* shillings in respect of each day thereafter that he shall have so served.

10 Instead of the sum of twelve pounds, required by the aforesaid fifty-fourth section to be paid to the Registrar for compensation of special jurors, there shall be paid by the person, and in the manner in the said section provided for the purpose aforesaid, either the aforesaid sum of twelve pounds, or such other sum as the Judge of the Court shall appoint in each case.

15 **11.** From and after the coming into operation of this Act, all managers of banks and of branches thereof, other than savings banks, shall, during the period they hold such office, be exempted from serving upon any juries whatsoever, and shall not be summoned. Bank Managers exempt.

12. So much of the said Act as provides that commissioned officers of the Militia not on actual service shall be freed and 20 exempted from being summoned and serving on juries is hereby repealed. Militia officers not exempt.

13. When any jury of four is summoned by virtue of this Act, the verdict or finding of any such jury shall be required to be unanimous. Jury of four to be unanimous.