

Hon. Mr. T. Thompson.

JURIES AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">ABOLITION OF SPECIAL JURIES.</p> <p>2. Distinction between special and common juries abolished. Repeals.</p> <p style="text-align: center;">ABOLITION OF GRAND JURIES.</p> <p>3. Grand juries abolished. Crown Solicitors substituted therefor. Repeals.</p> <p style="text-align: center;">EXEMPTIONS FROM JURIES.</p> <p>4. Additional exemptions from service.</p> <p>5. Repeal. Classes of railway officials exempt. If summoned, to be excused on production of certificate.</p> <p>6. Justices committing offenders not to serve on jury at their trial.</p> | <p style="text-align: center;">AMENDMENT OF JURY-LIST.</p> <p>7. Sheriff may amend jury-list.</p> <p>8. How amendments to be made.</p> <p>9. Amendments by Clerk of District Court.</p> <p style="text-align: center;">PAYMENT OF JURORS.</p> <p>10. Payment of jurors in civil cases. By whom paid. Payment where no jury sworn. Repeal.</p> <p>11. Payment of jurors in criminal cases. When payable. Repeal.</p> <p style="text-align: center;">MISCELLANEOUS.</p> <p>12. Limits of jury districts reduced. Proviso.</p> <p>13. Right of challenge for Queen. Repeal.</p> <p>14. Peremptory challenges reduced.</p> <p>15. Section 148 amended verbally.</p> <p>16. Discharge of jury where they cannot agree.</p> |
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A BILL INTITULED

AN ACT to amend the Law relating to Juries.

Title.

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

5 1. The Short Title of this Act is “The Juries Amendment Act, 1896,” and it shall form part of and be read with “The Juries Act, 1880” (hereinafter called “the principal Act”).

Short Title.

ABOLITION OF SPECIAL JURIES.

10 2. (1.) The distinction between special and common juries is hereby abolished, and no Special-jury Book shall hereafter be made for any jury district.

Distinction between special and common juries abolished.

 (2.) All civil and criminal cases or inquiries which may by any Act or rule of Court be tried or had by a jury, whether special or common, shall be tried or had by a common jury.

15 (3.) The common jury shall henceforth be termed “the jury” simply, without the addition of the word “common.”

 (4.) Sections thirty-five to thirty-eight, forty-six, forty-seven, seventy-one to ninety-two, one hundred and five, one hundred and ten, one hundred and twenty-nine, and one hundred and sixty-four of the principal Act, and the word “common” wherever it occurs therein, are hereby repealed.

Repeals.

20 (5.) All other sections, words, and references in the principal Act or in any other Act, or in any rules of Court or other rules or regulations contained, which are in any way in conflict with the provisions of this section, are hereby modified or repealed in so far as such conflict exists.

25 (6.) Section four of “The Supreme Court Practice and Procedure Amendment Act, 1884,” is hereby repealed.

ABOLITION OF GRAND JURIES.

Grand juries
abolished.Crown Solicitors
substituted therefor.

3. Grand Juries are hereby abolished, and in lieu thereof the following provisions shall apply:—

- (1.) The Governor may from time to time appoint, in and for each district of the Supreme Court, such persons as he thinks fit, being barristers or solicitors of the Supreme Court, to act as Crown Solicitors. 5
- (2.) Every person so appointed at the time of the coming into operation of this Act shall be deemed to have been appointed under this Act. 10
- (3.) For the purpose of bringing a criminal case under the cognisance of the Supreme Court, the bill of indictment shall be signed by the Attorney-General, or the Solicitor-General, or by a Crown Solicitor, and shall thereupon be as valid and effectual in all respects as a bill of indictment heretofore preferred before and found by a Grand Jury. 15
- (4.) Sections fifty-two to sixty of the principal Act, and also all other sections, words, and references in that or in any other Act, or in any rules of Court or other rules or regulations contained, which in any way conflict with the provisions of this section, are hereby repealed or modified in so far as such conflict exists. 20
- (5.) Nothing in this section contained shall in any way alter or affect the power which the Attorney-General possesses to file an information in the Supreme Court. 25

Repeals.

EXEMPTIONS FROM JURIES.

Additional exemp-
tions 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.’ 30

Repeal.

5. Sections nine and ten of the principal Act are hereby repealed, and in lieu thereof it is hereby enacted as follows:—

Classes of railway
officials exempt.

- (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:— 35
 - (a.) Engineers in charge of districts;
 - (b.) Traffic Managers;
 - (c.) Stationmasters; 40
 - (d.) Guards, engine-drivers, firemen;
 - (e.) Signalmen, porters, shunters;
 - (f.) Inspectors, gangers, foremen;
 - (g.) Shop managers.

If summoned, to be
excused on produc-
tion of certificate.

- (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 such person is exempted under this section. 50

6. (1.) The officer issuing a precept to the Sheriff for the summoning of jurors to attend or serve at criminal trials shall send, together with such precept, a list of the names of the Justices by whom the persons to be tried were respectively committed for trial, and no such Justice shall be summoned to attend or shall so serve as a juror on any such trial.

Justices committing offenders not to serve on jury at their trial.

(2.) Section nineteen of "The Justices of the Peace Act 1882 Amendment Act, 1885," is hereby repealed.

AMENDMENT OF JURY-LIST.

7. 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.

8. 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.

9. 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.

PAYMENT OF JURORS.

10. (1.) Every juror who is summoned and duly attends at the Supreme Court or the District Court, and serves upon a civil jury, shall be entitled to be paid jury fees at the rate of eight shillings for every day or fraction of a day that he so serves, and for the purposes of this section the following provisions shall apply:—

Payment of jurors in civil cases.

(a.) Whenever a jury is required for the trial of civil issues, or the assessment of damages, the plaintiff or defendant, as the case may be, bringing on such issue for trial, and the plaintiff in every assessment of damages, shall pay the jury fees to the Registrar or other proper officer of the Court:

By whom paid.

(b.) The jury fees for the first day's service shall be paid, as aforesaid, before the jury is summoned, and for each subsequent day's service before the proceedings of the day are commenced.

(2.) In the event of the jurors attending, but of no jury being sworn, the Registrar shall apply the fees received by him for the first day's service in or towards defraying the reasonable expenses actually incurred by such jurors as have travelled more than three miles in order to attend, and shall divide the surplus (if any) equally amongst all the jurors who are in attendance.

Payment where no jury sworn.

(3.) Sections one hundred and sixty and one hundred and sixty-three of the principal Act are hereby repealed.

Repeal.

Payment of jurors
in criminal cases.

11. (1.) Every juror who is summoned and duly attends as a juror at any sittings of the Supreme Court or the District Court at which criminal cases are tried shall, for every day or fraction of a day that he so attends, and until he is duly discharged from attendance, be entitled to be paid the sum of *six* shillings, and also the further sum of *four* shillings for every night that he is necessarily absent from home by reason of such attendance. 5

When payable.

(2.) The sums payable to any juror under this section shall be paid to him when he is discharged from attendance by the Registrar or other officer of the Court, and all such sums shall be paid out of the Consolidated Fund. 10

Repeal.

(3.) Sections one hundred and sixty-five, one hundred and sixty-six, and one hundred and sixty-seven of the principal Act, and also the Ninth Schedule thereto, are hereby repealed.

MISCELLANEOUS.

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Limits of jury
districts reduced.

12. 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:

Proviso.

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 passing of this Act. 20 25

Right of challenge
for Queen.

13. (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 challenge on behalf of the Queen as any prisoner or party now by law possesses. 30

Repeal.

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

Peremptory
challenges reduced.

14. 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 "nine" is hereby substituted for the word "twelve" in that section. 35

Section 148
amended verbally.

15. 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" on their first occurrence in the said section.

Discharge of jury
where they cannot
agree.

16. 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." 40