

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL and having
this day passed as now printed is transmitted to the HOUSE OF
REPRESENTATIVES for their concurrence.
Legislative Council Chamber,
2nd September, 1868.

A BILL INTITULED

AN ACT to consolidate and amend the Law relating to Title.
Juries in New Zealand.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows that is to say—

1. The Short Title of this Act shall be “The Juries Act 1868.” Short Title.
- 5 2. So much of this Act as relates to the preparation publication
correction and settling of jury lists and the making out of jury
books and the duties of the Sheriff as specified in the thirteenth and
fourteenth sections of this Act shall come into operation on the first
10 day of January one thousand eight hundred and sixty-nine whereupon
so much of the several Ordinances and Acts set forth in the first Schedule
to this Act as relates to the same subjects shall to the extent which
in the said Schedule is expressed be repealed and the residue of this Act
(except where otherwise specially provided) shall commence and come
15 into operation on the fourteenth day of May one thousand eight
hundred and sixty-nine whereupon the residue of the said several
Acts and Ordinances specified in the said Schedule shall to the
extent expressed in the said Schedule be repealed except as to
anything done under and by the authority of the said Ordinances and
20 Acts or any of them and except as to the recovery and application of
any fine or penalty for any offence which shall have been or shall be
committed before the coming into operation of this Act and it is hereby
expressly provided that all jurors who shall have been summoned
under any Act or Ordinance hereby repealed before the fourteenth
25 day of May next shall obey such summons and shall notwithstanding
the coming into operation of that part of this Act which comes into
operation on the said fourteenth day of May serve and continue to
serve if he shall have commenced to serve as if duly summoned or
impanelled under this Act in obedience to a precept issued hereunder.

Interpretation.

3. The word "Maori" in this Act shall include all persons of the aboriginal race of New Zealand all persons of the Polynesian Melanesian or Australasian races respectively and all persons one of whose parents was a native of any one of such races and herein designated as "half-caste" Provided that no half-caste shall be deemed to be a Maori within the meaning of this Act unless he shall be living as a member of some native tribe or community The expression "Court of Sessions of the Peace" when used in this Act shall not include Courts of Petty Sessions of the Peace. 5

QUALIFICATION OF JURORS. 10

Age and qualification of jurors.

4. Every man except as hereinafter excepted between the ages of twenty-one years and sixty years not being a Maori who shall be of good fame and character and who shall reside within the Colony shall be qualified and liable to serve as a juror upon all juries which may be impanelled for any trial or inquiry within the jury district in which such person shall reside and any Maori whose capability may be certified under any regulations in that behalf to be from time to time issued by the Governor in Council which regulations the said Governor in Council is hereby authorized to make shall be deemed to be duly qualified and liable to serve as a juror on any Maori jury or mixed jury for the trial of any case civil or criminal within the jury district in which such Maori so certified shall reside and in which case the person or property of any Maori may be affected and nothing in this Act contained shall extend to any inquest or inquiry to be taken by or before any coroner by virtue of his office but every such coroner shall and may take and make all inquests and inquiries by jurors of the same description as coroners have been used and accustomed to do before the coming into operation of this Act. 15 20 25

Disqualifications.

5. No man not being a natural-born or naturalized subject of the Queen and no man who shall have been attainted of any treason or felony or convicted of any crime that is infamous unless he shall have obtained a free pardon thereof or who shall have become bankrupt or insolvent and shall not have obtained his discharge in due course of law or who shall be of bad fame or repute shall be qualified to serve on any jury in any Court or on any occasion whatsoever and no Justice shall be summoned or impanelled as a juror to serve at any general or other Sessions of the Peace. 30 35

Second Schedule. Exemptions.

6. All persons named or otherwise designated in the second Schedule of this Act shall be and are hereby absolutely freed and exempted from being summoned and from serving upon any juries whatsoever and such persons shall not be inserted in the lists to be prepared as hereinafter described. 40

FORMATION OF JURY LISTS.

Jury districts.

7. For every city or town at which any Circuit Court or sittings of the Supreme Court or any District Court or any Court of General or other Sessions of the Peace shall hereafter be holden there shall be a jury district which shall comprise and include all places within twenty miles from the Court House or other building in such city or town in which the Circuit Court or sittings of the Supreme Court are held or if no Circuit Court or sittings of the Supreme Court are held there then such distance of twenty miles shall be measured from the Court House or building in which the District Court is held and if neither a Circuit Court or sittings of the Supreme Court or District Court is held there then such distance of twenty miles shall be measured from the Court House or building in which such Sessions of the Peace are held and every such town as aforesaid shall for the purposes of this Act be called a "Court Town" Provided that when- 45 50 55

over any such district as aforesaid would comprise and include therein any place which but for the provision next hereinafter contained would be comprised and included within any other jury district each such jury district shall in the direction between the Court towns
 5 thereof respectively be limited and bounded by a straight line between the points of intersection of the circles round such Court House or building as aforesaid in each of such Court towns respectively Provided also that except for the purpose of forming new jury lists under this Act the jury districts existing and by law established
 10 immediately before the coming into operation of this Act shall continue to be jury districts for the purpose of trial by jury until the fourteenth day of May next.

8. Where there shall be a Resident Magistrate's Court usually holden at any Court town the clerk of such Court shall be the Jury
 15 Officer for the jury district of such Court town and during the absence of such clerk from his district and during any vacancy in the office of such clerk the Resident Magistrate or if there be more than one Resident Magistrate appointed to hold Courts in the Resident Magistrate's District that Resident Magistrate whose appointment to
 20 hold Courts in such Resident Magistrate's District is prior in date shall be the Jury Officer for such jury district and if a Resident Magistrate's Court is not holden at any Court town then the Governor shall by warrant under his hand appoint a person being a Justice of the Peace to be the "Jury Officer" for the jury district of such Court town
 25 and it shall be lawful for the Governor from time to time by warrant as aforesaid to remove any person so appointed Jury Officer and fill up any vacancy that may at any time occur by death resignation or removal or otherwise in the office of Jury Officer and the Jury Officer of every such jury district shall before the last day of January in every
 30 year issue and deliver his warrants (in the form contained in the third Schedule to this Act or as near thereto as may be) to one or more constables or officers of police within the said jury district together with a sufficient number of printed forms of return and notice set forth respectively in the fourth and fifth Schedules to this Act Provided
 35 always that it shall be lawful for the Jury Officer of any jury district to determine as to the portion of such district to which the warrants aforesaid shall be limited.

Jury officer to be appointed.

Duties.

Third Schedule.

Fourth and fifth Schedules.

9. Such constables and officers of police shall forthwith after the receipt of such warrant by them respectively prepare and make out in
 40 alphabetical order a true list of every man residing within the limits mentioned in such warrant who shall be qualified and liable to serve on juries as aforesaid with the christian and surname written at full length and with the true place of abode title quality calling or business in the proper columns of the said form of return.

Constables to prepare lists of jurors.

10. Such constables and officers of police having made out
 45 according to this Act a list of every man qualified and liable to serve on juries as aforesaid shall on the first two Sundays in March in every year fix a notice in the form contained in the fifth Schedule to this Act signed by them or one of them upon or near the principal outer door of
 50 the office or building or if there be more than one such office or building of the offices or buildings in which the sittings of the Resident Magistrates' Courts and Courts of Petty Sessions are usually holden within the limits mentioned in the said warrant and of every church chapel and other public place of religious worship within the limits mentioned
 55 in the said warrant stating in the proper blanks in such form the time and place at which a meeting of Justices will be holden to revise such list and shall keep the original list of men qualified and liable to serve as aforesaid or a true copy thereof to be inspected and perused by any of the inhabitants of the said jury district at any reasonable time during

To publish notice.

the first three weeks of the same month without fee or reward to the end that notice may be given of men qualified and liable to serve as aforesaid who are omitted or of men inscribed who ought to be omitted out of such list and any person who shall deface or remove such notice shall forfeit a sum not exceeding five pounds nor less than forty shillings. 5

Meeting of Justices
to be held to revise
lists.
Sixth Schedule.

11. The Jury Officer of every such jury district shall by a notice in the form in the sixth Schedule to this Act published in such manner as he shall think fit fourteen days at least before the day of meeting call for the purposes herein mentioned a meeting of the Justices of the Peace residing within the jury district to be held on the first Friday in April of every year at some Resident Magistrate's Court House or office or some other suitable building to be named in such notice at the Court town of such district and at such meeting any two Justices of the Peace shall form a quorum and a Resident Magistrate in the absence of other Justices may act alone and such meeting may be adjourned from time to time and all constables and officers of police as aforesaid shall then and there produce the lists of men qualified and liable to serve as aforesaid by them prepared and made out as hereinbefore directed and shall answer upon oath such questions touching the same as shall be put to them by the Justices then present and if any man not qualified and liable to serve as aforesaid is inserted in any such list it shall be lawful for the Justices upon satisfaction from the oath of the party complaining or other proof or upon their own knowledge that he is not qualified and liable to serve as aforesaid to strike his name out of such list and also to strike thereout the names of men disabled by lunacy or imbecility of mind or by deafness blindness or other permanent infirmity of body from service on juries and it shall also be lawful for such Justices to insert in such list the name of any man qualified and liable as aforesaid omitted therefrom and likewise to reform any errors or omissions which shall appear to them to have been committed in respect of the name place of abode title quality calling or business of any man included in such list and when every such list shall be revised and completed the Justices present or any two of them shall insert at the foot thereof their allowance of the same and shall sign the same and deliver the same to the Jury Officer of the district and he shall before the twenty-third day of April then next deliver or transmit the same to the Sheriff of the sheriff's district within which the jury district for which such list shall have been prepared shall be situated It shall be lawful for the Jury Officer if a Resident Magistrate or Justice of the Peace to act as such Resident Magistrate or Justice of the Peace at such meeting of Justices and also to act as Jury Officer and it shall not be deemed incompatible for him to act in both capacities. 10 15 20 25 30 35 40 45

Rate books may be
inspected.

12. Such constables and officers of police as aforesaid for their assistance in completing the lists pursuant to this Act may during the month of February in every year put to any person all such questions as they may think proper relating to the said lists and to the christian and surname place of abode title quality calling business occupation or employment of any man and shall upon request made by them or any of them at any reasonable time in the same month to any person having the custody of any valuation rate or assessment for any city town borough district or place have free liberty to inspect any such valuation rate or assessment and take from thence the names of such men qualified to serve on juries as aforesaid dwelling within such jury district as may appear to them or any of them to be necessary or useful and every Justice of the Peace shall upon the like request to any person having the custody of any such valuation rate or assessment have the like free liberty to inspect and make extracts from any such 50 55

valuation rate or assessment for the purpose of assisting them in the revision and completion of the jury lists according to this Act.

13. The Sheriff of every sheriff's district shall procure and keep in his office for every Court town at which Circuit Courts or sittings of the Supreme Court are holden within such sheriff's district two substantial boxes of a cylindrical or octagonal shape with flat ends and an axle on each of such ends and shall cause the same boxes respectively to be provided with lids and apertures of one half of the length of such boxes respectively and equidistant from each end thereof and of sufficient width to admit the hand and shall cause such two boxes to be painted white and on one of the said boxes painted white shall cause to be legibly painted in black letters the name of the Court town for which such box shall be intended with the words "Common Jurors in use" and on the other of the said boxes painted white shall cause to be legibly painted in black letters the name of the same Court town with the words "Common Jurors in reserve" and such Sheriff shall cause the said boxes to be placed horizontally on strong wooden frames so as that the same can be easily made to revolve on their said axles in the manner and for the purposes hereinafter mentioned and such Sheriff shall cause such boxes to be at all times securely locked and shall keep the keys thereof in safe custody so that no person may have access to the contents of such boxes or any of them except as hereinafter provided.

Sheriff to provide boxes for jury cards.

14. The Sheriff shall keep the lists so sent and delivered to him by the Jury Officers in his district in his office and shall take from some one of such lists in the order in which they stand therein the names of all men who shall be described in such lists as esquires merchants brokers managers of banks civil engineers and architects and shall cause the names of all such men together with their respective places of abode and addition to be fairly and truly copied into a book to be called "The Special Jury Book" and shall in like manner take from another of the said lists in the same order the names of all men who shall be described therein as last aforesaid and shall cause the names of all such men together with their respective places of abode and addition to be fairly and truly copied into the said book in consecutive order next and immediately after the name of the last man taken from the said preceding list and so on until he shall have taken from all such lists as aforesaid the names of all men who shall be described therein respectively as last aforesaid and the said Sheriff shall prefix to such book the name of the Court town of the jury district for which such lists shall have been prepared and to every name in such book its proper number beginning the numbers from the first name and continuing them in a regular arithmetical series down to the last name and shall cause the said several numbers to be written upon distinct pieces of parchment being all as nearly as may be of equal size and shape and having thereon respectively the name of the said Court town and the word "Special" and after all the said numbers shall have been so written shall put the same together by themselves in a box to be kept by him for that purpose with the name of the same Court town and the words "Special Jurors" painted thereon and shall there safely keep the same to be used for the purpose hereinafter mentioned and all men whose names are so copied into such book shall be called "Special Jurors" and shall serve on all special juries under this Act and the Sheriff shall in like manner take from the said lists consecutively as aforesaid the names of all men who shall be described therein respectively otherwise than as last aforesaid and shall cause the names of all such men together with their respective places of abode and addition to be fairly and truly copied into a book to be called "The Common

Sheriff to make out jury books.

Jury Book” and shall prefix to such book the name of the said Court town and to every name in such book its proper number beginning the numbers from the first name and continuing them in a regular arithmetical series down to the last name and shall cause the said several numbers to be written upon distinct pieces of parchment being all as nearly as may be of equal size and shape and having thereon respectively the name of the said Court town and the word “Common” and after all the said numbers shall have been so written shall put the same together by themselves into the said box with the name of the said Court Town and the words “Common Jurors in use” painted thereon and shall there safely keep the same to be used for the purpose hereinafter mentioned and all men whose names are so copied into such last-mentioned book shall be called “Common Jurors” and shall serve on all common juries under this Act and every Sheriff on quitting his office shall deliver the same to the succeeding Sheriff and every jury book shall be so provided and prepared before the fourteenth day of May after such lists shall have been sent or delivered to the Sheriff as aforesaid and shall be brought into use on that day and be used for one year then next following Provided always that if there shall at any time be more than one Court town in the same sheriff’s district the Sheriff shall keep the lists of men qualified and liable to serve as aforesaid within one jury district separate and apart from the lists of men qualified and liable to serve as aforesaid within any other jury district and in that case shall by the means and in the manner aforesaid cause to be made separate jury books for every such jury district and the enactments herein contained with respect to the numbers parchments books and boxes aforesaid respectively shall be observed and obeyed with respect to the jury books of every such jury district and shall be applicable thereto Provided also that no Special Jury Book as aforesaid shall be made for any jury district at the Court town of which no Circuit Court or sittings of the Supreme Court are usually holden but the whole of the names on the lists for such jury district shall be placed in the Common Jury Book but if after the fourteenth of May in any year a Circuit Court or sittings of the Supreme Court should be appointed to be held then a Special Jury Book in the manner aforesaid shall be formed from such lists but the Common Jury Book and the pieces of parchment marked with the word “Common” as aforesaid shall not be altered but all men who would be liable to serve as common jurors before the making of such last-mentioned Special Jury Book shall continue liable so to serve notwithstanding that they may also be placed in such Special Jury Book.

Jury lists for new Court towns.

15. In case any Circuit Court or sittings of the Supreme Court for trial of civil or criminal cases or District Court or Court of Sessions of the Peace shall hereafter be lawfully directed or appointed to be holden at any town other than those at which Courts are now holden the Clerk of the Resident Magistrate’s Court there if there be one or a Jury Officer to be appointed for the jury district of such town in manner aforesaid shall act as Jury Officer for the jury district of such town and such Jury Officer and all Justices of the Peace and the Registrars Clerks or other officers of Courts constables and officers of police and Sheriffs shall within such time as the Governor shall order for that occasion only do and perform all such acts matters and things in and towards preparing collecting allowing sending and delivering the lists of men qualified and liable to serve on juries and making out the jury books for every such jury district as are hereinbefore required ordinarily to be done at a different time or period and all such last-mentioned jury books shall be brought into use and the persons whose names shall be therein set down

shall be liable to serve immediately after the same shall have been made out by the Sheriff and the said last-mentioned books shall be used until new books shall have been prepared under the provisions hereinbefore contained.

- 5 16. If at any time it shall be found that no jury list shall have been made for the current year for any jury district the jury list for the year preceding shall be taken and be deemed to be the proper jury list and it is hereby expressly provided that the jury lists which shall be in force on the first day of January next shall within all 10 districts in which such lists are in force at such time remain in force till jury lists shall be formed under this Act.

Provision if no jury list made.

GRAND JURY.

17. The Registrar or Deputy-Registrar or other proper officer of the Supreme Court shall and they are hereby respectively authorized 15 and required from time to time before the day fixed for any Circuit Court of the Supreme Court or any sittings of such Court for trial of criminal cases to issue a Grand Jury precept under their respective hands in the form contained in the seventh Schedule to this Act or to the like effect and every such precept shall be delivered to the Sheriff 20 or other person to whom the same is directed fourteen days before the same is returnable and upon receipt of such precept the Sheriff or other person shall summon thirty men to attend at such Circuit Court or sitting of the Supreme Court and at such time and place as may be specified in such precept to inquire present do and execute all those 25 things which on the part of the Queen shall then and there be commanded of them and such summons shall be in the same form or to the like effect and shall be served in the same manner as is hereinafter provided with regard to a summons to other jurors and the names of such men shall be taken from the Special Jury Book of the jury district in 30 which the Court town at which such Court is to be held is situate in the same manner as a special jury is hereinafter directed to be taken and at the time and place aforesaid the said Sheriff or other officer shall bring into Court the said precept with the name place of abode and addition of every grand juror written on separate pieces of card all being as 35 nearly as may be of equal size and shape and enclosed with the said precept in a cover under his seal and endorsed with the words "Grand Jury" and such seal shall in open Court be broken by the proper officer thereof who shall thereupon put the said pieces of card together in a box to be provided for that purpose and after having shaken them 40 together shall then in open Court draw out of the said box twenty-three of the said pieces of card one after another until twenty-three men be drawn and the twenty-three men so first drawn and appearing or if twenty-three men should not appear such of them as do appear not being less than twelve men shall be the grand jury.

Grand Jury.

Seventh Schedule.

45 SPECIAL AND COMMON JURIES.

18. In criminal cases in the Supreme Court District Courts and Courts of Sessions of the Peace and in civil cases in the Supreme Court the trial of every issue joined upon any indictments found or 50 any criminal informations shall except as hereinafter mentioned be had by a jury of twelve men whose names shall be taken from the Common Jury Book of the jury district in which such trial shall be had and the trial of issues and the inquiry of damages in all civil actions and suits in the Supreme Court shall except as hereinafter mentioned be had by a jury of twelve men whose names shall be taken from the Common 55 Jury Book of the same district or by a jury of four men taken from such book if such issue is tried or inquiry had at a "Minor Jury Sittings" of such Court.

Criminal issues in all Courts and civil issues in Supreme Court to be tried before twelve men.

Special jury in
criminal cases.

19. Upon all inquests on any criminal case to be taken before the Supreme Court or at any Circuit Court or sittings of the Supreme Court it shall be lawful for the Supreme Court on application to be made to such Court on behalf of Her Majesty or by or on behalf of any prosecutor or by or on behalf of any defendant or person accused of any indictable offence whether any indictment shall have been found or any information exhibited or filed or not to order that the trial of any issues joined or to be joined upon any indictment or information against the person to be named in such order at the said Court or at any Circuit Court or sittings of the Supreme Court shall be tried by a special jury of twelve men and in that case the proper officer shall issue a jury precept accordingly. Provided that any defendant or any person accused shall serve a notice of such application upon the Attorney-General or Crown Prosecutor or other prosecutor at least four days before the time of making such application.

Special juries in civil
cases.

20. Notwithstanding anything hereinbefore contained the party giving notice of trial or inquiry in any civil action or suit in the Supreme Court may without any rule or order for the purpose procure such trial or inquiry to be had by a special jury of twelve men upon entering the same with the Registrar or Deputy Registrar for trial or inquiry by such jury at any time not less than ten days before the day fixed for the trial or inquiry or such other time as shall be fixed by any general rule or order and giving notice to that effect to the other party not less than ten days before the day fixed for such trial or inquiry or any other time as shall be fixed by any general rule or order and the other party may also procure such trial or inquiry to be had by such jury by obtaining a rule or order of the Supreme Court or Judge thereof for a special jury to which he shall be entitled if he apply for the same more than eight days before the day fixed for the trial or at such other time as shall be fixed by any general rule or order. Provided that the Court or Judge may at any time order that the trial or inquiry shall be had by a special jury upon such terms as they or he shall think fit. Provided also that the party who shall procure any trial or inquiry to be had by a special jury shall pay all the fees and expenses occasioned by the trial or inquiry by the same and shall not have any further or other allowance for the same upon taxation of costs than such party would be entitled to in case the trial or inquiry had been had by a common jury of twelve men as hereinbefore described unless the Judge before whom the trial or inquiry comes on to be had shall immediately after the verdict or nonsuit certify under his hand upon the back of the record that the same cause was proper for a special jury of twelve men.

Jury process.

21. Whenever common jurors are required for the trial of issues civil or criminal or for the assessment of damages in the Supreme Court or for the trial of criminal issues in any District Court or Court of Sessions of the Peace it shall be the duty of the Registrar clerk or other proper officer of such Courts respectively at which any such trial or inquiry by jury is to be held to issue a 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 jurors to attend and serve on such trial which precept shall be in the form contained in the seventh Schedule to this Act or to the like effect and every such precept shall be delivered to the Sheriff or other person to whom the same is directed fourteen days before the same is returnable and shall command the Sheriff to summon not less than thirty-six men or if such issue is to be tried or such assessment of damages is to be made at a "Minor Jury Sittings" then the number of men to be summoned shall be not less than twelve.

Seventh Schedule.

Selection of jurors to
be summoned.

22. Upon receipt of any such common jury precept the Sheriff shall

valuation rate or assessment for the purpose of assisting them in the revision and completion of the jury lists according to this Act.

13. The Sheriff of every sheriff's district shall procure and keep in his office for every Court town at which Circuit Courts or sittings of the Supreme Court are holden within such sheriff's district two substantial boxes of a cylindrical or octagonal shape with flat ends and an axle on each of such ends and shall cause the same boxes respectively to be provided with lids and apertures of one half of the length of such boxes respectively and equidistant from each end thereof and of sufficient width to admit the hand and shall cause such two boxes to be painted white and on one of the said boxes painted white shall cause to be legibly painted in black letters the name of the Court town for which such box shall be intended with the words "Common Jurors in use" and on the other of the said boxes painted white shall cause to be legibly painted in black letters the name of the same Court town with the words "Common Jurors in reserve" and such Sheriff shall cause the said boxes to be placed horizontally on strong wooden frames so as that the same can be easily made to revolve on their said axles in the manner and for the purposes hereinafter mentioned and such Sheriff shall cause such boxes to be at all times securely locked and shall keep the keys thereof in safe custody so that no person may have access to the contents of such boxes or any of them except as hereinafter provided.

Sheriff to provide boxes for jury cards.

14. The Sheriff shall keep the lists so sent and delivered to him by the Jury Officers in his district in his office and shall take from some one of such lists in the order in which they stand therein the names of all men who shall be described in such lists as esquires merchants brokers managers of banks civil engineers and architects and shall cause the names of all such men together with their respective places of abode and addition to be fairly and truly copied into a book to be called "The Special Jury Book" and shall in like manner take from another of the said lists in the same order the names of all men who shall be described therein as last aforesaid and shall cause the names of all such men together with their respective places of abode and addition to be fairly and truly copied into the said book in consecutive order next and immediately after the name of the last man taken from the said preceding list and so on until he shall have taken from all such lists as aforesaid the names of all men who shall be described therein respectively as last aforesaid and the said Sheriff shall prefix to such book the name of the Court town of the jury district for which such lists shall have been prepared and to every name in such book its proper number beginning the numbers from the first name and continuing them in a regular arithmetical series down to the last name and shall cause the said several numbers to be written upon distinct pieces of parchment being all as nearly as may be of equal size and shape and having thereon respectively the name of the said Court town and the word "Special" and after all the said numbers shall have been so written shall put the same together by themselves in a box to be kept by him for that purpose with the name of the same Court town and the words "Special Jurors" painted thereon and shall there safely keep the same to be used for the purpose hereinafter mentioned and all men whose names are so copied into such book shall be called "Special Jurors" and shall serve on all special juries under this Act and the Sheriff shall in like manner take from the said lists consecutively as aforesaid the names of all men who shall be described therein respectively otherwise than as last aforesaid and shall cause the names of all such men together with their respective places of abode and addition to be fairly and truly copied into a book to be called "The Common

Sheriff to make out jury books.

Jury Book” and shall prefix to such book the name of the said Court town and to every name in such book its proper number beginning the numbers from the first name and continuing them in a regular arithmetical series down to the last name and shall cause the said several numbers to be written upon distinct pieces of parchment being all as nearly as may be of equal size and shape and having thereon respectively the name of the said Court town and the word “Common” and after all the said numbers shall have been so written shall put the same together by themselves into the said box with the name of the said Court Town and the words “Common Jurors in use” painted thereon and shall there safely keep the same to be used for the purpose hereinafter mentioned and all men whose names are so copied into such last-mentioned book shall be called “Common Jurors” and shall serve on all common juries under this Act and every Sheriff on quitting his office shall deliver the same to the succeeding Sheriff and every jury book shall be so provided and prepared before the fourteenth day of May after such lists shall have been sent or delivered to the Sheriff as aforesaid and shall be brought into use on that day and be used for one year then next following Provided always that if there shall at any time be more than one Court town in the same sheriff’s district the Sheriff shall keep the lists of men qualified and liable to serve as aforesaid within one jury district separate and apart from the lists of men qualified and liable to serve as aforesaid within any other jury district and in that case shall by the means and in the manner aforesaid cause to be made separate jury books for every such jury district and the enactments herein contained with respect to the numbers parchments books and boxes aforesaid respectively shall be observed and obeyed with respect to the jury books of every such jury district and shall be applicable thereto Provided also that no Special Jury Book as aforesaid shall be made for any jury district at the Court town of which no Circuit Court or sittings of the Supreme Court are usually holden but the whole of the names on the lists for such jury district shall be placed in the Common Jury Book but if after the fourteenth of May in any year a Circuit Court or sittings of the Supreme Court should be appointed to be held then a Special Jury Book in the manner aforesaid shall be formed from such lists but the Common Jury Book and the pieces of parchment marked with the word “Common” as aforesaid shall not be altered but all men who would be liable to serve as common jurors before the making of such last-mentioned Special Jury Book shall continue liable so to serve notwithstanding that they may also be placed in such Special Jury Book.

Jury lists for new Court towns.

15. In case any Circuit Court or sittings of the Supreme Court for trial of civil or criminal cases or District Court or Court of Sessions of the Peace shall hereafter be lawfully directed or appointed to be holden at any town other than those at which Courts are now holden the Clerk of the Resident Magistrate’s Court there if there be one or a Jury Officer to be appointed for the jury district of such town in manner aforesaid shall act as Jury Officer for the jury district of such town and such Jury Officer and all Justices of the Peace and the Registrars Clerks or other officers of Courts constables and officers of police and Sheriffs shall within such time as the Governor shall order for that occasion only do and perform all such acts matters and things in and towards preparing collecting allowing sending and delivering the lists of men qualified and liable to serve on juries and making out the jury books for every such jury district as are hereinbefore required ordinarily to be done at a different time or period and all such last-mentioned jury books shall be brought into use and the persons whose names shall be therein set down

shall be liable to serve immediately after the same shall have been made out by the Sheriff and the said last-mentioned books shall be used until new books shall have been prepared under the provisions hereinbefore contained.

5 16. If at any time it shall be found that no jury list shall have been made for the current year for any jury district the jury list for the year preceding shall be taken and be deemed to be the proper jury list and it is hereby expressly provided that the jury lists which shall be in force on the first day of January next shall within all 10 districts in which such lists are in force at such time remain in force till jury lists shall be formed under this Act.

Provision if no jury list made.

GRAND JURY.

17. The Registrar or Deputy-Registrar or other proper officer of the Supreme Court shall and they are hereby respectively authorized 15 and required from time to time before the day fixed for any Circuit Court of the Supreme Court or any sittings of such Court for trial of criminal cases to issue a Grand Jury precept under their respective hands in the form contained in the seventh Schedule to this Act or to the like effect and every such precept shall be delivered to the Sheriff 20 or other person to whom the same is directed fourteen days before the same is returnable and upon receipt of such precept the Sheriff or other person shall summon thirty men to attend at such Circuit Court or sitting of the Supreme Court and at such time and place as may be specified in such precept to inquire present do and execute all those 25 things which on the part of the Queen shall then and there be commanded of them and such summons shall be in the same form or to the like effect and shall be served in the same manner as is hereinafter provided with regard to a summons to other jurors and the names of such men shall be taken from the Special Jury Book of the jury district in 30 which the Court town at which such Court is to be held is situate in the same manner as a special jury is hereinafter directed to be taken and at the time and place aforesaid the said Sheriff or other officer shall bring into Court the said precept with the name place of abode and addition of every grand juror written on separate pieces of card all being as 35 nearly as may be of equal size and shape and enclosed with the said precept in a cover under his seal and endorsed with the words "Grand Jury" and such seal shall in open Court be broken by the proper officer thereof who shall thereupon put the said pieces of card together in a box to be provided for that purpose and after having shaken them 40 together shall then in open Court draw out of the said box twenty-three of the said pieces of card one after another until twenty-three men be drawn and the twenty-three men so first drawn and appearing or if twenty-three men should not appear such of them as do appear not being less than twelve men shall be the grand jury.

Grand Jury.

Seventh Schedule.

45 SPECIAL AND COMMON JURIES.

18. In criminal cases in the Supreme Court District Courts and Courts of Sessions of the Peace and in civil cases in the Supreme Court the trial of every issue joined upon any indictments found or 50 any criminal informations shall except as hereinafter mentioned be had by a jury of twelve men whose names shall be taken from the Common Jury Book of the jury district in which such trial shall be had and the trial of issues and the inquiry of damages in all civil actions and suits in the Supreme Court shall except as hereinafter mentioned be had 55 by a jury of twelve men whose names shall be taken from the Common Jury Book of the same district or by a jury of four men taken from such book if such issue is tried or inquiry had at a "Minor Jury Sittings" of such Court.

Criminal issues in all Courts and civil issues in Supreme Court to be tried before twelve men.

Special jury in
criminal cases.

19. Upon all inquests on any criminal case to be taken before the Supreme Court or at any Circuit Court or sittings of the Supreme Court it shall be lawful for the Supreme Court on application to be made to such Court on behalf of Her Majesty or by or on behalf of any prosecutor or by or on behalf of any defendant or person accused of any indictable offence whether any indictment shall have been found or any information exhibited or filed or not to order that the trial of any issues joined or to be joined upon any indictment or information against the person to be named in such order at the said Court or at any Circuit Court or sittings of the Supreme Court shall be tried by a special jury of twelve men and in that case the proper officer shall issue a jury precept accordingly. Provided that any defendant or any person accused shall serve a notice of such application upon the Attorney-General or Crown Prosecutor or other prosecutor at least four days before the time of making such application.

Special juries in civil
cases.

20. Notwithstanding anything hereinbefore contained the party giving notice of trial or inquiry in any civil action or suit in the Supreme Court may without any rule or order for the purpose procure such trial or inquiry to be had by a special jury of twelve men upon entering the same with the Registrar or Deputy Registrar for trial or inquiry by such jury at any time not less than ten days before the day fixed for the trial or inquiry or such other time as shall be fixed by any general rule or order and giving notice to that effect to the other party not less than ten days before the day fixed for such trial or inquiry or any other time as shall be fixed by any general rule or order and the other party may also procure such trial or inquiry to be had by such jury by obtaining a rule or order of the Supreme Court or Judge thereof for a special jury to which he shall be entitled if he apply for the same more than eight days before the day fixed for the trial or at such other time as shall be fixed by any general rule or order. Provided that the Court or Judge may at any time order that the trial or inquiry shall be had by a special jury upon such terms as they or he shall think fit. Provided also that the party who shall procure any trial or inquiry to be had by a special jury shall pay all the fees and expenses occasioned by the trial or inquiry by the same and shall not have any further or other allowance for the same upon taxation of costs than such party would be entitled to in case the trial or inquiry had been had by a common jury of twelve men as hereinbefore described unless the Judge before whom the trial or inquiry comes on to be had shall immediately after the verdict or nonsuit certify under his hand upon the back of the record that the same cause was proper for a special jury of twelve men.

Jury process.

21. Whenever common jurors are required for the trial of issues civil or criminal or for the assessment of damages in the Supreme Court or for the trial of criminal issues in any District Court or Court of Sessions of the Peace it shall be the duty of the Registrar clerk or other proper officer of such Courts respectively at which any such trial or inquiry by jury is to be held to issue a 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 jurors to attend and serve on such trial which precept shall be in the form contained in the seventh Schedule to this Act or to the like effect and every such precept shall be delivered to the Sheriff or other person to whom the same is directed fourteen days before the same is returnable and shall command the Sheriff to summon not less than thirty-six men or if such issue is to be tried or such assessment of damages is to be made at a "Minor Jury Sittings" then the number of men to be summoned shall be not less than twelve.

Seventh Schedule.

Selection of jurors to
be summoned.

22. Upon receipt of any such common jury precept the Sheriff shall

by some notice affixed in legible characters in some public and conspicuous place of the office of such Sheriff appoint some future day and some hour on that day not earlier than eleven o'clock in the forenoon nor later than three o'clock in the afternoon at which he or his deputy
5 will in such office proceed to draw the names of persons to be summoned to serve as jurors at the Court for which such precept shall have been issued and the said Sheriff at the time so named and in his said office and in the presence of all persons who may choose to attend shall cause that one of the said boxes for the
10 proper jury district on which the words "Common Jurors in use" are painted to revolve on its axle for the space of one minute at the least and immediately after the expiration of that time shall draw out of the said box as many of the said parchments as are equal to the number of jurors intended to be summoned one after
15 another and shall as each parchment is drawn refer to the corresponding number in the Common Jury Book of the then current year and read aloud the name designated by such number and then and there write the said number and also such name with the place of abode and addition on a panel to be signed by him and sealed with
20 his seal of office and after having so written the same on such panel shall keep the said parchments which shall have been so drawn out as aforesaid until after the said precept is returnable and if any juror whose name may be on the said panel does not attend in pursuance of the summons hereinafter mentioned shall at once return the said
25 parchment bearing the number by which the name of such juror is designated as aforesaid to the said box and shall put the residue of the said parchments or (if all such jurors shall attend as aforesaid) the whole of the said parchments into that one of the said boxes for the same district on which the words "Common Jurors in reserve" are
30 painted there to remain until the remainder of the said parchments shall have been drawn out of the first-mentioned box in the manner aforesaid and then to be returned to such box for the purpose of being again resorted to according to the mode of proceeding hereinbefore described Provided always that if at any time there shall be no jury
35 book in existence for the current year it shall be lawful to take the names of common jurors from the common jury book for the preceding year in the manner aforesaid and the jurors contained in the said panel shall be the jurors to try all issues and inquire of all damages at the Court to which they shall be summoned and all such proceedings may be had and taken before such juries in like manner
40 and with the like consequences in all respects as before any jury summoned before the coming into operation of this Act.

23. Whenever a case civil or criminal has been duly entered to be tried by a special jury and whenever any rule or order for
45 the trial of any case civil or criminal 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 not
50 less than twenty-four special jurors to attend and serve on such trial which precept shall be in the form in the seventh Schedule to this Act or to the like effect and the same shall be intituled in the cause prosecution or other matter and every such precept shall be delivered to the Sheriff or other person to whom the same is directed
55 seven days before the same is returnable or such other time as shall be fixed by any general rule or order and the Sheriff shall appoint a time and place for striking such jury and shall in the presence of the parties and their solicitors if they chose to attend on reasonable notice put the numbers from the Special Jurors Book (written on distinct

Special jury may be struck.

pieces of parchment as aforesaid) into a box to be provided by him for that purpose and after having shaken them together shall draw out of the said box forty-eight of the said numbers one after another and shall as each number is drawn refer to the corresponding number in the Special Jurors Book and read aloud the name designated by such number and when such forty-eight numbers shall have been drawn the said Sheriff shall prepare two lists of the men's names with the numbers as they are written in the Special Jurors Book and shall deliver one list to the plaintiff or prosecutor or his solicitor and another list to the defendant or his solicitor and the forty-eight names contained in the lists so delivered shall at a time to be appointed by the Sheriff be reduced to twenty-four by the plaintiff or prosecutor or his solicitor and the defendant or his solicitor each of them alternately in the manner heretofore accustomed striking out at his discretion twelve names from each of the said lists in the presence of the said Sheriff who may in the absence of either party or his solicitor and on proof being made that such absent party has been duly served with notice of the appointment strike out the names on his behalf and the said Sheriff shall sign such reduced lists and the jurors whose names are not struck out on such lists shall be summoned by the Sheriff or his officer as hereinafter provided and the Sheriff shall prepare a panel on which he shall write the names of the jurors not struck out with their respective additions and places of abode with the proper number prefixed to each and shall sign and seal such panel and the jurors contained in the said panel shall be the jurors from which shall be drawn in manner hereinafter mentioned the jury to try such case whether civil or criminal. Provided that if in any case it shall so happen that the whole number of jurors cannot be obtained from the Special Jury Book in such case such a number of names from the Common Jury Book for the same district of the then current year in addition to those already taken from the Special Jury Book as shall be required to make up the proper number shall be taken in the same manner as is hereinbefore described with respect to special juries and the said last-mentioned names shall in such case be equally deemed and taken to be those of special jurors. Provided always that if there shall be no jury books in existence for the current year it shall be lawful to take the names of special jurors from the Special Jury Book or Common Jury Book for the preceding year in the manner in this section aforesaid.

Court &c to have powers as heretofore to make award or order orally or otherwise for return of Jury for trial of any issue before such Court or for amending or enlarging panel &c.

24. The Supreme Court and every Judge thereof holding a Circuit Court or sitting for trial of civil or criminal cases and all District Courts and Judges thereof and all Courts of Sessions of the Peace shall respectively have and exercise such power and authority as they have heretofore had and exercised or as similar Courts in England have in making any award or order orally or otherwise for the return of a jury for the trial of any issue before any of such Courts respectively or for the amending or enlarging any such panel as hereinafter mentioned and the return to every such award or order shall be made in the manner heretofore used and accustomed in such or similar Courts respectively in England save and except that the jurors so returned shall be qualified according to this Act.

Trial by proviso.

25. Nothing herein contained shall affect the right of a defendant to take down a cause for trial after default by the plaintiff to proceed to trial according to the course and practice of the Supreme Court.

Sheriff to summon jurors.

26. When the said numbers and such names with their respective places of abode and additions shall have been written on any such panel as in the twenty-second and twenty-third sections aforesaid the Sheriff shall forthwith issue a summons in the form contained in the eighth Schedule to this Act to every juror whose name shall

Eighth Schedule.

be on any such panel and the said summons shall be delivered to every such juror or shall be left at his usual or last known place of abode at least three clear days before the attendance of such juror is required.

5 27. When any person is indicted for high treason or misprision of treason in any Court whatsoever a list of the petit jury with the christian and surname written at full length and with the true place of abode title quality calling or business of every such juror shall be given to the party so indicted ten days before the arraignment and in the presence of two or more credible witnesses.

List of jurors to be delivered ten days before trial for treason.

10 28. A copy of every panel made under the twenty-second or twenty-third sections of this Act shall three days before such precept as aforesaid is returnable be made by the Sheriff and shall during such three days be kept in his office for inspection and a copy of such panel shall be delivered by the Sheriff to any person requiring the same on payment of two shillings.

Panel to be kept in Sheriff's office.

15 29. Upon the day and at the place named in every such jury precept for the appearance of the jurors thereby required to be summoned the Sheriff shall in open Court deliver or cause to be delivered the said jury precept to the proper officer of such Court and shall annex to the said precept the panel and shall also then and there furnish to the same officer the names of the said jurors with their respective places of abode and additions written on separate pieces of card being all as nearly as may be of equal size and shape and such officer shall thereupon where the jury is a common jury in open Court put the said pieces of card together in a box to be provided for that purpose and shall there keep the same to be used in manner hereinafter mentioned.

Sheriff to return precept and panel with cards.

30 30. In any case either civil or criminal or on any penal Act depending in the Supreme Court or in any criminal case in any District Court or Court of Sessions of the Peace it shall be lawful for either party whether the view is to be had by a common or special jury to obtain a rule or order of such Court containing the usual terms and commanding the Sheriff to have six or more of the jurors named in such rule or order or in the panel thereto annexed (who shall be mutually consented to by the parties or if they cannot agree shall be nominated by the Sheriff) at some place to be named in such rule or order and at some convenient time before the trial or inquiry who then and there shall have the place in question if any or the real or personal property (the view or inspection of which may be proper or necessary in order to the better understanding of the evidence that may be given on such trial or inquiry or material to the proper determination of the question in dispute) shown to them by two persons in the said rule or order named to be appointed by the Court and such rule or order may in all cases be drawn up by the proper officer on the application of the party without a motion for that purpose and the party obtaining such rule or order shall at the time of delivering the same to the Sheriff deposit in the hands of such Sheriff for payment of the expenses of the view or inspection the sum hereinafter mentioned

45 50 and the proceedings upon such rule or order shall be the same as the proceedings heretofore had in England under a writ of view or as near thereto as may be and the Sheriff upon request shall deliver to either party the names of the viewers or inspectors and by endorsement on the said rule shall certify that the view or inspection hath been had

55 according to the command of the same with the names of the viewers or inspectors and upon the day and at the place named in the jury precept for the appearance of the jurors thereby required to be summoned shall deliver the said rule or order with the said endorsement thereon to the proper officer of the Court for the purpose of such

Mode of obtaining view.

viewers or inspectors being called as jurymen or assessors on the trial or inquiry.

Costs of view.

31. Upon any application for a view or inspection there shall be an affidavit stating the place at which the view or inspection is to be had and the distance thereof from the office of the Sheriff and the sum to be deposited in the hand of the Sheriff shall be fixed by the Sheriff in each particular case or by the Court or a Judge thereof if the party making the application shall be dissatisfied with the amount so fixed by the Sheriff and if such sum shall be more than sufficient to pay the expenses of the view or inspection the surplus shall forthwith be returned to the solicitor of the party who obtained the view or inspection and if such sum shall not be sufficient to pay such expenses the deficiency shall be forthwith paid by such solicitor to the Sheriff and the Sheriff shall pay and account for the money so deposited according to a scale to be fixed by the Judges of the Supreme Court or any two or more of them.

Viewers to be on jury.

32. In any case wherein a rule or order for a view or inspection shall have been obtained as hereinbefore provided it shall be lawful for the Judge before whom the trial or inquiry is to be had and he is hereby required on the application of the party obtaining such rule or order to appoint such trial or inquiry to take place during the attendance and service of the jurors named in the panel in which the viewers or inspectors are included and where a view or inspection shall have been had in any case those men who shall have had the same or such of them if any as shall appear upon such trial or inquiry shall be upon the jury and so many only shall be added to them as shall after all defaulters and challenges allowed to make up the full number and in every trial or inquiry the Court or Judge may order such inspection as aforesaid by the jury even after the evidence on one or both sides has been closed if in their or his opinion such a course be necessary for the attainment of justice.

Jury to be sworn Not to be re-sworn.

33. The proper officer of the Court on delivery to him of such common jury panel as in the twenty-second section aforesaid shall in open Court call aloud the names of the jurors in the said panel one after another and such of the said jurors as shall then or at any time thereafter answer to their names may be sworn in open Court in such one of the forms contained in the ninth Schedule to this Act as may be applicable to the case and being once sworn shall not need to be re-sworn in each trial unless either party or they that sue for the Queen or the person arraigned shall so require and the said officer shall as and when each juror is so sworn make a minute thereof in the said panel and where the jury is a special jury the proper officer of the Court on any case civil or criminal being called on shall put the cards delivered to him by the Sheriff into a balloting box.

Affirmation instead of oath.

34. If any person called as a juror shall refuse or be unwilling from alleged conscientious motives to be sworn it shall be lawful for the Court upon being satisfied of the sincerity of such objection to permit such person instead of being sworn to make his solemn affirmation and declaration in the words contained in the tenth Schedule to this Act which solemn affirmation or declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

Tenth Schedule.

Made of pleading affirmation in lieu of oath.

35. Wherever in any legal proceedings whatsoever any other legal proceedings may be set out it shall not be necessary to specify that any particular persons who acted as jurors had made affirmation or declaration instead of oath but it may be stated in such first-mentioned proceedings and also in any record whatsoever that the jurors served and acted as jurors in the same manner as if no Act had passed for enabling persons to serve as jurors without oath.

36. Where any issue joined on any indictment found or information filed in the Supreme Court or any District Court or Court of Sessions of the Peace or in any civil action in the Supreme Court shall be brought on to be tried in any such Court the proper officer thereof shall in open Court draw out of the box into which the cards have been placed as hereinbefore mentioned twelve (or where the trial or inquiry is at any Minor Jury Sittings four) of the said cards one after the other and if any of the men whose names shall be so drawn shall not appear or shall be challenged and set aside then such further number until the full number of jurors be drawn who shall appear and after all just causes of challenge allowed shall remain as fair and indifferent and the twelve or four men as the case may be so first drawn and appearing and approved as indifferent shall be the jury to try the said issue and if such jury be a special jury the jurors so drawn and appearing shall be sworn in the manner and form heretofore accustomed according to the practice of the Supreme Court and when the jury is a common jury their names shall be kept apart by themselves until such jury shall have given in their verdict and the same shall have been recorded or until such jury shall by consent of the parties or by leave of the Court be discharged and then the same names shall be returned to the box there to be kept with the other names remaining at that time undrawn and so *toties quoties* as long as any issue remains to be tried.

Mode of balloting for jury at trials.

37. In the cases of issues to be tried by a common jury if any such issue shall be brought on to be tried before the jury in any other issue shall have brought in their verdict or been discharged it shall be lawful for the Court to order twelve or four as the case may be of the residue of the said cards not containing the names of any of the common jurors who shall not have so brought in their verdict or been discharged to be drawn in such manner as is aforesaid for the trial of the issue which shall be so brought on to be tried and the proper officer shall proceed as hereinbefore directed until he shall have completed the number of twelve or four common jurors as the case may be who shall remain fair and indifferent.

Proceeding when one jury has not brought in verdict and another is to be impanelled.

38. Where no objection shall be made on behalf of the Queen or any other party it shall be lawful for the Court to try any issue with the same common jury which shall have previously tried or been drawn to try any other issue without their names being returned to the box and redrawn or to order the names of any men on such common jury whom both parties may consent to withdraw or who may be justly challenged or excused by the Court to be set aside and other names to be drawn from the box and to try the issue with the residue of such original common jury and with such men whose names shall be so drawn and who shall appear and be approved as indifferent and so *toties quoties* as long as any issue shall remain to be tried and the same form and manner of proceeding shall and may be observed and adopted in every inquiry of damages in civil actions to be tried by a common jury.

Where no objection several issues may be tried by same jury.

39. No person shall be liable to serve as a common juror for a longer time than six consecutive days at any one sitting of the Supreme Court or any District Court or Court of Sessions of the Peace now or hereafter to be established but every common juror who shall be sworn to try any case issue cause or action which at the expiration of the said period may have been partly heard shall be bound to continue to serve until the determination of such case issue cause or action or until lawfully discharged by the Court. If the sitting of the Court shall commence on any day other than Monday the first panel shall be summoned to attend for the remainder of the week only subject however to the provision for continued service hereinbefore mentioned.

Attendance of jurors.

Challenge for want
of qualification.

40. If any man shall be returned as a juror for the trial of any issue civil or criminal or the inquiry of damages in any Court who shall be disqualified or shall not be qualified according to this Act such disqualification or the want of such qualification shall be a good cause of challenge and he shall be discharged upon such challenge if the Court shall be satisfied of the fact. Provided that nothing in this section contained shall extend in anywise to any special juror. 5

Either party may
pray a tales.

41. Where a full jury shall not appear before any Court or where after such appearance by challenge of any of the parties or otherwise the inquest is likely to remain untaken for want of jurors every such Court upon request made for the Queen by any one thereto authorized or assigned by the Court or on request made by either party or their respective solicitors in any action or suit shall command the Sheriff to name and appoint as often as need shall require so many of such other able men of the jury district then present as shall make up a full jury and the Sheriff shall at such command of the Court return such men duly qualified as shall be present or can be found to serve on such jury and shall add and annex their names to the said panel and the Queen by any one so authorized or assigned as aforesaid and all and every the parties aforesaid shall and may in each of the cases aforesaid have their respective challenges to the jurors so added and annexed and the Court shall proceed with those jurors who were before impanelled together with the talesman so newly added as if all the said jurors had been returned upon the jury precept awarded. 10 15 20

Crown inquests not
to remain untaken.

42. In all inquests to be taken before any Court wherein the Queen is a party howsoever it be notwithstanding it be alleged by them that sue for the Queen that the jurors of those inquests or some of them be not indifferent for the Queen yet such inquests shall not remain untaken for that cause but if they that sue for the Queen will challenge any of those jurors they shall assign of their challenge a cause certain and the truth of the same challenge shall be inquired of according to the custom of the Court and it shall be proceeded to the taking of the same inquisitions as it shall be found if the challenges be true or not after the discretion of the Court. 25 30

Peremptory
challenges.

43. In all civil inquests in the Supreme Court to be tried before a common jury the plaintiff and defendant respectively shall be admitted to challenge peremptorily to the number of six of the jury and every person arraigned for any treason felony or misdemeanor shall be admitted to challenge peremptorily to the number of twelve and every peremptory challenge above the numbers aforesaid shall be void and the trial or inquiry shall proceed as if no such challenge had been made and where there are several defendants in any civil inquest who have not pleaded by the same solicitor and where several persons charged with the same offence shall be put upon trial together and such defendants or persons shall not consent to join in their challenges the proper officer of the Court shall in every such case draw out of the said box a sufficient number of such cards to permit such of several defendants as shall not have pleaded by the same solicitor or as shall not have pleaded at all and each of such persons to exercise his right of peremptory challenge to the numbers aforesaid respectively as and for each of such several defendants or persons. And unless the jurors shall be sworn for the particular trial or inquiry every challenge shall be made as the juror comes to take his seat and before he takes it. 35 40 45 50

Jury *de medietate
linguae*.

44. On the prayer of any alien indicted for felony the Sheriff shall by command of the Court return for one half of the jury a competent number of aliens if so many there be in the town or place where the trial is had and if not then so many aliens as shall be found in the same town or place if any and no such alien juror shall be 55

disqualified to serve on such jury by reason of any want of qualification required by this Act but any such alien may be challenged for any other cause in like manner as if he were qualified by this Act.

PROVISIONS APPLICABLE TO JURIES OF MAORIS.

5 45. It shall be lawful for the Governor to make rules and such rules from time to time to rescind and alter and in lieu thereof to make other rules for the following purposes that is to say— Governor empowered to make rules for forming Maori jury lists.

10 For forming revising keeping and transmitting to the Sheriffs jury lists for Maori cases for designating the persons therein for arranging the lists and summoning jurors and for regulating the order in which Maori jurors shall be summoned and serve and all such rules so made and altered shall be published in the Government *Gazette* of the Colony and being so published shall have the force of law as if the same had been inserted in and had formed part of this Act. Provided that the provisions of this Act shall apply to Maori juries except so far as such provisions relate to matters which the Governor is authorized to regulate.

15 46. Upon any trial in a criminal case in any Court whatever in which an indictment shall be found or information filed against a Maori for an offence committed against a Maori such first-mentioned Maori may at the time of his commitment or at any time not less than seven days before the trial give notice to the committing Magistrate Registrar or Clerk of the Court that he claims to be tried by such jury and such case shall be tried by such jury accordingly and in case he shall give such notice at the time of his commitment it shall be the duty of the committing Magistrate to transmit such notice to such Registrar or Clerk. Provisions for juries of Maoris in criminal cases.

20 47. In every civil case in the Supreme Court in which both parties shall be of the Maori race in case they shall concur they may at any time not less than fourteen days before the trial give notice to the Registrar or Clerk that they claim to have the case tried by a Maori jury and such case shall be tried by such jury accordingly. Jury of Maoris in civil cases.

25 48. Maori juries shall be composed wholly of Maori jurors if a sufficient number shall be in attendance when the trial takes place but if a sufficient number of Maori jurors shall not be in attendance then the requisite number shall be made up of ordinary jurymen or of bystanders in cases where bystanders may lawfully be called and sworn to serve on juries or in the discretion of the Court. Composition of Maori juries.

30 49. In every civil case in the Supreme Court in which both parties shall be Maoris and one of such parties only shall desire that the case may be tried by a Maori jury and in every civil case in which one of the parties shall be of the European race and the other shall be of the Maori race and such Maori shall desire that the case shall be tried by a mixed jury he may give notice of such his desire to the Registrar or Clerk of the Court at any time within seven days before the trial and the same shall in such cases be heard by a mixed jury accordingly. Provision for mixed juries.

35 50. Mixed juries shall be composed half of ordinary jurors and half of Maori jurors if a sufficient number of Maori jurors shall be in attendance at the trial but if a sufficient number of Maori jurors shall not be in attendance the jury shall be completed from ordinary jurymen or from bystanders in cases where bystanders may lawfully be called and sworn to serve on juries or in the discretion of the Court. Composition of mixed juries.

40 51. In all cases which shall be appointed to be heard by a jury of Maoris or by a mixed jury and where a sufficient number of Maori jurors shall not be in attendance it shall not be compulsory on the Court or on the Judge thereof to make up the number from ordinary Power to adjourn the trial.

jurymen or from bystanders as hereinbefore provided but it shall be lawful for such Court or Judge at its or his discretion to adjourn the trial in order to obtain the attendance of Maori jurors.

Procedure in case of demand for Maori or mixed jury.

52. Upon receiving any notice as aforesaid of a demand for a Maori or mixed jury it shall be the duty of the Registrar or Clerk to issue a precept to the Sheriff of the district requiring him to summon a sufficient number of Maori jurors to serve on such Maori or mixed jury such number being not less than twice nor more than three times the number of Maori jurors required to form the jury. 5-

GENERAL PROVISIONS.

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Discharge of jury.

53. Where a jury shall have remained twelve or more hours in deliberation and shall not agree as to the verdict to be given the jurors of such jury may be discharged by the Court from giving any verdict and such proceedings may thereupon be taken anew as if no trial or inquiry had been commenced before the jury so discharged and if at the time of such discharge the Court shall think fit so to order another trial or inquiry may forthwith or at some other time during the same sittings be commenced and proceeded with as if such first-mentioned trial or inquiry had not been commenced. 15-

Payment of jurors.

54. Every 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 the sum of twenty shillings if a common jury ten shillings and every talesman who shall have been added to any panel to try civil issues or assess damages in pursuance of this Act and shall have served upon any jury shall be entitled to receive the same sum for such attendance as if he had been originally written on the said panel and no person who shall serve on any jury shall be allowed to take for so serving more than the sums aforesaid respectively except in the cases wherein a view or inspection is directed and shall be had by such juror and in the case of common juries the plaintiff or defendant as the case may be bringing on any issue in any civil action in the Supreme Court for trial and the plaintiff in every inquiry or assessment of damages in such Court shall before any such case shall be called on for trial or assessment of damages pay for compensation of jurymen to the Registrar Deputy Registrar or other proper officer of the Court the following sums that is to say where the trial or assessment is by a common jury of twelve men six pounds and where by a jury of four men two pounds and in the case of special juries the party procuring any issue or assessment to be tried by a special jury shall amongst other expenses occasioned by the trial of the cause by a special jury pay the sum of twelve pounds for compensation of such special jurors and the said sum of twelve pounds shall be paid to the Registrar or other proper officer at the time now customary according to the practice of the Supreme Court or at such other time as shall be fixed by any general rule or order. 20
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Liability of jurors.

55. If any man having been duly summoned to attend on any kind of jury in the Supreme Court or any Circuit Court or sitting thereof for trial of civil or criminal cases or in any District Court or in Court of Sessions of the Peace shall not attend in pursuance of such summons or being thrice called shall not answer to his name or if any such man or any talesman after being called shall be present but not appear or after his appearance shall wilfully withdraw himself from the presence of the Court the Court shall set such fine upon every such man or talesman so making default as the Court shall think meet and where any viewer or inspector having been duly summoned to attend on a 50
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jury shall make default as aforesaid the Court is hereby authorized and required to set upon such viewer or inspector a fine to the amount of ten pounds at the least and as much more as the Court under the circumstances of the particular case shall think proper.

5 56. Every Sheriff and other officer shall be and is hereby indemnified for impanelling and returning any man named in the jury book although he may not be qualified or liable to serve on juries and if any Sheriff or other officer shall wilfully impanel and return any man to serve on any jury such man's name not being inserted in the jury book for the current year or if there shall be no jury book in existence for the current year then in the jury book for the preceding year or if any Registrar Clerk or other officer or minister of any Court shall wilfully record the appearance of any man so summoned and returned who did not really appear in every such case the Court shall and may upon examination in a summary way set such fine upon such Sheriff Registrar Clerk or other officer or minister offending as the Court shall think meet.

Liability of Sheriff for summoning unqualified jurors.

10 57. No Sheriff bailiff or other officer or person whatsoever shall directly or indirectly take or receive any money or other reward or promise of money or other reward to excuse any man from serving or from being summoned to serve on juries or under any such colour or pretence and no bailiff or other officer appointed by any Sheriff or other person to summon juries shall summon any man to serve other than those whose names are specified in the summons signed by such Sheriff or officer and if any Sheriff bailiff or other officer shall wilfully transgress in any of the cases aforesaid or shall summons any juror less than two days before the day on which he is to attend except in the cases hereinbefore excepted the Supreme Court or District Court or Court of General Sessions of the Peace within whose jurisdiction the offence shall have been committed may and is hereby required on examination and proof of such offence in a summary way to set such a fine upon every person so offending as the Court shall think meet according to the nature of the offence.

Penalty for excusing jurors or summoning men not named in summons.

15 58. If any Jury Officer within the meaning of this Act shall refuse or neglect to issue and deliver his warrant as hereinbefore directed to one or more constables or officers of police or shall refuse or neglect to do any act matter or thing which by this Act he is required to do every such Jury Officer so offending shall for every such offence forfeit a sum not exceeding ten pounds nor less than forty shillings.

Penalty on jury officer for neglect.

20 59. If any person to whom any question may be put by any such constable or officer of police as aforesaid relating to the said lists or to the christian or surname place of abode title quality calling or business and the nature of the qualification of any man shall not truly answer such question or if any person having the custody of any rate or assessment for any city borough town municipality or other place within any jury district shall refuse to allow any such constable or officer of police as aforesaid upon due request to inspect any such rate or assessment and take from thence such names as aforesaid or shall refuse to allow any Justice of the Peace upon due request to inspect or make extracts from any such rate or assessment for the purposes hereinbefore mentioned every person offending in any of the foregoing cases shall for every such offence forfeit a sum not exceeding ten pounds nor less than five pounds.

Penalty on persons refusing inspection of rate books &c.

25 60. If any constable or officer of police within the meaning of this Act shall refuse or neglect (unless prevented by sickness) to assist in making out any list required by this Act so that the same shall not be made out at the time and in the manner hereinbefore directed or shall wilfully omit out of such list the name of any man whose name ought to be inserted therein or shall wilfully insert therein the name of any man who ought to be omitted or shall take any money or other

Penalty on constables for neglect.

reward for omitting or inserting any man whatsoever or shall wilfully insert therein a wrong description of the name place of abode title quality calling business or the nature of the qualification of any man or shall refuse or neglect in case the number of forms of return or notice delivered by the Jury Officer shall be insufficient to apply to him for a sufficient number so that the list may be made out at the time and in the manner hereinbefore directed or shall refuse or neglect to fix such notice as hereinbefore required upon or near the principal door of any Court House or other building or any church chapel or other public place of religious worship within the limits mentioned in the warrant of the Jury Officer on any of the Sundays on which the same ought to be so fixed or shall refuse to allow any inhabitant of the jury district to inspect or peruse such list or a true copy thereof gratis at any reasonable time during the three weeks hereinbefore mentioned or shall neglect to produce such list at such meeting of Justices as aforesaid or to answer upon oath such questions as aforesaid touching the same as shall there be put or to attend at such meeting of Justices or any such adjournment thereof as aforesaid every such constable or officer of police offending in any of the foregoing cases shall for every such offence forfeit a sum not exceeding ten pounds nor less than forty shillings and the Justice before whom such offender shall be convicted of any such offence of wrongful insertion or omission shall forthwith in writing under his hand certify the same to the Sheriff by whom the list in which such wrongful insertion or omission shall have occurred is by this Act required to be kept and such Sheriff shall correct the Special or Common Jury Book as the case may be according to such certificate.

Penalty on Sheriff for neglect.

61. If any Sheriff shall make or cause or suffer to be made any alteration whatsoever in any jury book except in consequence of the conviction of the constable or officer of police hereinbefore provided for or if any Sheriff shall neglect to provide or prepare any jury book in the manner and before the time hereinbefore prescribed or shall wilfully write or cause or suffer to be written in any jury book the name of any person not qualified or shall wilfully omit thereout the name of any person duly qualified as a special or common juror as the case may be or shall neglect to write or cause to be written the several numbers contained in any such jury book upon distinct pieces of parchment in the manner aforesaid before such jury book shall be brought into use or shall subtract or destroy or by any fault or neglect lose any of the said pieces of parchment or shall neglect or refuse upon discovery of such loss to supply the same within five days or if any Sheriff shall refuse or neglect to make or keep for inspection or to deliver as aforesaid a copy of the panel in the cases hereinbefore provided for or shall refuse or neglect within seven days after the next succeeding Sheriff shall have entered upon office to deliver over to him all the jury books and lists that shall have been made or prepared within four years then next preceding whether in the time of his sheriffalty or in that of any of his predecessors every such Sheriff offending in any of the said cases shall for every such offence forfeit the sum of twenty pounds.

Act to apply to officer appointed to act in place of Sheriff.

62. In any case where under this Act any act matter or thing would have to be done by the Sheriff and if the Sheriff shall be interested or if under like circumstances according to the practice of the Superior Courts in Westminster such act matter or thing would have to be done by any coroners elisors or other officers or persons specially appointed then and in such case the Supreme Court or any Judge thereof may appoint any officer or other person to perform such act matter or thing and where any jury precept or any award or order for returning a jury for the trial of any issues or the inquiry of any damages shall be directed to any other officer or person than the

Sheriff he shall have free access to the jury books and parchments aforesaid and shall execute and obey the said precept award or order in the same manner as the Sheriff is by this Act required to execute and obey the same and shall do and perform all such other acts and duties
 5 in reference thereto and be subject and liable to the same penalties forfeitures and proceedings as any Sheriff in the like case offending is subject and liable to by virtue of this Act.

Attaint abolished.

63. It shall not be lawful either for the Queen or any one on her behalf or for any party or parties in any case whatsoever to commence
 10 or prosecute any writ of attaint against any juror for the verdict by him given or against the party or parties who shall have judgment upon such verdict and no inquest shall be taken to inquire of the concealments of other inquests but all such attaints and inquests shall henceforth cease become void and be utterly abolished any law
 15 statute or usage to the contrary.

64. Notwithstanding anything hereinbefore contained every person who shall be guilty of the offence of embracery and every juror who shall wilfully or corruptly consent thereto shall and may be respectively
 20 proceeded against and be punished by fine and imprisonment in like manner as every such person and juror might have been before the passing of this Act.

Embracery punished.

65. No verdict shall be in any way affected by reason of any of the jury having been erroneously summoned from a greater distance or from a different district or otherwise than hereinbefore in that behalf
 25 provided nor by reason of any error omission or informality in or with respect to any such lists jury books precepts or panels as aforesaid.

Informalities and errors not to affect verdicts.

JURY LIST FOR DISTRICT COURTS ETC.

66. The Sheriff of every district shall cause to be delivered to the clerk of each District Court in his sheriff's district a list of persons
 30 qualified and liable under the provisions hereinbefore contained to serve as jurors under this Act before the twenty-first day of May in every year each list containing only the names of persons residing within the jurisdiction of such District Court for which list the said Sheriff shall be entitled to receive out of the Consolidated Fund a fee after the rate
 35 of four pence for every folio of seventy-two words and such list shall be the jury list within the meaning of the sixty-fourth section of "The District Courts Act 1858."

Jury lists for District Courts.

67. Notwithstanding anything to the contrary contained in "The District Courts Act 1858" no person shall be summoned to attend any
 40 District Court as a jurymen who does not reside within the district in which such Court has jurisdiction.

In District Courts none but those who live in district to be summoned.

68. Except as herein expressly provided nothing in this Act shall affect or alter any of the provisions of "The District Courts Act 1858"
 45 relating to juries and trials by jury in civil actions in any District Court.

District Court Act not to be affected.

COURT OF APPEAL.

69. In all cases where a jury is directed to be summoned under any of the provisions contained in "The Court of Appeal Act 1862" the Supreme Court shall direct from what jury district such jury shall
 50 be summoned.

When juries are to be summoned under Court of Appeal Act the Jury District to be specified.

70. Where by this Act it is provided that any time or times may be fixed or appointed or other matter may be regulated by a general rule or order such general rules or orders may be made
 by the Judges of the Supreme Court or any two or more of them.

General rules and orders.

THE FIRST SCHEDULE.

Date of Ordinance or Act.	Title of Ordinance or Act.	Extent of Repeal.
Session II. No. 3 ...	"The Jury Ordinance"	The whole.
Session III. No. 2 ...	"The Jury Amendment Ordinance"	The whole.
24 and 25 Vict. No. 9 1861	"An Act to amend the Jury Amendment Ordinance"	The whole.
26 Vict. No. 121 862 ...	"The Supreme Court Amendment Act 1862"	Sections 11 to 14 both inclusive
26 Vict. No. 331 862 ...	"An Act for amending the Law relating to Juries"	The whole.
27 Vict. No. 25 1863 ...	"An Act to amend the Law relating to Juries"	The whole.
29 Vict. No. 4 1865 ...	"An Act to amend 'The District Courts Act 1858'"	Section 7.
29 Vict. No. 391 865 ...	"An Act to provide for the formation of Jury Lists in Newly Settled Districts"	The whole.
30 Vict. No. 67 1866 ...	"An Act to amend 'The Volunteer Act 1865'"	Section 3.

THE SECOND SCHEDULE.

EXEMPTIONS.

MEMBERS of the Executive Council of New Zealand.

Members of both Houses of the General Assembly.

Members of the several Provincial Councils during the time that such Councils shall be in session.

Judges of the Supreme Court Judges of District Courts and Native Lands Courts and Resident Magistrates.

Clergymen in holy orders and all persons who shall preach or teach in any religious congregation and who shall not follow any secular occupation except that of a schoolmaster.

All schoolmasters and inspectors of schools.

All barristers-at-law and solicitors duly admitted and actually practising.

All physicians surgeons and medical practitioners legally qualified and actually practising.

All persons holding any salaried or paid office by appointment of the Governor.

All coroners gaolers police officers and constables all persons holding any office or employment in or under any department of the public service of the Colony.

All licensed pilots and masters of vessels actually employed in the service of the Government whether by the appointment of the Governor or by virtue of any contract with the Government.

All persons in Her Majesty's army and navy on full pay.

Every commissioned officer of the militia or of the volunteer force whether on actual service or not and every other member of any corps of volunteers while on actual service in the field and every militiaman when called out and on actual service and every volunteer holding a certificate of efficiency granted under and in accordance with the provisions of "The Volunteer Act 1865" and any rules or regulations made thereunder for the time being in force.

THE THIRD SCHEDULE.

Jury District }
of }

To Wit

To A.B. a constable and officer of police within the said district.

THESE are to command you in Her Majesty's name to make out before the first Sunday in March next a true list in writing in the form hereunto annexed containing the names of all men qualified as hereinafter mentioned and residing within the said jury district and when you shall have made out such list you are to sign the several notices hereunto annexed and on the two first Sundays of the said month of March you are to fix one of such notices upon or near the principal outer door of every Resident Magistrate's and Petty Sessions Court House and every church chapel or other public place of religious worship within the district aforesaid and you are to keep the said list or a true copy thereof to be inspected or perused by any of the inhabitants of the said district at any reasonable time during the first three weeks of the said month of March without any

fee or reward And I do further require you to appear personally at the meeting of Justices to be holden at _____ on the _____ day of _____ next at _____ o'clock in the forenoon then and there to produce the said list and to answer on oath all questions touching the same which may then and there be put to you.

Every man except as hereinafter excepted between the ages of twenty-one years and sixty years not being a Maori who shall be of good fame and character and who shall reside within the said district is liable to serve on juries.

You must omit from the said list all Executive Councillors of the Colony all Members of both Houses of the General Assembly of New Zealand all Judges of the Supreme Court and of the District Courts of the Colony and of Native Land Courts and Resident Magistrates all clergymen in holy orders all persons who shall preach and teach in any religious congregation and who shall not follow any secular occupation except that of schoolmaster all schoolmasters and inspectors of schools all barristers-at-law solicitors and attorneys duly admitted and actually practising all physicians surgeons and medical practitioners legally qualified and actually practising all persons holding any salaried or paid office by appointment of the Governor all coroners gaolers police officers and constables all licensed pilots and masters of vessels employed in the service of the Government whether by the appointment of the Governor or by virtue of any contract with the Government all persons in Her Majesty's army and navy in full pay every commissioned officer of the militia or of the volunteer force whether on actual service or not and every other member of any corps of volunteers in actual service in the field and every militiaman when called out and on actual service.

Given under my hand at _____ in the said district this _____ day of January 186 .

A. C. S. Jury Officer.

THE FOURTH SCHEDULE.

LIST OF MEN WITHIN THE JURY DISTRICT OF (_____) QUALIFIED AND LIABLE TO SERVE ON JURIES.

Christian Name and Surname at full length.	Residence in Towns and Names of Streets and numbers of Houses where numbered.	Description.
Adamson John	4 Molesworth-street	Shoemaker.
Bright Thomas	Karori	Farmer.
Clarke James	Wade's Town	Esquire.
Daly William	Lambton Quay	Merchant.
And so on		

THE FIFTH SCHEDULE.

JURY LIST.

NOTICE is hereby given that a list of men residing within the jury district of _____ and qualified and liable to serve on juries therein has been made out and may be inspected and perused at my place of abode hereunder described during the first three weeks of this present month.

All objections to the said list will be heard by the Justices of the Peace at a meeting of justices on the _____ day of _____ next at the hour of _____ o'clock in the forenoon at _____ where the said lists will then be produced by me in order that all errors and omissions therein may be corrected.

Dated this _____ day of _____ 186 .

A. B.

THE SIXTH SCHEDULE.

To the Justices of the Peace in the jury district of _____ You are hereby requested to attend a meeting of Justices to revise the jury list for the district of _____ at the [in the Resident Magistrate's office or Court House] at _____ on the _____ day of _____

Dated this _____ day of _____ 186 .

A. B. Jury Officer.

THE SEVENTH SCHEDULE.

FORM OF PRECEPT.

To the Sheriff of _____ PURSUANT to the Act in such case made and provided you are hereby commanded

that you cause to come before the [insert the style of the Court] to be holden at the Court House at on [here insert the day of the week] the day of now next [or instant] not less than good and lawful men of the jury district of aforesaid duly qualified according to law as common (or special as the case may be) jurors to make a jury of the country for all such matters as shall be then and there required of them in that behalf and that you have then and there this precept with a panel annexed thereto containing the names of those jurors as by law is required of you.

Given under my hand and the seal of the said Court this day of 186 .

A. B. Registrar or Clerk.

(If the precept be for a special jury the precept to be intituled in the cause prosecution or other matter.)

THE EIGHTH SCHEDULE.

FORM OF SUMMONS.

To Mr.

In obedience to a jury precept to me directed I do hereby require you to appear and serve as a juror [or special juror] at the [here insert the proper title of the Court] to be holden at on (Monday) the day of next [or instant] at ten o'clock in the forenoon of that day and you are to attend the said Court [during the whole of that day and so on from day to day until the end of the week but if at the end of that week any trial or inquiry for which you shall be a juror shall have been commenced and shall not have been concluded or if the Judge shall by word of mouth or otherwise direct you to attend for any further period than six days you must remain in attendance until such trial or inquiry is concluded or until the expiration of such further period] [or if a special juror] during the trial of this or until discharged in due course of law.

Given under my hand and seal of office this day of 186 .

M. N. Sheriff.

N.B.—The penalty for disobeying this summons is any sum not exceeding ten pounds. (The summons is to be intituled in the cause prosecution or other matter if the jury be a special jury.)

THE NINTH SCHEDULE.

You and each of you shall well and truly try and true deliverance make between our Sovereign Lady the Queen and all persons whom you or any of you shall have in charge and a true verdict give according to the evidence so help you God.

You and each of you shall well and truly try the issues and assess the damages in all causes that may be brought before you or any of you for trial or inquiry and a true verdict give according to the evidence so help you God.

(If the jury be a special jury the juror shall be sworn in the special cause prosecution or other matter in the form heretofore accustomed according to the practice of the Court.)

THE TENTH SCHEDULE.

I A. B. do solemnly and truly affirm and declare that the taking of any oath is according to my religious belief unlawful and I do solemnly and truly affirm and declare that I will well and truly try &c.