



BY AUTHORITY.

ANNO DECIMO OCTAVO VICTORIÆ REGINÆ.

CAP. XXIV.

An Act relating to Jurors.

Section.

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Section.

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Passed 12th April 1855.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. Every male inhabitant between the age of twenty one and sixty years, being a British subject, and possessed in the County where he resides of real or personal estate, or both together, of the value of one hundred pounds, shall be qualified to serve as a Grand or Petit Juror; the want of such qualification shall be a good cause of challenge, or he may be excused on his own oath.

2. Members of the Executive Council, of the Legislature, and their respective Clerks, Justices of the Supreme Court and of the Peace, the Treasurer and his Deputies, Registrars of Deeds, Officers of the Customs and Revenue, Naval Officers, Ministers of the Gospel, Physicians and Surgeons, Attorneys at Law and Officers of the Courts, Professors, Preceptors, Teachers of Schools or Colleges, and Firemen, shall be exempt from serving on Juries.

3. The Sheriff of every County not incorporated shall annually in the month of January enter in a book which he shall provide for that purpose, an alphabetical list of all persons qualified, with their additions and residence, and return the same to the Clerk of the Peace, to be kept among the Records of the County; in every incorporated County the Secretary Treasurer shall prepare such list, and file the same in his office; and in all cases it shall be compiled from the assessment lists.

4. When the Sheriff prepares the Jury list, he shall receive such remuneration therefor as the Sessions shall deem adequate, which shall be paid by the Treasurer out of the County funds.

5. No person shall be empanelled to try any issue joined in any Court of Record, whose name is not upon the said list.

6. The Sheriff shall, before the time appointed for holding any Court, duly summon from the body of the County twenty four Grand Jurors and twenty one Petit Jurors, all duly qua-

lified, which Summons (A) shall be served on the Juror, or left at his dwelling house with some person inhabiting therein, six days at least before the day of appearance.

7. The Clerk of the Circuits on receiving any Commission of Oyer and Terminer and General Gaol Delivery, shall immediately give Notice (B) to the Sheriff of the County where the Court is to be holden, of the time and place of holding such Court; or if the presiding Judge shall direct the summoning of a new Grand or Petit Jury for any adjourned Court, he shall in like manner give Notice (B) to the Sheriff.

8. Whenever the Sheriff is of kin to either party, or interested in the cause, a venire may be issued by either party to the Coroner, or if he be interested or of kin, to Elisors appointed by a Judge, and the Coroner or Elisors shall summon in the usual manner twenty one Jurors for the trial of such cause, who shall be summoned and sworn in the same manner, subject to the same liability and penalties in all respects as other Petit Jurors.

9. If a Grand Jury shall be discharged from some legal objection, the Court may order a new Grand Jury to be summoned in the manner prescribed for summoning Petit Jurors during the sitting of the Court.

10. Immediately after the Grand Jury are called they shall, under the direction of the Judge, retire to their room with the Sheriff or his Deputy, and elect their foreman, who shall be openly notified to the Court by the Sheriff or his Deputy, and sworn in accordingly; if the Jury divide equally upon the nomination, the Sheriff shall give the casting vote; if no election be made within one hour, the Court shall appoint a foreman.

11. The Petit Jury for the trial of all civil causes, inquisitions, and issues, and also informations on the Exchequer side of the Court, shall consist of seven persons, and for criminal cases, twelve.

12. The name of each Petit Juror, whenever summoned in any Court, shall be written on a separate piece of paper, and put into a box, and when a civil cause is to be tried, the Clerk or some indifferent person shall draw out seven of the papers; and if any do not appear, or are set aside, he shall draw until the seven are obtained, who being marked in the panel and sworn, shall try the cause, but their names shall be kept apart until they are discharged, when they shall be returned to the former box, and so on as often as necessary; if before they are discharged a cause is to be tried, the jury shall be drawn in the same manner from the residue.

13. In all cases, criminal or civil, where there is a default of Jurors, the Justice may command the Officer to name other qualified persons of the County present, to complete the number, whose names shall be added to the former panel.

14. In every trial of any issue or inquisition, other than in a Special Jury cause, unless peremptory challenge be allowed, either party may challenge three of the Jurors as they come to the book, which shall be admitted by the Court or Officer presiding; but this shall not affect any other right of challenge the party has, or if such party consists of several persons, give a right to challenge more than three.

15. Every Jury in a civil cause may retire to some comfortable place, under the direction of the Court, to consider their verdict, and if they cannot agree within two hours, any five of their number may return a verdict; but in all criminal cases the Jury shall be unanimous. If the Judge deem it necessary, upon the Jury disagreeing, he may discharge them, and pro-