

Juries Act Amendment Act 1876

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Contents

	Page
Title	1
1 Short Title.	1
2 Railway officials and workmen exempt from service on juries.	1
3 Certificate of employment to be produced.	2
4 Penalty for giving or making use of false certificate.	2
5 Repeal of 44th section of “The Juries Act, 1868.” Aliens not to be entitled to a jury <i>de medietate linguæ</i> .	2
6 Jurors to be allowed fire and refreshment.	2
7 “Juries Act, 1871,” repealed. Verdict of three-fourths to be taken as verdict.	2

An Act to amend “The Juries Act, 1868.”

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

1 Short Title.

The Short Title of this Act shall be “The Juries Act Amendment Act, 1876.”

2 Railway officials and workmen exempt from service on juries.

From and after the passing of this Act, all officers in charge of stations, guards, engine-drivers, firemen, signal-men, and platform porters employed on or about any public railway, shall, during the period they are so employed, be exempted from serving upon any juries whatsoever, and shall not be summoned.

The term “public railway” means and includes all railways used for the conveyance of passengers in or upon carriages drawn or impelled by steam.

3 Certificate of employment to be produced.

If any person during the period he is so employed shall nevertheless be summoned to serve as a juror, the Judge or other person before whom he is summoned shall excuse and discharge such person from attendance in obedience to the terms of the summons, upon his producing or forwarding a certificate under the hand of the general manager appointed under “The Railway Regulation and Inspection Act, 1873,” for any such public railway, stating that he is exempt by reason of his being employed as aforesaid.

4 Penalty for giving or making use of false certificate.

If any person authorized by the last section to grant a certificate of exemption shall knowingly give one containing any false statement of fact, such person shall forfeit and pay a penalty not exceeding twenty pounds or less than five pounds; and if any person shall claim exemption from serving as a juror by means of a certificate which he shall know to be false or to contain any false statement of fact, such person shall forfeit and pay a penalty not exceeding fifty pounds and not less than ten pounds.

5 Repeal of 44th section of “The Juries Act, 1868.” Aliens not to be entitled to a jury *de medietate linguæ*.

The forty-fourth section of “The Juries Act, 1868,” is hereby repealed, and it is hereby enacted that from and after the passing of this Act an alien shall not be entitled to be tried by a jury *de medietate linguæ*, but shall be triable in the same manner as if he were a natural-born subject.

6 Jurors to be allowed fire and refreshment.

Jurors after having been sworn may, in the discretion of the Judge, be allowed at any time before giving their verdict the use of a fire when out of Court, and be allowed reasonable refreshment, to be provided by the Sheriff at the public expense.

7 “Juries Act, 1871,” repealed. Verdict of three-fourths to be taken as verdict.

“The Juries Act, 1871,” is hereby repealed, and it is enacted that the verdict of not less than three-fourths of any jury empanelled to try any issues, or to inquire of or assess damages in any civil cause, shall be taken and accepted as, and shall have all the consequences of, a verdict of any such jury under the existing law relating to juries.

Proviso.

Provided that no verdict not arrived at unanimously shall be taken till the jury have retired for a period of at least three hours, and at least three-fourths have

intimated to the Judge presiding at the trial that the jury have considered their verdict, and that there is no probability of their being unanimous.