

*Amended
No 2 of 1941*

CHAPTER 4. No. 2.

JURY.

Ordinances
Cap. 17-1925.
No. 32-1935.
,, 20-1936.
s. 25.
,, 14-1939,
s. 5.

AN ORDINANCE RELATING TO JURORS AND JURIES.

Commencement.

[2nd August, 1922.]

Short title.

1. This Ordinance may be cited as the Jury Ordinance.

Interpreta-
tion.

2. In this Ordinance—

“income” includes any profits, allowances, emoluments, or advantages capable of being estimated in money;

“Jury Sessions” includes—

(a) any Criminal Sessions; and

(b) any other Jury Sessions appointed by the Supreme Court by general order or otherwise;

“Reviser” means the Magistrate appointed under this Ordinance to revise any jury list;

“trial” includes any of the following trials or enquiries when made by or with a jury, that is to say,—

(a) any inquest of office;

(b) the trial of any issue of fact;

(c) a trial or enquiry for the assessment of damages in any action;

(d) an enquiry under the provisions of any Ordinance as to compensation or damages in respect of any lands taken, used, or injuriously affected.

Liability to
serve.

3. Every male person qualified by law and not disqualified or excepted as in this Ordinance is mentioned shall be placed on the list of jurors and shall be liable to serve as a juror.

4. The qualifications of a juror shall be as follow, that is to say,—

Qualifications.
Ord. 32-1935,
s. 2.

(a) he shall be over the age of twenty-one years;

(b) he shall be under the age of sixty years;

(c) his ordinary residence shall be in the Colony;

(d) he shall be born in allegiance to His Majesty, or, not being so born, he shall have resided in the Colony for two years or more;

(e) he shall be able to read and write the English language and understand the same when spoken;

(f) he shall have at least one of the following property qualifications, that is to say:—

(i) he shall be possessed of freehold or leasehold interest in land of the clear annual value of three hundred dollars; or

(ii) he shall be in the occupation of a house which is rated or assessed to some general or local tax on an annual value of not less than two hundred and forty dollars; or

(iii) he shall be in receipt for his own use of a net annual income of not less than seven hundred and twenty dollars.

5. The disqualifications shall be as follow, that is to say,—

Disqualifica-
tions.

(a) having been convicted of any felony or of any misdemeanor involving dishonesty in respect of which misdemeanor such person has been duly sentenced to imprisonment; or

(b) being of unsound mind, or imbecile, or deaf, or blind, or being afflicted with any other permanent infirmity of body or mind; or

(c) being a bankrupt, or having entered into a deed of arrangement with his creditors.

Ord. 32-1935,
s. 3.

6. The name of a person disqualified as in the last preceding section provided shall not be inserted in any list under section 9, and it shall be the duty of the Reviser to exclude from such list the name of any person so disqualified and also the name of any person who, to his knowledge, is of the age of sixty years and

Revision of
list.

over; and any Judge of the Supreme Court may at any time, on being satisfied that any person has attained the age of sixty years and over, order the name of such person to be removed from the list for the time being and not to be inserted in any subsequent list, and the name of any person so ordered to be removed shall be erased by the Marshal from the Jurors Book for the year and not inserted in any Jurors Book for any subsequent year.

Exceptions.

7. The exceptions shall be as follow, that is to say,—

Members of the Executive or Legislative Councils;

The Judges of the Supreme Court;

Magistrates and their clerks;

Justices of the Peace;

Ministers of Religion;

Mayors and Deputy Mayors;

Consuls and Vice-Consuls;

Members of the Medical Board in actual practice;

Licensed Druggists in actual practice as such;

Persons (other than licensed shop-keepers) registered under the Medical Board Ordinance;

Barristers and solicitors in actual practice and their clerks;

Officers of courts of justice;

Schoolmasters;

Jailors and persons employed as deputies under them;

Officers of His Majesty's Army, Navy and Air Force on service;

Officers of Police, whether commissioned or non-commissioned, and constables;

Officers and servants of the Post Office, Customs and Excise, or Railway departments;

Holders of such offices under the Crown as the Governor may from time to time, by writing under the hand of the Colonial Secretary, require to be excepted. The Colonial Secretary shall keep a register of offices so excepted.

Qualifications
for special
juror.

8. Any person otherwise qualified and liable as aforesaid shall be qualified and liable to serve as a special juror provided

he has at least one of the following property qualifications, that is to say,— Ord. 32-1935,
s. 5.

(a) he is possessed of freehold or leasehold interest in land of the clear annual value of six hundred dollars; or

(b) he is in the occupation of a house which is rated or assessed to some general or local tax on an annual value of not less than four hundred and eighty dollars; or

(c) he is in receipt for his own use of a net annual income of not less than two thousand four hundred dollars.

9. (1) In the year 1936 and in every alternate year thereafter, lists of the names of all persons qualified to serve as jurors shall be made out and returned as follows, that is to say,— Who shall
make list of
jurors.
Ord. 32-1935,
s. 5.

(a) of such persons residing in any Ward, by the Warden; and

(b) of such persons not residing in any Ward, by the Clerk of the Peace for the magisterial district in which they reside.

(2) Every person required to make out any such list is hereby authorised and required— Duties of
person
making list.

(a) to make diligent enquiry as to persons in the Ward or District to which his list applies who are duly qualified and in particular by all lawful ways and means in his power to ascertain whether such persons can read and write the English language and understand the same when spoken;

(b) to inspect and make copies of or extracts from the House Rate Book of any City or Borough and the assessment rolls of any Ward; and the Town Clerk of every City or Borough and the Wardens shall give facilities accordingly;

(c) to demand and receive from the Commissioner of Income Tax the names of persons who according to the income tax returns are qualified to serve as jurors; and the Commissioner shall furnish merely the names and addresses and shall not in any manner disclose the income of such persons;

(d) to serve on any employer, a notice setting out clearly the necessary qualifications for a juror and requiring

Schedule,
Form D.

such employer to make a return on the form "D" set out in the Schedule of all persons in his employment who are qualified to serve as jurors; and any employer who fails to make such return within the time specified in such notice or wilfully makes an incorrect or incomplete return shall be liable, on summary conviction, to a fine of forty-eight dollars;

(e) to enquire of, or consult with, the Official Receiver in bankruptcy and the Registrar of the Supreme Court, who are required to give the necessary assistance, regarding the qualification or disqualification of any of the persons whom it is intended to enter in such list.

Form of list.

(3) Such list shall show, in respect of each such person, his name or names, his place of abode, his business or occupation (if any), and the nature of his qualification. If he is qualified to serve as a special juror, the letters S. J. shall be set opposite his name in a separate column. So far as is practicable, the list shall show the names in full arranged according to the alphabetical order of the surnames, and shall be according to the form "A" in the Schedule hereto.

Form A.

Revision of
list.

(4) Each such list shall be revised by a Magistrate appointed by the Governor to revise the same.

Duties of
Reviser.

(5) The person making out any such list shall cause the same to be printed in alphabetical order and shall sign the same and send it on or before the 15th of December in the year in which it has been prepared to the Reviser, who shall cause copies, with a notice mentioning the place and time at which objections to the list will be heard, to be affixed in such places as he may direct with the view of giving publicity to the same, and shall cause such list to be published in the *Royal Gazette* during the month of January of the following year.

Procedure on
revision of
lists.

Ord. 32-1935,

s. 5.

" 20-1936,

s. 25.

10. (1) The Reviser shall sit in open Court during the month of February on the day and time appointed and notified and on any day to which the Court is adjourned and hear objections to the lists, and revise and settle the same, and any person may appear before him and claim to have his name struck out from or inserted in the list, and such claimant and his witnesses may be examined on oath, and the Reviser shall hear and determine every such claim and correct the list accordingly. The Reviser shall have the powers given to

Magistrates by the Summary Courts Ordinance for enforcing the attendance of witnesses.

(2) The person who made out the list shall attend such Court and any adjournment thereof as directed by the Reviser, and shall answer on oath such questions touching the said list as may be put to him by the Reviser, and if it appears to the Reviser, on such or any other evidence or upon his own knowledge, that the name of any person is improperly inserted in the list, or that there is any error or omission in any of the particulars required by this Ordinance, he shall amend the list accordingly.

Correction of errors.

(3) Every such list, when duly corrected, if correction is necessary, shall be signed by the Reviser, who shall cause the same to be delivered to the Marshal on or before the 15th of March, and the Marshal shall cause the names of the jurors mentioned in the lists delivered to him with their respective places of abode, business or occupation and the nature of their qualifications to be fairly copied in a book to be entitled the "Jurors Book." Every Jurors Book so prepared shall be brought into use on the 1st of July next after it is prepared and shall be used for the two years next following, and thereafter until another Jurors Book is prepared according to this Ordinance.

Making up Jurors Book.

11. When it has been ordered by the Supreme Court that any cause or matter pending in the civil jurisdiction of the Court shall be tried by a jury, such trial shall be deemed a trial at the Jury Sessions; and when, by any Ordinance, it is enacted that any issue, other than an issue in an action or other proceeding in the Supreme Court, shall be tried by a jury, the trial of such issue shall be deemed to be a trial at a Jury Sessions and the provisions of this Ordinance shall apply thereto.

Trials by jury on order of Court.

12. (1) For the trial of all causes at the several Jury Sessions of the Supreme Court, one precept for the return of jurors according to the form B in the Schedule hereto shall be sued out by the Registrar of the Supreme Court to the Marshal so as to leave an interval before the first day of each Session—

Precept for return of jurors.
Form B.

(a) in the case of Criminal Sessions, of fifteen days at least; and

(b) in all other cases, of six days at least.

Number to be summoned.

(2) In the case of Criminal Sessions, the precept to the Marshal shall, in Port-of-Spain, be for not less than seventy-two jurors, in San Fernando for not less than thirty jurors, and in Tobago for not less than twenty jurors.

Return of precept.

13. Every precept for the return of jurors shall be returned by the Marshal, in the case of Criminal Sessions four days at the least, and in all other cases two days at the least, before the first day of the Sessions, and the Marshal shall annex to every such precept (except in cases where a special jury is struck) a panel containing the names alphabetically arranged together with the places of abode, business or occupation, and nature of qualification of a competent number of jurors named in the Jurors Book.

Jury summons.
Form C.

14. The summons of every juror to serve shall be according to the form C in the Schedule to this Ordinance, and shall be served personally on such juror or left for him at his usual place of abode or business with some person there inhabiting or employed, and three days at the least before the first day of the Sessions at which he is required to attend. Within the following limits, that is to say, the City of Port-of-Spain and one mile outside the boundary thereof, and the Borough of San Fernando and one mile outside the boundary thereof, such summons shall be served by the Marshal or his assistants. Except within the limits aforesaid, the Magistrates and the Wardens shall, on a praecipe from the Marshal for that purpose, cause such summons to be served on so many of the persons liable to serve as jurors, and resident within their respective districts or Wards, as the Marshal may, by such praecipe, direct, and shall return such praecipe, with a list of the christian and surnames, places of abode, business or occupation, and the nature of the qualification of the persons so summoned, to the Marshal with the time and place and mode of service.

Limitation of liability to serve.

Ord. 32-1935,
s. 6.

15. (1) No one residing in any of the following Counties, that is to say, Victoria, St. Patrick, Nariva and Mayaro, shall be summoned to serve on a common jury in Port-of-Spain, and no one except persons residing in the Counties aforesaid shall be summoned to serve on a common jury in San Fernando: Provided that such exemption shall not apply to any trial by a special jury.

(2) No one except persons residing in Tobago shall be summoned to serve on a jury in Tobago, nor shall any person residing in Tobago be summoned to serve on a jury elsewhere in the Colony.

(3) In making panels of jurors, the Marshal shall not place any juror on the panel a second time, until all the jurors have been placed once on the panel, and the Marshal shall make up the panels so that all jurors shall be summoned equally.

(4) It shall be lawful for a Judge to exempt or discharge any juror or jurors from service during the whole or any part of a Criminal Sessions provided there remains available in each Court a panel of not less than 30 jurors in respect of Sessions in Port-of-Spain and San Fernando, and of not less than 20 jurors in respect of Sessions in Tobago, and a Judge may exempt from further service for a period not exceeding four years jurors who at any sessions have been engaged in a prolonged or difficult trial.

16. (1) On trials on indictment for murder and treason, twelve jurors shall form the array, and subject to the provisions of subsection (3) hereof the trial shall proceed before such jurors, and the unanimous verdict of such jurors shall be necessary for the conviction or acquittal of any person so indicted.

Array of jurors—In cases of murder and treason.
Ord. 32-1935,
s. 6.

(2) The array of jurors for the trial of any case, civil or criminal, except on indictment for murder or treason, shall be of nine jurors and no more.

In other cases.

(3) Where in the course of a criminal trial any member of the jury dies or is discharged by the Court through illness or other sufficient cause, the jury shall nevertheless, so long as the number of its members is not reduced by more than one, be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a verdict may be given accordingly. Where one juror has died or has been discharged as aforesaid the verdict of eleven jurors in a trial for murder or treason, or of eight jurors in a trial for any other offence, shall be deemed to be an unanimous verdict of the jury.

Continuance of trial where one juror dies or becomes incapable.

17. (1) At the opening of any Jury Sessions, the Registrar shall cause to be written a list in alphabetical order of the

Preparation of panel.
Ord. 32-1935,
s. 6.

names of the jurors appearing on the panel and shall prefix to each name in such list a number commencing from the first name and continuing them in regular arithmetical series down to the last name: Provided that it shall be lawful for the Registrar, subject to the direction of the Chief Justice or of a Judge, to divide the panel of jurors returned by the Marshal for Port-of-Spain Criminal Sessions into two equal parts and make a separate list for each of the two Courts which shall be sitting; such division of the panel shall be made before the sitting of the Court and shall be carried out by the Registrar drawing, in the presence of a Judge, from a box containing the names of all the jurors appearing on the panel, one by one half of the names in the said box, and such half so drawn shall constitute the panel for the First Court and the remaining names shall constitute the panel for the Second Court: Provided also that at any time during the Port-of-Spain Criminal Sessions one or more of the jurors on the panel in one Court may by order of the Chief Justice or of the Judge of the Court be transferred to serve in the other Court and his name shall be placed on the panel of the other Court.

(2) When such list or lists of the jurors names duly numbered shall be completed, the Registrar shall place in a box for every name included in the panel a counter inscribed on one side only with a number corresponding to the number prefixed to the name in the list; the counters shall consist of disks being all as nearly as may be of uniform size, thickness and colour.

Selection of
jury.
Ord. 32-1935,
s. 6.

18. (1) When any cause is called on for trial the Registrar or a deputy Marshal shall place before the presiding Judge the list of the panel, retaining a copy for himself and having thoroughly intermixed the counters placed in the box in manner provided by the preceding section, shall in open Court proceed to draw, one by one, out of the box a number of counters equal to the number required for the jury in the cause and, as each counter is drawn, hand it to the presiding Judge who shall after referring to the list write down the number inscribed on the counter and, opposite to the number, the name in the list to which that number is prefixed and the Registrar or deputy Marshal shall call out the name, and if any of the persons whose names are so drawn and called do not appear, or are challenged or set aside, then any further number and name

until there be drawn the number required for the jury in the cause of persons who appear and, after all just causes of challenge allowed, remain as indifferent, and the said number of persons so first drawn and appearing and approved as indifferent, they being sworn, shall be the jury to try the cause, their names and numbers being copied down from the panel by the Registrar or deputy Marshal.

(2) The counters corresponding with the names of the persons so drawn and sworn shall be kept apart by themselves until such jury is discharged and then the same counters shall be returned to the box, there to be kept with the other counters remaining at that time undrawn and so *toties quoties* as long as any cause remains to be tried: Provided that if any cause is brought on before the jury in any other cause have given in their verdict or have been discharged the Court may order the required number of the residue of the said counters remaining in the box (excluding those relating to the jury in such other cause) to be drawn in manner aforesaid for the trial of the cause so brought on: Provided that where no objection is made on behalf of the Crown or any other party, the Court may try any cause with the same jury that previously tried or was drawn for the trial of any other cause without their counters being returned to the box and redrawn, or may order the counters of any persons on such jury whom both parties consent to withdraw or who may be justly challenged or excused by the Court to be set aside and other counters to be drawn from the box, and may try the issue with the residue of the original jury together with the persons whose counters are so drawn and who appear and are approved as indifferent, and so *toties quoties* as long as any cause remains to be tried.

19. No challenge to the array shall be allowed; but, in trials on indictment, every person arraigned, whether for treason, felony, or indictable misdemeanor, shall be allowed to challenge three of the jurors by way of peremptory challenge and without being subject to assign any reason therefor; but every peremptory challenge beyond that number shall be entirely void. And in like manner the Attorney General or Solicitor General or any counsel appearing for the Attorney General may, without cause assigned, challenge three jurymen if one person is arraigned, and six if two are arraigned together, and so forth, being three without cause assigned for every person

Challenges.

arraigned, and every further such peremptory challenge shall be void. The challenge to the polls for cause shall be allowed without stint either on the part of the prosecution or defence, and any matter which, according to the law of England, would be good cause of challenge to the polls shall be a good cause, and if any such cause of challenge is alleged, the Judge shall forthwith enquire as to the truth or validity thereof and allow or overrule the same as he may deem just.

Oath of jurors.

20. Before proceeding to any trial, each juror shall, in open Court, take the oath in the manner appointed by the law of England to be taken by jurors in the like case: Provided that the affirmation of any such juror shall be received in lieu of his oath in any case in which, by the law of England, such affirmation would be received in lieu of an oath.

Election of foreman.

21. When the jurors have been duly sworn, the Registrar or his deputy shall request them to elect one of their number to be their foreman, and they shall thereupon proceed to do so. If the majority of the jury do not, within such time as the Judge may think reasonable, agree in the appointment of a foreman, he shall be appointed by the Judge.

Custody and discharge of the jury: their verdict.

Ord. 32-1935,
s. 7.
,, 14-1939,
s. 5.

22. (1) When the jury have been once sworn to try any cause, the jurors shall not be discharged, except in cases of evident necessity, nor allowed to separate or hold communication with other persons, until they have given in their verdict: Provided that upon the trial of any person for any offence the Judge may, if he thinks fit, at any time before the jury consider their verdict, permit the jury to separate and go at large.

(2) The verdict of the jury, whether on consultation in the jury-box or after the jury have retired and been enclosed, shall be returned by the mouth of the foreman of the jury in the presence of the other jurors: Provided that when any such jury are not immediately prepared to return their verdict, the Court may direct them to retire and be enclosed.

(3) Whenever the jury have not been allowed to separate or are enclosed, it shall be lawful for the Judge, for sufficient cause shown to his satisfaction, to allow one or more of the jurors to separate from the other jurors, but not so as to hold

communication with other persons and provided that the jurors allowed to separate shall remain in the charge of the Marshal or his deputy.

23. Any jury when not allowed to separate either during any adjournment of the trial or after being charged shall be permitted to receive a reasonable amount of meat and drink subject to the approval of the Judge, and when directed by the Judge the same may be provided by the Marshal at the cost of the Colony.

Refreshments
to jury.
Ord. 32-1935,
s. 7.

24. (1) Except in trials for murder or treason, when a jury have been charged and have retired, if at the end of three hours after such retirement the foreman of the jury states to the Judge that seven of the jury are agreed upon a verdict, the verdict of such seven may, at the discretion of the Judge, be received and entered, and if seven are not so agreed, or if the Judge does not think fit to accept the verdict of seven, then the jury may be further directed to retire: Provided that when the array comprises only eight jurors as contemplated by subsection (3) of section 16, the verdict of six jurors may, at the discretion of the Judge, be received and entered.

Verdict of
seven
jurymen.
Ord. 32-1935,
ss. 6
and 7.

(2) In a trial for murder if at the end of three hours after retirement the foreman of the jury states to the Judge that nine of the jury are agreed upon a verdict of manslaughter the verdict of such nine may, at the discretion of the Judge, be received and entered, and if the Judge does not think fit to accept the verdict, the jury may be further directed to retire.

Verdict of six
jurymen.

Verdict of
manslaughter
on charge of
murder.

(3) It shall be lawful for the Judge, on being satisfied that there is no reasonable probability that the jury will arrive at a verdict, to discharge the jury at any time after the expiration of three hours from the moment of their first retirement.

Discharge of
jury after
3 hours'
retirement.

(4) In cases of evident necessity, such as when a juror is taken ill during any trial, or a prisoner is by illness rendered incapable of remaining at the bar, or for other cause deemed sufficient by the Judge, the Judge may, at any time after the jury have been sworn, discharge the jury.

Discharge of
jury during
trial.

(5) In any case in this section mentioned wherein a jury have been discharged the Judge may adjourn the case for trial

Subsequent
trial.

at the same sessions or at a future sessions, or in the case of a civil trial to such special day as the Judge may deem fit, and at the subsequent trial the case shall be tried before another array of jurors and the Judge may in his discretion excuse from such array any juror who took part in the previous trial.

Verdict of
five jurymen.

25. In any trial other than a trial on indictment, it shall be lawful for the Judge, by the consent of parties, to accept a verdict of any five of the jury at any time after the jury has been charged.

Special juries.

26. It shall be lawful for the Supreme Court, upon motion made on behalf of the King, or upon the motion of any prosecutor, relator, plaintiff, defendant, or other party, in any case whatsoever triable by or with a jury, whether civil or criminal or on any penal statute (except indictments for treason or felony punishable with death) depending in the said Court, to order a special jury to be struck before the Marshal, and every jury so struck shall be the jury returned for the trial.

Special juries.

27. In all cases special juries shall consist of nine jurymen to be selected and struck as herein provided, and the verdict may be taken as in the case of a common jury.

Special
Jurors Lists.
Ord. 32-1935,
s. 8.

28. The Marshal shall, within ten days after the making up of the Jurors Book in each alternate year, take from it the names of all persons qualified to serve as special jurors, and shall cause the names of all such persons to be fairly copied out in alphabetical order, together with their respective places of abode, business or occupation, and qualifications, in a separate list to be subjoined to the Jurors Book and called the "Special Jurors List," and shall affix to every name in such list its proper number, commencing from the first name and continuing them in a regular arithmetical series down to the last name.

Preparing
panel for
special jury.
Ord. 32-1935,
s. 8.

29. Whenever the Supreme Court orders a special jury to be struck the Marshal shall appoint a time and place for the nomination of such special jury, and a copy of the order of the Court and of the appointment by the Marshal shall be served by the party obtaining such order on the opposite parties;

and the Marshal, at the time and place appointed, if any of the parties attend by themselves or their solicitors, shall, in the presence of the parties so attending place in a box for every name included in the Special Jurors List, a counter inscribed on one side only with a number corresponding to the number prefixed to the name in such list, the counters consisting of disks, being all as nearly as may be of uniform size, thickness and colour, and having thoroughly inter-mixed the counters in the box shall draw out of the box, one after another, so many counters as amount to quadruple the number required for the jury in the cause, and shall as each counter is drawn refer to its corresponding number in the Special Jurors List and read aloud the name designated by such last mentioned number; and if, at the time of so reading any name, any party or his solicitor objects that the person whose name is read is incapacitated from serving on the said jury, and then and there proves his objection to the satisfaction of the Marshal, such name shall be set aside, and the Marshal shall, instead thereof, draw out of the box another counter and shall in like manner refer to its corresponding number in the said list, and read aloud the name designated thereby, which name may be in like manner set aside, and other counters and names shall in every such case be resorted to, according to the mode of proceeding hereinbefore prescribed, for the purpose of supplying names in the places of those set aside, until the required quadruple number of names not liable to be set aside is completed; and if in any case it happens that the full number cannot be obtained from the Special Jurors List, the Marshal shall fairly and indifferently take from the Jurors Book such a number of other names of jurors as make up the full quadruple number required, all of which names shall in such case be equally deemed to be those of special jurors; and thereupon the parties or their solicitors in the presence of the Marshal, or the Marshal in lieu of any party failing to attend, shall, in turn, beginning with the plaintiff, strike off one of the said quadruple number until the number of jurymen is reduced to double the number required for the trial; if none of the parties attend, the Marshal shall take the first such double number obtained by drawing as aforesaid. The double number of jurors obtained by either of the processes aforesaid and no others shall be summoned to attend on the day of the trial, and the jury for the trial shall consist of such as first appear on their counters being drawn from the box and their names being called over in

Quadruple the number required for the jury to be drawn in first instance.

Then double the number to be drawn.

Drawing of the jury for the trial.

Court up to the number required for the jury: Provided as follows:—

No challenge allowed.

(a) no challenge shall be allowed in a criminal or any other case;

Special jury may be nominated by consent.

(b) the parties in any cause, or their solicitors, may consent to have a special jury nominated; and upon consent to that effect, signed by each party or his solicitor, being communicated to the Marshal, he is hereby authorised and required to nominate a special jury for the trial of every such cause;

Jury may try several causes.

(c) the same special jury, however nominated, may try any number of causes so as the parties in every such cause or their solicitors have signified their assent in writing to the nomination of such special jury for the trial of their respective causes;

Exemption.

(d) it shall be lawful for the Court, if it so thinks fit, upon the application of any person who has served upon one or more special juries at any sessions, to discharge such person from serving upon any other special jury during the same sessions.

Costs of special jury.

30. The party who applies for a special jury shall, in the first instance, pay the fees for striking such jury and all expenses occasioned by the trial of the cause by the same, but such fees and expenses shall ultimately be borne and paid as the Court directs.

Payment of common jurors.

31. All jurors not summoned on a special jury residing more than three miles from the place to which they are summoned, and who do not ordinarily carry on business in such place, shall be entitled to be paid, in respect of their travelling to and from and attendance and subsistence at the place to which they are summoned, such sum as the Governor may, by regulations published in the *Royal Gazette*, prescribe, and such regulations may prescribe the payment of or provision of a free pass for any railway fare or steamboat fare going and returning.

Allowance to special jurors.

32. No juror who serves upon any special jury shall be allowed or shall take for serving on any such jury more than such sum of money as the Judge who tries the cause thinks just.

33. Where a full jury does not appear or where, after appearance of a full jury, by challenge of one of the parties or otherwise, there is likely to be a default of jurors, the Court, upon request made for the King by any one thereto authorised or assigned by the Court, or on request made by any of the parties or their respective solicitors, in any trial, whether public or private, shall command the Marshal to name and appoint, as often as need requires, so many of such other able men then present as will make up a full jury; and the Marshal shall, at such command of the Court, return such men duly qualified as are present or can be found to serve on such jury, and shall add and annex their names to the former panel: Provided that where a special jury is struck for the trial of any issue, the talesmen shall be such as may be empanelled upon the common jury panel to serve at the same Court, if a sufficient number of such men can be found; and the King, by any one so authorised or assigned as aforesaid, and all and every the parties aforesaid shall in any of the cases aforesaid have their respective challenges to the jurors so added and annexed; and the Court shall proceed to the trial of every such issue with those jurors who were before empanelled, together with the talesmen so newly added and annexed, as if all the said jurors had been returned upon the precept awarded to try the cause.

Default of jurors.

34. If any person having been duly summoned to attend on any jury does not attend in pursuance of such summons, or being thrice called does not answer to his name, or if any such person or any talesman, after having been called, is present and does not appear, or after his appearance wilfully withdraws himself from the presence of the Court, the Court shall set such fine upon every such person or talesman so making default not exceeding forty-eight dollars (unless some reasonable excuse is proved by oath or affidavit) as the Court thinks fit. And the Court may order such person or talesman to be imprisoned without hard labour for thirty days in default of payment of such fine: Provided that whenever any fine is imposed upon any person for non-attendance as a juror or for not answering to his name when called, the order of the Court shall not be enforced until after the expiration of fourteen days, and, in the meantime, the Registrar shall forthwith by letter inform the said person of the imposition of the fine, and require him within ten days after the date of such letter, to

Jurors failing to attend or not answering or withdrawing.
Ord. 32-1935,
s. 9.

forward to him an affidavit of the cause, if any, of his non-attendance; and the Registrar shall, upon the receipt of any such affidavit, submit the same to the said Court, or the Judge who presided at the time when the fine was imposed, and the Court or Judge may remit the fine or any part thereof.

Indemnity to
Marshal.

35. (1) The Marshal is hereby indemnified for empanelling and returning any person named in the Jurors Book, although he may not be qualified or liable to serve on juries; and if the Marshal wilfully empanels and returns any person to serve on any jury, such person's name not being inserted in the Jurors Book for the current year, or if such Book has not been made up, then in the Jurors Book last made up, in every such case the Court may, upon examination in a summary way, set such fine not exceeding two hundred and forty dollars upon the Marshal as to the Court seems meet.

Penalty for
wrongfully
returning
juror.

Judgment
not to be
reversed
through
defect in jury
list or panel.
Ord. 32-1935,
s. 10.

(2) No judgment after verdict shall be stayed or reversed by reason of the neglect or default of any officer to do or perform any of the acts or requirements by this Ordinance required in relation to the preparation of the jury lists, or in the making of the jury panels.

Disagreement
in civil cases.

36. In case of any disagreement of a jury in a civil case, and no verdict being come to or taken in accordance with the provisions of this Ordinance, notwithstanding any law or practice heretofore obtaining, the next trial of such case shall be held before a Judge without a jury.

Power to
enlarge time.

37. (1) Where, by this Ordinance, any time is limited for the doing of any act or the giving or publishing any notice, list, or other document, or for taking any proceeding, or any time is limited during which any notice, list, book, or other document is to continue in force, such time, either before or after the expiration thereof, may be enlarged by the Supreme Court on the application of the Attorney General or Solicitor General or any person concerned.

(2) An application under this section may be made by motion or in such other way as any rules of court made under the provisions of the Judicature Ordinance may direct, and the Court may make such order with respect to the costs of any such application as it deems just.

(3) Where, in the opinion of the Court, an application under this section is rendered necessary by the wrongful act, default, or omission of any person, the Court may order such person to forfeit and pay to His Majesty any sum not exceeding two hundred and forty dollars by way of fine.

38. Rules of court may be made by the Chief Justice with the concurrence of a Puisne Judge, as to all or any of the following matters:—

Rules of court.
Ord. 32-1935,
s. 11.

(a) for distributing equitably, so far as is practicable, actual service as jurors among the persons liable to such service, and for the selection and preparation of jury panels;

(b) for exempting from attendance for cause any juror who may have been summoned to attend a jury sessions, and regulating the procedure on application for exemption.

SCHEDULE.

FORM A.

(Section 9(3).)

List of jurors.

List returned by A. B., Clerk of the Peace in Port-of-Spain, San Fernando, or Arima, or by C. D., Warden of [as the case may be] of persons qualified to serve as Jurors.

Christian and Surname at length.	Place of Abode.	Quality, Calling, or Business.	Nature of Qualification.	Locality of Property Qualification (if any).	Whether qualified as Special Juror.
Cæsar, Julius	112, First East Street.	Planting Attorney	Salary not less than \$2,400.	None	S. J.
Cicero, Tullius	20, Chacon Street	Writing Clerk	Householder...	20, Chacon Street	—

Dated this day of , 19 .

A. B., Clerk of the Peace for
or

C. D., Warden of the Ward of

(Section 12
(1).)

FORM B.

Precept for the summoning of jurors before the Supreme Court.

TRINIDAD AND TOBAGO.

GEORGE, by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To *The Marshal.*

GREETING:

We command you that you cause to come before our Supreme Court, at the Court House, in _____ on the _____ day of the month of _____, a competent number of good and lawful men, qualified according to law to serve as Jurors, and have then and there the names of the Jurors and this Writ.

Witness: His Honour _____ Our Chief Justice, in and for the said Colony, at Port-of-Spain, this _____ day of _____, 19 _____.

T. W., Registrar.

(Section 14.)

FORM C.

Summons to juror.

To Mr. _____ of _____.

You are hereby required to be and appear at the Sessions of the Supreme Court to be held at the Court House in _____ on the _____ day of _____ at the hour of _____ o'clock in the forenoon, there to serve as a juror and not to depart without leave of the said Court.

Dated this _____ day of _____, 19 _____.

A. B., Marshal,
or C. D., Magistrate
(or Warden).

(Section 9
(2) (d).)

FORM D.

Return by employer.

To _____ of _____.

You are hereby required to deliver to me on or before the _____ day of _____, 19 _____, a return on the form endorsed hereon (or enclosed herewith) of your own name if you are qualified to serve as a juror and the names of all persons in your employment who are qualified to serve as jurors. The qualifications for a juror are set out below.

Dated this _____ day of _____, 19 _____.

_____, Warden,
or Clerk of the Peace.

*Qualifications for a juror.**[Insert here the provisions of Sections 4, 5 and 8 of the Ordinance.]*

(ENDORSEMENT.)

Return by employer.

Christian and surname at length.	Place of abode.	Quality, calling or business.	Nature of qualification.	Locality of property qualification (if any).	Whether qualified as Special Juror or Common Juror.