

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Friday, the 17th Day of December, 1909.

MAGISTRATES' COURTS AMENDMENT BILL.

Hon. Mr. GUINNESS, in Committee, to move the addition of the following new clauses :—

Trial by Jury.

Actions may be tried by jury.

A. In any action where the amount claimed exceeds *fifty* pounds it shall be lawful for either the plaintiff or the defendant to require a jury to be summoned to try the said action.

Party requiring jury to give notice.

B. The party requiring the jury to be summoned shall, at least seven days before the day fixed for the hearing of the case, give written notice thereof to the Clerk of the Court, either personally or by leaving the same at his office, and shall pay into Court the costs from time to time to be fixed for the summoning of the said jury, together with the sum of two pounds for the payment of the jury.

Drawing and summoning of jurors.

C. (1.) Upon receiving such notice the Clerk of the Court shall, in the presence of a Justice, place in a box pieces of cardboard, one for each of the persons on the jury-list at the time being in force in the district, and each bearing a number corresponding to that set opposite to the name of each such person on the said jury-list, and shall mix such pieces of cardboard well together, and, without looking into the box, draw out twelve pieces.

(2.) The persons whose names are set opposite on the jury-list to the numbers on the pieces of cardboard so drawn shall be the jury to be summoned :

Provided that if and as often as the Clerk of the Court and the said Justice are satisfied that any such person is not at that time residing within ten miles of the Courthouse at which the sittings of the Court are to be held, the Clerk shall lay aside the piece of cardboard bearing the number of such person on the jury-list, and shall draw out another piece of cardboard in lieu thereof.

(3.) The Clerk of the Court shall immediately thereafter cause the said jury to be summoned, and such jury so summoned shall be deemed to have been duly summoned for the trial of all jury causes of a civil nature to be tried at the same sittings of the Court.

Service of summons.

D. Every such summons shall be served on each juror personally, or by leaving the same at his ordinary place of abode, at least three days before the sitting of the Court; and every person summoned as a juror under this Act and failing to attend shall be liable to a fine not exceeding ten pounds, to be imposed at the discretion of the Court, and in default of payment shall be imprisoned for a term not exceeding fourteen days.

- Striking jury. *E.* When the jurors are in attendance, if their number is odd, the Clerk shall strike off one, and the number being even the plaintiff and defendant alternately shall each strike off one until the number is reduced to four; and the four thus remaining shall be empanelled and sworn to give their verdict in the cause to be brought before them:
- Provided that if either party fails to strike the jury as herein provided, or the defendant is absent, it shall be lawful for the Clerk of the Court to strike the jury instead of the party so failing or absent.
- Payment of jurors. *F.* Every such jurymen shall be entitled to receive from the Clerk of the Court the sum of ten shillings, and the expenses thereby incurred shall be costs in the cause.
- Verdict. *G.* In every trial the jury shall give a unanimous verdict, and judgment shall be entered accordingly.
- Provided that where the jury, after having retired to consider their verdict, and having remained at least three hours in deliberation, inform the Stipendiary Magistrate that there is no likelihood of their agreeing upon a unanimous verdict, the verdict of three-fourths of such jury may be taken, and shall have the effect of a unanimous verdict.
- Where jury cannot agree. *H.* Where, after the jury have remained six hours in deliberation, a three-fourths majority cannot be obtained, the Court shall order the jury to be discharged; and in every such case no judgment shall be given, but the action may be again tried at the same Court, if the plaintiff thinks fit, on his giving ten days' notice thereof in writing to the defendant, either personally or by leaving the same at the defendant's last known place of abode.
- Judgment upon verdict. *I.* Every judgment entered up in pursuance of the verdict of a jury shall for all purposes thereafter have the same force and effect as though such judgment were entered in pursuance of the determination of the Stipendiary Magistrate alone, as hereinbefore provided.
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