M.R.O. 1—39,000—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1717 Press Mis.

11-12

Dated 2-12-19 1865

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Not to be folded or roughly handled

No. 11. Read the following letter from the Registrar High Court, Madras, Original Side, to the Chief Secretary to Government, Fort Saint George; dated Madras, 23rd November 1865.

By the direction of the Chief Justice, I have the honor to forward, for the information of Government, four copies (printed) of the New Jury Rules recently made by the High Court.

NEW JURY RULES.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

It is ordered that, from and after the first day of January 1866, the following shall be the Rules in force in the High Court, respecting the summoning, empanelling, qualification, and service of Jurors, within the local limits of the Court's ordinary Original Jurisdiction.

Qualification.

I. Except as hereinafter provided, the following persons shall be qualified and liable to serve as Jurors.

1st. All persons whose names are in the present list of Jurors.

2ndly. All male persons who are resident householders within the limits of Madras, and occupy a house or tenement of the monthly value of 30 Rupees, or of the annual value of 300 Rupees, or whose property or interest in lands, tenements or goods, would be worth the sum of 3000 Rupees after the payment of their just debts.

3rdly. All other male persons above the age of 21, resident within the limits of Madras, whose character and education render them, in the judgment of the Clerk of the Crown, fit persons to serve as Jurors.

Disqualification.

II. The following persons shall be incapable of serving as Jurors.

1st. All persons under the age of 21 years.

2ndly. All persons who hold any office or employment in or under the said High Court, or under any officer thereof.

3rdly. All persons executing any duties of Police or entrusted with any Police functions

4thly. All persons who have been convicted of any offence against the State, or of any fraudulent or infamous offence, or of any other offence which, in the judgment of the Clerk of the Crown, renders them unfit to serve as Jurors.

5thly. All persons who are afflicted with any infirmity of body or mind, sufficient to incapacitate them from serving as Jurors.

6thly. All persons who are unable to understand the English language.

7thly. All persons who by habit or religious vows have relinquished all care of worldly affairs.

Exemptions.

III. The following persons are exempted from the liability to serve on Juries: namely, the Governor and all Peers; the Members of the Executive and Legislative Councils; the Chief Secretary and other Secretaries to Government; the Accountant General, the Deputy Accountant General, and the Examiner of Claims for the time being; the Judges of the Court of Small Causes; the Coroner; the Secretary to the Board of Revenue; the Secretary to the Bank of Madras; the Manager of the Board of Revenue; the Appraiser, and Head Manager of the Sea Customs' Office; the Uncovenanted First Assistant and the Registrar in each Department of the Government Secretariat; the Manager and the Head Clerk of the Adjutant General's Office; the Principal Accountant and the Registrar of the Military Auditor General's Office; the Manager of the Army Clothing Board Office; the Head Accountant and the Manager of the Current Department of the Commissary General's Office; the Manager of the Postmaster General's Office; the Second Uncovenanted Assistant, the Head Auditor and Accountant, and the Manager in the Office of the Controller of Public Works Accounts; all persons in Her Majesty's Naval or Military Service; all persons employed in the Pilot Service; all Clergymen, and

all such Dissenting Ministers as are actually attached to, or employed in, any public place of Religious Worship, and who follow no other secular employment but that of teaching; all Brahmins, Moollahs, and other Hindoos and Mahomedans, actually officiating as Priests in their respective Religions; all Advocates, Vakeels, and Attorneys of the High Court; Physicians, Surgeons and Apothecaries, actually practising as such; all persons above sixty years of age; and all persons exempted by Government from personal appearance in the High Court, under Section 22, Act VIII of 1859, or any other similar enactment.

IV. The Sheriff shall, before the 20th day of February in each year, prepare, and submit to the Clerk of the Crown, a full and accurate list, in alphabetical order, of all persons appearing to him, after due inquiry, to be qualified and liable under the foregoing Rules to serve as Jurors, and such list shall contain, in separate columns opposite to each person's name, his proper style, addition or calling, his place of residence, the country of his birth, his religious profession, and his qualification to serve on Juries; and such list shall be signed by the Sheriff, and a copy of the same forthwith affixed to some conspicuous part of the Court House.

V. On receiving such list from the Sheriff, it shall be the duty of the Clerk of the Crown to examine the same, and to make any additions, corrections, or alterations, therein that may (after further inquiry if need be) appear to be necessary or proper, and before the 1st day of April in each year finally to settle the same as the general list of Jurors, according to the best of his judgment and discretion, and sign the same.

VI. The said general list of Jurors having been so prepared and finally settled and signed, it shall be the further duty of the Clerk of the Crown, before the 15th day of April in each year, to take therefrom the names of such persons as he may think fit (regard being had to their property, character and education) and to enter the said names in the Special Jurors' list as directed by Section 15 of Act XIII of 1865, provided that it shall not be necessary to keep the names in the Special Jurors' list at the maximum number of 200.

VII. Any person whose name is improperly inserted or omitted, who is wrongly or defectively described in the list of Jurors, may, on or before the 15th of March in each year, apply to the Clerk of the Crown to correct the said list, by striking out or adding his name or otherwise amending the same.

VIII. The Clerk of the Crown shall cause the said lists to be fairly and truly copied in a book, and, on or before the 1st day of June, shall deliver a copy thereof, signed by him, to the Sheriff, and the said book, so prepared in each year, as aforesaid, shall, from the 1st day of June, for 12 months next ensuing, be deemed and taken to contain true lists of all persons qualified and liable to serve on Special and Common Juries in the High Court; and the High Court hereby requires of all Justices of the Peace and Constables and other Officers employed in the conservation of the peace, and of all persons having in their keeping or possession any public books, Assessment or registry, that, for the purpose of enabling the Clerk of the Crown and Sheriff to prepare the aforementioned lists, they be aiding and assisting unto them.

IX. Of the 72 Common Jurors summoned by the Sheriff for each Sessions, one-third, at least, must be of that class of persons usually designated in the Statutes relating to India by the term "British subjects," and one-third at least must be of the class of Natives; and of the 36 Special Jurors so summoned, one-third at least must be of the said class of "British subjects." Every summons to Jurors shall be served 10 clear days before the 1st day of the Sessions.

X. The name of each Common Juror summoned to serve at any Criminal Sessions of the High Court, with the place of his abode and addition, shall be written on a distinct piece of parchment or card, such pieces of parchment or card being all as nearly as may be of the same size; and the said pieces of parchment or card shall, according to the practice hitherto in force in the said Court, be kept in three boxes, one box containing the names of all Jurors of the said class of "British subjects," a second box containing the names of all Jurors of the class of East Indians, and the third box containing the names of the Native Jurors; and in drawing the said pieces of parchment from the said boxes, for the purpose of forming a Common Jury for the trial of any case (or cases), the Clerk of the Crown shall follow the practice heretofore adopted in the said Court, so that when practicable the Jury for the trial of each case shall consist of three "British subjects," six East Indians, and three Natives.

Proceedings of the Madras Government, Judicial Department,
2nd December 1865.

XI. In like manner the name of each Special Juror summoned to serve at any Criminal Sessions of the High Court, with the place of his abode and addition, shall be written on a distinct piece of parchment or card; but the said pieces of parchment or card shall be put together in one box, from which the Clerk of the Crown shall draw out as many as may be necessary, one after another, for the purpose of forming a Special Jury for the trial of any case; provided that, when practicable, there shall be at least three Natives on each Special Jury.

XII. When it shall appear to the Court or any Judge thereof proper and necessary that some of the Jurors who are to try any case should have a view of the place in question, in every such case the Court or a Judge may order a Rule to be drawn up containing the terms usual in England, and also requiring, if such Court or Judge shall so think fit, the party applying for the view, to deposit in the hand of the Sheriff a sum of money, to be named in the Rule, for payment of the expenses of the view, and directing a writ to issue, by which the Sheriff shall be commanded to have six or more of the Jurors named in such writ 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 the place in question, some convenient time before the trial, who then and there shall have the place in question shown to them by two persons in the said writ named to be appointed by the Court or Judge, and the Sheriff shall, by a special return upon the same, certify that the view hath been had according to the command of the same, and shall specify the names of the viewers; and these men who shall have had the view, or such of them as shall appear upon the Jury to try the case, shall be first sworn, and so many only shall be added to the viewers who shall appear, as shall after all defaulters and challenges allowed, make up the full Jury of twelve.

XIII. There shall be no award that any of the by-standers be sworn upon the Jury in any case, except it be by consent of the Advocate General or Crown Prosecutor, and the person or persons charged; provided also that in the case of a Special Jury, the tales-men shall be taken from the list of common Jurors summoned to serve at the same Sessions.

XIV. At each Sessions, the Clerk of the Crown shall make a minute of the names of those who shall serve at such Sessions, and immediately after shall give a copy of the same to the under Sheriff; and no Juror who has served shall be summoned again within twelve months, unless for want of other Jurors.

XV. All those who shall be lawfully summoned to serve on Juries, and shall refuse or neglect to attend, shall be punished by fine or imprisonment as for a contempt, unless it shall be shown to the satisfaction of the Court that the name of the person ought to be erased from the list of Jurors, or that the Juror had some sufficient excuse for non-attendance.

(Signed) C. H. SCOTLAND.
(„) A. BITTLESTON.
(„) H. FRERE.
(„) W. HOLLOWAY.
(„) L. C. INNES.

No. 12. ORDER THEREON, 2nd December 1865, No. 1717.

To be recorded.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

Exd. J. H. Burns.

Pub Pos 28th March 18 Dec 1865

7-6-99
28-1-21

Judicial 1865 No 64
Prov of Lower
From
The Registrar of the
Supreme Court, Delhi

Dated 23d Novr 1865
Recd

Encl:
Copies of Jury Rules
No 2518

Forwards for information
copies of the Rules
Jury Rules framed
by the High Court
Thereon

2nd December 1865 No 1717

Recorded

11-12.

(29th)
12 Dec