

No. 20.—1871.

No. 20.—1871.

An Ordinance to provide for the summoning of Special Jurors to try Criminal Cases before the Supreme Court.

Preamble.

WHEREAS it is expedient to provide for the summoning of Special Jurors to try criminal cases before the Supreme Court : IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Commencement of Ordinance.

1. THIS Ordinance shall come into operation on the First day of January, 1872.

Fiscal to prepare lists of special jurors.

2. THE Fiscals of the several Provinces shall prepare, or cause to be prepared, in the First week of January in the year 1872, or as soon thereafter as may be, and afterwards in the year 1873, in the First week of January, and thereafter in every second succeeding year, or as soon thereafter as may be, for the said Provinces, from the list of jurors who can speak, read, and write the English language, prepared under "The Administration of Justice Ordinance, 1868," and at the time in force in the said Provinces, a list of persons, each of whom possesses an income of not less than Two Thousand Rupees a year, or who possesses, in his own or his wife's right, property, moveable or immoveable, not less than Twenty Thousand Rupees in value, to serve as Special Jurors, as hereinafter prescribed.

3. THE provisions of Sections 123, 124, 125, 126, 129, 130, 133, 134, 135, 136, and 138 of the said "Administration of Justice Ordinance, 1868," shall apply to special jurors, and the lists prepared under this Ordinance, so far as the same shall be applicable to them.

Certain provisions of "Administration of Justice Ordinance, 1868," extended to special jurors.

4. IT shall be competent to the Queen's Advocate or Deputy Queen's Advocate, or to the prisoner or his Advocate or Proctor, to apply to any Judge of the Supreme Court for an order requiring a special jury to be summoned to try any case in which its importance and the interests of justice render such special jury necessary. And if the Judge to whom the application shall be made shall consider such application just and reasonable, it shall be lawful for him to order the Fiscal to summon a panel of such number as he shall specify from the list of special jurors, to try such case.

When special jurors may be applied for.

5. IT shall be lawful for any Judge of the Supreme Court, upon cause shewn, to order that a panel of special jurors, summoned from one or more Districts, be taken to any place in the same District beyond Thirty miles from the respective residences of the jurors to where the Court shall be holden, or to any other District in the same or any other Circuit. PROVIDED as follows:—

Panel from one District may be taken to the same District more than thirty miles distant, or to another District or to another Circuit. Proviso.

- (1.) THAT no special juror shall be liable to be so taken to serve beyond Thirty miles, unless with his consent.
- (2.) EVERY juror taken to serve as special juror at any place more than ten miles from his residence, shall be entitled to his travelling expenses according to such rates as the Governor, with the advice of the Executive Council, shall, from time to time, determine.
- (3.) THAT the service of any person as special juror out of the term at which he shall be required to serve as a common juror, shall count in his favour as service either as special or as common juror for the next Session to which he would be otherwise liable to be summoned under the operation of "The Administration of Justice Ordinance, 1868."

6. WHEN a case shall be called on for trial in which special jurors shall have been summoned, and a sufficient number of special jurors shall not be in attendance, or shall not be available, owing to any cause, it shall be lawful for the Judge to issue his order that as many men of the by-standers or neighbours, being qualified and liable to serve as jurors, whether special or not, as shall be sufficient to make up a full jury for the trial of such case, shall be forthwith summoned by the Fiscal, and every such person shall be liable to be challenged in like manner as other jurors. PROVIDED that no persons shall serve together in such case, if any valid objections shall be raised under the provisions of this or "The Administration of Justice Ordinance, 1868," to their so serving.

How sufficient number of jurors, when not available, to be made up.

Passed in Council, the Eighteenth day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.