

CHAPTER 38.

JURORS AND ASSESSORS.

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title.
2. Interpretation.

PART I.—QUALIFICATIONS OF JURORS AND PREPARATION OF JURORS' LISTS.

3. Property and other qualifications of jurors.
4. Exemptions.
5. Preparation of jurors' lists.
6. Publication of jurors' lists.
7. Information to be given to Magistrate, when required.
8. Settlement of lists by Magistrate.
9. Perjury.
10. Special jurors.
11. Despatch of copies of lists to be sent to Sheriff.
12. Justices of the Peace to assist Magistrate.
13. Appointment of other persons to perform duties of Magistrate.
14. Exemption of districts from returning jurors.

PART II.—PANEL OF JURORS.

15. Formation of jury panel.
16. Names to be passed over.
17. Addition and removal of names.
18. Sheriff to summon jurors.
19. Summonses to additional jurors.
20. Delivery of panel to Master.
21. Sessions at a place for which there is no jurors' list.
22. Penalty on jurors not attending or refusing to serve.
23. Enforcement of penalty.
24. Notice to persons fined in absence.
25. Exemption of jurors.
26. Jurors at Coroner's inquests.

PART III.—TRIAL WITH A JURY.

27. (1) On capital charge verdict to be unanimous.
(2) Two-thirds majority to decide in other cases.
28. *Jury de medietate linguæ.*
29. Selection of jury.
30. Deficiency of jurors.
Tales de circumstantibus.
31. Address by Master to accused before jurors are sworn.
32. Challenge to the array. Peremptory challenges.
33. Challenges for cause.
34. Trial of challenges for cause.
35. When jury to be kept together.
36. Jurors to attend adjournments.
37. Provision for continuance of criminal trial where a juror dies or becomes incapable.
38. Disagreement of jury.

PART IV.—TRIAL WITH ASSESSORS.

39. Trial by assessors on election of accused.
40. Application by Attorney General for trial by assessors.
41. Selection of assessors.
42. Procedure if any assessor unable to attend.
43. Adjournment.
44. Procedure of all assessors unable to attend.
45. Assessors' opinions and decision of the Court.

CHAPTER 38.

JURORS AND ASSESSORS.

An Ordinance to Consolidate and Amend the Law relating to Jurors and Assessors, and to Trial by Jury and Assessors.

[13TH NOVEMBER, 1905.]

35 of 1905.
49 of 1932.
17 of 1935.
Sec. 65 of
39 of 1932.
30 of 1946.
2 of 1955.
34 of 1959.
Short title.

1. This Ordinance may be cited as the Jurors and Assessors Ordinance.

2. In this Ordinance, unless the context otherwise requires—
“ Court ” means the Supreme Court, as constituted by the Courts Ordinance, and any Ordinance amending or replacing the same.

Interpreta-
tion.

Cap. 7.

“ assessors ” means assessors under this Ordinance.

“ employer ” means any person who has entered into a contract to employ any person and includes the agent, manager or factor of such person, and includes the Government and any officer of the Government who has entered into a contract of service on behalf of the Government.

34 of 1959.

PART I.—QUALIFICATIONS OF JURORS, AND PREPARATION OF JURORS' LISTS.

3. From and after the passing of this Ordinance, the following male persons, whether British subjects or not, shall be qualified, and, subject to the provisions contained in section 4 of this Ordinance, liable to serve on any jury for the trial of any cause, in the criminal jurisdiction of the Court in the Colony; namely, every man between the ages of twenty-one and sixty years, both inclusive, residing in any part of the Colony—

Property and
other quali-
fications of
jurors.

2 of 1955

(a) who shall be *bona fide* owner in his own right or name of any freehold property in the said Colony producing or worth on the average, one year with another, the sum of sixty pounds or more per annum; or

(b) who shall pay any rent amounting or equivalent to eighty pounds or more per annum for any lands or tenements within the Colony; or

(c) who shall be owner and pay rent conjointly as aforesaid to an annual amount of eighty pounds or more; or

(d) whose average annual income from all sources amounts to two hundred pounds or more:

Provided always, that if more than one person shall jointly be owners of such property, or jointly pay such rent as aforesaid, then one of such persons, if a male, shall serve on such jury for every sixty pounds of such annual value or eighty pounds of such annual rent as aforesaid:

Provided also, that no man who does not sufficiently understand and speak the English language, and no man who has been or shall be convicted of any treason or felony, or of any crime that is infamous, unless he shall have obtained a free pardon, shall serve, or be qualified to serve, as a juror in any Court of law in the said Colony.

Exemptions.
34 of 1959.

4. The following persons shall be exempted from serving on any jury—

(i) Members of the Executive Council and Members of the House of Representatives;

(ii) Salaried officials of any foreign government;

(iii) The Mayor of Freetown;

(iv) Barristers and Solicitors of the Supreme Court in actual practice and their clerks;

(v) Medical Practitioners and Dentists in actual practice and registered as such and their Dispensers and Assistants;

(vi) Druggists in actual practice registered and licensed as such;

(vii) Clerks in Holy Orders, Priests and Ministers of religion;

(viii) Teachers in any public or private school;

(ix) Masters of vessels;

(x) Pilots in actual practice and licensed as such;

(xi) Telegraphists in the employ of any Telegraph Company;

(xii) The Managers and Cashiers of any Banks, but so that not more than four persons (to be designated by name on the list furnished under sub-section (3) of section 5 of this

Ordinance) from any one branch of each bank shall be so exempted;

(xiii) Officers and men of Her Majesty's Army and Navy on service in Sierra Leone;

(xiv) Magistrates, Justices of the Peace, officers of the Court and other persons employed in the Judicial Department;

(xv) Clerks and other persons employed in the Legal Department;

(xvi) Police officers and constables and other persons employed in the Police Department;

(xvii) Prison officers and warders and other persons employed in the Prisons Department;

(xviii) Holders of such other offices under the Crown, as the Governor may, from time to time, require to be exempted.

5. (1) The Magistrates shall prepare and settle the jurors' lists for their respective districts for the year commencing on the first of January, in accordance with the provisions of sections 8 to 13 inclusive of this Ordinance.

Preparation
of jurors'
lists.

34 of 1959.

(2) The Principal Immigration Officer shall during the first week of August in each year furnish the Senior Police Magistrate, Freetown, with a list of the names of all aliens known by him to be resident in the Colony.

(3) The employer of every person resident in the Colony in receipt of a salary of two hundred pounds or more per annum shall during the first week of August in each year furnish the Senior Police Magistrate, Freetown, with a list of the names and addresses of all such employees, and upon failure to do so shall be liable on summary conviction to a fine not exceeding five pounds for every such person whose name he has failed to furnish as aforesaid.

(4) The Establishment Secretary shall during the first week of August in each year furnish the Senior Police Magistrate, Freetown, with a list of the names of all office-holders who have been exempted under item (xviii) of section 4 of this Ordinance.

(5) The Town Clerk of the Freetown Municipality and, if called upon by the appropriate Magistrate, the Presidents of the Rural Area Council and of the Sherbro Urban District Council, shall, during the first week of August in every year, send to the Magistrate a list of all owners of premises having an assessed annual value of sixty pounds or more and of all occupiers whose rent is eighty pounds or more per annum according to the Valuation Roll for the time being in force.

(6) The Magistrates may use the information furnished under this section as evidence, but without prejudice to their taking other evidence, for the purpose of preparing and settling the jurors' lists.

Publication
of jurors'
lists.

6. The Magistrate in charge of each judicial district of the Colony shall, between the first day of August and the first day of September in every year, make lists of the persons resident in each town or place within his district who are, in his opinion, qualified and fit to serve as jurors, setting out the name and the occupation and place of abode, and the nature of the qualification of each person, and shall (within ten days thereafter) cause true copies of such lists to be posted in some conspicuous place on his Court House, on the police stations and churches and chapels in their district, for the inspection of the public, where they shall be permitted to remain for a period of three weeks, to the end that any persons may apply to him by notice in writing, to have their names either added to or struck off such lists upon cause duly assigned in such notice.

Information
to be given to
Magistrate,
when
required.

7. The Magistrate shall have the like powers and authority for summoning persons to give on oath their full names, occupations, places of abode, and true answers relating to their qualifications as jurors when required for the purposes of this Ordinance, for committing to the common gaol any person refusing to take an oath or affirmation, or to give evidence as aforesaid, for ordering any persons to be taken into custody who shall wilfully insult or interrupt the Magistrate, or otherwise misbehave, and for committing every such offender to the common gaol or house of correction, as are possessed by the Magistrate, in such and the like cases under any Ordinance in force, and all other powers and authority of the Magistrate under such Ordinance, which the Magistrate may find it necessary to exercise for the purpose of carrying out and enforcing the provisions of this Ordinance, and which may be applicable thereto.

Settlement
of lists by
Magistrate.

8. On the first day of October in every year, which is not a Sunday or Public Holiday, the Magistrate, together with such Justices of the Peace as may be able to attend, shall hold a public sitting in the Court House of his district, for considering and disposing of all such notices as he shall have then received, and shall then revise and settle the lists by the addition to, or taking away therefrom, of names, and by correcting any error as to the names, occupations or places of abode, and the nature of the qualification of any persons included therein. The