

The Jury Act

being

Chapter 43 of *The Revised Statutes of Saskatchewan, 1920*
(assented to November 10, 1920).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 43

An Act respecting Jurors and Juries

SHORT TITLE

Short title

- 1 This Act may be cited as *The Jury Act*.

R.S.S. 1909, c.59, s.1; R.S.S. 1920, c.43, s.1.

INTERPRETATION

Interpretation

- 2 In this Act unless the context otherwise requires the expression:

“Court”

1. “Court” means the Court of King’s Bench for Saskatchewan;

“Judge”

2. “Judge” means a judge of the said court.

R.S.S. 1909, c.59, s.2; R.S.S. 1920, c.43, s.2.

QUALIFICATION

Qualification of jurors

- 3 Subject to the provisions of sections 4 and 5 every male inhabitant of Saskatchewan between the ages of twenty-one and sixty years being a natural born or naturalised subject of His Majesty shall be liable to serve as a juror in all civil and criminal cases tried by jury.

R.S.S. 1909, c.59, s.3; R.S.S. 1920, c.43, s.3.

EXEMPTIONS AND DISQUALIFICATIONS

Exemptions

- 4 The following persons shall be exempt from being returned and from serving as jurors:
 1. Members of the Privy Council or of the Senate or of the House of Commons of Canada;
 2. Members of the Legislative Assembly and the officers thereof;
 3. All salaried officials and employees of the Governments of Canada and Saskatchewan;
 4. Licensed ferrymen and mail carriers;
 5. Police magistrates, justices of the peace and coroners;
 6. Every officer of any court of justice whether of general or local jurisdiction actually exercising the duties of his office including every sheriff’s officer, constable or bailiff;

7. Members of the Royal Canadian Mounted Police;
8. Professors, masters or teachers of universities, colleges or schools when engaged as such;
9. Salaried firemen in the employ of any city or town municipality;
10. All persons actually employed in the running of railway trains;
11. Telegraph and telephone operators in actual employment as such;
12. Managers, cashiers and clerks in actual employment in chartered banks;
13. The clergy of all denominations;
14. Physicians, surgeons and druggists who are duly qualified to practise and are in actual practice;
15. Practising barristers and solicitors;
16. Millers in actual employment;
17. Persons who are affected with blindness, deafness or other mental or physical infirmity incompatible with the discharge of the duties of a juror.

R.S.S. 1909, c.59, s.4; 1912-13, c.46, s.16; R.S.S. 1920, c.43, s.4.

Disqualification

- 5 No person shall be qualified to serve as a juror who has been convicted of any criminal offence for which he was sentenced to death or any term of imprisonment with hard labour.

R.S.S. 1909, c.59, s.5; R.S.S. 1920, c.43, s.5.

PREPARATION OF JURY LIST

Preparation of jury lists

- 6(1) The sheriff of each judicial district shall prior to the first day of May in each year compile a separate list for each of the places fixed for the sittings of the court in his judicial district which shall contain the names of not less than one hundred and fifty persons who are liable to be returned and serve as jurors and who reside within a radius of twenty miles of such place: such lists shall be in form A.
- (2) The sheriff may in his discretion include in such jury list the names and other particulars (form A) of persons liable to be returned and serve as jurors who reside outside of such twenty mile radius and in any part of such judicial district.

R.S.S. 1909, c.59, s.6; 1917 (sess. 2), c.22, s.1;
R.S.S. 1920, c.43, s.6.

Sheriffs to have access to assessment rolls, etc.

- 7 In compiling the said list the sheriff shall have access to the assessment rolls and all other public papers under the control of the proper officer of each city, town, village, local improvement district and rural municipality situated within or partly within the prescribed radius.

R.S.S. 1909, c.59, s.7; R.S.S. 1920, c.43, s.7.

Sheriff to return lists

8 On or as soon as possible after the first day of May in each year the sheriff of each judicial district shall return the said list properly certified to the local registrar of the court.

R.S.S. 1909, c.59, s.8; R.S.S. 1920, c.43, s.8.

Remuneration of sheriff for lists

9 The sheriff shall be allowed such remuneration for the compiling and certifying of such list as the Lieutenant Governor in Council may decide.

R.S.S. 1909, c.59, s.9; R.S.S. 1920, c.43, s.9.

Judge may order sheriff to return supplementary lists

10 If for any reason a judge of the Court of King's Bench considers it necessary at any time that a supplementary jury list should be prepared, certified and returned by the sheriff of any judicial district he may make an order directed to the sheriff to that effect and such order shall state the time within which the return shall be made and may contain such other directions as he may deem proper.

R.S.S. 1909, c.59, s.10; R.S.S. 1920, c.43, s.10.

Sheriff to proceed according to order

11 Upon such order being made the sheriff shall proceed according to the tenor thereof.

R.S.S. 1909, c.59, s.11; R.S.S. 1920, c.43, s.11.

Form and return of supplementary lists

12 Supplementary lists (form A) may be marked "supplementary list" and the same shall be certified and returned to the local registrar of the court.

R.S.S. 1909, c.59, s.12; R.S.S. 1920, c.43, s.12.

COST OF JURY**Cost of jury**

13(1) In all actions triable by jury and in which the jury has been demanded as provided by *The King's Bench Act* the party demanding the jury shall advance and deposit with the local registrar such sum as the local registrar considers sufficient for the payment of the juror's fees and the expenses of summoning them.

(2) Where the action is directed by the judge at the trial to be tried by a jury as provided by *The King's Bench Act* the said sum shall be advanced and deposited by the party (or parties) to be named by the judge.

(3) If the party making the deposit obtains a judgment in such action, the sum actually paid out for fees and expenses shall (unless the judge otherwise orders) be allowed and taxed against the unsuccessful party to the action.

R.S.S. 1909, c.59, s.13; R.S.S. 1920, c.43, s.13.

Judge may apportion costs of jury

14 Where for any sittings of the court a jury is required in more than one case whether civil or criminal the cost incidental to the summoning of the panel, the jurors' fees and all other lawful expenses in connection therewith shall at the end of the sittings be apportioned between the parties or between the Crown and the parties and paid as directed by rules of court or if there be no such rules applicable thereto then as directed by the presiding judge.

R.S.S. 1909, c.59, s.14; R.S.S. 1920, c.43, s.14.

COMPOSITION OF THE JURY**Jury of twelve persons**

15(1) Every jury for the trial of a civil action in the Court of King's Bench or surrogate courts shall consist of twelve persons ten of whom may return a verdict.

(2) A verdict returned by ten jurors under the provisions of this section shall have the same effect as a verdict returned by twelve jurors.

R.S.S. 1909, c.59, s.15; R.S.S. 1920, c.43, s.15.

SELECTION OF PANEL AND SUMMONING OF JURORS**Method of selecting a panel**

16(1) Whenever a jury is required it shall be the duty of the local registrar a reasonable time before the sittings of the court for which the jury is required to present to the judge of the district court of the judicial district in which the jury is to sit the last list of jurors compiled and returned to him by the sheriff for the place at which the sittings of the court is to be held.

(2) Upon the presentation of the list to such judge he shall select therefrom such names (not less than twenty-four nor more than forty-eight) as in his opinion shall be necessary to be summoned as jurors.

R.S.S. 1909, c.59, s.16; R.S.S. 1920, c.43, s.16.

Local registrar to issue precept to sheriff to summon jury

17 As soon as the panel is selected the local registrar shall (the deposit hereinbefore mentioned having been paid to him) issue to the sheriff a precept (form B) commanding the sheriff to summon the persons so determined upon as jurors to attend the court at the time and place fixed for the sittings and shall deliver the same to the sheriff at least ten clear days before the time fixed for the holding of the same.

R.S.S. 1909, c.59, s.17; R.S.S. 1920, c.43, s.17.

Summoning of jury

18 Upon receipt of the precept the sheriff shall execute the same by summoning the persons named therein by delivering to each person or by leaving with a grown up member of his household a reasonable time before the date of the sittings a written or printed summons (form C).

R.S.S. 1909, c.59, s.18; R.S.S. 1920, c.43, s.18.

Return of precept

19 The sheriff on or before the opening of the court for which the jury has been summoned shall deliver to the local registrar the precept with a return showing his action thereon.

R.S.S. 1909, c.59, s.19; R.S.S. 1920, c.43, s.19.

FINES FOR NONATTENDANCE**Omission to obey summons**

20 Every person summoned to serve as a juror who fails to obey the summons served on him or to answer to his name when called by the local registrar shall be liable to a fine not exceeding \$50 which may be immediately imposed by the court.

R.S.S. 1909, c.59, s.20; R.S.S. 1920, c.43, s.20

Enforcement of penalty

21 All fines for nonattendance of jurors shall if not paid forthwith be levied together with the sheriff's costs and expenses as authorised for the execution of civil process by warrant of distress issued by the local registrar sealed with the seal of the court directed to the sheriff and by sale of goods of the party fined as provided for executing writs of execution and in default of sufficient goods and chattels such person may be imprisoned for a term not exceeding thirty days.

R.S.S. 1909, c.59, s.21; R.S.S. 1920, c.43, s.21.

ATTENDANCE AND ORGANISATION OF JURIES**Service once a year**

22 No person shall be obliged to serve as a juror at more than one sittings of the court during the twelve months commencing on the first day of May in any year.

R.S.S. 1909, c.59, s.22 (redrawn); R.S.S. 1920, c.43, s.22.

Names of summoned persons on separate cards

23 The name of every person included in the precept to the sheriff and summoned by him as hereinbefore provided with his residence and occupation shall be by the sheriff written distinctly upon a piece of card or paper three inches in length by one and one-half inches in width and the pieces of card or paper so written upon shall be placed in a box to be by him returned to the local registrar with the return of the precept.

R.S.S. 1909, c.59, s.23; R.S.S. 1920, c.43, s.23.

Cards drawn

24 When any action for which a jury is required is brought on to be tried the local registrar shall in open court cause the cards or papers to be shaken in the box so as to mix the names in the said box and then draw out the said cards or papers one after another, shaking the said box after the drawing of each card or paper until a complete jury is empanelled who after all peremptory challenges and challenges for cause allowed appear as fair and indifferent and who upon being sworn shall be the jury to try the issues in the action.

R.S.S. 1909, c.59, s.24; R.S.S. 1920, c.43, s.24.

Ballots apart till verdict given or jury discharged

25 The cards or papers bearing the names of the men so drawn and sworn shall be kept apart by themselves until the jury have given in their verdict and the same has been recorded or until such jury have been by the consent of the parties or by leave of the court discharged; and then shall be returned to the said box there to be kept with the other cards or papers remaining at the time undrawn and so *toties quoties* as long as any issue remains to be tried.

R.S.S. 1909, c.59, s.25; R.S.S. 1920, c.43, s.25.

Peremptory challenge

26 Each party to the action shall have and may exercise the right to four peremptory challenges.

R.S.S. 1909, c.59, s.26; R.S.S. 1920, c.43, s.26.

TALES

Talesmen may be summoned

27 If the number of jurors in attendance is insufficient or is so reduced by challenges for cause as to be insufficient to constitute the jury a *tales de circumstantibus* may at the instance of either party be ordered, summoned and retained immediately for service.

R.S.S. 1909, c.59, s.27; R.S.S. 1920, c.43, s.27.

FEES OF JURORS

Attendance fee

28 The fees for travel and attendance of jurors shall be as fixed under the authority of section 57 of *The King's Bench Act*.

R.S.S. 1909, c.59, s.28; R.S.S. 1920, c.43, s.28.

When fee not paid

29 No juror shall be paid for any day on which he does not answer when the jurors' names are called in open court unless the presiding judge otherwise orders nor for any day on which he does not attend by reason of his having been excused from attendance.

R.S.S. 1909, c.59, s.29; R.S.S. 1920, c.43, s.29.

GENERAL PROVISIONS

Irregularities not to vitiate verdict

30 No omission to observe the directions in this Act contained or any of them as respects the qualification, exemption or disqualification of jurors; or the preparation or compilation of the list of jurors by the sheriff or the local registrar or the form of the lists or other requirements in respect to the lists; or the summoning of the jurors or the selection or formation of the panel shall be a ground for impeaching the verdict in any action.

R.S.S. 1909, c.59, s.30; R.S.S. 1920, c.43, s.30.

Illness of juror: effect on trial and verdict

31 If a juror after he is sworn in a civil action becomes ill the presiding judge in his discretion may direct the trial to proceed without him and the verdict of the remaining jurors shall be valid if at least ten of them concur therein.

R.S.S. 1909, c.59, s.31; R.S.S. 1920, c.43, s.31.

Jury not to be without food

32(1) No jury shall be kept without meat, drink or any other reasonable comfort while it is considering its verdict.

(2) If during the trial of an action the jury are not allowed to separate the sheriff may provide such lodgings and refreshment as he deems necessary for them and the cost thereof certified by him shall upon demand be paid in the first instance by the party or parties required to deposit jury fees as hereinbefore provided and the amount so actually paid shall if the party paying the same obtains judgment be (unless the judge otherwise orders) taxed and allowed against the unsuccessful party to the action.

R.S.S. 1909, c.59, s.32; R.S.S. 1920, c.43, s.32.

QUALIFICATION AND SUMMONING JURY IN CRIMINAL ACTIONS**Application of certain provisions to criminal cases**

33 All the provisions of this Act regarding the qualification, exemption, and disqualification of jurors, the provisions regarding the preparation of jury lists, selection of the panel, summoning of jurors, fines for nonattendance and fees to jurors and all other provisions of this Act where not inconsistent with the provisions of *The Criminal Code* or inconsistent with any other statute of Canada respecting criminal procedure, and as far as the Legislature of this province has authority to enact, shall apply to juries for the trial of criminal cases.

R.S.S. 1909, c.59, s.33; R.S.S. 1920, c.43, s.33.

SCHEDULE

FORM A

(Section 6)

FORM OF LIST OF JURORS TO BE COMPILED BY SHERIFFS

In the Court of King's Bench for Saskatchewan, Judicial District of _____.

List of persons liable to be returned and to serve as jurors for the twelve months commencing May 1, 19____, for sittings of the court at _____.

Name in full	P.O. address	Residence Sec. T. R.	Occupation	Approximate length of residence in Canada	Total amount of assessment

I hereby certify that the foregoing list contains the names of the persons selected by me as being liable for jury service for sittings of the court at _____ for the twelve months commencing May 1, 19____.

Dated at _____ this _____ day of _____ 19____.

.....
Sheriff of the Judicial District
of _____

JURORS AND JURIES

c. 43

FORM B

(Section 17)

PRECEPT TO BE ISSUED TO SHERIFF TO SUMMON JURY PANEL.

In the Court of King's Bench for Saskatchewan, Judicial District of _____

The Jury Act

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India:

To the Sheriff of the Judicial District of _____ GREETING:

You are hereby required to summon the persons named in the annexed list to attend as jurors for the sittings of the above court to be held at _____ in the said Judicial District commencing at the hour of ten o'clock in the forenoon of _____ day the _____ day of _____ 19 ____ and at such time and place to return this summons with your doings thereunder indorsed thereon.

Given under my hand and the seal of the said court at _____ in the Judicial District of _____ this _____ day of _____ 19 ____.

.....
*Local Registrar of the Court of King's
 Bench for Saskatchewan, Judicial
 District of _____*

Names of Jurors on Panel to be Summoned

Name in full	P.O. address	Residence Sec. T. R.	Occupation

FORM C

(Section 18)

SUMMONS TO JURORS

*Sheriff's Office**(Place and date)*

SIR,—You are hereby required to attend His Majesty's Court of King's Bench for Saskatchewan at _____ in the Judicial District of _____ on _____ day the _____ day of _____ 19____, at the hour of ten o'clock in the forenoon and following days as a juror.

Any application for exemption from service as above must be made in court upon oath or affidavit on the first day of the sittings.

Fine for nonattendance per day as the court directs.

To.....

of

.....
Sheriff of the Judicial District
of _____