



Another



The Gentlemen of the Jury

1683

Jersey Justice In Olden Days

1901

Trials by jury before a Justice of the Peace were allowed only in suits for more than forty shillings and not more than six pounds." There were few of them, because the litigant demanding a jury was obliged to pay all the costs of summoning the panel if the verdict, though in his favor, was for a less sum than forty shillings. The jury consisted of "six good and lawful freemen of the county," who were summoned by the constable, and, following the trial, were "kept together in some convenient, private place without meat, drink, fire or lodging 'til they all agree upon a verdict."

Grand jurors were not only men "of good fame, credit and reputation," but they must be "worth at least one hundred pounds in real estate" in the county for which they serve. Petit jurors must have "both a real and personal estate of one hundred pounds" in the county. When challenged, a freeman's fitness to serve on the jury was determined by two jurymen who had previously been sworn in.

When on trial for life, in East Jersey, the "Fundamental Constitution" provided that "twenty-four jurors be returned by the sheriff for the

grand inquest, at least twelve of whom must vote affirmatively in order that a true bill be found." Twelve men were chosen for the trial jury and "reasonable challenges" were allowed against any or all of them. The panel was drawn thus—"The names of all the freemen above five and twenty years of age, within the district or boroughs out of which the jury is to be returned, shall be written on equal pieces of parchment and put in a box, and then the number of the jury shall be drawn out by a child under ten years of age."

For the petit or "travers" jury, a panel of thirty-five freemen was drawn, and either defendant might "except against any of the said neighborhood without any reason rendered, not exceeding thirty-five, and, in case of any valid reason alleged, against every person nominated for that service."

This required a considerable amount of footwork on the part of the Sheriff, but it was made easy for him in the winter season. It is to be noted that, in case of appeal, the courts frequently disagreed in their opinions. Appeals to the higher tribunals or to the Assembly were seldom made because they were costly.

