

2
Ch. xvi Quasi-jury
S. r. Court of Justice.

is that of the recapitulatory examination
otherwise called Quasi Trial.

Art. 4. The original examination performed
by the Judge alone: the recapitulatory is per-
formed by the reconsideration of all evidence
delivered in the course of the original exami-
nation: together with the consideration of any
such argumentation as is on this occasion made:
the sources of evidence, if more than one, are
now confronted and compared.

Art. 5. The recapitulatory examination, the
Judge for his own satisfaction or that of the par-
ties, has power to perform
: at the requisition of a party on either
Side, he is bound to perform it.

Art. 6. When it is of his own motion, no de-
finitive Decree is pronounced: when it is in com-
pliance with requisition as above, both Defini-
tive Decrees are provisionally pronounced, &c.
then, the requisition makes reference.

Art. 7. The provisionally Definitive Decrees
being pronounced, the Judge puts it to the several
parties



dfasdfa

asd f da dda--

Ch. xxv. Quasi-jury
§. i. Trial & Service.

(3)

parties, whether or no Quasi-Trial shall have place: if any one says yes, he appoints Day & hour: earlier or ulterior time, if applied for, are granted by him or refused: if Quasi-Trial be not applied for, the provisional Decrees, from provisional, become absolute.

Art. 8. The Quasi-Trial is performed at one sitting or if more be necessary at other sittings, but unless for special and extraordinary reason of exigency, it is gone through at one sitting, unless the whole time employable at that one sitting has been consumed before the suit has thus been rendered ripe for definitive Decrees.

Art 9. At this recapitulatory examination no evidence is receivable, that was not exhibited in the course of the original examination.

Art. 10. At this Quasi-Trial may be re-argued and reconsidered or for the first time argued and considered, the question of law.

Art. 11. The incidental occasions on which a hearing before a Quasi-Jury has place are those on which Appeal for quasi-misdecision may



may have place as per Ch. XXI. S.

Art. 12. On both sorts of occasions, applications for a Quasi Jury hearing, is in effect Appeal from a Judge Immediate without a Quasi Jury, to himself or another Judge of the same Judicatory with a Quasi Jury. As to the difference between this sort of virtual Appeal & the Appeal so called to a distant Judicatory see Ch. XXI. S.



Art. 13. Not till after a hearing on the points in question in the Immediate Judicatory before a Quasi Jury, can the suit be carried by Appeal to an Appellate Judicatory.

Art. 14. During the days of their appointed service, the Quasi Jury when not in actual attendance in that character, take their station among the Judicial Visitors, in the Visitors gallery as per Ch. XVIIIS. During the performance of original examinations.

J ouiuvtl u*(sAj>k\.
I 0

S. 2. Composition: number.

Art. 1. In every Queen's Jury are two classes of Queen's jurors the ordinary, and the Select.

Art. 2. In every Queen's Jury that a deciding voice may never be wanting, the number of Queen's jurors, is an odd number: ordinary number three.

For this or that particular purpose, the legislature will give an increase to the number, if and where it sees convenient. Number of the ordinary at least twice as great as of the Select.

Art. 3. For appropriate moral aptitude & thence for giving determination to the will of the aggregate body, the ordinary are more particularly looked to; their interest being that of the greatest number: for appropriate intellectual & active aptitude, for information & occasional aid and guidance to the judgement of his or their colleagues, the Select.

Art. 4. Foreman a Select Jurymen: saving to the majority the power of locating out of their own number a different one.

(1)

. 2 . L : L

Art 1 . In every Quasi Jury are the class of Quasi Jurors the Thing Is the Select Art . 2 . In every Quasi Jury That do They voice way never be used by the number of Quasi Jurors , if and number ordinary number this For this or that particular purpose , The Legislator will give encrease to the number , if d where The fees countervail Number of the day at least him as great as of the Select

Art . 3 . For appropriate moral aptitude & these for giving determination to the will of the aggregate body the dinary are were positively hold to the utility bery that of the greatest number : for appropriate intellectual & active aptitude , for information & occasional d And good ance to the judgement of his or their colleagues the Select

Art . 4 Foreman a Select Juryman : saving to the majority the power of locating out of their own Number different one



S. 3. Functions.

Art. 1. The functions exercised by Queen's J. w^rs are as follows.—

1. Exercised by each of them in his individual capacity are, as per Ch. XI. S. 1. the adjective, 2. the relative; 3. the inspective; 4 the interrogative; 5 the commentative.

Art. 2. Exercised by them no otherwise, than in a body are 1. the opinative, 2 the appell licensing.

Art. 3. Shared with the Judge by the Queen's J. w^rs in a body is the opinative; not shared with him is the imperative.

Art. 4. I. Adjective function. In the exercise of this function they have at the same time with the Judge, the hearing of such discourses, as being uttered in the judicial theatre, are capable of contributing in the character of grounds of decision to the formation of the several decrees pronounced by him.

Art. 5. So not only all such discourses of the Judge as are in a direct way addressed to them, but moreover, all such as are addressed by him,

/
IV 'KwJfcnA-

?.'}. WM-li+ltM
\\ ^-----

tf&i 4J

UJUM



8*e. LIU^.

.6 I. ifIJL fri tLw vu L* S), ®uX

/^cO-A efi) VJU.

CJ

E <4%» t kLr cxa^ i ^ 1 • S t/luu.', £. iLio * W .i-I. (ti,

u V 0 j .

j ^AajU LVvl4j>vo<J|OllajuL>. 5"

C()Uv^vi&vylootiv>} «
COKkAAVtftlviAOt)

• A * ^^. (La vI^Qww ^jur> 0^<(LVco , ^aj\^ ^ ^

.1. il)vx> ^LU*.oJw<; , E ^C' Cl'|o|/0<J2^ ^€4/UilA*ji •

M VVVjc . I. VU* a*jOU*<*Au*e' L I/U^ CI'jOWiJCU/ U-Ci/Ui IAvft .
1 gfi ' * t 1 A^r* || f , oS ill f Hr\ II 1 n
*^VA . ^ , t'VcScL<) UHMIL luL^fe** ciliJiSvj^

^ ib VV^<JI1vu1L>. IAufrt (Hcc^*) *A>|^ ivvi

ft 1 W u. 0*. v-o

I; i./,. (I

^ vwy tV<V»UAiLy.

ji^t, j|^ ,x. &S) ttLu ■ «M>V. ^-.4-. VW*)^ >|pA^<Ac^w ^j|

LcMXLy <xt ^L> 5c»^L, ^V^JLy vu^v

f o1-£ia<X cLo»eouA%<LV, OIA uttiu|

T^iZ> Vjw , Cbw«, «<3l|c)oX1i_, (LouAwvj

I \J>~ iiL ol^OiveuAcv <^1. ^v^bvlikek fiL-^A-it+*J^db

x [v . \ \ v a(L D ft

<y^ TAo^ 4*v*/v<xV- w<^w<j2^ jovoia^ "-"
m lu. mt



on the occasion of the suit to any other of the actors on the Judicial Theatre: as to whom see Ch. I.

Art. 6. II. Lective function. In the exercise of this function they share with the Judge in the perusal of all evidentiary and other written or otherwise visibly expressed portions of relevant Discourse.

Art. 7. III. Inspective function. In the exercise of this function, they share with him in the inspection, not only of all evidentiary & other written written or otherwise visibly expressed portions of Discourse, but also of all persons & things serving as sources of real evidence.

Art. 8. IV. Interrogative function. In the exercise of this function, they address themselves to any of the actors on the Judicial Theatre as to the mode of giving effect to the desire signified by such exercise, see Procedure Code Tit. Ques. Trial.

Art 9. V. Commentative function. In the exercise of this function, they take for the subject of their remarks, not only the evidence, argumentation

MzSS

'i. s "tL —www w|---

oafev^v ^ !©AttJb <M -fc' ui^k,
.«*\$.

H 4-t>*^Wkt' ^|^W**ft,^u' - ^ ili 4^Aa «xAa^

iLi alfluUL^U.C^C' J§

1 t) M-
.L usviM*** frv~

M«JUj

4- O^lw)
dAAw *►** V 0**,

JcA e©(jjvV^

livfc - fCDL- ^jU.vs jot.fl-itx'
w ^ ---- -lt^«fcs . E
6<^L^ <Jrl
Ajl- Uaj» i|o j t* | cji. ^ ot/^v
IajlC-^ '■Uu^Avi^w i "l/u vla^ laC
1 rl k -
- GLA-W ^A^cutc tu vAk A\m(v w*'

^yy^|i[£vw pv C^il^JLXvO ^

tA^O c4^Q- -*
i ImL O^VO 4^-^ ^/jAh4^ »uJk
I (m»v*-^ (/ Q-
ju ®<5V.C.'Vka_
vJu&^
5%a.ov>w^ Cc> (eiui«£.) <yt

J i4 IXOX VOI^^XvW

0,<f G-CA 5J r^ (*t^3<A«j» i^uut»

4o Ok^ c/ ^ <la.» "drvjt. |^)j^ajf ? v

4a t*> cl (lrtw^ja 4l«4>^ -> AA^£7^«-»

(JjpwJ \L WJL «x*jt-> f vV***-^

Q f3£~. iubjLi.. J«. <ow

If,Cl±A-*C> ^ I ^ L U j | i
*«u\MKu wi». \AyV»*j tA»cc^ ^u^A!> —
jcifc 4“tL | ~ • ”

J Uw \JUw< , vmev V<a-m) iavAC



9

Art. II. VII. Appeal warranting function. A certain class of penal cases there is, in relation to which by reason of the concurrence of certain circumstances, it may happen that in the eyes of the Legislature the certain evil composed of Delay, vexation and expense to parties injured, might perhaps be not improperly regarded as outweighing the possible chance of effective misdirection to the prejudice of the Defendant on the part of the Immediate Judgeatory, in which case it may perhaps be deemed fit by the Legislature, in the framing of the Penal Code, to lay down as the general rule, that in these cases Appeal shall not have place. Offences of Indirect Depredation, or Day of predatory Indgence, is the appellation which may serve for a general indication of the class of offences here in view. As to the enumeration of these offences, see Procedure Code 16.

Quasi Trial

Art. 12. Among these circumstances, by the consideration of which, this opinion may on the part of the Legislature be perhaps produced are the following

J ft. 11-HE. . ft. huuhm'

(I^tiuu <4 (M It» U>^.u^ ^*-
j^J.
t Qji.Aii3 \A» sjojj <4 t^*-
T£3
0»6, t 2*7
0U| JaCiE u. IA<L1 a. | of (2_q Ciloia^ AjiAJ} *kjL>

Vu

OitA^s***, ho<1v <j> A>Cjtc^o»^ iujUL/
j^j joCutiu) , U^J-|jj' ||d(A^<v|#4 1^ wb

ItA tA*x> «X><U4«^ 0^, *J-

JU- -Os ■■

\KkSC- Uu% .d«^j^ e#VA-
»- lodl^ n tiiti 1*1°
CCSVJ
/I

^ »• ^|^ ijiluVJL.' (Ws ^1^0 CTM> d ^y^VO {^» iMtU

O www <L% iHikjO C|cmJLV^L i U» I^ajLiO

Cm-
to-i, J*L.Ok.I^» U»b ■iux.w^ llftXcA .
» <*Y o^ j^abbju f
JuiA

i tawj vtv O- 0<LaaJMmJL^E^ vClbiL^w
LIJlu

4Um.-

W- tVflJ * \$cb

GLiaj6»A» VuJL

8o.<i ^Vfto OjvtviiH-S ICam.«jiJ^ I^, ~I^Lv>

^ U>|*vtL ftw* olouu^lv tMAjQUI «u VAvjl-> |0o>L

£j^a'ft



1. The mischievousness of the offence.
2. The unavoidable severity of the punishment, although no ultimately culpable evil should be involved in it.
3. The comparative multitude of offenders, relation to offenders by other crimes.
4. The comparative improbability, even of prosecution to the prejudice of the relatively innocent.
5. The otherwise certain multiplicity of groundless Appeals, on the part of those who are guilty; namely for the chance of ultimate impunity coupled with the certainty of intermedial respite.

Art. 13. In these cases in the exercise of its appeal-licensing function, the Local Jury in any instance in which it appears to them, that the decision of the Immediate ought to be subject to the revision of the Appellate Judiciary, make the declaration to this effect in and by an appropriate Executive Decree: which done the record goes up to the Appellate Judiciary, as in other cases, as to the particular effect given to the appeal thus

See Procedure Code. Art. Lawan French.

So as to the form of registration in relation to it.

Art. 14.

h

| **Vv* vA**
t- iLt 4vt*OviD oJJL 0^ uwuAut \ l/Vu ■
t- <^ALu^t^fc; <J.

^Zo Kauo saJ^a^»Sa^SI1 ^*-' 4^AW

*4.

U-
^» <|^*! ^Uiij|<3AA^a1w>Ci Cl\

te 4 ^2>-^ L JL

flrv\ , &*d

4 * 4u- ** VA^JO^VOk^kd*,/ VAaa^0>*^< *vf> tA<4^*,

ft«kU. «J |3vt>I<jtc»_

*^*tC<!>Av "4 1^4r. AiJ*-' <jl Artfo^tvefu

^4.

fJL i .is 1 'll i * LLfi'-y

j4— ,

tVVWv

J.

CA*oc4-«.; L>

I^j^OCdOklv , «H. xlijL, joCviX ^ *^VO % «-> t^rXv*? <IM<*-> ^

Otv*-' Vlvaau*. •,<UAAdkUL;

. <£ .X kvA.1vAa.q4j Uaaj|^ ttw.4^ KoX^L..

g*>r vvw

Qx.1/1 (XmaLj c^J, vw/l"lxvv^x^o-z»4 /V4_4-lo c!jl> »

<*|L '

IJ I

Ju ~4
l + ZZx^) IV*

WI/

d-WkJ^*. |ip*j 0Ua*|

. ktiU^Uk^

4 0k|o lotdrt-V 4~C^*fIAv- !

• 4- • fvt

K Ajk_ ^4_0 IA». IOA*<aAa

o4— Tma**. vLd4> SA>^!v^7 4 t

^J) iV<jwt3v*v* <*j^ ^jViL/

elo^V«4«^ 4j iL^» 2> -C-4 tv. av^vV Ctv. <xjo ^

^Lvv.o4^*^OLtkaa^ * U»X*

f
N» IS {(3) * JL
'ad2'Uw'tA*** , (W
1
\ t-S
V > **ffjvi vA-vJ^v-v ai^j-c*A» Qiwt**

. VUfc|;,

11, fc-JL L 4 **• 1 k.

r is j 1

date Tags:

da,