

No. IV.

An Act to give further time to prepare and settle the Jury Lists for the District of Maitland for the Year One thousand eight hundred and thirty-eight. [10th August, 1838.]

Preamble. WHEREAS by a certain Act of the Governor and Legislative Council of New South Wales passed in the fourth year of the reign of His late Majesty intituled "An Act to continue for a limited time an Act of the Governor and Council of New South Wales intituled 'An Act for regulating the constitution of Juries and for the Trial of Issues in certain cases in the Supreme Court

" of

Maitland Jury Lists.

“ ‘ of New South Wales’ and to make further provision for Trial by Jury in Criminal Cases in the said Colony” it was among other things enacted That every man residing within the distance of thirty miles from the town of Maitland and who shall be qualified as therein directed with respect to juries for the trial of issues joined in the Supreme Court shall be liable to serve on juries for the trial of crimes offences and misdemeanors in the Court of Quarter Sessions appointed to be holden in said town And whereas it was further enacted that the Justices in Petty Sessions to be holden in the said town of Maitland in the first week of the month of January in every succeeding year after the passing of said recited Act should prepare or cause to be prepared lists of all men within the said township or district liable to serve on the said juries as in the said Act is mentioned and that as soon as the said lists should be settled as therein provided the same should be immediately transmitted by the said Justices to the Sheriff to be by him entered in a book styled the Jurors’ Book in the manner therein set forth and whereas jury lists for the said town or district of Maitland have not been prepared for the current year according to the provisions of the said recited Act and it is expedient and necessary to remedy such omission and to give further time for the preparing and settling the said lists and transmitting the same to the Sheriff to be transcribed in the Jurors’ Book and in the meantime to make provision for the administration of justice Be it therefore enacted and declared by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That the jurors’ book for the said township or district of Maitland for the past year prepared in pursuance of the provisions of the said recited Act shall be and continue and be deemed and taken to be and to have been in force until the lists and jurors’ book for the current year shall be prepared as hereinafter is provided and directed.

Jurors’ book to
continue in force
until new jury lists
are prepared and
transcribed.

2. And be it further enacted That the Police Magistrate for Maitland shall on the seventeenth day of August in this present year prepare or cause to be prepared lists of all men within the said township or district liable to serve on juries according to the provisions of the said recited Act and shall subscribe the said lists and shall cause a copy thereof to be within three days after the same shall be prepared affixed to the principal door of the Court-house and also the principal door of every public place of religious worship within the said town in like manner and form as is in and by the said recited Act directed and provided.

Preparation of jury
lists for current
year.

3. And be it further enacted That a Special Sessions of the Peace shall be held on the thirty-first day of the month of August in this present year in the said town of Maitland for the correcting of said lists and for such purpose the Justices for the said district shall be summoned by the said Police Magistrate and shall attend as in the said recited Act is directed and the said Police Magistrate shall in like manner attend and produce the lists so prepared and verified as hereinbefore directed and thereupon the Justices at such Sessions assembled shall examine and correct the said lists in like manner and form as in and by the said recited Act is directed and required.

Special Session to
be held for correcting
jury lists.

4. And be it further enacted That as soon as the said lists shall be settled as hereinbefore is directed the same shall be immediately transmitted by the said Police Magistrate to the Sheriff and the Sheriff upon receiving such lists shall within seven days after the receipt thereof cause to be transcribed fairly in the jurors’ book for said district for the current year the names of all persons contained in the said lists in such form and manner in all respects as if the same had been transmitted to him within the time appointed by the said

Lists to be trans-
mitted to the Sheriff
to be transcribed
into jurors’ book.

Quarter Sessions.

said recited Act and shall cause a faithful copy of the said jurors' book to be made and delivered to the Clerk of the Peace for the said district and such jurors' book shall thereupon be and continue in force for the current year and until the jury lists for the ensuing year shall be transcribed by the Sheriff into the jurors' book and shall be of the same force and effect to all intents and purposes as if the same had been made and prepared according to the provisions of the said recited Act.

Jurors liable to same mode and form of proceeding as under former Act.

Allowances.

Penalties.

Penalties on officers neglecting duties herein prescribed.

Act not to interfere with preparation of jury lists for 1839.

5. And be it further enacted That all persons who shall be summoned to attend the said Court of Quarter Sessions for the said district of Maitland as jurors under the provisions of this Act shall be subject and liable to such and the like rules forms course and manner of impannelling and proceeding in all respects on the trial of any issue and shall be entitled to receive such and the like respective rates of allowance for attendance upon said Court as are prescribed by the said recited Act and in default of such attendance shall be subject and liable to such and the like forfeitures to be recovered in like manner as in and by the said recited Act is directed and provided.

6. And be it further enacted That any Sheriff or other officer or any Police Magistrate or Justice of the Peace Clerk of the Petty Sessions or other ministerial officer who shall wilfully neglect or refuse to execute any of the duties in the manner herein directed and specified shall be subject and liable to such and the like penalties and to be recovered in like manner as in and by the said recited Act is directed and provided.

7. And be it further enacted and declared That nothing herein contained shall be deemed or construed to interfere with the preparing settling and transcribing into the jurors' book of the jury lists for the year one thousand eight hundred and thirty-nine but that the same shall be prepared and completed in all respects according to the provisions of the said recited Act as if this Act had not been passed.