

No. VI.

An Act to amend the Laws relative to the formation and return of Juries and to the compensation to be paid thereto. [28th July, 1876.]

JURY LAWS
AMENDMENT
(No. 2).

WHEREAS it is expedient and desirable to amend the Laws Preamble.
relative to the formation and return of Juries and for the
compensation to be paid to Jurors for the trial of civil and criminal
issues Be it enacted by the Queen's Most Excellent Majesty by and
with the advice and consent of the Legislative Council and the
Legislative Assembly of New South Wales in Parliament assembled
and by the authority of the same as follows:—

1. Whenever it shall be made to appear to the Governor in “Jurors district” to
contain two hundred
names.
Council that the list of jurors qualified to serve on any jury for any
town or place at which any Court for the trial of civil and criminal
issues or any Court of General or Quarter Sessions of the Peace has
been or shall hereafter be appointed to be holden does not contain two
hundred names it shall be competent for the Governor in Council if he
shall think fit to extend the “jurors district” for such town or place
to a circuit of not more than fifty miles including and around such
town or place Provided always that whenever from the relative
distances of the towns or places for holding any two of such Courts
the circuits around each would in the direction between them be
partially identical then that portion shall be bounded by a straight
line rectangulary to a straight line connecting such towns or places
and so prolonged as to meet the points of intersection.

2. Whenever any precept to summon any jury shall have been Sheriff to summon
jurors by lot.
issued the Sheriff shall summon the persons whose names shall appear
on the jurors list for the district within which the attendance of the
jurors is by the said precept required in the manner following:—

- (1.) Cards shall be procured to be printed or stamped only with the
same numbers as shall appear opposite to the names on the
appropriate jurors list for any town or place at which any
Court as aforesaid is required to be held.

(2.)

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(2.) As many cards as there are names on any jury list from which it is required to summon any such jury as aforesaid shall be placed in a rotating ballot-box to be approved of by the Minister of Justice and such box having been first made to rotate for one minute at least by the Sheriff or his Deputy the cards shall then be drawn forth one at a time until the number of jurors required to be summoned shall be chosen and the persons whose names on the jurors list correspond with the numbers on the cards drawn in the manner aforesaid shall be the persons summoned to attend.

(3.) No juror chosen in the above manner and afterwards duly summoned shall be again liable to be summoned until every person on the jurors list for the same town or place shall have been summoned. Provided always that where a number is drawn indicating the name of a juror whom such Sheriff or Deputy knows to be dead or to have quitted the district another number shall be drawn in the place of such juror a special return being made to the Court with the names of the jurors summoned of the names of every juror so omitted with the cause thereof.

Qualification for
"Special Juror."

3. Every man who shall in the jurors list be described as a Justice of the Peace lessee of the Crown Banker Bank director merchant accountant engineer manager of a station broker chemist or druggist warehouseman commission agent or architect or as the owner or tenant of any lands or tenements of the yearly value of one hundred pounds and upwards shall be qualified and liable to serve as a "Special Juror."

Compensation to be
paid to jurors.

4. The Governor in Council shall have power to fix from time to time the amounts of compensation to be paid to jurors for attendance in the Supreme and Circuit Courts and Courts of General and Quarter Sessions.

Persons claiming
exemption.

5. No person otherwise entitled to exemption from service as a juror shall be exempted unless he shall have claimed such exemption by notice to the Sheriff thirty days at the least before he shall be summoned.

Repeal of sec. 2 of 18
Vic. No. 18.

6. After the passing of this Act the second section of the Act passed in the eighteenth year of Her Majesty and numbered eighteen shall be repealed.

Judge may order
refreshment for jury.

7. Every Judge may in his discretion order any refreshment not being fermented or spirituous liquor to be supplied to any jury at any time after such jury shall have been impannelled and sworn and notwithstanding that such jury may have retired to consider of their verdict.

Jurors' District for
Sydney.

8. The Jurors' District for Sydney shall after the present year be the Sydney Police District and also all places within a distance of twelve miles from the City Town Hall And all such places shall thereafter be excluded from the Jurors' District for Parramatta.

Mode of summoning
jurors.

9. After the first day of September next every juror may be summoned in the ordinary manner or by a summons having thereon the Sheriff's seal of office sent by post. Provided that a duplicate of every summons so sent shall be stamped by the Postmaster or some person duly acting for him at the time of delivery at the office for transmission which duplicate shall be *prima facie* evidence that the juror named was served in the ordinary course of post. And provided also that two additional days shall be allowed in every case of summoning by post between the day of such summoning and the day of attendance required.

Service by persons
naturalised &c.

10. Every person having obtained letters of denization or been naturalised or who being an alien by birth shall have resided in this Colony seven years or upwards shall if otherwise qualified as a juror be qualified and liable to serve on all juries in like manner as a natural born subject of the Queen so qualified would be liable.

Australian Wine Sales Amendment.

11. The provisions of the fifth section of the Act passed in the eighteenth year of Her Majesty numbered eighteen shall apply to all Courts and Judges having power to impose fines on jurors for non-attendance and where cause shall be shown by affidavit in pursuance of that section the same may be transmitted to the Judge who imposed the fine who shall thereupon have power to remit or mitigate the same and in default of any order to that effect the fine shall be enforced. Jurors not attending.

12. This Act shall come into force on the first day of September one thousand eight hundred and seventy-six and may be cited as the Commencement and short title. "Jury Laws Amendment Act of 1876."
