

WESTERN AUSTRALIA

ANNO QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ

No. 25

An Act to amend 'The Jury Act, 1871.'

[Assented to 24th July, 1878.]

WHEREAS it is expedient to amend 'The Jury Act, 1871:' Be Preamble
it enacted by His Excellency the Governor of Western
Australia and its Dependencies, by and with the advice and consent of
the Legislative Council thereof, as follows :—

1. This Act may be cited as 'The Jury Act, 1871, Amendment Act, Short title
1878,' and the said Act of 1871, and this Act shall be taken and read Incorporation
as one Act. with 35 Vic.,
No. 8.

2. In any district in which a Court of General Sessions of the In districts
Peace has been appointed to be held, pursuant to the provisions of where Quarter
an Ordinance passed in the ninth year of the reign of Her present Sessions are held,
Majesty, and numbered four, the jury list for such district finally jury list need not
settled and certified in pursuance of the provisions of the said Act be transmitted to
of 1871 need not be transmitted to the Sheriff, or transcribed in Sheriff
the 'Jurors' Book,' in pursuance of section fourteen of the said
Act.

3. The jury list, settled and certified as aforesaid, in any district Jury list revised
as aforesaid, in any year, shall be in force within such district until and certified to be
the jury list for an ensuing year has been settled and certified. in force till next
revision

4. As often as in any such district as aforesaid a writ of *venire* Mode of summon-
facias or precept shall be addressed and delivered to the sheriff, bailiff, ing petty jurors
or other officer of the court appointed in such district as aforesaid, in

Jury Act, 1871—Amendment

pursuance of section fifteen of the said Act, requiring him to empanel and summon jurors for the trial of any issue or issues, information or informations, such sheriff, bailiff, or other officer as aforesaid shall empanel and summon all persons whomsoever, inclusive of persons being on the special jury list, whose names shall be on the jury list in force within such district for the time being, according to the order in which they shall successively appear therein, until every such person shall have been empanelled and summoned in his turn; and in case any such person shall make default in appearing to such summons, and in serving as a juror at the time and place therein specified, he shall be empanelled and summoned a second time on the then next common or petty jury, or oftener, until he shall have served, for such default or defaults; and all and every person and persons whose name or names appear on the special jurors' list shall be liable to and be empanelled and compellable to serve as common or petty jurors, and shall be subject to all fines, forfeitures, and penalties, laws, ordinances, regulations, provisions, objections, challenges, rules, orders, and practice relating to or concerning common or petty jurors; Provided, nevertheless, that no person residing beyond a radius of twenty-five miles of the place of attendance shall be summoned to serve.

Governor in appointing sessions to be held may appoint a day for first holding sessions to settle lists

5. Whenever the Governor, by Proclamation made in pursuance of the said Ordinance, shall appoint Courts of General Sessions to be holden in any district, it shall be lawful for the Governor by the same or another Proclamation to fix some day other than the Tuesday of the third week in the month of January, as the day for first holding the special sessions, for the revision of the jury lists in accordance with the provisions of section twelve of the said Act of 1871.

In districts aforesaid, Justices of the Peace exempted

6. In any such district as aforesaid, but in no other, Justices of the Peace shall be exempted from serving on juries, and their names shall not be inserted in the jury list made out for any such district as first above-mentioned, or if they are inserted, such Justices may nevertheless claim exemption.

H. ST. GEORGE, ORD,
GOVERNOR.