



WESTERN AUSTRALIA.

ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

NO. VII.

AN ORDINANCE to alter and amend the Law for regulating the Constitution of Juries and for the Trial of Issues in certain Cases in the Criminal and Civil Courts of Western Australia.

WHEREAS it is expedient to alter and amend the Laws regarding the Constitution of Juries; Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies by and with the Advice and Consent of the Legislative Council thereof:—

Preamble.

I. THAT all Issues of Fact, whether arising in Criminal or Civil Proceedings within the said Colony, and all Damages recoverable in any Actions at Law after Judgment by Default or upon Demurrer (other than those Damages and Issues of Fact, which are now assessed, tried, and determined by the Civil Court of the Colony without the Assistance of a Jury, pursuant to the Ordinance in that Case, or by the Courts of Requests, or the Petty Debt Courts,) shall be tried, determined, and assessed by a Jury before the Civil and Criminal Courts of Record in the said Colony, which Jury shall in each Case consist of Twelve Persons who shall be subject to such and the like Rules and Regulations and Manner of Proceeding as prevail in or are observed upon the Trial of any Issues of Fact joined in Her Majesty's Courts of Record at Westminster or Dublin, or in Courts of Assize in England or Ireland, so far as is not otherwise or specially provided for in this Ordinance: But nothing herein contained shall be deemed or taken

Issues of fact and damages, how to be in general tried and assessed by Juries.

Exceptions to rule.

Constitution of Juries &c.

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to apply to, or in any manner affect the Court of Quarter Sessions at Albany or the Practice established therein.

Qualifications and liability to serve as Jurors.

II. THAT every Man (except as hereinafter excepted) between the Ages of Twenty One Years and Sixty Years who has been a resident within the said Colony for a Period of Twelve Months, and who shall reside within Thirty Miles of the City of Perth, and who shall have within the Colony, either in his own Name, or in Trust for him, real Estate of the value of Fifty Pounds Sterling clear of all Incumbrances or a clear personal Estate of the Value of One Hundred and Fifty Pounds Sterling or upwards shall be qualified and liable to serve on Juries for the Trial of any such Issues joined in the Civil and Criminal Courts afoersaid.

Disqualifications of certain persons.

III. PROVIDED that no Man not being a natural born Subject of Her Majesty, and no Man who hath been, or shall be attainted of any Treason, or Felony or convicted of any Crime that is infamous (unless he shall have obtained a Pardon thereof or shall be within the Benefit and Protection of some Act of Parliament giving the Force and Effect of a Free Pardon under the Great Seal for such Crime,) and no Man who in any Part of the British Dominions has been convicted of any infamous Crime, or has been twice convicted of any Treason or Felony, is or shall be qualified to serve on any Jury under this Ordinance.

Exemptions.

IV. AND provided also that the following Persons shall be exempted from serving on Juries, and shall not be inserted in the Lists to be prepared by Virtue of this Ordinance, or if inserted may claim exemption, that is to say, Members of the Executive and Legislative Councils, the Commissioners and Officers of the Civil and Criminal Courts, Persons holding Office under the Imperial or Colonial Government, all Ministers of Religion, Barristers, Attornies, Solicitors, admitted and in actual Practice, Physicians and Surgeons in actual Practice, Naval and Military Officers on full Pay, Pilots, Mariners actually employed, Sheriff's Officers and Peace Officers, all Managers of Banks and all Persons acting in that capacity, and all Persons who by Law and Custom are exempted from serving on Juries in England or Ireland.

Jury Lists to be made out, how, and by whom.

V. THAT the Resident or Police Magistrate of each District of the Colony, within Thirty Miles of the City of Perth, or (during a Vacancy in that Office,) some other Person to be appointed for that Purpose by the Governor for the Time being shall on or before the First Day of January in every Year next after the passing of this Ordinance prepare or cause to be prepared a suitable Number of Lists of all Persons qualified and liable to serve on Juries pursuant to the Provisions hereof, and shall set forth in such Lists the Christian Names and Surnames, Residences, Titles, Additions, and Qualifications, of such Person respectively according to the Form hereunto annexed and shall subscribe each of the said Lists with his own Name, Address and Description accompanied by a Declaration in Writing signed in like Man-

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ner, and averring that such List contains to the best of his Knowledge, Information, and Belief the Names of all Persons within such District who are qualified and liable to serve on Juries according to the Provisions of this Ordinance.

VI. THAT such Jury Lists shall within Three Days after the same shall be so prepared be affixed to such conspicuous Places in the said Colony as the Sheriff for the Time being shall for that purpose appoint, together with a Notice signed by the said Resident or Police Magistrate, or other Appointee as aforesaid stating that the Justices of the Peace of such District will hear at a Special Sessions directed to be held for that Purpose as hereinafter mentioned all Objections that may be urged to the said Lists: And such Magistrate or Appointee shall keep Duplicates of the said Lists and exhibit the same gratuitously for the Information of the Inhabitants of the Colony to any Person on Application for that Purpose at any reasonable Time within Fourteen Days after the Posting of such Notice.

Posting of Lists, with notice.

VII. THAT a Special Sessions shall be held in each District of the Colony being within Thirty Miles of the said City on the Tuesday of the Third Week in the Month of January in every Year to which all Magistrates within the District except the Comissioner of the Civil Court and Chairman of Quarter Sessions and all Colonial and Imperial Officers in the Commission of the Peace, and having seats in the Executive or Legislative Councils, shall be duly summoned by the Resident or Police Magistrate of such District or Appointee as aforesaid, and they shall thereupon attend the said Sessions, and such Magistrate or Appointee shall then and there produce the Lists so prepared and verified as aforesaid or true Copies thereof, and the Justices so assembled shall proceed to elect their Chairman and shall examine such Lists seriatim, and shall strike thereout the Names of all Persons not liable to serve or disqualified from serving as Jurors under the Provisions hereof, and also of all persons who may be shown on Evidence to be disqualified from doing so by Deafness, Blindness, Mental Infirmary, or any other Cause which in the Opinion of the said Justices shall amount to a Disqualification, and the said Justices shall on the other Hand insert in the said Lists, either upon their own Motion or upon the Application of any One in the behalf the Names of all Persons whom they shall consider to have been improperly omitted from such Lists: and they shall correct all Errors and Mistakes that may be found therein and finally settle the same, and the the said Lists when so settled shall be conclusive and shall continue in Force for the current Year, and until a new List shall be settled as aforesaid and transcribed as herein-after provided, and if any Question shall arise respecting the striking out or adding of a Name or otherwise respecting the Settlement of such Lists the same shall be decided by Ballot.

Special Sessions to revise and settle Lists.

VIII. THAT after the said Lists have been finally settled as aforesaid a Certificate shall be subjoined thereto and subscribed by the Chairman

Correctness of Lists to be certified.

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Chairman of the said Magistrates as well as by the said Resident or Police Magistrate or Appointee stating that the same have been carefully examined and corrected at such Sessions according to the best of the Knowledge, Information and Belief of the major Part of the Magistrates, and that all the Persons then named in such Lists are qualified and liable to serve on Juries according to the Provisions of this Ordinance.

Transmission of Lists to Sheriff, who is to transcribe them into the "Jurors Book," in alphabetical order.

IX. THAT as soon as the said Lists shall be settled and certified as aforesaid they shall be immediately transmitted by the said Chairman to the Sheriff for the Time being who upon receiving the same shall within Three Days therefrom in each and every Year cause to be transcribed fairly in a Book to be kept in his Office for such Purpose and to be styled the "Jurors Book" the Names of all Persons contained in such several Lists respectively with the Additions of their respective Residences, Titles, and Qualifications in alphabetical Order beginning under each Letter of the Alphabet with the Surname of each Person, and such Jurors Book shall thereupon be and continue in force for the current Year and until the Jury Lists for the Year next ensuing shall be transcribed by the Sheriff into the Jurors Book.

Issuing of Precepts in Civil Court. Common Jury.

X. THAT in any Case in which an Issue of Fact may be tried, or Damages assessed before a Common Jury in the Civil Court pursuant to the Terms of the Ordinance in such Case, and the Plaintiff or Defendant in the Action or the Attorney of either shall apply in that Behalf to the Registrar Clerk of the Court, it shall be lawful for such Officer, and he is hereby required immediately thereupon to issue a Precept or Warrant in the Nature of a *Venire Facias*, (the Form of which shall be settled by the Commissioner of the said Court,) directing the Sheriff to summon a Jury under the Provisions of this Ordinance for the Trial of such Issue or the assessing of such Damages: Provided that such Application be made and such Precept be issued at least Seven clear Days before the Attendance of such Jury shall be required.

In the Court of general Quarter Sessions.

XI. THAT all Jurors for the Trial of any Issue in the Court of General Quarter Sessions of the Peace for the said Colony shall be summoned by Virtue of a Precept under the Hands of Two Justices, directed to the Sheriff, and in such Form as shall be settled by the Chairman of the said Court.

Summoning of Common Jurors pursuant to Precepts.

XII. THAT as often as a writ of *Venire Facias* or Precept shall be delivered to the Sheriff requiring him to summon Jurors for the Trial of any such Issues as aforesaid, the Sheriff shall and he is hereby required to summon all Persons (not being on the Special Jury List as hereinafter provided) whose Names shall be transcribed in such Jurors Book according to the Order in which they shall successively appear therein until every such Person shall have been summoned in his Turn, and in case any such Person shall make Default in serving, he shall be summoned a second Time, or oftener, until he shall have served for such Default or Defaults, and such Order shall be observed every suc-

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ceeding Year the Sheriff beginning from or next after the Names of the Persons who were last summoned to attend such Juries as appearing by the Book of the preceding Year, but without prejudice to the summoning of previous Defaulters as aforesaid: Provided always that no Person whose Name shall be contained in the Special Jurors List hereinafter mentioned shall be liable to serve as a Common Juror in the Civil Court or at the Court of General Quarter Sessions of the Peace: Provided also if there shall happen to be no Jurors Book in existence for any current Year it shall be lawful to return Jurors from the Book for the Year next preceding which shall be deemed the Jurors Book until the new one is prepared and made out.

XIII. THAT the Names of no less than Twenty nor more than Forty Persons shall be included in any such *Venire Facias* or Precept, and such Jurors shall be summoned accordingly; And every *Venire Facias* or precept shall be issued to the Sheriff at least Seven clear Days before the Attendance of such Jurors shall be required, and the said Jurors shall be severally summoned by the Sheriff, or his proper Officer, Five clear Days before their Attendance shall be required, and every such Summons shall be in Writing signed by the Sheriff to the following Effect; "Mr. A. B., You are hereby required to appear as a Juror at the to be holden on the Day of and thereon to attend from Day to Day until you shall be discharged by the Court. (Signed) Sheriff. Dated this day of 18 . To Mr. A. B. of . And the Summons shall be delivered to the respective Persons personally, or left with some adult Member of their Families or Households; And the Sheriff shall return to the Court on the Day appointed for that Purpose, the said *Venire* with the Panel of Jurors, and shall cause a Copy of such Panel to be kept in his Office for Seven Days at the least before the Sitting of the Court, and the Parties in all Cases Civil and Criminal to be tried at such Sitting shall have full Liberty to inspect such List without Fee, and the Sheriff shall also cause a Copy of every Panel of Jurors in Criminal Cases to be suspended in such conspicuous and accessible Place or Places as the Sheriff for the Time being shall direct for at least Five Days before the First Day of the Sittings of the Court for which the Jurors are summoned; and shall affix thereto a printed or written Statement signed by him, and embodying the Provisions next hereinafter contained in so far as they are applicable to such a Case.

Number of Jurors to be summoned. Time of Issuing Precepts for, and of summoning Common Jurors.

Form of Summons.

Service of Summons.

Return of Precept with panel of Common Jurors.

Publicity to be given to panel.

Objections to common Jurors, how regulated.

XIV. PROVIDED that in Order to secure the fair and impartial Trial of Issues, upon any Civil or Criminal Trial, when and so often as either Party whether Plaintiff or Prosecutor, Defendant or Prisoner as the Case may be, shall desire to object to any of the Jurors named in the Panel returned by the Sheriff, it shall be lawful for such Person to object to any Number of such Jurors not exceeding Six, by giving to the Officer of the Court a Note of the Names of the Jurors objected to, and the said Officer shall thereupon put aside all the Pieces of Parchment or Paper having thereon the Names of the Jurors so objected

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Challenge for cause.

to by either Party and shall put the Residue only of the Pieces of Parchment or Paper into the Balloting Box and shall draw therefrom the Names of the Jurors to try such Issue: Provided also that Nothing herein contained shall interfere with the Right of Challenge for Cause shown as established by Law or Usage.

Fine on Common Jurors not attending as required by summons.

XV THAT if any Person duly summoned as a Common Juror by the Sheriff for the Time being in Pursuance of this Ordinance shall make Default, or fail to attend as required by the Summons then (unless some sufficient Cause for such Default shall be shown) upon Proof being made on Oath of such Person having been duly summoned as aforesaid he shall incur a Fine and Forfeit a Sum not exceeding Twenty Pounds, at the Discretion of the Commissioner or Court to whom or before which the Panel was returnable, and which Fine or Sum shall be levied and appropriated in like Manner as all other Fines and Forfeitures under this Ordinance.

Challenges to the array, &c.

XVI. THAT Challenges to the Array and to the Polls of Common and Petit Jurors only may be made and shall be allowed in every Court in the said Colony for such and the like Cause in such and the like Form and Manner, and under and subject to the like Laws, Rules, and Regulations in every respect as by Law established, and used and practised in like Cases in Her Majesty's Courts of Record at Westminster or Dublin.

Drawing names of Common Jurors at the Trials.

XVII: THAT at the Sitting of any of the said Courts for the Trial of any such Issues as aforesaid, the Name, Addition, and Place of Abode of each Juror summoned as aforesaid shall be written or produced on a separate Piece of Paper or Parchment, and put into a Box, and when such Issue is called on to be tried the Register Clerk, or Clerk of the Peace, or other ministerial Officer of the Court shall in open Court draw therefrom until Twelve Names appear who are not open to a Challenge, and after the Trial such Names shall be returned to the Box to be kept with the other undrawn Names, and *toties quoties*, as long as any Issue shall remain to be tried.

Praying a Tales.
Common Jury.

XVIII. THAT when a Cause appointed to be tried by a Common Jury shall be called on, and a sufficient Number of Jurors summoned to attend such Court shall not be in Attendance, it shall be competent for either Party to the Cause to pray a Tales, and the Court or Commissioner may then command the Sheriff or his Deputy forthwith to summon as many good and lawful Men of the Bystanders (being duly qualified and liable as Jurors as aforesaid,) as shall be sufficient to make up a full Jury for the Trial of such Cause.

Allowances to Common Jurors in the Civil Court—by whom payable &c.

XIX. THAT every Common Juror who shall attend the Civil Court to try Civil Issues in Pursuance of any Summons shall be entitled to receive Compensation for his Loss of Time, and Expenses at and after the following Rate, (that is to say,) for every Jury, upon which such Juror shall be called to sit, the Sum of Five Shillings, or such

other Sum or Sums as the Commissioner of the said Court, shall from Time to Time, by any general Order under his Hand direct; And every Sum so receivable shall in the First Instance be paid to each such Juror by the Person or Persons in Favour of whom the Issue tried in each Case shall be found, or who may be otherwise entitled to recover the Costs of such Issue as against the opposite Party; And on the Taxation of the Costs all such Sums shall be taxed and allowed by the Registrar Clerk, or other proper Officer of the Court in like Manner as other Sums paid or chargeable in the Action: But no Remuneration or Allowance whatever shall be given, or made to any Juror attending any Trial holden before the Court of General Quarter Sessions.

No allowance to Jurors in Court of general Quarter Sessions.

XX. THAT the Civil Court or Commissioner thereof may on the Application of either the Plaintiff, or Defendant in any pending Action grant a Rule or Order at any Time previous to the Trial that Two or more of the Jury, whether it be a Common or Special One, shall have a View of any Place in Question, and the said Court or Commissioner may also order that such Sum as he or it may think reasonable for defraying the Expenses of such View shall be paid thereupon by the Party applying therefor, but which Sum shall on Taxation be taxed and allowed as Part of the Costs of the Action: Provided, (as regards Special Juries) that the Certificate mentioned in the Twenty-seventh Section hereof shall have been granted as therein specified, and Two or more of the Persons named in the Panel who shall be mutually agreed on between the Parties, or in Case they cannot agree who shall be nominated by the Sheriff shall be shewn the Place by Two Persons to be appointed by the Sheriff for such Purpose, and the Names of the Viewers shall be returned by the Sheriff, and they shall be the first of the Panel who shall be called and sworn as Jurors to try the Issue.

Jurors to view premises.

XXI. THAT if in any Case wherein the Trial of any Issue or Issues is to be had before a Jury, either of the Parties, Plaintiff or Defendant, shall make Application to the Civil Court or Commissioner thereof stating his Desire to have the said Issue or Issues tried by a Special Jury constituted as hereinafter more particularly described, it shall be lawful for the said Court or Commissioner to allow such Application and direct a Special Jury accordingly.

Special Juries, in the Civil Court.

XXII. THAT every Man described in the Jurors Book to be transcribed and kept under this Ordinance as an Esquire or Person of higher Degree, or as a Justice of the Peace, or as a Merchant, (such Merchant not keeping a general retail Shop,) or as a Bank Director or possessing real Estate of the Value of One Thousand Pounds, or personal Estate of the Value of One Thousand Five Hundred Pounds, shall be qualified and liable to serve on Special Juries for the Trial of Issues in the Civil Court as aforesaid.

Their Qualification.

XXIII. THAT the Sheriff shall immediately after the making up of the said Jurors Book as prescribed herein extract from the said Book the Names of all Persons who shall be qualified and liable to serve on

Special Jurors List— how made up.

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Special Juries under this Ordinance, and shall cause those Names to be fairly and truly copied out in alphabetical Order together with their respective Places of Abode and Additions in a List to be called the "Special Jurors List" which shall be written beneath the Names in the General List in and form a Portion of the Jurors Book, and the said Sheriff shall prefix to every Name in such Special List, its proper Number beginning with the Numbers from the first Name and continuing them in a regular arithmetical Series down to the last Name, and shall cause the said several Numbers to be written upon distinct Pieces of Paper or Parchment being all as nearly as may be of equal Size, and after all the said Numbers shall have been so written shall put the same together in a separate Drawer or Box, and shall there safely keep the same to be used for the purpose hereinafter mentioned.

Striking of Special Jurors.

XXIV. THAT whenever the said Civil Court or Commissiouer thereof, shall have awarded a Special Jury for the Trial of any Issue the Registrar Clerk, or other proper Officer of the Court shall appoint a Time and Place for the striking of such Special Jury, and the said Officer at the Time and Place, being attended by the Sheriff, who is hereby required to bring with him the Special Jurors Lists as contained in the said Book, and all the Numbers so written out as aforesaid, shall in the presence of the Parties to the Issue, and of their Attorney, (if they choose to attend, and if not, then in their Absence) put all the said Numbers into a Box, to be by him provided for that Purpose, and after they shall have been shaken together each Party or his Attorney shall draw alternately out of the Box Twenty of the said Numbers one after the other, and the Registrar Clerk or other Officer shall as each Number is drawn refer to the corresponding Number in the Special Jurors List, and read aloud the Name designated by such Number, and when such Twenty Numbers have been so drawn and announced the said Sheriff shall prepare Two Lists of those Names with the Numbers as they are written in the Special Jurors List, and shall deliver one List to the Plaintiff and another to the Defendant, or their respective Attornies, and the Twenty Names contained in the Lists so delivered shall be thereupon reduced to Sixteen by the Plaintiff, or his Attorney, and the Defendant, or his Attorney, each of them in the presence of the Sheriff striking out at his Discretion Two Names from the said Lists, and then returning the same respectively to the Sheriff.

Summoning Special Jurors,
and drawing names at Trial.

XXV. THAT as soon as any Special Jury shall be struck as aforesaid, the same shall be summoned by the Sheriff or his Officer to attend the Civil Court at the Time appointed for the Trial of such Cause, according to such Form and Manner as is directed for summoning Common Jurors, and the Sheriff shall on the Day appointed for the Trial deliver to the Registrar Clerk or other proper Officer of the Civil Court the said reduced Lists together with the Box from which the Numbers were drawn, and shall put therein all the Numbers corresponding with the Names remaining on those Lists, and the Officer shall in open Court, draw from the Box One Number at a Time, and shall

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repeat aloud the corresponding Name from the said Lists until Twelve Men shall answer, and which said Twelve being duly sworn shall be deemed and taken to be the Special Jury.

XXVI. THAT when the Cause appointed to be tried by a Special Jury as aforesaid shall be called on, and a sufficient Number of Jurors summoned to attend such Court shall not be in Attendance, it shall be competent to either Party to pray a Tales, and the Court may then command the Sheriff or his Deputy forthwith to summon as many good and lawful Men of the Bystanders being duly qualified and liable as Common Jurors as shall be sufficient to make up a Jury for the Trial of such Cause as aforesaid: Provided, however, that such Court shall in no Case allow such Tales unless at least Nine out of the Jurors summoned for the Trial of the Cause shall be then in Attendance at the Court.

Praying a Tales.
Special Jury.

XXVII. THAT the Person or Party who shall apply for a Special Jury for the Trial of any Civil Issue shall pay to the Registrar Clerk and Sheriff a Fee of One Guinea each on the Striking of such Jury, and shall bear all extra Expenses occasioned by the Trial before the same, and shall not be allowed any further Charges upon Taxation of Costs than such Party, or Person would be entitled to in Case the Cause had been tried by a Common Jury unless the Commissioner before whom the same is tried shall immediately after the Verdict certify under his Hand that the Cause was a proper one to be tried by a Special Jury.

Fees to Registrar Clerk, and Sheriff, on striking Special Jury, &c.

XXVIII. THAT every Special Juror who shall attend pursuant to Summons for the Trial of every such Issue as aforesaid shall be allowed the Sum of One Guinea as Compensation for his Loss of Time and Expenses, which Sums shall in the first Instance be paid by the Person or Persons in Favour of whom the Issue tried shall be found, or who may be otherwise entitled to receive the Costs thereof as against the opposite Party, but shall be allowed over by the Officer on the Taxation of such Costs in Case of the Granting of the Certificate last aforesaid.

Allowances to Special Jurors, &c.

XXIX. THAT if any Special Juror shall not attend on being duly summoned, or otherwise make default in not appearing in pursuance of such summons as aforesaid, then (unless some sufficient Cause for such Default shall be shown) upon proof being made upon Oath of such Person having been duly summoned he shall incur a Fine and forfeit a Sum not exceeding Fifty Pounds, at the Discretion of the Civil Court, or Commissioner thereof, before which, or to whom the panel was returnable, and which Fine or Sum shall be levied and applied in like Manner as all other Fines and Forfeitures under this Ordinance.

Fine on Special Jurors not attending pursuant to Summons.

XXX. THAT if any Resident or Police Magistrate, Chairman of Magistrates or other Magistrate, or any such Appointee as aforesaid shall fail, neglect, or refuse to comply with, and perform any of the Trusts or Duties required of or imposed upon them in and by the Fifth,

Fine on Magistrates, Sheriff, &c. failing to fulfil duties, under the Ordinance, or making out Lists, &c. fraudulently.

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Sixth, Seventh, Eighth, and Ninth Sections hereof, or any of them, or if any Sheriff or other Ministerial Officer, or any Clerk of Magistrates, shall wilfully or knowingly insert in any Jurors List or Jurors Book as aforesaid any Name or Names that ought not to be returned therein, or shall wilfully or knowingly omit therefrom any Name or Names that ought to appear therein, or shall otherwise fail well and faithfully to do and perform all and every the Acts, Matters and Things hereby required to be by him performed, then upon proof thereof on oath, such Resident or Police Magistrate, Chairman of Magistrates, or other Magistrate, or any such Clerk or Appointee, Sheriff or other Ministerial Officer shall (unless some sufficient Cause for such Failure, Neglect or Default be shown) incur a Fine and Forfeit a Sum not exceeding Fifty Pounds at the Discretion of the Civil Court or the Court of General Quarter Sessions.

Penalty on tampering with Jurors, &c.

XXXI. THAT any Person guilty of the Offence of corruptly influencing, or attempting to influence any such Juror as aforesaid or any Juror consenting thereto shall be deemed to have committed a Misdemeanour, and may on Proof thereof either before the said Civil Court or the Court of General Quarter Sessions be punished with Fine (not exceeding one Hundred Pounds,) and Imprisonment (not exceeding One Year.)

Affirmations, &c. may be made instead of Oaths, &c.

XXXII. THAT it shall be lawful for Persons belonging to any Society, or otherwise, who shall aver in Court their conscientious Objection to taking an Oath to make Affirmation instead thereof, and for Persons of the Jewish Religion to be sworn upon the Old Testament, and for Persons who shall object to be sworn according to the English Form of Oath to be sworn according to the Form usually adopted by Dissenters in the Courts of Scotland, or Ireland, or any other Form to which they may have been accustomed, and which they shall consider most binding upon their consciences: Provided, nevertheless, that any such Person who may bear false Witness upon any such Occasion shall be equally liable to be indicted for Perjury, as such Person would be if sworn in the usual Manner.

Fines and Forfeitures how recoverable and applicable.

XXXIII. THAT all Fines imposed by any Court or Commissioner under this Ordinance and all Forfeitures incurred in such Court by Reason of estreated Recognizances or otherwise may be levied by Writ issuing out of such Court directed to the Sheriff, who shall make his Return thereto showing the Manner in which he shall have executed the same, and shall upon the Order of the Court or Commissioner pay over all Monies received thereon to the Colonial Treasurer to the Use of Her Majesty, Her Heirs and Successors for the Public Uses of the said Colony, and in Support of the Government thereof.

Repeal of portion of 2 Wm. IV, No 3, and of certain Rules, &c.

XXXIV. THAT so much of the Ordinance 2nd William 4th No.3 of 1832 as relates to the Constitution of Juries for the Trial of Civil and Criminal Causes, and also the Forty-eighth and Forty-ninth of the General Rules and Order for the Regulation of Proceedings in the said Civil Court

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made and prescribed by His Excellency the Governor with the Advice of the Executive Council on the Thirteenth Day of May, One Thousand Eight Hundred and Thirty Six, and all other Ordinances, or Portions of Ordinances, Rules and Orders, or Minutes of Council inconsistent with the Provisions of this Ordinance shall be, and are hereby repealed.

XXXV. THAT this Ordinance may be cited for all Purposes as Short Title of Ordinance.
"The Jury Ordinance, 1858" and that the Schedule or Form hereunto annexed shall be taken and read as part hereof.

A. E. KENNEDY,
GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council
his 4th day of October 1858.*

HENRY WAKEFORD,
Clerk of the Council.

L. S.

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SCHEDULE OR FORM.

LIST OF MEN QUALIFIED AND LIABLE TO SERVE ON JURIES PURSUANT TO
"THE JURY ORDINANCE, 1858."

Christian name and sur- name at full length according to the alpha- betical order of the latter.	District.	Title, Quality, call- ing, or business.	Nature of Qualification.
			Freehold, £ per annum, £ of personal estate.

(Signed) A.B. Chairman of Magistrates.

(Signed) C.D. Resident or Police Magistrate of

*I hereby declare and aver that the above List contains to the best of my
knowledge, information and belief the Names of all persons within the said
District of _____ who are qualified and liable to serve on Juries
according to the Provisions of the said Ordinance.*

Dated this _____ day of _____ 18

A.B.