

## JURIES.

### No. 10 of 1898

(as amended by No. 11 of 1905, No. 35 of 1911, No. 24 of 1921, and No. 12 of 1928).

### AN ACT to consolidate the Acts relating to Juries.\*

[Assented to 28th October, 1898.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Jury Act, 1898*, and shall come into operation on the thirty-first day of December, 1898.

Short title and commencement.

2. The Acts mentioned in the First Schedule hereto are hereby repealed:

Repeal. First Schedule.

Provided that nothing in this Act shall affect any right acquired, liability (civil or criminal) incurred, or proceeding instituted or carried on under the provisions of any of the Acts hereby repealed.

3. In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings by this section ascribed to them:—

Interpretation.

“Commissioner” shall mean a commissioner appointed pursuant to the twelfth section of the Supreme Court Act, 1880.

“Juror” shall apply to a male person only.

“Master” includes every officer of the Supreme Court who, for the time being, is performing the Master's duty.

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\* Provisions relating to jurors in Courts of Session are contained in the Courts of Session Act, 1921 (No. 24 of 1921), and the Kimberley Districts General Sessions Act, 1886 (No. 27 of 1886).

## *Juries.*

“Summoning Officer” includes the sheriff, bailiff, or other officer of any court whose duty it is to summon jurors, and the deputies of such officers respectively.

“Tickets” shall mean distinct pieces of paper, card, or parchment, being all as nearly as may be of equal size, on which are written the numbers prefixed to the names of jurors in the Jurors’ Book.

### *Numbers of Jury. Qualifications and Exemptions.*

Number of Jurors in a jury.

4. A jury for the trial of a person charged upon an information for an indictable offence shall consist of twelve persons.

A jury for the trial of issues in any action or proceeding in the Supreme Court shall consist of twelve persons; or, at the option of the party requiring the jury (unless the Court or a Judge otherwise orders), of six persons.

A jury for the assessment of damages only, whether before a Judge or before the Sheriff on a writ of inquiry, shall consist of six persons.

A jury summoned by a coroner to make inquisition shall consist of not more than six and not fewer than three persons.\*

Qualifications and liability to serve as common jurors.

5. Every man (except as hereinafter excepted) between the ages of twenty-one years and sixty years residing within the said Colony, 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 as a common juror in all civil and criminal proceedings and on any inquisition in the said Colony within a radius of thirty-six miles from his residence.†

Qualification and liability to serve as special jurors.

6. (1.) Subject to the exception hereinafter contained, every man between the ages aforesaid and residing as aforesaid, who is a Justice of the Peace, or is a bank director, or is a merchant not keeping a general retail shop, or who has within the Colony, either in his own name or in trust for him, real or personal estate of the value of five hundred pounds, shall be qualified and liable to serve as a special juror for the trial of issues in civil cases in the Supreme Court at Perth, and in any district in which a Court of General Sessions of the Peace‡ has been appointed to be held,

\* By Section 30 of the Coroners Act, 1920, it is enacted that the number of jurors at an inquest shall be three.

† See Coroners Act, 1920, Section 28. ‡ See Courts of Session Act, 1921.

and shall be qualified and liable to serve as a special juror, and also as a common juror for the trial of issues in civil and criminal cases in any Court within the limit prescribed by this Act.

(2.) Provided that in any such district as aforesaid Justices of the Peace shall be exempted from serving on juries, and may claim exemption although their names are on the jury list.

7. No man not being a natural-born subject or a naturalised subject of Her Majesty, and no man who in any part of the British dominions hath been or shall be convicted of any treason or felony, or of any crime that is infamous, unless he shall have obtained a free 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, is or shall be qualified to serve on any jury under this Act.

Disqualifications of certain persons.

8. 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 Act, or if inserted may claim exemption, that is to say: Members of the Executive and Legislative Councils, Members of the Legislative Assembly, the officers of the Civil and Criminal Courts, persons holding office under the Imperial Government, all ministers of religion, barristers, attorneys, and solicitors admitted and in actual practice, and their clerks, "duly qualified medical practitioners," naval and military officers on full pay, pilots, mariners actually employed, sheriff's officers, peace officers, town clerks, captains or superintendents of fire brigades, schoolmasters, journalists, bank managers, chemists and druggists duly qualified and in actual practice, persons employed solely and exclusively in any department of the public service, all officers and servants of the Commissioner of Railways, and all officers and servants employed upon or in connection with any private railway.

\*Exemptions.

#### *Compilation of Jurors' Book.*

9. The Resident or Police Magistrate of each district of the Colony, 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 as soon as may be after the first day of January in every year after the passing of this Act, pre-

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

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\* See also Jury Exemption Act, 1905-1922, Commonwealth.

pare 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 surnames and other names, residences, titles, additions, and qualifications of such persons, respectively, according to the form in the Second Schedule, and shall arrange the names according to the alphabetical order of the first letter of the surnames, and shall subscribe each of the said lists with his own name, address, and description, accompanied by a declaration in writing signed in like manner 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 Act.

Posting of lists,  
with notice.

10. The jury list shall, within three days after the same shall be so prepared, be affixed to such conspicuous places in the said Colony as the Sheriff, or, in his absence from the district, the Resident or Police Magistrate, or the appointee as aforesaid shall for that purpose appoint, together with a notice signed by the said Magistrate, or appointee, 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 Western Australia to any person on application for that purpose at any reasonable time within fourteen days after the posting of such notice.

Special Sessions to  
revise and settle  
lists.

11. A Special Sessions shall be held in each district of the Colony on the Tuesday of the third week in the month of January in every year (and if that is not a business day, then on the next following business day), to which all Magistrates within the district shall be duly summoned by the Resident or Police Magistrate of such district or the appointee as aforesaid, 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 infirmity, 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 anyone, the names of all persons whom they 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 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 hereinafter 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.

12. [*Repealed by No. 24 of 1921.*]

Governor, in appointing new General Sessions, may appoint a different day for revision of lists.

13. After the lists have been finally settled as aforesaid, a certificate shall be subjoined thereto and subscribed by the chairman of the said Magistrates or by the said Resident or Police Magistrate or appointee, to the effect of the form in the Second Schedule to this Act.

Correctness of lists to be certified. Second Schedule.

14. As soon as the said lists are 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 forthwith cause to be transcribed fairly in a book to be kept in his office for that 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, arranged alphabetically, according to the first letter of the surnames, 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.

Transmission of lists to Sheriff, who is to transcribe them into the "Jurors' Book."

15. The Sheriff shall prefix to every name in such jurors' book 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 tickets, and shall safely keep the same.

Sheriff to number each name in order and keep the numbers on separate papers.

Sheriff to send certified copies of juror's book to Resident Magistrate to serve as juror's book in the respective districts.

16. The Sheriff shall cause copies to be taken from the jurors' book of the lists of the jurors in each district, numbered as aforesaid, and shall certify the same under his hand and remit them to the Resident Magistrates of the respective districts; and the Resident Magistrate of each district shall cause the numbers to be written upon tickets and shall safely keep in his office the said certified copy, and the tickets, and for the trial of all issues, civil and criminal, by a jury in the district, such copy shall be deemed to be the jurors' book.

Jurors' book for Perth, Fremantle, and Swan districts. No. 11 of 1905, s. 2.

16a. The several lists of persons qualified and liable to serve on juries under the provisions of the principal Act, transmitted from the Perth, Fremantle, and Swan magisterial districts, shall be transcribed by the Sheriff into one jurors' book for the several districts, which for such purpose shall be deemed to be one district; and such jurors' book shall be the jurors' book for the summoning of every juror for the trial of persons charged upon indictment or information for indictable offences, or for the trial of issues of fact in any action or proceeding in the Supreme Court, or for the assessment of damages, whether before a judge or before a Sheriff within any of the said several districts.

#### Summoning Jurors.

In the Court of General Sessions.

17. [*Repealed by No. 24 of 1921.*]\*

Jury process abolished.

18. (1.) The writ of *venire facias juratores* and other jury process shall not be necessary or used.

Court, etc., may make rules and orders and issue precepts to summoning officer.

(2.) The Supreme Court, any Judge thereof, or any Commissioner may make all such rules and orders upon, and may issue all such precepts directed to any summoning officer or other person as may be necessary to procure the attendance of a special or a common jury for the trial of issues in any civil or criminal proceeding at such time and place and in such manner as to such Court, Judge, or Commissioner shall seem fit.

Summoning of common or petty jurors.

19. Subject to the provisions of this Act as to the number and classes of jurors, as often as any order or precept as aforesaid is addressed and delivered to the summoning officer requiring him to empanel and summon jurors for the trial of any issue, such summoning officer shall empanel and

\* As to jurors in Courts of Session, see Act No. 24 of 1921.

summon all persons whomsoever, inclusive of persons being on the special jury list, whose names are transcribed in the juror's book 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 every person whose name appears on the special jurors' list shall be liable to and be empanelled and compellable to serve as a common and petty juror, 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 thirty-six miles of the place of attendance shall be summoned to serve.

20. (1.) Upon the receipt of any order or precept as aforesaid the summoning officer, unless otherwise directed thereby, shall summon not less than twenty nor more than forty jurors.

Numbers of jurors to be summoned.

(2.) Every order or precept shall be issued and delivered to the summoning officer at least fourteen clear days before the attendance of the jurors is required.

Time for issuing order or precept.

(3.) The jurors shall be severally summoned by the summoning officer five clear days before their attendance is required, and every summons shall be in the form of the Third Schedule, and shall be served on each of the persons to whom it is addressed by delivering the same to him personally, or by leaving the same with some adult member of his family or household.

Time for summoning jurymen, form of summons and mode of service.  
Third Schedule.

(4.) The summoning officer shall return to the Court, on the day appointed for that purpose, the panel of jurors in accordance with the order or precept, and shall cause a copy of such panel to be kept in his office for seven days at the least before the day appointed for the attendance of the jurors, and the parties in all cases, civil and criminal, at that sitting, their solicitors and counsel, shall have full liberty to inspect the panel without fee.

Return of panel and right of parties to inspect it.

At what name  
empanclement from  
Jurors' Book to  
commence.

Enacted by  
No. 35 of 1911, s. 6.

**20a.** The first empanclement under section nineteen of the principal Act of names from a jurors' book shall commence, so far as practicable, with the first name arranged therein under the letter next in alphabetical succession after that under which the last name empancled from the preceding book was arranged, and the beginning of the book shall be resorted to only when no names arranged in a subsequent portion of the book are available for empanclement in accordance with the provisions of this and the principal Act.

Name may be  
omitted from panel  
and person sum-  
moned excused.

*Ibid.*, s. 7.

**20b.** The summoning officer may, of his own motion, in the district comprising the Perth-Fremantle and Swan Magisterial Districts, and in any other district by the direction of a police or resident magistrate, omit from a panel any name in the jurors' book, and excuse from attendance any person who has been summoned as a juror.

Power of Court to  
excuse Jurymen.

*Ibid.*, s. 8.

**20c.** The Court or Judge before which or whom a jurors' panel is returnable may excuse from attendance any person whose name is included in such panel.

### *Challenges and Objections.*

Six jurors may be  
challenged or ob-  
jected to by either  
party without cause.

**21.** Without prejudice to the right of challenge for cause shown, as established by law or usage, any party at any trial, whether civil or criminal, may either—

- (a) challenge any number of jurors not exceeding six without cause assigned, as they come to the book to be sworn, or
- (b) object to any number of jurors on the panel not exceeding six by giving to the officer of the Court a note of the names of the jurors objected to; upon which the officer shall put aside all the pieces of parchment or paper hereinafter mentioned on which are written the names of the jurors so objected to, and shall put the remainder only of such pieces into the balloting box, and shall draw therefrom the names of the jurors who are to try the issue.

Challenges to the  
array, etc.

**22.** Challenges to the array and to the polls of jurors 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 at the assizes in England.



23. At the sitting of any Court for the trial of any issue, the name 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 ministerial officer of the Court shall in open Court draw therefrom until the names of a full jury 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.

Drawing names of common jurors at the trials.

24. No juror shall be required to attend at any sittings of the Supreme Court in its criminal jurisdiction, or at any general sessions of the peace, for more than five days at the same sittings or sessions, as the case may be, except for the purpose of finishing a part-heard case.

Limit of attendance of jurors.

25. Jurors for the trial of a person charged upon an information for an indictable offence, not punishable with death, may, after having been sworn, separate during the intervals of the trial, except when otherwise ordered by the Judge.

Jurors may separate in certain cases.

*Special Jurors.*

26. Where any civil issue is to be tried by a jury, the Supreme Court, a Judge thereof, or a Commissioner, upon the application of any person party to the issue desiring that the trial shall be by a special jury, may make an order accordingly.

Special Jury.

27. The Sheriff shall, immediately after the making up of the said jurors' book, extract therefrom the names of all persons who are qualified and liable to serve on special juries under this Act and shall cause those names to be fairly and truly copied out, 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 jurors' list its proper number, as in the jurors' book, and shall cause the said several numbers to be written upon tickets, 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.

Special jurors' list—how made up.

*Striking Common and Special Juries.*

Striking of special  
and common jurors.

28. (1.) Whenever the Supreme Court, or a Judge thereof, has awarded a special jury for the trial of any issue, and whenever an issue is to be tried by a common jury, the Master shall appoint a time and place for the striking of such jury, and shall be then and there attended by the Sheriff, or other summoning officer, who shall bring with him the lists of special or of common jurors, as the case may be, as contained in the jurors' book, and all the numbers so written out as aforesaid.

(2.) The Master shall then, in the presence of the parties to the issue and of their respective solicitors (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 the purpose and, after they have been shaken together, shall draw out of the box as many numbers as are required, and shall prepare a list of the names corresponding to those numbers with the particulars set against such names in the jurors' book.

How many numbers  
are to be drawn out  
of the box.

29. (1.) The numbers so required shall be as follows:—To the number of jurors fixed by the Order of the Court or a Judge or Commissioner, or settled by the agreement of the parties, the Master shall add so many more as will enable each separate party to object to six names.

(2.) Persons joining in claim, defence, or counterclaim shall be regarded as forming one party, and a person introduced under the third party procedure and who disputes the plaintiff's claim, shall be regarded as separate from the other parties; but if more than one such person so introduced join in defence, they shall collectively form a separate party.

Mode of objecting to  
jurors on striking  
jury.

30. (1.) The mode of objecting shall be as follows:—Each separate party shall make a note in writing of the names in the list to which he objects, not exceeding six, and shall hand the same to the Master.

(2.) The Master, without disclosing to any other party the names so objected to, shall strike out such names from the list, and out of the residue the summoning officer shall thereupon summon the number of jurors fixed as aforesaid and no more, and shall not disclose to any of the parties the names of the persons summoned or to be summoned.

Duty of summoning  
officer after the  
jurors are sum-  
moned.

31. The summoning officer shall restore to the drawer or box used for keeping the numbers of the special or common jurors, as the case may be, all the numbers of the residue

aforesaid who are not summoned, and on the day appointed for the trial shall deliver to the Master the list of the jurors summoned, and the proper officer shall call the jurors one by one from the list, and the jurors so called, being duly sworn and sufficient in number, shall be the jury.

*Fees, Tales, View, Payment.*

32. The person on whose application a special jury has been ordered shall pay to the Sheriff a fee of two guineas on the striking of the jury, and shall bear all extra expenses occasioned by the trial before a special jury, and shall not be allowed upon taxation of costs any further costs, charges, or expenses than such person would be entitled to in case the cause had been tried by a common jury, unless the Judge 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 Sheriff on striking special jury, etc.

33. If, when a cause appointed to be tried by a common or a special jury is called on, a sufficient number of jurors summoned to attend the court are not in attendance, any party to the cause may pray a *tales*, and the Court or Judge may then command the summoning officer forthwith to summon as many good and lawful men of the bystanders (being duly qualified and liable to serve as jurors) as shall be sufficient to make up a full jury for the trial of the cause.

Praying a *tales*.

34. The Supreme Court, a Judge thereof, or a Commissioner may, on the application of a party to any civil proceeding, grant an order before or at the trial that any two or more of the jury not exceeding six shall, at the expense in all things in the first instance of the party applying, have a view of the place in question; but the expenses of such view and of such rule or order shall be costs in the cause: And such viewers shall be nominated by the parties or their respective attorneys, or (in case they cannot agree) by the summoning officer; and shall be shown the place by a person, or by two persons, to be nominated as aforesaid for such purpose: And if the order is made before the trial the names of the viewers shall be returned by the summoning officer, and they shall be the first of the panel who shall be called and sworn as jurors to try the issue, and shall not be challenged except for cause shown.

Proceedings on a view.

Payment of jurors.  
No. 12 of 1928, s. 2.

35. The Governor shall, by regulations under this Act, prescribe the fees and allowances to be paid to persons summoned and attending as jurors in courts of civil jurisdiction, and as jurors in courts of criminal jurisdiction, and on a coroner's inquest, and may differentiate the amount of such fees and allowances to be payable in prescribed parts of the State.

36. [*Repealed by No. 12 of 1928, Section 2*].

Deposit of money or  
security for pay-  
ment of jurors.  
No. 12 of 1928, s. 3.

37. The party applying for a jury shall deposit with the Sheriff such sum per juror per diem as may be prescribed by regulations under this Act, and the deposit to cover the first day's payment shall be made on the striking of the jury, and the deposit for each subsequent day shall be made before ten o'clock, a.m., on each subsequent day on which the jury is required to attend, and any surplus not required for such payment shall be returned by the Sheriff to the party making the deposit.

*Miscellaneous.*

Fine on Magistrates,  
Sheriff, etc., failing  
to fulfil duties under  
the Act, or making  
out lists, etc., fraud-  
ulently.

38. If any Resident or Police Magistrate or person appointed by the Governor during the vacancy of the office, or any Chairman of Magistrates fails to observe and perform the duties imposed upon him by the ninth, tenth, eleventh, thirteenth, fourteenth, or fifteenth sections of this Act, 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 appear 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 the acts and things by this Act required to be by him performed, then, upon proof thereof on oath, the person so failing shall (unless some sufficient cause for such failure be shown) incur a fine not exceeding fifty pounds, at the discretion of the Supreme Court or a Judge thereof.

Jurors not attending  
as required by  
summons may be  
fined.

39. Upon proof to the satisfaction of the Court or Judge before whom a juror's panel is returnable that any person duly summoned as a juror in pursuance of this Act has made default or failed to attend, as required by the summons, such person shall incur a fine to be imposed at the discretion of such Court or Judge—

If the defaulter was summoned as a common juror, not exceeding twenty pounds; and

If the defaulter was summoned as a special juror, not exceeding fifty pounds.

And such fine shall be levied and appropriated in like manner as other fines and forfeitures.\*

40. Subject to the exceptions hereinbefore contained in favour of Justices of the Peace in districts where a Court of General Sessions† is appointed to be held, no person whose name shall be in the jury book as a juror shall be entitled to be excused from attendance on the ground of any disqualification or exemption (other than illness) not claimed by him at or before the revision of the list by the Justices of the Peace, and a notice to that effect shall be printed at the bottom of every jury list.

Disqualification or exemption to be pleaded before revision of list.

41. [*Repealed by Criminal Code Act, 1902*].

Penalty on tampering with jurors, etc.

42. The summoning officer may, with the consent of the person or persons at whose instance the order or precept for summoning jurors has been issued, make regulations as to the attendance of jurors during the time for which they shall be summoned, and in particular as to the days on which and the time during which they are to attend. Such regulations may be served on any juror, together with the summons requiring him to attend on any jury or inquisition, and when so served shall be deemed to be part of such summons.

Summoning officer may under certain conditions make regulations as to attendance.

43. Jurors after having been sworn may, in the discretion of the Judge, be allowed at any time, before giving their verdict, the use of a fire when out of Court and be allowed reasonable refreshment, to be procured at their own proper expense.‡

Jurors may be allowed fire and refreshment.

43a. Where the jury, upon the trial of any civil cause or of any issue or issues in such a cause, have remained three hours or upwards in deliberation, if all the jurors do not agree as to the verdict to be given or the answer to be given to any question submitted to them by the Court or presiding Judge, or as to the amount of damages to be assessed, the decision of two-thirds in number of them as to any such verdict or answer shall be taken and entered as the verdict, finding, or assessment of the jury as a whole.

In civil causes two-thirds majority to be accepted.  
Enacted by No. 35 of 1911, s. 2.

\* As to the penalty for non-appearance by juror at an inquest, see Coroners Act, 1920, Section 29.

† See Courts of Session Act, 1921.

‡ See Criminal Code, Section 640.

New trial on dis-  
agreement.  
*Ibid*, s. 3.

**43b.** If, after having remained six hours or upwards in deliberation, two-thirds in number of the jurors on the trial of any such civil cause, or of any issues in any such cause, do not agree in any such verdict, finding, or assessment, then the jury shall be discharged, and the cause may, without any new process for that purpose, be again set down for trial or assessment, as the case may be, either at the same or any subsequent sittings, as the Court or presiding Judge may order.

Costs.  
*Ibid*, s. 4.

**43c.** The costs of any trial of a cause or of any issue in a cause in respect of which the jury are discharged, without returning a verdict or finding, shall follow the order made as to costs on the final determination of such cause or issue.

Time of coming into  
operation.  
*Ibid*, s. 5.

**43d.** The provisions of this Act\* shall apply to the trial of every civil cause or of any issues in any such cause or assessment of damages whatsoever which shall, subsequently to the passing hereof, be set down for trial or assessment before a jury, but not to any trials or assessments of damages which have, before the passing of this Act, been set down for trial or assessment before a jury.

Supreme Court to  
make general orders.

**44.** The Supreme Court is hereby empowered by general orders to make rules, not inconsistent with this Act, for the purpose of carrying out the several provisions of this Act.

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\* *i.e.*, the Jury Act Amendment Act, 1911.

FIRST SCHEDULE.

Sec. 2.

- 35 Vict., No. 8.
- 42 Vict., No. 25.
- 44 Vict., No. 7.
- 44 Vict., No. 16.
- 46 Vict., No. 12.
- 56 Vict., No. 9.
- 60 Vict., No. 38.

SECOND SCHEDULE.

Secs. 9, 13.

*List of men qualified and liable to serve on juries pursuant to the Jury Act 1898.*

Surname and other names at full length.	District.	Title, quality, calling, or business.	Nature of qualification.
			Freehold, £  per annum,  £ of personal  estate.

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 said Act. Sec. 9.

(Signed) A.B., Resident or Police Magistrate of \_\_\_\_\_

*Certificate.*

I hereby declare and aver that the above list contains, to the best of the knowledge, information, and belief of the greater part of the Magistrates at the special sessions holden for revising the jurors' lists, the names, qualities, and qualifications of all persons within the said district of \_\_\_\_\_ who are qualified and liable to serve on juries according to the said Act, and has been carefully examined and corrected at the said special sessions, and all the persons named in the above list are qualified and liable to serve as jurors, according to the enactments in that behalf.

(S 13.) To be signed after revision at special sessions.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_, C.D., Chairman of Magistrates,  
or A.B., Resident or Police Magistrate.

Sec. 20.

## THIRD SCHEDULE.

To You are hereby required to attend as a juror  
 at the \_\_\_\_\_ to be held at the Court House,  
 at \_\_\_\_\_, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
 at \_\_\_\_\_ in the forenoon; and therein to attend  
 from day to day until you shall be discharged by the Court.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Signed) \_\_\_\_\_ [*Sheriff, Bailiff, or other summoning Officer.*]