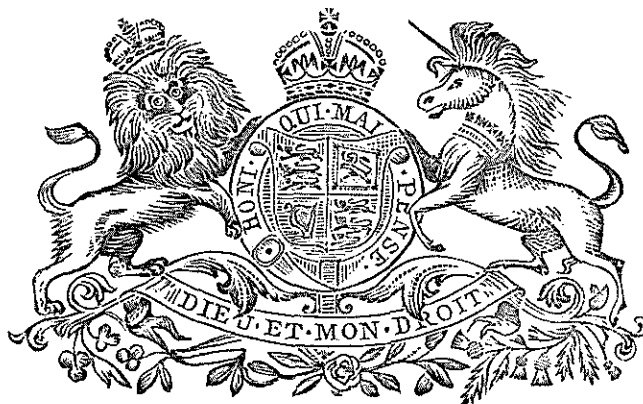


WESTERN AUSTRALIA.



ANNO PRIMO

GEORGII QUINTI REGIS,

XLVI.

No. 35 of 1911.

AN ACT to amend the Jury Act, 1898.

[Assented to 16th February, 1911.]

BE it enacted by the King'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 Amendment Act, 1911*, Short title.
and shall be read as one with the Jury Act, 1898.

2. 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.
Vide N.S.W. Jury Act, 1901, sec. 67.

3. 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

New trial on disagreement.
Idem.

Costs.

4. 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.

5. 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.

At what name empanelment from Jurors' Book to commence.

6. The first empanelment 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 empanelled 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 empanelment in accordance with the provisions of this and the principal Act.

Name may be omitted from panel and person summoned excused.

7. 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.

8. 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.