

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ

No. 27

An Act to provide for the constitution of Courts of General Sessions of the Peace in the Districts of East Kimberley and West Kimberley, and to amend the law relating to the qualification of Jurors and the constitution of Juries in such Courts.

[Assented to 2nd September, 1886.]

Preamble

BE 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 :—

Application of Act and Short Title

1. This Act shall apply only to the magisterial districts of East Kimberley and West Kimberley, and may be cited as 'The Kimberley Districts General Sessions Act, 1886.'

Act or any part thereof may be suspended

2. The operation of this Act, or any section or sections thereof, may be suspended by the Governor with the advice of the Executive

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Council; Provided that such suspension shall only take effect from the date of the proclamation thereof in the 'Government Gazette.'

3. The Courts of General Sessions of the Peace appointed under the provisions of an Ordinance made and passed in the ninth year of Her present Majesty, and numbered Four, and intituled 'An Ordinance to make provision for the trial of Criminal Offences at Albany and other remote Districts of the Colony of Western Australia,' for the Districts of East Kimberley and West Kimberley respectively, shall be holden before the Government Resident Magistrate of the district, or before such Magistrate and any one or more Justices of the Peace of the Colony.

Constitution of
Courts of
General Sessions

4. The qualification of Jurors in the said districts shall be, in respect of freehold estate, Twenty-five pounds, and in respect of personal estate Fifty pounds, in lieu of the sum of Fifty pounds and One hundred and fifty pounds respectively mentioned in the 7th section of 'The Jury Act, 1871.'

Modification of
the qualification
of Jurors

5. The Jury List prepared and signed by the Resident Magistrate of the district according to the provisions of the 10th section of 'The Jury Act, 1871,' but subject to the modified qualification mentioned in the last preceding section, shall be the Jury List in force in such district until the Jury List for an ensuing year has been prepared and signed.

Jury List

6. All Jurors for the trial of any information in the Court of General Sessions for the district shall be summoned by virtue of a precept under the hand of the Chairman or Acting Chairman of the Court directed to some constable of the district, in the form in the first Schedule hereto, and upon receipt thereof the said constable shall summon and return not less than Twelve nor more than Eighteen persons whose names shall appear on the Jury List for the district for the time being, according to the order in which they shall successively appear therein, until every person shall have been 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 summoned a second time on the then next Jury or oftener until he shall have served for such default or defaults: Provided that no person residing beyond a distance of Fifty miles of the place of attendance shall be summoned to serve.

Summoning and
attendance of
Jurors

7. Every such precept shall be issued at least seven days before the attendance of such jurors shall be required; and every such summons shall be in the form contained in the second Schedule hereto, and shall be delivered to the respective persons personally or left with some adult member of their families or households at the residence of the person so summoned.

Issue of precept
for Jury and
Summons to
Jurors

8. If on any issue being called on for trial there shall be a deficiency of jurors, it shall be competent for the Court to command any constable in attendance to summon as many good and lawful men of the bystanders (being duly qualified to serve as jurors, but whether on the Jury List or not) as shall be sufficient to make up a full jury for the trial of such issue.

Bystanders may
be summoned if
jury deficient

9. It shall not be lawful to challenge or object to any person as

No challenge of
Jurors except
for cause

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a juror unless for some reasonable cause shown to the satisfaction of the Court.

Provisions of this Act to prevail

10. Wherever provisions of a similar nature to any of the provisions of this Act are to be found in 'The Jury Act, 1871,' or in any Act amending the same or incorporated therewith, the provisions of this Act shall prevail.

Commencement of Act

11. This Act shall come into operation and take effect from the first day of October, 1886.

F. NAPIER BROOME,
GOVERNOR.

FIRST SCHEDULE

FORM OF PRECEPT FOR SUMMONING A JURY

Western Australia, }
to wit. }

I, A.B., Chairman (or Acting Chairman) of the Court of General Sessions of the Peace for the District, command you that you cause to come before the Court on the day of next, at the hour of in the forenoon of the same day, good and lawful men of the District aforesaid, then and there to inquire, present, do, and perform all and singular such things which on behalf of our Sovereign Lady the Queen shall be enjoined to them, and have you then there as well the names of the Jurors as this Precept.

Given under my hand and seal at this day of 18 .

A.B.,

Chairman (or Acting Chairman).

SECOND SCHEDULE

FORM OF SUMMONS FOR JURYMEN

Mr. C.D.,

You are hereby summoned to appear as a Juror at the Court of General Sessions of the Peace for the District of , to be held at on the day of next at o'clock in the forenoon, and there to attend from day to day until you shall be discharged by the said Court.

E.F.,

Constable.