



WESTERN AUSTRALIA.

ANNO NONO

VICTORIÆ REGINÆ.

No. V.

An Ordinance to regulate the Constitution of Juries for the trial of criminal offences in Albany, and other remote Districts of the colony of Western Australia, and to limit the right of Challenge to some extent in certain cases.

WHEREAS District Courts of General Sessions of the Preamble.
Peace have been established, or are about to be established

Number requisite to form
a Grand Jury, in District
Courts.

in Albany and other remote districts of the colony of Western Australia; and whereas by reason of the small number of inhabitants residing in several of such districts, it may be impossible to procure the full complement of individuals required to form a Grand and Petty Jury at a Quarter Session of the Peace in England, and it is expedient to provide some remedy for such a contingency:—Be it therefore enacted, by his Excellency the Governor of Western Australia and its Dependencies, with the advice and consent of the Legislative Council thereof;—That in any Court of General Sessions of the Peace, established for a district under the provisions of an Ordinance passed in the ninth year of the Reign of Her present Majesty Queen Victoria, intituled “An Ordinance to make provision for the trial of criminal offences at Albany, and other remote districts of the colony of Western Australia,” it shall be lawful for any number of persons not less than five nor more than thirteen to be sworn to act as a Grand Jury, in such Court, and that such persons so acting as a Grand Jury shall have the same powers, and shall be subject to the same rules and forms as any Grand Jury in the Court of General and Quarter Sessions of the Peace for this colony.

Jurors' Book to be kept.

II. AND be it enacted, that the Chairman or acting Chairman of each district as aforesaid, shall cause the list of Jurors of his district, qualified and returned according to the provisions of an Act passed in the second year of the Reign of King William the Fourth, intituled “An Act for regulating the Constitution of Juries, and the office of Sheriff,” to be transcribed in alphabetical order of surnames, in a book to be kept for that purpose, and to be styled the Jurors' book, and that all persons shall be summoned in the order in which their names are successively placed in the said book.

How Juries are to be
summoned.

III. AND be it enacted, that all Grand and Petty Jurors for the trial of any issues in the Court of General Sessions for the district shall be summoned by virtue of a precept under the hands of two Justices, (one of whom shall be Chairman or acting Chairman of the said Court) directed to some bailiff or constable of the district, and in the form (No. 1.) in the Schedule hereunto annexed, and upon receipt thereof, the said bailiff or Constable shall summon and return not less than five nor more than thirteen to serve as Grand Jurors, and not less than twelve nor more than eighteen to serve as Petty Jurors, and that the summons for any such Grand or Petty Jury shall be in the form (No. 1) in the said Schedule, and shall be served by leaving the same at the usual place of abode of the party

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to be summoned at least three days before his attendance shall be required.

IV. AND be it enacted, that if any person so summoned as a Juror as aforesaid, shall fail to appear at the time and place appointed in the said summons, every such person (upon proof of his having been duly summoned) shall forfeit and pay any sum not exceeding ten pounds. Penalty for not obeying the summons.

V. AND be it enacted, that if on an issue being called on for trial there shall be a deficiency of Jurors, it shall be competent to the Court to command the bailiff or constable in attendance to summon as many good and lawful men of the bystanders as shall be sufficient to make a full Jury for the trial of any such issue, as aforesaid. Tales of the bystanders.

VI. PROVIDED always and be it enacted, that it shall not be lawful to challenge or object to any person as a Juror unless for some reasonable cause exhibited to the satisfaction of the Court. No challenge but for cause shewn.

VII. AND be it enacted that every Juror who shall attend the said Court in pursuance of any such summons as aforesaid shall be entitled to receive for each day during his attendance at such Court such compensation for his loss of time and expenses as the said Court shall from time to time order and allow, provided that such expenses shall in no case exceed the scale approved of by the Governor. Jurors to be paid for loss of time and expenses.

VIII. AND be it enacted, that this Ordinance shall be and continue in force only for the space of three years from the date of its passing the Legislative Council. Duration of Ordinance.

IX. AND be it enacted, that this Ordinance may be altered, amended or repealed by any Ordinance to be passed during the present Session. Ordinance may be altered.

JOHN HUTT,
GOVERNOR.

Passed the Council }
18th Aug., 1845. }

WALKINSHAW COWAN,
Clerk of the Councils.

Schedule referred to by the annexed Ordinance.

 No. 1.

Form of Precept for summoning a Grand and Petty Jury.

Colony of } We A. B. and C. D. Esquires, two of the Justices
 Western Australia }
 to wit. } of our Sovereign Lady the Queen, assigned to keep the
 peace in the said Colony, and also to hear and determine divers
 Felonies, Trespasses, and other Misdemeanors, committed therein, to
 the [Bailiff or Constable] of the District of _____,
 we command you that you cause to come before us, or other our
 fellow Justices, 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 enquire, present, do, and perform all and singular
 such things which on the behalf of our said 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 our hands and seals at _____ the
 day of _____

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No. II.

Form of Summons for Grand or Petty Jurymen.

Mr. A. B.

You are hereby summoned to appear as a [Grand] or [Petty] Juror at the Court of General Sessions of the Peace for the District of
to be held at _____ *on the* _____ *day of*
next, and there to attend from day to day until you
shall be discharged by the said Court.

(Signed) C. D.