JURY (AMENDMENT) BILL.

SCHEDULE showing the Legislative Assembly's further Amendment referred to in Message of 9th December, 1947.

H. ROBBINS,
Clerk of the Legislative Assembly.

Page 11, clause 5, line 36. *After* the word "additions" *insert* **"and places of abode".**

NOTE.—The reference is to the Council's reprint of the Assembly's Bill

50647 116—

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

H. ROBBINS,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 18 *November,* 1947.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, *November,* 1947.

New South Wales.

ANNO UNDECIMO

GEORGII VI REGIS.

* *

Act No. , 1947.

An Act to amend in certain respects the law relating to juries; to amend the Jury Act, 1912, and certain other Acts; and for purposes connected therewith.

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 New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Jury (Amendment) Act, 1947." **Short title and citation.**

(2) The Jury Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Jury Act, 1912-1947.

NOTE.—The words to be *omitted* are *ruled through;* those to be *inserted* are printed in **black letter.**

2. (1) For the purposes only of Parts IV and V of the Principal Act subsection three of this section shall be deemed to commence on the first day of the second week of October in such year as the Governor may by notification published in the Gazette appoint. Commencement of section.

(2) Subsection three of this section shall come into operation for all purposes upon the first day of January next following the year appointed by the Governor pursuant to subsection one of this section.

(3) The Principal Act is amended— Amendment of Act No. 31, 1912.

(a) by omitting section three and by inserting in lieu thereof the following section:— Subst. sec. 3.

3. Except as hereinafter provided every man who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946, shall be qualified and liable to serve on juries for the trial of all issues, civil and criminal, and for the assessment of damages in all actions at law, and to act as a juror in any district court. Qualifications of male jurors.

(b) by omitting paragraph (a) of section four; Sec. 4. (Disqualification.)

(c) (i) by omitting from subsection one of section ten the words "and nature of the qualification"; Sec. 10. (Lists to be prepared by chief constables.)

(ii) by omitting from subsection two of the same section the words "addition, and nature of the qualification" and by inserting in lieu thereof the words "and addition";

(d) by omitting from the Third Schedule the matter appearing in the column "Nature of qualification". Third Schedule.

3. (1) (a) For the purposes only of Parts IV and V of the Principal Act subsection three of this section shall be deemed to commence in respect of any jurors' district on the first day of the second week of October in such year as the Governor may by notification published in the Gazette appoint in respect of such district. Commencement of section.

(b)

(b) The Governor may for the purpose aforesaid appoint different years in respect of different jurors' districts and may appoint a year in respect of any one or more of such districts without appointing any year in respect of other such districts.

(2) Subsection three of this section shall come into operation for all purposes in respect of any jurors' district upon the first day of January next following the year appointed by the Governor in respect of that jurors' district pursuant to subsection one of this section.

(3) The Principal Act is further amended— Further amendment of Act No. 31, 1912.

(a) by inserting next after section three the following new section:— New sec. 3A.

3A. (1) Except as hereinafter provided every woman— Qualifications of female jurors.

(a) who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946; and

(b) who has, in the form contained in the Seventh Schedule to this Act, notified the chief constable of the police district in which she resides that she is desirous of serving as a juror as from the first day of January next following,

shall be qualified and liable to serve on juries for the trial of all issues, civil and criminal, and for the assessment of damages in all actions at law, and to act as a juror in any district court.

(2) Any woman qualified and liable to serve on juries or act as a juror as aforesaid shall, upon giving notification to the chief constable of the police district for which she is enrolled as a juror of her desire to discontinue her qualification and liability to serve on juries or act as a juror as aforesaid, cease, as from the first day of January next following such notification, to be qualified and liable to serve on juries or act as a juror as aforesaid. (b)

(b) (i) by omitting from section four the word "man" and by inserting in lieu thereof the word "person"; Sec. 4. (Consequential.)

(ii) by omitting from paragraph (b) of the same section the word "he" and by inserting in lieu thereof the words "such person";

(c) by omitting from sections nine, thirteen, twenty-seven and fifty-seven the word "men" wherever occurring and by inserting in lieu thereof the word "persons"; Secs. 9, 13, 27 and 57. (Consequential.)

(d) by omitting from sections ten and fifty-eight the word "man" wherever occurring and by inserting in lieu thereof the word "person"; Secs. 10 and 58. (Consequential.)

(e) by omitting from the Second Schedule the word "men" and by inserting in lieu thereof the word "persons"; Second Schedule. (Consequential.)

(f) by inserting in the Sixth Schedule next before the letters "A.B." the words "Mrs. or Miss"; Sixth Schedule. (Consequential.)

(g) by inserting next after the Sixth Schedule the following new Schedule:— New Seventh Schedule. Sec. 3A.

SEVENTH SCHEDULE.

FORM OF NOTIFICATION.

To the Chief Constable of the Police District of (*insert name of District*).

I, (*name*), being a woman who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946, now resident at (*insert address*), am desirous of serving as a juror.

Dated this day of 19

.....

(*Signature.*)

(h) (i) by omitting from section nine, as amended by paragraph (a) of section five of this Act, the words "such men" and by inserting in lieu thereof the words "such persons"; Secs. 9, 10, and Second Schedule. (Consequential.)

(ii) by omitting from subsection three of section ten, as inserted by paragraph (b) of section five of this Act, the word "men" and by inserting in lieu thereof the word "persons";

(iii)

(iii) by omitting from the Second Schedule, as amended by paragraph (pp) of section five of this Act, the words "*of men*" and by inserting in lieu thereof the words "*of persons*".

4. (1) The Principal Act is further amended— Further amendment of Act No. 31, 1912.

(a) by omitting subsection (1A) of section fifteen; Sec. 15. (Special jurors.)

(b) by omitting from the heading of Part V the words "AND SPECIAL JURORS' LISTS."

~~(b)~~ **(c)** by omitting section twenty; Sec. 20. (Sydney special jurors' book.)

~~(c)~~ **(d)** (i) by omitting from subsection one of section twenty-six the words "and special jurors' list"; Sec. 26. (Jurors' books and lists to come into force immediately.)

(ii) by omitting from the same subsection the words "or list";

(iii) by omitting from subsection two of the same section the words "or list";

(iv) by omitting from the same subsection the words "or special jurors' list";

~~(d)~~ **(e)** by omitting section twenty-eight; Sec. 28. (Criminal special jury.)

~~(e)~~ **(f)** by omitting from section twenty-nine the word "special"; Sec. 29. (Trial and assessment in civil cases.)

~~(f)~~ **(g)** by omitting from section thirty the words "who shall be returned under the provisions of this Act either from amongst the class of special jurors or of common jurors, or in cases to be tried on circuit partly from each class, as the court thinks fit to order"; Sec. 30. (Juries of twelve.)

~~(g)~~ **(h)** by omitting sections thirty-three and thirty-four; Secs. 33 and 34. (Special or common jury precepts.)

~~(h)~~ **(i)** by omitting from section forty-one the words "special or common"; Sec. 41. (Special rule or order for summoning jury.)

~~(i)~~

~~(i)~~ (j) (i) by omitting from subsection one of section forty-three the words "or special jurors' list"; Sec. 43. (Jurors to be chosen by lot.)

(ii) by omitting from the same subsection the words "or list" wherever occurring;

~~(j)~~ (k) by omitting section forty-six and by inserting in lieu thereof the following section:— Subst. sec. 46.

46. In determining the persons to be summoned for a jury, those persons who, during the time that the jury book has been in use, have attended at a court in pursuance of a summons, or served on a jury, shall be excluded from service as jurors until the list of names in the jury book has been exhausted. Jurors not liable to be summoned until list exhausted.

~~(k)~~ (l) by omitting from subsection three of section fifty-nine the words "either special or common"; Sec. 59. (Striking jury in civil cases.)

~~(l)~~ (m) (i) by omitting from paragraph (c) of subsection one of section seventy-five the word "common"; Sec. 75. (Fees to be paid on setting down case for trial.)

(ii) by omitting paragraph (d) of the same subsection;

(iii) by omitting from subsection three of the same section the words "or six pounds, as the case may be";

~~(m)~~ (n) by omitting section seventy-six; Sec. 76. (Costs of special jury unless judge certify.)

~~(n)~~ (o) by omitting from the Fourth Schedule the words "either special or common"; Fourth Schedule.

~~(o)~~ (p) by omitting the Fifth Schedule and by inserting in lieu thereof the following Schedule:— Subst. Fifth Schedule.

FIFTH SCHEDULE. Sec. 32.

FORM OF PRECEPT.

(To be adopted for juries of twelve and juries of four.)

To the Sheriff of or his deputy, greeting,—

Pursuant to the Act in such case made and provided, you are hereby commanded that you cause to come before *(here insert the style of the court)* to be holden at the court-house at , on *(here insert the day of the week)*, the day of now next (*instant)* good and lawful

lawful persons of the jurors' district for aforesaid, duly qualified according to law as jurors to make a jury of the country for the trial of all such issues of fact or other matters as shall be then required to be tried by a jury of (*twelve or of four according as the precept shall be intended*). And that you have then there the names of those jurors as by the law is required of you, together with due proof of the service of a summons upon such of the said jurors as shall have been served and of the time and manner thereof and of the causes wherefore the others of such jurors have not been served with such summons and also this writ.

Given under my hand and seal at this day of , A.D. 19

(2) The amendments made by subsection one of this section shall not affect or invalidate the trial of any issue, civil or criminal, or the assessment of damages in any action at law pending or commenced at the commencement of this Act by or had before a jury summoned, impanelled or constituted in accordance with the provisions of the Principal Act. Savings.

5. The Principal Act is further amended— Further amendment of Act No. 31, 1912.

(a) by inserting in section nine after the words "according to this Act" the words "or a list comprising such number of such men as has been previously certified to such clerk by the sheriff as being reasonably sufficient for the estimated requirements of the district"; Sec. 9. (Notice to chief constable.)

(b) by inserting at the end of section ten the following new subsection:— Sec. 10. (Lists to be prepared by chief constable.)

(3) The foregoing provisions of this section shall be regarded as sufficiently complied with if the list contains such number of such men as is specified in the notice referred to in section nine.

(c) by inserting in section twelve after the words "in every year" the words "by notice published in a newspaper circulating in the district or by notice served by post"; Sec. 12. (Special petty sessions to be summoned.)

(d)

(d) (i) by inserting in subsection three of section thirteen after the words "infirmity of body" the words "and also the names of all men who in the opinion of the justices are, from the nature of their calling, liable to suffer undue hardship from being called to serve as jurors or whose call so to serve would occasion undue public inconvenience"; Sec. 13. (Correction and allowance of lists.)

(ii) by inserting at the end of the same section the following new subsection:—

(6) The special petty sessions may be held by and before a stipendiary magistrate sitting alone or by and before two or more justices.

(e) (i) by omitting from subsection one of section fifteen the words "the Supreme Court or a circuit court or" and by inserting in lieu thereof the words "a sitting of the Supreme Court or a district court or a"; Sec. 15. (Lists to be transmitted to sheriff, etc.)

(ii) by omitting from subsection two of the same section the words "or circuit court" and by inserting in lieu thereof the words "or district court";

(f) (i) by omitting from subsection one of section seventeen the words "Except in the case of the jurors' district of the city of Sydney"; Sec. 17. (Jurors' book.)

(ii) by omitting subsection two of the same section;

(g) by omitting section nineteen; Sec. 19. (District court jurors' book.)

(h) by omitting from section twenty-two the words "circuit court, or" and by inserting in lieu thereof the words "sitting of the Supreme Court, or a"; Sec. 22 (New courts.) (Revision.)

(i) (i) by inserting at the end of subsection one of section twenty-three the words "or a list comprising such number of such persons as has been previously certified to such bench Sec. 23. (Preparation of lists for new courts.)

by

by the sheriff as being reasonably sufficient for the estimated requirements of the district";

(ii) by inserting in subsection two of the same section after the word "justices" the words "or the stipendiary magistrate or the two or more justices constituting the special petty sessions as provided by section thirteen of this Act";

(j) by omitting section twenty-five; Sec. 25. (District court judge to prepare jurors' book.)

(k) by omitting from subsection one of section twenty-six the words "made out by the sheriff or the district court judge, as the case may be" and by inserting in lieu thereof the words "transmitted to the sheriff"; Sec. 26. (Coming into force of jurors' books and lists.)

(l) by omitting from subsection one of section twenty-seven the words "the circuit courts"; Sec. 27. (Trial by jury in criminal cases.) (Revision.)

(m) by omitting from section twenty-nine the words "whether the trial or assessment is had in the said court or in any circuit court"; Sec. 29 (Trial and assessment in civil cases.) (Revision.)

(n) by inserting next after section thirty the following new section:— New s. 30A.

30A. Where in the course of a civil trial any member of a jury dies or is discharged by the court as being through illness incapable of continuing, or for any other reason, the jury shall, unless the judge otherwise orders, and so long as the number of its members is not reduced below three (or in case of a jury of twelve below ten), be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a valid verdict may be given accordingly. Provision for continuance of civil trial when a juror dies or becomes incapable.

(o) (i) by omitting from subsection one of section thirty-two the words "and circuit courts" and by inserting in lieu thereof the word "Court"; Sec. 32. (General jury.)

(ii)

(ii) by omitting from subsection two of the same section the words "or any circuit court";

(iii) by inserting at the end of the same section the following new subsection:—

5 (4) Two or more precepts may be issued returnable at any particular court on any one day to ensure the attendance at any trial of a sufficient number of jurors to allow full right of challenge to all parties.

10 (p) by omitting from subsection one of section thirty-six the words "or any circuit court"; Sec. 36. (Number of jurors to be summoned.) (Revision.)

(q) by omitting from section thirty-seven the words "circuit court" and by inserting in lieu thereof the words "district court"; Sec. 37. (Priority of precepts.)

15 (r) by omitting section thirty-eight and thirty-nine; Secs. 38 and 39. (Repeal: consequential.)

(s) (i) by omitting from subsection one of section forty the words "and circuit courts"; Sec. 40. (Power reserved to courts, etc.) (Revision.)

(ii) by inserting in subsection two of the same section after the word "except" the words

20 "where otherwise provided in this Act and";

(t) (i) by omitting from paragraph (a) of subsection one of section forty-three the words "rotating ballot-box" and by inserting in Sec. 43. (Jurors to be chosen by lot.)

25 lieu thereof the words "ballot-box of a type";

(ii) by inserting at the end of the same paragraph the words "cards which during any year have already been drawn in a lot

30 pursuant to this section being excluded";

(iii) by omitting from paragraph (b) of the same subsection the words "Such box first having been made to rotate for one minute at least"

and

and by inserting in lieu thereof the words "The cards in the box having been thoroughly mixed";

(u) by omitting from subsection one of section forty-five the words "Such summons shall be" and by inserting in lieu thereof the words "Every such summons requiring a juror to attend a sitting of the Supreme Court or a sitting of a court of quarter sessions shall be"; Sec. 45. (Service of summons.)

(v) by omitting section forty-seven; Sec. 47. (Summoning of same jurors.)

(w) (i) by omitting from section fifty the words "and shall annex to the said precept a panel containing the names in alphabetical order of the persons so summoned by him in pursuance of the said jury precept, and shall also therewith furnish to the clerk of the said court the names of the said persons, with their respective additions and places of abode", and by inserting in lieu thereof the words "and shall, in the case of a precept for a jury for the trial of criminal issues, annex to the said precept a panel containing the names only of the persons so summoned by him in pursuance of the said jury precept, and in the case of a precept for a jury for the trial of civil issues, annex to the said precept a panel containing the names of the persons so summoned by him in pursuance of the said jury precept with their respective additions, and shall also furnish therewith to the clerk of the said court in the case of a precept for a jury for the trial of criminal issues and in the case of a precept for a jury for the trial of civil issues the names of the said persons with their respective additions"; Sec. 50. (Sheriff's return to general precept.)

(ii) by inserting at the end of the same section the following new subsections:—

(2) No person shall, unless the judge otherwise orders, prior to or during the

the trial, be allowed to inspect or to obtain a copy of any such panel annexed to a precept directed to the sheriff requiring him to summon jurors for the trial of any criminal issue in any court.

(3) Any party to any other proceeding not being the trial of any criminal issue shall, upon payment of such fee as may be fixed by the judges of the Supreme Court, be allowed at any convenient time prior to the trial to inspect or to obtain a copy of any such panel annexed to a precept pursuant to subsection one of this section.

Sec. 57. (Impanelling jury in criminal trials.)

(x) (i) by omitting from subsection one of section fifty-seven the words "or a circuit court";

(ii) by inserting in the same subsection after the word "another" the words "and call each by name";

(iii) by inserting at the end of the same subsection the words "Where more than one precept has been issued returnable on any one day the said clerk shall place into such box all the cards furnished pursuant to all such precepts before drawing any card from such box";

Sec. 59. (Striking jury in civil cases.)

(y) by omitting from subsection two of section fifty-nine the words "twice the number of jurors required to be impanelled" and by inserting in lieu thereof the words "the number of jurors required for the impanelling of the jury pursuant to section sixty of this Act";

Sec. 60. (Impanelling jury in civil cases.)

(z) (i) by omitting subsection one of section sixty and by inserting in lieu thereof the following subsection:—

(1) In civil issues a sufficient number of pieces of card having been drawn out a list of the names appearing thereon shall be delivered by the sheriff or his deputy to the

plaintiff

plaintiff or his attorney or counsel by whom a number of such names equal to one half of the number of the jury to be impanelled may be struck therefrom and the list so reduced shall then be delivered to each defendant who has pleaded separately or his attorney or counsel by each of whom a number of names equal to one half of the number of the jury to be impanelled may be also struck therefrom.

(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections:—

(3) The cards bearing the names struck out from the list shall be returned to the box as soon as the jury is sworn and impanelled and the cards bearing the names of the jury sworn and impanelled shall also be returned to the box at the conclusion of the trial.

(4) In this section and in section sixty-three of this Act, "plaintiff" includes petitioner and "defendant" includes respondent, intervener and co-respondent.

(aa) by omitting from section sixty-two the words "the three next preceding sections" and by inserting in lieu thereof the words "sections fifty-nine, sixty and sixty-one"; Sec. 62. (When damages assessed only.)

(bb) by omitting from section sixty-four the word "order" and by inserting in lieu thereof the word "permit"; Sec. 64. (Refreshments.)

(cc) by omitting from section sixty-five the word "twelve" and by inserting in lieu thereof the word "six"; Sec. 65. (Disagreement in criminal trial.)

(dd) (i) by omitting from subsection one of section sixty-six the words "six hours" and by inserting in lieu thereof the words "four hours"; Sec. 66. (Disagreement in civil cases.)

(ii) by inserting at the end of the same subsection the words "but if three-fourths in number of them do not concur in any such verdict or assessment and it be found after examination on oath of one or more of them that they or three-fourths in number of them are not likely so to concur then such jurors may 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";

(iii) by omitting from subsection two of the same section the words "the whole twelve hours" and by inserting in lieu thereof the words "six hours";

(iv) by inserting at the end of the same section the following new subsection:—

(3) Where, pursuant to section 30A of this Act, the number of jurors has been reduced to three—

(a) the decision of such three jurors shall, if such jurors agree, be taken and entered as the verdict or assessment of the jury;

(b) the provisions of subsection one of this section shall not apply;

(c) the provisions of subsection two of this section shall be read as if the words "the three" were substituted for the words "three-fourths in number of the".

In their application to a case where, pursuant to section 30A of this Act the number of a jury of twelve has been reduced to eleven or ten the provisions of subsection one and of subsection two of this section shall be read as if the word "nine" were substituted for the words "three-fourths in number" in each such subsection. (ee)

(ee) by omitting from subsection one of section sixty-seven the words "some of"; — Sec. 67. (Order for view.)

(ff) by omitting sections sixty-eight and sixty-nine; — Secs. 68 and 69. (Repeal: consequential.)

(gg) by omitting from section seventy the words "and circuit courts" and by inserting in lieu thereof the word "Court"; — Sec. 70. (Jurors' fees.) (Revision.)

(hh) by omitting subsection two of section seventy-one; — Sec. 71. (Compensation to jurors.)

(ii) by omitting from section seventy-two the words "or any circuit court"; — Sec. 72. (District courts.) (Revision.)

(jj) by omitting from section seventy-five the word "Prothonotary" wherever occuring and by inserting in lieu thereof the word "sheriff"; — Sec. 75. (Fees to be paid.)

(kk) by omitting section seventy-nine; — Sec. 79. (Liability of justices.)

(ll) by omitting section eighty-one; — Sec. 81. (Liability of viewers: repeal: consequential.)

(mm) by inserting next after section eighty-four the following new sections:— — New ss. 84A, 84B.

84A. Any person who publishes in any newspaper the names, descriptions, addresses or photographs of the jurors or of any of the jurors summoned or impanelled for the trial of any ~~criminal~~ issue shall be liable on summary conviction to a penalty not exceeding one hundred pounds. — Penalty for publication of names of members of jury.

84B. (1) Any employer who dismisses an employee or injures him in his employment or alters his position to his prejudice by reason of the fact that the employee is summoned to serve on a jury shall be liable on summary conviction— — Penalty for unlawful dismissal of employee summoned to serve on a jury.

(a) if a body corporate—to a penalty not exceeding two hundred pounds;

(b)

(b) if any other person—to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(2) The court before which the employer is charged may further order that the employee be reimbursed the wages lost by him and the court may also direct his reinstatment in his old or a similar position.

(3) In any proceeding for an offence against this section if all the facts and circumstances constituting the offence other than the reason for the defendant's action are proved, it shall lie upon the defendant to prove that the dismissal was not actuated by the reason alleged in the charge.

(4) Where the employer is a body corporate and the dismissal complained of is proved to have been with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed guilty of an offence against this section and shall be liable to be proceeded against and punished accordingly.

(5) Where, pursuant to the provisions of subsection two of this section, the court has ordered that an employee be reimbursed the wages lost by him, the amount of the wages so lost shall be specified in the order, and such order shall operate as an order against the employer for the payment of money under the Small Debts Recovery Act, 1912, as amended by subsequent Acts, and be enforceable as such under the provisions of that Act as so amended.

(6) Any employer who neglects or fails to comply with an order, made pursuant to the provisions of subsection two of this section, directing reinstatement of an employee, shall be liable

liable on summary conviction to a penalty not exceeding ten pounds for each day such neglect or failure continues.

The amount of wages which would have been payable to the employee in respect of the period of such neglect or failure if he had been reinstated in accordance with the terms of the order aforesaid shall be recoverable, as a debt due to the employee by the employer, in any court of competent jurisdiction.

(nn) by omitting from subsection one of section eighty-five the words "or to the Supreme Court, if the fine has been imposed for non-attendance at a circuit court"; **Sec. 85. (Recovery of fines for non-attendance.)**

(oo) (i) by omitting from paragraph (a) of section eighty-six the words "or a circuit court"; **Sec. 86. (Recovery of other fines.)**

(ii) by omitting from paragraph (b) of the same section the words "in the manner appointed by law for the recovery of fines imposed by justices of the peace" and by inserting in lieu thereof the words "pursuant to the Fines and Forfeited Recognizances Recovery Act, 1902";

(pp) by inserting in the Second Schedule after the words "all men" the words and symbols "[*or of men (being the number certified by the sheriff as being reasonably sufficient for the estimated requirements of the district)*]"; **Second Schedule.**

(qq) by omitting from the heading to the Third Schedule the words "of all persons" and by inserting in lieu thereof the words and symbols "of all [*or of persons*]"; **Third Schedule.**

(rr) (i) by omitting from the Sixth Schedule the words "or Circuit Court" and by inserting in lieu thereof the words "Court or District Court"; **Sixth Schedule.**

(ii) by omitting from the same Schedule the word "ten" and by inserting in lieu thereof the words "a quarter to ten".

6. (1) The District Courts Act, 1912-1936, is amended— Amendment of Act No. 23, 1912.

(a) (i) by omitting from subsection three of section ninety the words "made at least five clear days before the day named for the hearing" and by inserting in lieu thereof the words "made not less than the prescribed number of days before the day named for the hearing"; Sec. 90 (3). (Jury in actions for less than £20.)

(ii) by omitting from the same subsection the words "at least five clear days before the day named for the hearing" and by inserting in lieu thereof the words "not less than the prescribed number of days before the day named for the hearing";

(b) by omitting section ninety-three; Sec. 93. (Special jurors' list.)

(c) (i) by omitting from subsection one of section ninety-four the words "except where otherwise provided" and by inserting in lieu thereof the words "deliver to the sheriff a precept in or to the effect of the form contained in the Fifth Schedule to the Jury Act, 1912-1947, requiring him to"; Sec. 94. (Summons to jurors.)

(ii) by omitting from the same subsection the words "or special jurors' list";

(iii) by omitting from the same subsection the word "summons" and by inserting in lieu thereof the word "precept";

(iv) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—

(4) Before the day and at the place named in any precept for the appearance of the jurors thereby required to be summoned to attend the District Court, the sheriff shall return

return to the registrar thereof a panel containing the names of the persons so summoned pursuant to the precept with their respective additions and shall also furnish to the said registrar the names of the said persons with their respective additions written upon separate pieces of card being as nearly as may be of equal size.

The sheriff shall previously upon the panel certify that the jurors named therein have been duly summoned and such certificate shall without proof of his signature be prima facie evidence that each juror whose name is included in the panel has been duly summoned to attend the court pursuant to the precept.

(d) by omitting from subsection one of section ninety-five the words "or special jurors' list"; Sec. 95. (Jury, how chosen.)

(e) by omitting from subsection two of section one hundred and thirty-four the words "may be a common or special jury, and"; Sec. 134. (Jury.)

(f) by omitting from section one hundred and thirty-six the word "special" wherever occurring; Sec. 136. (Number of jurors.)

(g) by omitting subsections one and two of section one hundred and thirty-seven and by inserting in lieu thereof the following subsection:— Sec. 137. (Drawing of jury.)

(1) At the trial of any such issue the registrar shall put into a box provided for that purpose the pieces of card furnished as aforesaid by the sheriff.

(2) The Principal Act is further amended as follows:— Further amendment of Act No. 31, 1912.

(a) (i) by omitting from subsection five of section thirteen the word "three" and by inserting in lieu thereof the word "two"; Sec. 13 (5). (Lists.)

(ii) by omitting the proviso to the same subsection;

(b)

(b) by omitting from subsection one of section fifteen all words after the word "sheriff". Sec. 15. (Transmission of lists.)

(3) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Districts Courts Act, 1912-1947.

7. (1) The Matrimonial Causes Act, 1899, is amended— Amendment of Act No. 14, 1899.

(a) (i) by inserting at the end of subsection three of section fifty-two the following words:— Sec. 52. (Claim by husband for damages.)

Provided that, subject to section sixty-nine of this Act, any issue arising upon the hearing of any such petition (including the amount of damages) may be determined by the Court;

(ii) by omitting subsection five of the same section;

(b) by inserting next after subsection two of section sixty-nine the following new subsection:— Sec. 69. (Trial by jury.)

(2A) A husband claiming damages may require the issues in the suit to be tried by a jury and the amount of the damages to be recovered to be ascertained by the verdict of a jury, although the respondent or co-respondent, or both the respondent and co-respondent, do not appear.

(c) by omitting section seventy-three and by inserting in lieu thereof the following section:— Subst. sec. 73.

73. For the purposes of this Act the Court may, as occasion requires, issue such precepts directing the sheriff to summon jurors and make such orders upon the sheriff for the attendance of such number of jurors as such Court may consider requisite. Summoning of jurors.

(d) by omitting from section seventy-six the word "now" and by inserting in lieu thereof the words "that for the time being."

(2) The Matrimonial Causes Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Matrimonial Causes Act, 1899-1947. Sec. 76. (General law and practice to apply.)

8.

8. (1) (a) The Equity Act, 1901, as amended by subsequent Acts, is amended— Amendment of Act No. 24, 1901.

(i) by omitting from paragraph (a) of subsection two of section fifty-one the words "special or common"; Sec. 51. (Trial of issues.)

(ii) by omitting from subsection one of section fifty-two the words "special or common"; Sec. 52. (Jury, how summoned.)

(b) The Equity Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Equity Act, 1901-1947.

(2) (a) The Wills, Probate and Administration Act, 1898, as amended by subsequent Acts, is amended— Amendment of Act No. 13, 1898.

(i) by omitting from section one hundred and forty the words "special or common"; Sec. 140. (Questions of fact how tried.)

(ii) by omitting from subsection one of section one hundred and forty-one the word "men" and by inserting in lieu thereof the word "persons". Sec. 141. (Question to be stated.)

(b) The Wills, Probate and Administration Act, 1898, as amended by subsequent Acts and by this Act, may be cited as the Wills, Probate and Administration Act, 1898–1947.

(3) (a) The Lunacy Act of 1898, as amended by subsequent Acts, is amended by omitting from section one hundred and seven the words "and in such order shall direct whether such jury shall be a common or special jury". Amendment of Act No. 45, 1898. Sec. 107. (Inquiry before a jury.)

(b) The Lunacy Act of 1898, as amended by subsequent Acts and by this Act, may be cited as the Lunacy Act, 1898–1947.

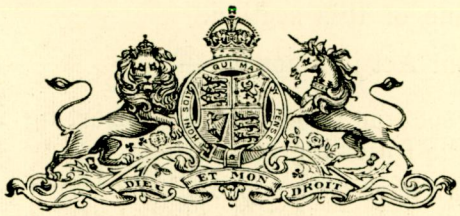
Sydney: Thomas Henry Tennant, Government Printer—1947.

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

H. ROBBINS,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 18 *November,* 1947.

New South Wales.



ANNO UNDECIMO

GEORGII VI REGIS.

* *

Act No. , 1947.

An Act to amend in certain respects the law relating to juries; to amend the Jury Act, 1912, and certain other Acts; and for purposes connected therewith.

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 New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Jury (Amendment) Act, 1947." Short title and citation.

(2) The Jury Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Jury Act, 1912-1947.

2. (1) For the purposes only of Parts IV and V of the Principal Act subsection three of this section shall be deemed to commence on the first day of the second week of October in such year as the Governor may by notification published in the Gazette appoint. Commencement of section.

(2) Subsection three of this section shall come into operation for all purposes upon the first day of January next following the year appointed by the Governor pursuant to subsection one of this section.

(3) The Principal Act is amended— Amendment of Act No. 31, 1912.

(a) by omitting section three and by inserting in lieu thereof the following section:— Subst. sec. 3.

3. Except as hereinafter provided every man who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946, shall be qualified and liable to serve on juries for the trial of all issues, civil and criminal, and for the assessment of damages in all actions at law, and to act as a juror in any district court. Qualifications of male jurors.

(b) by omitting paragraph (a) of section four; Sec. 4. (Disqualification.)

(c) (i) by omitting from subsection one of section ten the words "and nature of the qualification"; Sec. 10. (Lists to be prepared by chief constables.)

(ii) by omitting from subsection two of the same section the words "addition, and nature of the qualification" and by inserting in lieu thereof the words "and addition";

(d) by omitting from the Third Schedule the matter appearing in the column "Nature of qualification". Third Schedule.

3. (1) (a) For the purposes only of Parts IV and V of the Principal Act subsection three of this section shall be deemed to commence in respect of any jurors' district on the first day of the second week of October in such year as the Governor may by notification published in the Gazette appoint in respect of such district. Commencement of section.

(b)

(b) The Governor may for the purpose aforesaid appoint different years in respect of different jurors' districts and may appoint a year in respect of any one or more of such districts without appointing any year in respect of other such districts.

(2) Subsection three of this section shall come into operation for all purposes in respect of any jurors' district upon the first day of January next following the year appointed by the Governor in respect of that jurors' district pursuant to subsection one of this section.

(3) The Principal Act is further amended—

Further amendment of Act No. 31, 1912.

(a) by inserting next after section three the following new section:—

New sec. 3A.

3A. (1) Except as hereinafter provided every woman—

Qualifications of female jurors.

(a) who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946; and

(b) who has, in the form contained in the Seventh Schedule to this Act, notified the chief constable of the police district in which she resides that she is desirous of serving as a juror as from the first day of January next following,

shall be qualified and liable to serve on juries for the trial of all issues, civil and criminal, and for the assessment of damages in all actions at law, and to act as a juror in any district court.

(2) Any woman qualified and liable to serve on juries or act as a juror as aforesaid shall, upon giving notification to the chief constable of the police district for which she is enrolled as a juror of her desire to discontinue her qualification and liability to serve on juries or act as a juror as aforesaid, cease, as from the first day of January next following such notification, to be qualified and liable to serve on juries or act as a juror as aforesaid.

(b)

(b) (i) by omitting from section four the word "man" and by inserting in lieu thereof the word "person"; Sec. 4. (Consequential.)

(ii) by omitting from paragraph (b) of the same section the word "he" and by inserting in lieu thereof the words "such person";

(c) by omitting from sections nine, thirteen, twenty-seven and fifty-seven the word "men" wherever occurring and by inserting in lieu thereof the word "persons"; Secs. 9, 13, 27 and 57. (Consequential.)

(d) by omitting from sections ten and fifty-eight the word "man" wherever occurring and by inserting in lieu thereof the word "person"; Secs. 10 and 58. (Consequential.)

(e) by omitting from the Second Schedule the word "men" and by inserting in lieu thereof the word "persons"; Second Schedule. (Consequential.)

(f) by inserting in the Sixth Schedule next before the letters "A.B." the words "Mrs. or Miss"; Sixth Schedule. (Consequential.)

(g) by inserting next after the Sixth Schedule the following new Schedule:— New Seventh Schedule. Sec. 3A.

SEVENTH SCHEDULE.

FORM OF NOTIFICATION.

To the Chief Constable of the Police District of (*insert name of District*).

I, (*name*), being a woman who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946, now resident at (*insert address*), am desirous of serving as a juror.

Dated this day of 19

.....

(*Signature.*)

(h) (i) by omitting from section nine, as amended by paragraph (a) of section five of this Act, the words "such men" and by inserting in lieu thereof the words "such persons"; Secs. 9, 10, and Second Schedule. (Consequential.)

(ii) by omitting from subsection three of section ten, as inserted by paragraph (b) of section five of this Act, the word "men" and by inserting in lieu thereof the word "persons";

(iii)

(iii) by omitting from the Second Schedule, as amended by paragraph (pp) of section five of this Act, the words "*of men*" and by inserting in lieu thereof the words "*of persons*".

4. (1) The Principal Act is further amended— Further amendment of Act No. 31, 1912.

(a) by omitting subsection (1A) of section fifteen; Sec. 15. (Special jurors.)

(b) by omitting section twenty; Sec. 20. (Sydney special jurors' book.)

(c) (i) by omitting from subsection one of section twenty-six the words "and special jurors' list"; Sec. 26. (Jurors' books and lists to come into force immediately.)

(ii) by omitting from the same subsection the words "or list";

(iii) by omitting from subsection two of the same section the words "or list";

(iv) by omitting from the same subsection the words "or special jurors' list";

(d) by omitting section twenty-eight; Sec. 28. (Criminal special jury.)

(e) by omitting from section twenty-nine the word "special"; Sec. 29. (Trial and assessment in civil cases.)

(f) by omitting from section thirty the words "who shall be returned under the provisions of this Act either from amongst the class of special jurors or of common jurors, or in cases to be tried on circuit partly from each class, as the court thinks fit to order"; Sec. 30. (Juries of twelve.)

(g) by omitting sections thirty-three and thirty-four; Secs. 33 and 34. (Special or common jury precepts.)

(h) by omitting from section forty-one the words "special or common"; Sec. 41. (Special rule or order for summoning jury.)

(i) (i) by omitting from subsection one of section forty-three the words "or special jurors' list"; Sec. 43. (Jurors to be chosen by lot.)

(ii) by omitting from the same subsection the words "or list" wherever occurring;

(j) by omitting section forty-six and by inserting in lieu thereof the following section:— Subst. sec. 46.

46. In determining the persons to be summoned for a jury, those persons who, during the time that the jury book has been in use, have attended at a court in pursuance of a summons, or served on a jury, shall be excluded from service as jurors until the list of names in the jury book has been exhausted. Jurors not liable to be summoned until list exhausted.

(k) by omitting from subsection three of section fifty-nine the words "either special or common"; Sec. 59. (Striking jury in civil cases.)

(l) (i) by omitting from paragraph (c) of subsection one of section seventy-five the word "common"; Sec. 75. (Fees to be paid on setting down case for trial.)

(ii) by omitting paragraph (d) of the same subsection;

(iii) by omitting from subsection three of the same section the words "or six pounds, as the case may be";

(m) by omitting section seventy-six; Sec. 76. (Costs of special jury unless judge certify.)

(n) by omitting from the Fourth Schedule the words "either special or common"; Fourth Schedule.

(o) by omitting the Fifth Schedule and by inserting in lieu thereof the following Schedule:— Subst. Fifth Schedule.

FIFTH SCHEDULE. Sec. 32.

FORM OF PRECEPT.

(*To be adopted for juries of twelve and juries of four.*)

To the Sheriff of or his deputy, greeting,—

Pursuant to the Act in such case made and provided, you are hereby commanded that you cause to come before (*here insert the style of the court*) to be holden at the court-house at , on (*here insert the day of the week*), the day of now next (*or instant*) good and lawful

lawful persons of the jurors' district for aforesaid, duly qualified according to law as jurors to make a jury of the country for the trial of all such issues of fact or other matters as shall be then required to be tried by a jury of (*twelve or of four according as the precept shall be intended*). And that you have then there the names of those jurors as by the law is required of you, together with due proof of the service of a summons upon such of the said jurors as shall have been served and of the time and manner thereof and of the causes wherefore the others of such jurors have not been served with such summons and also this writ.

Given under my hand and seal at this day of , A.D. 19

(2) The amendments made by subsection one of this section shall not affect or invalidate the trial of any issue, civil or criminal, or the assessment of damages in any action at law pending or commenced at the commencement of this Act by or had before a jury summoned, impanelled or constituted in accordance with the provisions of the Principal Act. Savings.

5. The Principal Act is further amended— Further amendment of Act No. 31, 1912.

(a) by inserting in section nine after the words "according to this Act" the words "or a list comprising such number of such men as has been previously certified to such clerk by the sheriff as being reasonably sufficient for the estimated requirements of the district"; Sec. 9. (Notice to chief constable.)

(b) by inserting at the end of section ten the following new subsection:— Sec. 10. (Lists to be prepared by chief constable.)

(3) The foregoing provisions of this section shall be regarded as sufficiently complied with if the list contains such number of such men as is specified in the notice referred to in section nine.

(c) by inserting in section twelve after the words "in every year" the words "by notice published in a newspaper circulating in the district or by notice served by post"; Sec. 12. (Special petty sessions to be summoned.)

(d)

(d) (i) by inserting in subsection three of section thirteen after the words "infirmity of body" the words "and also the names of all men who in the opinion of the justices are, from the nature of their calling, liable to suffer undue hardship from being called to serve as jurors or whose call so to serve would occasion undue public inconvenience"; Sec. 13. (Correction and allowance of lists.)

(ii) by inserting at the end of the same section the following new subsection:—

(6) The special petty sessions may be held by and before a stipendiary magistrate sitting alone or by and before two or more justices.

(e) (i) by omitting from subsection one of section fifteen the words "the Supreme Court or a circuit court or" and by inserting in lieu thereof the words "a sitting of the Supreme Court or a district court or a"; Sec. 15. (Lists to be transmitted to sheriff, etc.)

(ii) by omitting from subsection two of the same section the words "or circuit court" and by inserting in lieu thereof the words "or district court";

(f) (i) by omitting from subsection one of section seventeen the words "Except in the case of the jurors' district of the city of Sydney"; Sec. 17. (Jurors' book.)

(ii) by omitting subsection two of the same section;

(g) by omitting section nineteen; Sec. 19. (District court jurors' book.)

(h) by omitting from section twenty-two the words "circuit court, or" and by inserting in lieu thereof the words "sitting of the Supreme Court, or a"; Sec. 22 (New courts.) (Revision.)

(i) (i) by inserting at the end of subsection one of section twenty-three the words "or a list comprising such number of such persons as has been previously certified to such bench Sec. 23. (Preparation of lists for new courts.)

by

by the sheriff as being reasonably sufficient for the estimated requirements of the district";

(ii) by inserting in subsection two of the same section after the word "justices" the words "or the stipendiary magistrate or the two or more justices constituting the special petty sessions as provided by section thirteen of this Act";

(j) by omitting section twenty-five; Sec. 25. (District court judge to prepare jurors' book.)

(k) by omitting from subsection one of section twenty-six the words "made out by the sheriff or the district court judge, as the case may be" and by inserting in lieu thereof the words "transmitted to the sheriff"; Sec. 26. (Coming into force of jurors' books and lists.)

(l) by omitting from subsection one of section twenty-seven the words "the circuit courts"; Sec. 27. (Trial by jury in criminal cases.) (Revision.)

(m) by omitting from section twenty-nine the words "whether the trial or assessment is had in the said court or in any circuit court"; Sec. 29 (Trial and assessment in civil cases.) (Revision.)

(n) by inserting next after section thirty the following new section:— New s. 30A.

30A. Where in the course of a civil trial any member of a jury dies or is discharged by the court as being through illness incapable of continuing, or for any other reason, the jury shall, unless the judge otherwise orders, and so long as the number of its members is not reduced below three (or in case of a jury of twelve below ten), be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a valid verdict may be given accordingly. Provision for continuance of civil trial when a juror dies or becomes incapable.

(o) (i) by omitting from subsection one of section thirty-two the words "and circuit courts" and by inserting in lieu thereof the word "Court"; (General

(ii)

(ii) by omitting from subsection two of the same section the words "or any circuit court";

(iii) by inserting at the end of the same section the following new subsection:—

5 (4) Two or more precepts may be issued returnable at any particular court on any one day to ensure the attendance at any trial of a sufficient number of jurors to allow full right of challenge to all parties.

10 (p) by omitting from subsection one of section thirty-six the words "or any circuit court"; Sec. 36. (Number of jurors to be summoned.) (Revision.)

(q) by omitting from section thirty-seven the words "circuit court" and by inserting in lieu thereof the words "district court"; Sec. 37. (Priority of precepts.)

15 (r) by omitting section thirty-eight and thirty-nine; Secs. 38 and 39. (Repeal: consequential.)

(s) (i) by omitting from subsection one of section forty the words "and circuit courts"; Sec. 40. (Power reserved to courts, etc.) (Revision.)

(ii) by inserting in subsection two of the same section after the word "except" the words 20 "where otherwise provided in this Act and";

(t) (i) by omitting from paragraph (a) of subsection one of section forty-three the words "rotating ballot-box" and by inserting in 25 lieu thereof the words "ballot-box of a type"; Sec. 43. (Jurors to be chosen by lot.)

(ii) by inserting at the end of the same paragraph the words "cards which during any year have already been drawn in a lot 30 pursuant to this section being excluded";

(iii) by omitting from paragraph (b) of the same subsection the words "Such box first having been made to rotate for one minute at least"

and

and by inserting in lieu thereof the words "The cards in the box having been thoroughly mixed";

(u) by omitting from subsection one of section forty-five the words "Such summons shall be" and by inserting in lieu thereof the words "Every such summons requiring a juror to attend a sitting of the Supreme Court or a sitting of a court of quarter sessions shall be"; Sec. 45. (Service of summons.)

(v) by omitting section forty-seven; Sec. 47. (Summoning of same jurors.)

(w) (i) by omitting from section fifty the words "and shall annex to the said precept a panel containing the names in alphabetical order of the persons so summoned by him in pursuance of the said jury precept, and shall also therewith furnish to the clerk of the said court the names of the said persons, with their respective additions and places of abode", and by inserting in lieu thereof the words "and shall, in the case of a precept for a jury for the trial of criminal issues, annex to the said precept a panel containing the names only of the persons so summoned by him in pursuance of the said jury precept, and in the case of a precept for a jury for the trial of civil issues, annex to the said precept a panel containing the names of the persons so summoned by him in pursuance of the said jury precept with their respective additions, and shall also furnish therewith to the clerk of the said court in the case of a precept for a jury for the trial of criminal issues and in the case of a precept for a jury for the trial of civil issues the names of the said persons with their respective additions"; Sec. 50. (Sheriff's return to general precept.)

(ii) by inserting at the end of the same section the following new subsections:—

(2) No person shall, unless the judge otherwise orders, prior to or during the

the trial, be allowed to inspect or to obtain a copy of any such panel annexed to a precept directed to the sheriff requiring him to summon jurors for the trial of any criminal issue in any court.

(3) Any party to any other proceeding not being the trial of any criminal issue shall, upon payment of such fee as may be fixed by the judges of the Supreme Court, be allowed at any convenient time prior to the trial to inspect or to obtain a copy of any such panel annexed to a precept pursuant to subsection one of this section.

(x) (i) by omitting from subsection one of section fifty-seven the words "or a circuit court"; **Sec. 57. (Impanelling jury in criminal trials.)**

(ii) by inserting in the same subsection after the word "another" the words "and call each by name";

(iii) by inserting at the end of the same subsection the words "Where more than one precept has been issued returnable on any one day the said clerk shall place into such box all the cards furnished pursuant to all such precepts before drawing any card from such box";

(y) by omitting from subsection two of section fifty-nine the words "twice the number of jurors required to be impanelled" and by inserting in lieu thereof the words "the number of jurors required for the impanelling of the jury pursuant to section sixty of this Act"; **Sec. 59. (Striking jury in civil cases.)**

(z) (i) by omitting subsection one of section sixty and by inserting in lieu thereof the following subsection:— **Sec. 60. (Impanelling jury in civil cases.)**

(1) In civil issues a sufficient number of pieces of card having been drawn out a list of the names appearing thereon shall be delivered by the sheriff or his deputy to the

plaintiff

plaintiff or his attorney or counsel by whom a number of such names equal to one half of the number of the jury to be impanelled may be struck therefrom and the list so reduced shall then be delivered to each defendant who has pleaded separately or his attorney or counsel by each of whom a number of names equal to one half of the number of the jury to be impanelled may be also struck therefrom.

(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections:—

(3) The cards bearing the names struck out from the list shall be returned to the box as soon as the jury is sworn and impanelled and the cards bearing the names of the jury sworn and impanelled shall also be returned to the box at the conclusion of the trial.

(4) In this section and in section sixty-three of this Act, "plaintiff" includes petitioner and "defendant" includes respondent, intervener and co-respondent.

(aa) by omitting from section sixty-two the words "the three next preceding sections" and by inserting in lieu thereof the words "sections fifty-nine, sixty and sixty-one"; Sec. 62. (When damages assessed only.)

(bb) by omitting from section sixty-four the word "order" and by inserting in lieu thereof the word "permit"; Sec. 64. (Refreshments.)

(cc) by omitting from section sixty-five the word "twelve" and by inserting in lieu thereof the word "six"; Sec. 65. (Disagreement in criminal trial.)

(dd) (i) by omitting from subsection one of section sixty-six the words "six hours" and by inserting in lieu thereof the words "four hours"; Sec. 66. (Disagreement in civil cases.)

(ii) by inserting at the end of the same subsection the words "but if three-fourths in number of them do not concur in any such verdict or assessment and it be found after examination on oath of one or more of them that they or three-fourths in number of them are not likely so to concur then such jurors may 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";

(iii) by omitting from subsection two of the same section the words "the whole twelve hours" and by inserting in lieu thereof the words "six hours";

(iv) by inserting at the end of the same section the following new subsection:—

(3) Where, pursuant to section 30A of this Act, the number of jurors has been reduced to three—

(a) the decision of such three jurors shall, if such jurors agree, be taken and entered as the verdict or assessment of the jury;

(b) the provisions of subsection one of this section shall not apply;

(c) the provisions of subsection two of this section shall be read as if the words "the three" were substituted for the words "three-fourths in number of the".

In their application to a case where, pursuant to section 30A of this Act the number of a jury of twelve has been reduced to eleven or ten the provisions of subsection one and of subsection two of this section shall be read as if the word "nine" were substituted for the words "three-fourths in number" in each such subsection. (ee)

(ee) by omitting from subsection one of section sixty-seven the words "some of"; — Sec. 67. (Order for view.)

(ff) by omitting sections sixty-eight and sixty-nine; — Secs. 68 and 69. (Repeal: consequential.)

(gg) by omitting from section seventy the words "and circuit courts" and by inserting in lieu thereof the word "Court"; — Sec. 70. (Jurors' fees.) (Revision.)

(hh) by omitting subsection two of section seventy-one; — Sec. 71. (Compensation to jurors.)

(ii) by omitting from section seventy-two the words "or any circuit court"; — Sec. 72. (District courts.) (Revision.)

(jj) by omitting from section seventy-five the word "Prothonotary" wherever occuring and by inserting in lieu thereof the word "sheriff"; — Sec. 75. (Fees to be paid.)

(kk) by omitting section seventy-nine; — Sec. 79. (Liability of justices.)

(ll) by omitting section eighty-one; — Sec. 81. (Liability of viewers: repeal: consequential.)

(mm) by inserting next after section eighty-four the following new sections:— — New ss. 84A, 84B.

84A. Any person who publishes in any newspaper the names, descriptions, addresses or photographs of the jurors or of any of the jurors summoned or impanelled for the trial of any criminal issue shall be liable on summary conviction to a penalty not exceeding one hundred pounds. — Penalty for publication of names of members of jury.

84B. (1) Any employer who dismisses an employee or injures him in his employment or alters his position to his prejudice by reason of the fact that the employee is summoned to serve on a jury shall be liable on summary conviction— — Penalty for unlawful dismissal of employee summoned to serve on a jury.

(a) if a body corporate—to a penalty not exceeding two hundred pounds;

(b)

(b) if any other person—to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(2) The court before which the employer is charged may further order that the employee be reimbursed the wages lost by him and the court may also direct his reinstatment in his old or a similar position.

(3) In any proceeding for an offence against this section if all the facts and circumstances constituting the offence other than the reason for the defendant's action are proved, it shall lie upon the defendant to prove that the dismissal was not actuated by the reason alleged in the charge.

(4) Where the employer is a body corporate and the dismissal complained of is proved to have been with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed guilty of an offence against this section and shall be liable to be proceeded against and punished accordingly.

(nn) by omitting from subsection one of section eighty-five the words "or to the Supreme Court, if the fine has been imposed for non-attendance at a circuit court"; Sec. 85. (Recovery of fines for non-attendance.)

(oo) (i) by omitting from paragraph (a) of section eighty-six the words "or a circuit court"; Sec. 86. (Recovery of other fines.)

(ii) by omitting from paragraph (b) of the same section the words "in the manner appointed by law for the recovery of fines imposed by justices of the peace" and by inserting in lieu thereof the words "pursuant to the Fines and Forfeited Recognizances Recovery Act, 1902";

(pp)

(pp) by inserting in the Second Schedule after the words "all men" the words and symbols "[*or of men (being the number certified by the sheriff as being reasonably sufficient for the estimated requirements of the district)*]"; Second Schedule.

(qq) by omitting from the heading to the Third Schedule the words "of all persons" and by inserting in lieu thereof the words and symbols "of all [*or of persons*]"; Third Schedule.

(rr) (i) by omitting from the Sixth Schedule the words "or Circuit Court" and by inserting in lieu thereof the words "Court or District Court"; Sixth Schedule.

(ii) by omitting from the same Schedule the word "ten" and by inserting in lieu thereof the words "a quarter to ten".

6. (1) The District Courts Act, 1912-1936, is amended— Amendment of Act No. 23, 1912.

(a) (i) by omitting from subsection three of section ninety the words "made at least five clear days before the day named for the hearing" and by inserting in lieu thereof the words "made not less than the prescribed number of days before the day named for the hearing"; Sec. 90 (3). (Jury in actions for less than £20.)

(ii) by omitting from the same subsection the words "at least five clear days before the day named for the hearing" and by inserting in lieu thereof the words "not less than the prescribed number of days before the day named for the hearing";

(b) by omitting section ninety-three; Sec. 93. (Special jurors' list.)

Sec. 94. (Summons to jurors.)

(c) (i) by omitting from subsection one of section ninety-four the words "except where otherwise provided" and by inserting in lieu thereof the words "deliver to the sheriff a precept in or to the effect of the form contained in the Fifth Schedule to the Jury Act, 1912-1947, requiring him to";

(ii) by omitting from the same subsection the words "or special jurors' list";

(iii) by omitting from the same subsection the word "summons" and by inserting in lieu thereof the word "precept";

(iv) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—

(4) Before the day and at the place named in any precept for the appearance of the jurors thereby required to be summoned to attend the District Court, the sheriff shall return to the registrar thereof a panel containing the names of the persons so summoned pursuant to the precept with their respective additions and shall also furnish to the said registrar the names of the said persons with their respective additions written upon separate pieces of card being as nearly as may be of equal size.

The sheriff shall previously upon the panel certify that the jurors named therein have been duly summoned and such certificate shall without proof of his signature be prima facie evidence that each juror whose name is included in the panel has been duly summoned to attend the court pursuant to the precept.

(d)

(d) by omitting from subsection one of section ninety-five the words "or special jurors' list"; Sec. 95. (Jury, how chosen.)

(e) by omitting from subsection two of section one hundred and thirty-four the words "may be a common or special jury, and"; Sec. 134. (Jury.)

(f) by omitting from section one hundred and thirty-six the word "special" wherever occurring; Sec. 136. (Number of jurors.)

(g) by omitting subsections one and two of section one hundred and thirty-seven and by inserting in lieu thereof the following subsection:— Sec. 137. (Drawing of jury.)

(1) At the trial of any such issue the registrar shall put into a box provided for that purpose the pieces of card furnished as aforesaid by the sheriff.

(2) The Principal Act is further amended as follows:— Further amendment of Act No. 31, 1912.

(a) (i) by omitting from subsection five of section thirteen the word "three" and by inserting in lieu thereof the word "two"; Sec. 13 (5). (Lists.)

(ii) by omitting the proviso to the same subsection;

(b) by omitting from subsection one of section fifteen all words after the word "sheriff". Sec. 15. (Transmission of lists.)

(3) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Districts Courts Act, 1912-1947.

7. (1) The Matrimonial Causes Act, 1899, is amended— Amendment of Act No. 14, 1899.

(a) (i) by inserting at the end of subsection three of section fifty-two the following words:— Sec. 52. (Claim by husband for damages.)

Provided that, subject to section sixty-nine of this Act, any issue arising upon the hearing of any such petition (including the amount of damages) may be determined by the Court;

(ii) by omitting subsection five of the same section;

(b)

(b) by inserting next after subsection two of section sixty-nine the following new subsection:— Sec. 69. (Trial by jury.)

(2A) A husband claiming damages may require the issues in the suit to be tried by a jury and the amount of the damages to be recovered to be ascertained by the verdict of a jury, although the respondent or co-respondent, or both the respondent and co-respondent, do not appear.

(c) by omitting section seventy-three and by inserting in lieu thereof the following section:— Subst. sec. 73.

73. For the purposes of this Act the Court may, as occasion requires, issue such precepts directing the sheriff to summon jurors and make such orders upon the sheriff for the attendance of such number of jurors as such Court may consider requisite. Summoning of jurors.

(d) by omitting from section seventy-six the word "now" and by inserting in lieu thereof the words "that for the time being."

(2) The Matrimonial Causes Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Matrimonial Causes Act, 1899-1947. Sec. 76. (General law and practice to apply.)

8. (1) (a) The Equity Act, 1901, as amended by subsequent Acts, is amended— Amendment of Act No. 24, 1901.

(i) by omitting from paragraph (a) of subsection two of section fifty-one the words "special or common"; Sec. 51. (Trial of issues.)

(ii) by omitting from subsection one of section fifty-two the words "special or common"; Sec. 52. (Jury, how summoned.)

(b) The Equity Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Equity Act, 1901-1947.

(2) (a) The Wills, Probate and Administration Act, 1898, as amended by subsequent Acts, is amended— Amendment of Act No. 13, 1898.

(i) by omitting from section one hundred and forty the words "special or common"; Sec. 140. (Questions of fact how tried.)

(ii)

(ii) by omitting from subsection one of section one hundred and forty-one the word "men" and by inserting in lieu thereof the word "persons". **Sec. 141. (Question to be stated.)**

(b) The Wills, Probate and Administration Act, 1898, as amended by subsequent Acts and by this Act, may be cited as the Wills, Probate and Administration Act, 1898–1947.

(3) (a) The Lunacy Act of 1898, as amended by subsequent Acts, is amended by omitting from section one hundred and seven the words "and in such order shall direct whether such jury shall be a common or special jury". **Amendment of Act No. 45, 1898. Sec. 107. (Inquiry before a jury.)**

(b) The Lunacy Act of 1898, as amended by subsequent Acts and by this Act, may be cited as the Lunacy Act, 1898–1947.

Sydney: Thomas Henry Tennant, Government Printer—1947.

[1s. 6d.]

PROOF

Jury (Amendment) Bill, 1947.

EXPLANATORY NOTE.

THIS Bill provides—

(i) that as from a date to be proclaimed the qualification for jury service by men is to be co-extensive with the Parliamentary franchise;

(ii) that provision be made that such women who are qualified to vote at Parliamentary elections and who indicate their desire to do so, are to be eligible for and liable to jury service;

(iii) for the abandonment of the classification of jurors as "common jurors" and "special jurors";

(iv) for the number of persons included in the jury list for any one district being such number as is estimated by the Sheriff as sufficient to satisfy requirements for the ensuing year;

(v) that special petty sessions may delete from the jury list for any year the name of any person where satisfied that to call such person for jury service would occasion undue hardship or public inconvenience;

(vi) for the summoning by the Sheriff of jurors for district court trials;

(vii) for the continuance of civil trials, notwithstanding the death or disability of one juror in the case of a jury of four or of not more than two in the case of a jury of twelve;

(viii) for adjustment of the requirements for a majority verdict in the cases referred to in paragraph (vii);

(ix) for the deletion from the Jury Act of the requirement that a rotating ballot-box be used in the selection of jurors to be summoned;

(x) that the "Sydney Jurors' Book" be constituted in the same manner as jurors' books for other districts;

(xi) that the periods after which—

(a) a jury engaged upon a criminal trial may be discharged where the judge is satisfied the jury is not likely to agree;

(b) a majority verdict must be accepted from a jury engaged upon a civil trial;

(c) a jury engaged upon a civil trial must be discharged in default of a verdict;

be reduced from—

(a) twelve hours to six hours;

(b) six hours to four hours;

(c) twelve hours to six hours;

respectively;

(xii) for the abolition of the liability now imposed by law upon Justices of the Peace failing to attend the special petty sessions summoned to correct and allow jury lists;

(xiii) that it shall be a punishable offence for any employer to dismiss or in any way prejudice an employee by reason of that employee's jury service, and establishes machinery whereby reinstatement of any such employee may be ordered;

(xiv) that it shall be an offence to publish the name, description, address or photograph of any juror engaged upon a criminal trial;

(xv) that, undefended suits in the Matrimonial Causes Jurisdiction of the Supreme Court in which damages are claimed are to be heard before a judge sitting alone, unless a jury is required by the petitioner;

(xvi) that, except where otherwise provided by law, the practice for the time being in force at common law is to apply to jury trials in the Matrimonial Causes Jurisdiction of the Supreme Court.

The Bill effects certain other amendments to the Jury Act, the District Courts Act the Matrimonial Causes Act, the Equity Act, the Wills, Probate and Administration Act, and the Lunacy Act, some being consequential upon the amendments particularised above, and others being of a minor or machinery character.

50647 116—

PROOF

No. , 1947.

A BILL

To amend in certain respects the law relating to juries; to amend the Jury Act, 1912, and certain other Acts; and for purposes connected therewith.

[Mr. C. E. Martin;—14 *October*, 1947.]

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Jury (Amendment) Act, 1947." Short title and citation.

(2) The Jury Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Jury Act, 1912-1947.

2. (1) For the purposes only of Parts IV and V of the Principal Act subsection three of this section shall be deemed to commence on the first day of the second week of October in such year as the Governor may by notification published in the Gazette appoint. Commencement of section.

(2) Subsection three of this section shall come into operation for all purposes upon the first day of January next following the year appointed by the Governor pursuant to subsection one of this section.

(3) The Principal Act is amended— Amendment of Act No. 31, 1912.

(a) by omitting section three and by inserting in lieu thereof the following section:— Subst. sec. 3.

3. Except as hereinafter provided every man who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946, shall be qualified and liable to serve on juries for the trial of all issues, civil and criminal, and for the assessment of damages in all actions at law, and to act as a juror in any district court. Qualifications of male jurors

(b) by omitting paragraph (a) of section four; Sec. 4. (Disqualification.)

(c) (i) by omitting from subsection one of section ten the words "and nature of the qualification"; Sec. 10. (Lists to be prepared by chief constables.)

(ii) by omitting from subsection two of the same section the words "addition, and nature of the qualification" and by inserting in lieu thereof the words "and addition";

(d) by omitting from the Third Schedule the matter appearing in the column "Nature of qualification". Third Schedule.

3. (1) (a) For the purposes only of Parts IV and V of the Principal Act subsection three of this section shall be deemed to commence in respect of any jurors' district on the first day of the second week of October in such year as the Governor may by notification published in the Gazette appoint in respect of such district. Commencement of section.

(b)

(b) The Governor may for the purpose aforesaid appoint different years in respect of different jurors' districts and may appoint a year in respect of any one or more of such districts without appointing any year in respect of other such districts.

(2) Subsection three of this section shall come into operation for all purposes in respect of any jurors' district upon the first day of January next following the year appointed by the Governor in respect of that jurors' district pursuant to subsection one of this section.

(3) The Principal Act is further amended— Further amendment of Act No. 31, 1912.

(a) by inserting next after section three the following new section:— New sec. 3A.

3A. (1) Except as hereinafter provided every woman— Qualifications of female jurors.

(a) who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946; and

(b) who has, in the form contained in the Seventh Schedule to this Act, notified the chief constable of the police district in which she resides that she is desirous of serving as a juror as from the first day of January next following,

shall be qualified and liable to serve on juries for the trial of all issues, civil and criminal, and for the assessment of damages in all actions at law, and to act as a juror in any district court.

(2) Any woman qualified and liable to serve on juries or act as a juror as aforesaid shall, upon giving notification to the chief constable of the police district for which she is enrolled as a juror of her desire to discontinue her qualification and liability to serve on juries or act as a juror as aforesaid, cease, as from the first day of January next following such notification, to be qualified and liable to serve on juries or act as a juror as aforesaid. (b)

(b) (i) by omitting from section four the word "man" and by inserting in lieu thereof the word "person"; Sec. 4. (Consequential.)

(ii) by omitting from paragraph (b) of the same section the word "he" and by inserting in lieu thereof the words "such person";

(c) by omitting from sections nine, thirteen, twenty-seven and fifty-seven the word "men" wherever occurring and by inserting in lieu thereof the word "persons"; Secs. 9, 13, 27 and 57. (Consequential.)

(d) by omitting from sections ten and fifty-eight the word "man" wherever occurring and by inserting in lieu thereof the word "person"; Secs. 10 and 58. (Consequential.)

(e) by omitting from the Second Schedule the word "men" and by inserting in lieu thereof the word "persons"; Second Schedule. (Consequential.)

(f) by inserting in the Sixth Schedule next before the letters "A.B." the words "Mrs. or Miss"; Sixth Schedule. (Consequential.)

(g) by inserting next after the Sixth Schedule the following new Schedule:— New Seventh Schedule. Sec. 3A.

SEVENTH SCHEDULE.

FORM OF NOTIFICATION.

To the Chief Constable of the Police District of (*insert name of District*).

I, (*name*), being a woman who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946, now resident at (*insert address*), am desirous of serving as a juror.

Dated this day of 19

.....

(*Signature.*)

(h) (i) by omitting from section nine, as amended by paragraph (a) of section five of this Act, the words "such men" and by inserting in lieu thereof the words "such persons"; Secs. 9, 10, and Second Schedule. (Consequential.)

(ii) by omitting from subsection three of section ten, as inserted by paragraph (b) of section five of this Act, the word "men" and by inserting in lieu thereof the word "persons";

(iii)

(iii) by omitting from the Second Schedule, as amended by paragraph (kk) of section five of this Act, the words "*of men*" and by inserting in lieu thereof the words "*of persons*".

4. (1) The Principal Act is further amended—

Further amendment of Act No. 31, 1912.

(a) by omitting subsection (1A) of section fifteen;

Sec. 15. (Special jurors.)

(b) by omitting section twenty;

Sec. 20. (Sydney special jurors' book.)

(c) (i) by omitting from subsection one of section twenty-six the words "and special jurors' list";

Sec. 26. (Jurors' books and lists to come into force immediately.)

(ii) by omitting from the same subsection the words "or list";

(iii) by omitting from subsection two of the same section the words "or list";

(iv) by omitting from the same subsection the words "or special jurors' list";

(d) by omitting section twenty-eight;

Sec. 28. (Criminal special jury.)

(e) by omitting from section twenty-nine the word "special";

Sec. 29. (Trial and assessment in civil cases.)

(f) by omitting from section thirty the words "who shall be returned under the provisions of this Act either from amongst the class of special jurors or of common jurors, or in cases to be tried on circuit partly from each class, as the court thinks fit to order";

Sec. 30. (Juries of twelve.)

(g) by omitting sections thirty-three and thirty-four;

Secs. 33 and 34. (Special or common jury precepts.)

(h) by omitting from subsection one of section thirty-eight the words "to be taken from either the general or the special jury list";

Sec. 38. (Enlarged or separate jury panel may be ordered by the court.)

(i) by omitting from section forty-one the words "special or common";

Sec. 41. (Special rule or order for summoning jury.)

(j)

(j) (i) by omitting from subsection one of section forty-three the words "or special jurors' list"; Sec. 43. (Jurors to be chosen by lot.)

(ii) by omitting from the same subsection the words "or list" wherever occurring;

(k) by omitting section forty-six and by inserting in lieu thereof the following section:— Subst. sec. 46.

46. In determining the persons to be summoned for a jury, those persons who, during the time that the jury book has been in use, have attended at a court in pursuance of a summons, or served on a jury, shall be excluded from service as jurors until the list of names in the jury book has been exhausted. Jurors not liable to be summoned until list exhausted.

(l) by omitting from subsection three of section fifty-nine the words "either special or common"; Sec. 59. (Striking jury in civil cases.)

(m) (i) by omitting from paragraph (c) of subsection one of section seventy-five the word "common"; Sec. 75. (Fees to be paid on setting down case for trial.)

(ii) by omitting paragraph (d) of the same subsection;

(iii) by omitting from subsection three of the same section the words "or six pounds, as the case may be";

(n) by omitting section seventy-six; Sec. 76. (Costs of special jury unless judge certify.)

(o) by omitting from the Fourth Schedule the words "either special or common"; Fourth Schedule.

(p) by omitting the Fifth Schedule and by inserting in lieu thereof the following Schedule:— Subst. Fifth Schedule.

FIFTH SCHEDULE. Sec. 32.

FORM OF PRECEPT.

(To be adopted for juries of twelve and juries of four.)

To the Sheriff of or his deputy, greeting,—

Pursuant to the Act in such case made and provided, you are hereby commanded that you cause to come before (*here insert the style of the court*) to be holden at the court-house at , on (*here insert the day of the week*), the day of now next (*or instant*) good and lawful

lawful persons of the jurors' district for aforesaid, duly qualified according to law as jurors to make a jury of the country for the trial of all such issues of fact or other matters as shall be then required to be tried by a jury of (*twelve or of four according as the precept shall be intended*). And that you have then there the names of those jurors as by the law is required of you, together with due proof of the service of a summons upon such of the said jurors as shall have been served and of the time and manner thereof and of the causes wherefore the others of such jurors have not been served with such summons and also this writ.

Given under my hand and seal at this day of , A.D. 19

(2) The amendments made by subsection one of this section shall not affect or invalidate the trial of any issue, civil or criminal, or the assessment of damages in any action at law pending or commenced at the commencement of this Act by or had before a jury summoned, impanelled or constituted in accordance with the provisions of the Principal Act. Savings.

5. The Principal Act is further amended— Further amendment of Act No. 31, 1912.

(a) by inserting in section nine after the words "according to this Act" the words "or a list comprising such number of such men as has been previously certified to such clerk by the sheriff as being reasonably sufficient for the estimated requirements of the district"; Sec. 9. (Notice to chief constable.)

(b) by inserting at the end of section ten the following new subsection:— Sec. 10. (Lists to be prepared by chief constable.)

(3) The foregoing provisions of this section shall be regarded as sufficiently complied with if the list contains such number of such men as is specified in the notice referred to in section nine.

(c) by inserting in section twelve after the words "in every year" the words "by notice published in a newspaper circulating in the district or by notice served by post"; Sec. 12. (Special petty sessions to be summoned.)

(d)

(d) (i) by inserting in subsection three of section thirteen after the words "infirmity of body" the words "and also the names of all men who in the opinion of the justices are, from the nature of their calling, liable to suffer undue hardship from being called to serve as jurors or whose call so to serve would occasion undue public inconvenience"; Sec. 13. (Correction and allowance of lists.)

(ii) by inserting at the end of the same section the following new subsection:—

(6) The special petty sessions may be held by and before a stipendiary magistrate sitting alone or by and before two or more justices.

(e) (i) by omitting from subsection one of section fifteen the words "the Supreme Court or a circuit court or" and by inserting in lieu thereof the words "a sitting of the Supreme Court or a district court or a"; Sec. 15. (Lists to be transmitted to sheriff, etc.)

(ii) by omitting from subsection two of the same section the words "or circuit court" and by inserting in lieu thereof the words "or district court";

(f) (i) by omitting from subsection one of section seventeen the words "Except in the case of the jurors' district of the city of Sydney"; Sec. 17. (Jurors' book.)

(ii) by omitting subsection two of the same section;

(g) by omitting section nineteen; Sec. 19. (District court jurors' book.)

(h) by omitting from section twenty-two the words "circuit court, or" and by inserting in lieu thereof the words "sitting of the Supreme Court, or a"; Sec. 22 (New courts.) (Revision.)

(i) (i) by inserting at the end of subsection one of section twenty-three the words "or a list comprising such number of such persons as has been previously certified to such bench Sec. 23. (Preparation of lists for new courts.)

by

by the sheriff as being reasonably sufficient for the estimated requirements of the district";

(ii) by inserting in subsection two of the same section after the word "justices" the words "or the stipendiary magistrate or the two or more justices constituting the special petty sessions as provided by section thirteen of this Act";

(j) by omitting section twenty-five; Sec. 25. (District court judge to prepare jurors' book.)

(k) by omitting from subsection one of section twenty-six the words "made out by the sheriff or the district court judge, as the case may be" and by inserting in lieu thereof the words "transmitted to the sheriff"; Sec. 26. (Coming into force of jurors' books and lists.)

(l) by omitting from subsection one of section twenty-seven the words "the circuit courts"; Sec. 27. (Trial by jury in criminal cases.) (Revision.)

(m) by omitting from section twenty-nine the words "whether the trial or assessment is had in the said court or in any circuit court"; Sec. 29 (Trial and assessment in civil cases.) (Revision.)

(n) by inserting next after section thirty the following new section:— New s. 30A.

30A. Where in the course of a civil trial any member of a jury dies or is discharged by the court as being through illness incapable of continuing, or for any other reason, the jury shall, unless the judge otherwise orders, and so long as the number of its members is not reduced below three (or in case of a jury of twelve below ten), be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a valid verdict may be given accordingly. Provision for continuance of civil trial when a juror dies or becomes incapable.

(o) (i) by omitting from subsection one of section thirty-two the words "and circuit courts" and by inserting in lieu thereof the word "Court"; Sec. 32. (General jury precepts.)

(ii)

(ii) by omitting from subsection two of the same section the words "or any circuit court";

(iii) by inserting at the end of the same section the following new subsection:—

5 (4) Two or more precepts may be issued returnable at any particular court on any one day to ensure the attendance at any trial of a sufficient number of jurors to allow full right of challenge to all parties.

10 (p) by omitting from subsection one of section thirty-six the words "or any circuit court"; Sec. 36. (Number of jurors to be summoned.) (Revision.)

(q) by omitting from section thirty-seven the words "circuit court" and by inserting in lieu thereof the words "district court"; Sec. 37. (Priority of precepts.)

15 (r) (i) by omitting from section thirty-nine the words "the next preceding section" and by inserting in lieu thereof the words "section thirty-eight of this Act"; Sec. 39. (Enlarged jury panel.) (Revision.)

(ii) by omitting from the same section the 20 words "or in a circuit court";

(s) (i) by omitting from subsection one of section forty the words "and circuit courts"; Sec. 40. (Power reserved to courts, etc.) (Revision.)

(ii) by inserting in subsection two of the same section after the word "except" the words 25 "where otherwise provided in this Act and";

(t) (i) by omitting from paragraph (a) of subsection one of section forty-three the words "rotating ballot-box" and by inserting in 30 lieu thereof the words "ballot-box of a type"; Sec. 43. (Jurors to be chosen by lot.)

(ii) by inserting at the end of the same paragraph the words "cards which during any year have already been drawn in a lot 35 pursuant to this section being excluded";

(iii) by omitting from paragraph (b) of the same subsection the words "Such box first having been made to rotate for one minute at least"

and

and by inserting in lieu thereof the words "The cards in the box having been thoroughly mixed";

(u) by omitting section forty-seven and by inserting in lieu thereof the following section:— Subst. s. 47.

47. Where the sheriff has summoned any jurors for the trial of issues in the Supreme Court or court of quarter sessions at Darlinghurst, or the Supreme Court in King-street, Sydney, or the District Court of the Metropolitan District, on any particular day or days, he shall not summon the same jurors to attend at any other such court on the same day or days. Summoning of jurors to attend certain courts.

(v) (i) by omitting from section fifty the words "and shall annex to the said precept a panel containing the names in alphabetical order of the persons so summoned by him in pursuance of the said jury precept, and shall also therewith furnish to the clerk of the said court the names of the said persons, with their respective additions and places of abode", and by inserting in lieu thereof the words "and shall, in the case of a precept for a jury for the trial of criminal issues, annex to the said precept a panel containing the names only of the persons so summoned by him in pursuance of the said jury precept, and in the case of a precept for a jury for the trial of civil issues, annex to the said precept a panel containing the names of the persons so summoned by him in pursuance of the said jury precept with their respective additions, and shall also furnish therewith to the clerk of the said court in the case of a precept for a jury for the trial of criminal issues the names of the said persons only, and in the case of a precept for a jury for the trial of civil issues the names of the said persons with their respective additions"; Sec. 50. (Sheriff's return to general precept.)

(ii)

(ii) by inserting at the end of the same section the following new subsections:—

(2) No person shall, prior to or during the trial, be allowed to inspect or to obtain a copy of any such panel annexed to a precept directed to the sheriff requiring him to summon jurors for the trial of any criminal issue in any court.

(3) Any party to any other proceeding not being the trial of any criminal issue shall, upon payment of such fee as may be fixed by the judges of the Supreme Court, be allowed at any convenient time prior to the trial to inspect or to obtain a copy of any such panel annexed to a precept pursuant to subsection one of this section.

(w) (i) by omitting from subsection one of section fifty-seven the words "or a circuit court"; Sec. 57. (Impanelling jury in criminal trials.)

(ii) by inserting in the same subsection after the word "another" the words "and call each by name";

(iii) by inserting at the end of the same subsection the words "Where more than one precept has been issued returnable on any one day the said clerk shall place into such box all the cards furnished pursuant to all such precepts before drawing any card from such box";

(x) by omitting from subsection two of section fifty-nine the words "twice the number of jurors required to be impanelled" and by inserting in lieu thereof the words "the number of jurors required for the impanelling of the jury pursuant to section sixty of this Act"; Sec. 59. (Striking jury in civil cases.)

(y) (i) by omitting subsection one of section sixty and by inserting in lieu thereof the following subsection:— Sec. 60. (Impanelling jury in civil cases.)

(1) In civil issues a sufficient number of pieces of card having been drawn out a list of the names appearing thereon shall be delivered

delivered by the sheriff or his deputy to the plaintiff or his attorney or counsel by whom a number of such names equal to one half of the number of the jury to be impanelled may be struck therefrom and the list so reduced shall then be delivered to each defendant who has pleaded separately or his attorney or counsel by each of whom a number of names equal to one half of the number of the jury to be impanelled may be also struck therefrom.

(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections:—

(3) The cards bearing the names struck out from the list shall be returned to the box as soon as the jury is sworn and impanelled and the cards bearing the names of the jury sworn and impanelled shall also be returned to the box at the conclusion of the trial.

(4) In this section and in section sixty-three of this Act, "plaintiff" includes petitioner and "defendant" includes respondent, intervener and co-respondent.

(z) by omitting from section sixty-two the words "the three next preceding sections" and by inserting in lieu thereof the words "sections fifty-nine, sixty and sixty-one"; Sec. 62. (When damages assessed only.)

(aa) by omitting from section sixty-four the word "order" and by inserting in lieu thereof the word "permit"; Sec. 64. (Refreshments.)

(bb) by omitting from section sixty-five the word "twelve" and by inserting in lieu thereof the word "six"; Sec. 65. (Disagreement in criminal trial.)

(cc) (i) by omitting from subsection one of section sixty-six the words "six hours" and by inserting in lieu thereof the words "four hours"; Sec. 66. (Disagreement in civil cases.)

(ii)

(ii) by inserting at the end of the same subsection the words "but if three-fourths in number of them do not concur in any such verdict or assessment and it be found after examination on oath of one or more of them that they or three-fourths in number of them are not likely so to concur then such jurors may 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";

(iii) by omitting from subsection two of the same section the words "the whole twelve hours" and by inserting in lieu thereof the words "six hours";

(iv) by inserting at the end of the same section the following new subsection:—

(3) Where, pursuant to section 30A of this Act, the number of jurors has been reduced to three—

(a) the decision of such three jurors shall, if such jurors agree, be taken and entered as the verdict or assessment of the jury;

(b) the provisions of subsection one of this section shall not apply;

(c) the provisions of subsection two of this section shall be read as if the words "the three" were substituted for the words "three-fourths in number of the".

In their application to a case where, pursuant to section 30A of this Act the number of a jury of twelve has been reduced to eleven or ten the provisions of subsection one and of subsection two of this section shall be read as if the word "nine" were substituted for the words "three-fourths in number" in each such subsection. (dd)

(dd) by omitting from section seventy the words "and circuit courts" and by inserting in lieu thereof the word "Court"; Sec. 70. (Jurors' fees.) (Revision.)

(ee) by omitting subsection two of section seventy-one; Sec. 71. (Compensation to jurors.)

(ff) by omitting from section seventy-two the words "or any circuit court"; Sec. 72. (District courts.) (Revision.)

(gg) by omitting section seventy-nine; Sec. 79. (Liability of justices.)

(hh) by inserting next after section eighty-four the following new sections:— New ss. 84A, 84B.

84A. Any person who publishes in any newspaper the names, descriptions, addresses or photographs of the jurors or of any of the jurors summoned or impanelled for the trial of any criminal issue shall be liable on summary conviction to a penalty not exceeding one hundred pounds. Penalty for publication of names of members of jury.

84B. (1) Any employer who dismisses an employee or injures him in his employment or alters his position to his prejudice by reason of the fact that the employee is summoned to serve on a jury shall be liable on summary conviction— Penalty for unlawful dismissal of employee summoned to serve on a jury.

(a) if a body corporate—to a penalty not exceeding two hundred pounds;

(b) if any other person—to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(2) The court before which the employer is charged may further order that the employee be reimbursed the wages lost by him and the court may also direct his reinstatment in his old or a similar position.

(3)

(3) In any proceeding for an offence against this section if all the facts and circumstances constituting the offence other than the reason for the defendant's action are proved, it shall lie upon the defendant to prove that the dismissal was not actuated by the reason alleged in the charge.

(4) Where the employer is a body corporate and the dismissal complained of is proved to have been with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed guilty of an offence against this section and shall be liable to be proceeded against and punished accordingly.

(ii) by omitting from subsection one of section eighty-five the words "or to the Supreme Court, if the fine has been imposed for non-attendance at a circuit court"; Sec. 85. (Recovery of fines for non-attendance.)

(jj) (i) by omitting from paragraph (a) of section eighty-six the words "or a circuit court"; Sec. 86. (Recovery of other fines.)

(ii) by omitting from paragraph (b) of the same section the words "in the manner appointed by law for the recovery of fines imposed by justices of the peace" and by inserting in lieu thereof the words "pursuant to the Fines and Forfeited Recognizances Recovery Act, 1902";

(kk) by inserting in the Second Schedule after the words "all men" the words and symbols "[*or of men (being the number certified by the sheriff as being reasonably sufficient for the estimated requirements of the district)*]"; Second Schedule.

(ll) by omitting from the heading to the Third Schedule the words "of all persons" and by inserting in lieu thereof the words and symbols "of all [*or of persons*]"; Third Schedule.

(mm)

(mm) by omitting from the Sixth Schedule the words "or Circuit Court" and by inserting in lieu thereof the words "Court or District Court." Sixth Schedule.

6. (1) The District Courts Act, 1912-1936, is amended— Amendment of Act No. 28, 1912.

(a) (i) by omitting from subsection three of section ninety the words "made at least five clear days before the day named for the hearing" and by inserting in lieu thereof the words "made at least ten clear days before the day named for the hearing if the hearing is to be had in Sydney and at least sixteen clear days before the day named for the hearing if the hearing is to be had elsewhere"; Sec. 90 (3). (Jury in actions for less than £20.)

(ii) by omitting from the same subsection the words "at least five clear days before the day named for the hearing" and by inserting in lieu thereof the words "at least ten clear days before the day named for the hearing if the hearing is to be had in Sydney and at least sixteen clear days before the day named for the hearing if the hearing is to be had elsewhere";

(b) by omitting section ninety-three; Sec. 93. (Special jurors' list.)

(c) (i) by omitting from subsection one of section ninety-four the words "except where otherwise provided" and by inserting in lieu thereof the words "deliver to the sheriff a precept in or to the effect of the form contained in the Fifth Schedule to the Jury Act, 1912-1947, requiring him to"; Sec. 94. (Summons to jurors.)

(ii) by omitting from the same subsection the words "or special jurors' list";

(iii) by omitting from the same subsection the word "summons" and by inserting in lieu thereof the word "precept";

(iv) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) Such summons shall be—

(a) delivered to such juror or left at his usual place of abode at least four clear days before the time specified for his attendance, if his attendance is required in Sydney, and in other cases at least eight clear days before such time; or

(b) sent to him by post with the sheriff's seal of office thereon, in which case two additional days shall be allowed between the day of service and the time specified for his attendance.

(v) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—

(4) Before the day and at the place named in any precept for the appearance of the jurors thereby required to be summoned to attend the District Court, the sheriff shall return to the registrar thereof a panel containing the names of the persons so summoned pursuant to the precept and shall also furnish to the said registrar their respective additions and places of abode written upon separate pieces of card being as nearly as may be of equal size.

The sheriff shall previously upon the panel certify that the jurors named therein have been duly summoned and such certificate shall without proof of his signature be prima facie evidence that each juror whose name is included in the panel has been duly summoned to attend the court pursuant to the precept.

(d)

(d) by omitting from subsection one of section ninety-five the words "or special jurors' list"; Sec. 95. (Jury, how chosen.)

(e) by omitting from subsection two of section one hundred and thirty-four the words "may be a common or special jury, and"; Sec. 134. (Jury.)

(f) by omitting from section one hundred and thirty-six the word "special" wherever occurring; Sec. 136. (Number of jurors.)

(g) by omitting subsections one and two of section one hundred and thirty-seven and by inserting in lieu thereof the following subsection:— Sec. 137. (Drawing of jury.)

(1) At the trial of any such issue the registrar shall put into a box provided for that purpose the pieces of card furnished as aforesaid by the sheriff.

(2) The Principal Act is further amended as follows:— Further amendment of Act No. 31, 1912.

(a) (i) by omitting from subsection five of section thirteen the word "three" and by inserting in lieu thereof the word "two"; Sec. 13 (5). (Lists.)

(ii) by omitting the proviso to the same subsection;

(b) by omitting from subsection one of section fifteen all words after the word "sheriff". Sec. 15. (Transmission of lists.)

(3) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Districts Courts Act, 1912-1947.

7. (1) The Matrimonial Causes Act, 1899, is amended— Amendment of Act No. 14, 1899.

(a) (i) by inserting at the end of subsection three of section fifty-two the following words:— Sec. 52. (Claim by husband for damages.)

Provided that, subject to section sixty-nine of this Act, any issue arising upon the hearing of any such petition (including the amount of damages) may be determined by the Court;

(ii) by omitting subsection five of the same section;

(b)

(b) by inserting next after subsection two of section sixty-nine the following new subsection:— Sec. 69. (Trial by jury.)

(2A) A husband claiming damages may require the issues in the suit to be tried by a jury and the amount of the damages to be recovered to be ascertained by the verdict of a jury, although the respondent or co-respondent, or both the respondent and co-respondent, do not appear.

(c) by omitting section seventy-three and by inserting in lieu thereof the following section:— Subst. sec. 73.

73. For the purposes of this Act the Court may, as occasion requires, issue such precepts directing the sheriff to summon jurors and make such orders upon the sheriff for the attendance of such number of jurors as such Court may consider requisite. Summoning of jurors.

(d) by omitting from section seventy-six the word "now" and by inserting in lieu thereof the words "that for the time being."

(2) The Matrimonial Causes Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Matrimonial Causes Act, 1899-1947. Sec. 76. (General law and practice to apply.)

8. (1) (a) The Equity Act, 1901, as amended by subsequent Acts, is amended— Amendment of Act No. 24, 1901.

(i) by omitting from paragraph (a) of subsection two of section fifty-one the words "special or common"; Sec. 51. (Trial of issues.)

(ii) by omitting from subsection one of section fifty-two the words "special or common"; Sec. 52. (Jury, how summoned.)

(b) The Equity Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Equity Act, 1901-1947.

(2) (a) The Wills, Probate and Administration Act, 1898, as amended by subsequent Acts, is amended— Amendment of Act No. 13, 1898.

(i) by omitting from section one hundred and forty the words "special or common"; Sec. 140. (Questions of fact how tried.)

(ii)

(ii) by omitting from subsection one of section one hundred and forty-one the word "men" and by inserting in lieu thereof the word "persons". Sec. 141. (Question to be stated.)

(b) The Wills, Probate and Administration Act, 1898, as amended by subsequent Acts and by this Act, may be cited as the Wills, Probate and Administration Act, 1898–1947.

(3) (a) The Lunacy Act of 1898, as amended by subsequent Acts, is amended by omitting from section one hundred and seven the words "and in such order shall direct whether such jury shall be a common or special jury". Amendment of Act No. 45, 1898. Sec. 107. (Inquiry before a jury.)

(b) The Lunacy Act of 1898, as amended by subsequent Acts and by this Act, may be cited as the Lunacy Act, 1898–1947.

Sydney: Thomas Henry Tennant, Government Printer—1947.

New South Wales.

ANNO DUODECIMO

GEORGII VI REGIS.

* *

Act No. 41, 1947.

An Act to amend in certain respects the law relating to juries; to amend the Jury Act, 1912, and certain other Acts; and for purposes connected therewith. [Assented to, 19th December, 1947.]

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 New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Jury (Amendment) Act, 1947." **Short title and citation.**

(2) The Jury Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Jury Act, 1912-1947.

Commencement of section.

2. (1) For the purposes only of Parts IV and V of the Principal Act subsection three of this section shall be deemed to commence on the first day of the second week of October in such year as the Governor may by notification published in the Gazette appoint.

(2) Subsection three of this section shall come into operation for all purposes upon the first day of January next following the year appointed by the Governor pursuant to subsection one of this section.

Amendment of Act No. 31, 1912.

(3) The Principal Act is amended—

Subst. sec. 3.

(a) by omitting section three and by inserting in lieu thereof the following section:—

Qualifications of male jurors.

3. Except as hereinafter provided every man who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946, shall be qualified and liable to serve on juries for the trial of all issues, civil and criminal, and for the assessment of damages in all actions at law, and to act as a juror in any district court.

Sec. 4. (Disqualification.)

(b) by omitting paragraph (a) of section four;

Sec. 10. (Lists to be prepared by chief constables.)

(c) (i) by omitting from subsection one of section ten the words "and nature of the qualification";

(ii) by omitting from subsection two of the same section the words "addition, and nature of the qualification" and by inserting in lieu thereof the words "and addition";

Third Schedule.

(d) by omitting from the Third Schedule the matter appearing in the column "Nature of qualification".

Commencement of section.

3. (1) (a) For the purposes only of Parts IV and V of the Principal Act subsection three of this section shall be deemed to commence in respect of any jurors' district on the first day of the second week of October in such year as the Governor may by notification published in the Gazette appoint in respect of such district.

(b)

(b) The Governor may for the purpose aforesaid appoint different years in respect of different jurors' districts and may appoint a year in respect of any one or more of such districts without appointing any year in respect of other such districts.

(2) Subsection three of this section shall come into operation for all purposes in respect of any jurors' district upon the first day of January next following the year appointed by the Governor in respect of that jurors' district pursuant to subsection one of this section.

(3) The Principal Act is further amended— Further amendment of Act No. 31, 1912.

(a) by inserting next after section three the following new section:— New sec. 3A.

3A. (1) Except as hereinafter provided every woman— Qualifications of female jurors.

(a) who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946; and

(b) who has, in the form contained in the Seventh Schedule to this Act, notified the chief constable of the police district in which she resides that she is desirous of serving as a juror as from the first day of January next following,

shall be qualified and liable to serve on juries for the trial of all issues, civil and criminal, and for the assessment of damages in all actions at law, and to act as a juror in any district court.

(2) Any woman qualified and liable to serve on juries or act as a juror as aforesaid shall, upon giving notification to the chief constable of the police district for which she is enrolled as a juror of her desire to discontinue her qualification and liability to serve on juries or act as a juror as aforesaid, cease, as from the first day of January next following such notification, to be qualified and liable to serve on juries or act as a juror as aforesaid.

(b)

Sec. 4. (Consequential.)

(b) (i) by omitting from section four the word "man" and by inserting in lieu thereof the word "person";

(ii) by omitting from paragraph (b) of the same section the word "he" and by inserting in lieu thereof the words "such person";

Secs. 9, 13, 27 and 57. (Consequential.)

(c) by omitting from sections nine, thirteen, twenty-seven and fifty-seven the word "men" wherever occurring and by inserting in lieu thereof the word "persons";

Secs. 10 and 58. (Consequential.)

(d) by omitting from sections ten and fifty-eight the word "man" wherever occurring and by inserting in lieu thereof the word "person";

Second Schedule. (Consequential.)

(e) by omitting from the Second Schedule the word "men" and by inserting in lieu thereof the word "persons";

Sixth Schedule. (Consequential.)

(f) by inserting in the Sixth Schedule next before the letters "A.B." the words "Mrs. or Miss";

New Seventh Schedule. Sec. 3A.

(g) by inserting next after the Sixth Schedule the following new Schedule:—

SEVENTH SCHEDULE.

FORM OF NOTIFICATION.

To the Chief Constable of the Police District of (*insert name of District*).

I, (*name*), being a woman who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946, now resident at (*insert address*), am desirous of serving as a juror.

Dated this day of 19

.....

(*Signature.*)

Secs. 9, 10, and Second Schedule. (Consequential.)

(h) (i) by omitting from section nine, as amended by paragraph (a) of section five of this Act, the words "such men" and by inserting in lieu thereof the words "such persons";

(ii) by omitting from subsection three of section ten, as inserted by paragraph (b) of section five of this Act, the word "men" and by inserting in lieu thereof the word "persons";

(iii)

(iii) by omitting from the Second Schedule, as amended by paragraph (pp) of section five of this Act, the words "*of men*" and by inserting in lieu thereof the words "*of persons*".

4. (1) The Principal Act is further amended— Further amendment of Act No. 31, 1912.

(a) by omitting subsection (1A) of section fifteen; Sec. 15. (Special jurors.)

(b) by omitting from the heading of Part V the words "AND SPECIAL JURORS' LISTS."

(c) by omitting section twenty; Sec. 20. (Sydney special jurors' book.)

(d) (i) by omitting from subsection one of section twenty-six the words "and special jurors' list"; Sec. 26. (Jurors' books and lists to come into force immediately.)

(ii) by omitting from the same subsection the words "or list";

(iii) by omitting from subsection two of the same section the words "or list";

(iv) by omitting from the same subsection the words "or special jurors' list";

(e) by omitting section twenty-eight; Sec. 28. (Criminal special jury.)

(f) by omitting from section twenty-nine the word "special"; Sec. 29. (Trial and assessment in civil cases.)

(g) by omitting from section thirty the words "who shall be returned under the provisions of this Act either from amongst the class of special jurors or of common jurors, or in cases to be tried on circuit partly from each class, as the court thinks fit to order"; Sec. 30. (Juries of twelve.)

(h) by omitting sections thirty-three and thirty-four; Secs. 33 and 34. (Special or common jury precepts.)

(i) by omitting from section forty-one the words "special or common"; Sec. 41. (Special rule or order for summoning jury.)

(j)

Sec. 43. (Jurors to be chosen by lot.)

(j) (i) by omitting from subsection one of section forty-three the words "or special jurors' list";

(ii) by omitting from the same subsection the words "or list" wherever occurring;

Subst. sec. 46.

Jurors not liable to be summoned until list exhausted.

(k) by omitting section forty-six and by inserting in lieu thereof the following section:—

46. In determining the persons to be summoned for a jury, those persons who, during the time that the jury book has been in use, have attended at a court in pursuance of a summons, or served on a jury, shall be excluded from service as jurors until the list of names in the jury book has been exhausted.

Sec. 59. (Striking jury in civil cases.)

(l) by omitting from subsection three of section fifty-nine the words "either special or common";

Sec. 75. (Fees to be paid on setting down case for trial.)

(m) (i) by omitting from paragraph (c) of subsection one of section seventy-five the word "common";

(ii) by omitting paragraph (d) of the same subsection;

(iii) by omitting from subsection three of the same section the words "or six pounds, as the case may be";

Sec. 76. (Costs of special jury unless judge certify.)

(n) by omitting section seventy-six;

Fourth Schedule.

(o) by omitting from the Fourth Schedule the words "either special or common";

Subst. Fifth Schedule.

Sec. 32.

(p) by omitting the Fifth Schedule and by inserting in lieu thereof the following Schedule:—

FIFTH SCHEDULE.

FORM OF PRECEPT.

(*To be adopted for juries of twelve and juries of four.*)

To the Sheriff of or his deputy, greeting,—

Pursuant to the Act in such case made and provided, you are hereby commanded that you cause to come before (*here insert the style of the court*) to be holden at the court-house at , on (*here insert the day of the week*), the day of now next (*or instant*) good and lawful

lawful persons of the jurors' district for aforesaid, duly qualified according to law as jurors to make a jury of the country for the trial of all such issues of fact or other matters as shall be then required to be tried by a jury of (*twelve or of four according as the precept shall be intended*). And that you have then there the names of those jurors as by the law is required of you, together with due proof of the service of a summons upon such of the said jurors as shall have been served and of the time and manner thereof and of the causes wherefore the others of such jurors have not been served with such summons and also this writ.

Given under my hand and seal at this day of , A.D. 19

(2) The amendments made by subsection one of this section shall not affect or invalidate the trial of any issue, civil or criminal, or the assessment of damages in any action at law pending or commenced at the commencement of this Act by or had before a jury summoned, impanelled or constituted in accordance with the provisions of the Principal Act. Savings.

5. The Principal Act is further amended— Further amendment of Act No. 31, 1912.

(a) by inserting in section nine after the words "according to this Act" the words "or a list comprising such number of such men as has been previously certified to such clerk by the sheriff as being reasonably sufficient for the estimated requirements of the district"; Sec. 9. (Notice to chief constable.)

(b) by inserting at the end of section ten the following new subsection:— Sec. 10. (Lists to be prepared by chief constable.)

(3) The foregoing provisions of this section shall be regarded as sufficiently complied with if the list contains such number of such men as is specified in the notice referred to in section nine.

(c) by inserting in section twelve after the words "in every year" the words "by notice published in a newspaper circulating in the district or by notice served by post"; Sec. 12. (Special petty sessions to be summoned.)

(d)

Sec. 13. (Correction and allowance of lists.)

(d) (i) by inserting in subsection three of section thirteen after the words "infirmity of body" the words "and also the names of all men who in the opinion of the justices are, from the nature of their calling, liable to suffer undue hardship from being called to serve as jurors or whose call so to serve would occasion undue public inconvenience";

(ii) by inserting at the end of the same section the following new subsection:—

(6) The special petty sessions may be held by and before a stipendiary magistrate sitting alone or by and before two or more justices.

Sec. 15. (Lists to be transmitted to sheriff, etc.)

(e) (i) by omitting from subsection one of section fifteen the words "the Supreme Court or a circuit court or" and by inserting in lieu thereof the words "a sitting of the Supreme Court or a district court or a";

(ii) by omitting from subsection two of the same section the words "or circuit court" and by inserting in lieu thereof the words "or district court";

Sec. 17. (Jurors' book.)

(f) (i) by omitting from subsection one of section seventeen the words "Except in the case of the jurors' district of the city of Sydney";

(ii) by omitting subsection two of the same section;

Sec. 19. (District court jurors' book.)

(g) by omitting section nineteen;

Sec. 22 (New courts.) (Revision.)

(h) by omitting from section twenty-two the words "circuit court, or" and by inserting in lieu thereof the words "sitting of the Supreme Court, or a";

Sec. 23. (Preparation of lists for new courts.)

(i) (i) by inserting at the end of subsection one of section twenty-three the words "or a list comprising such number of such persons as has been previously certified to such bench by

by the sheriff as being reasonably sufficient for the estimated requirements of the district";

(ii) by inserting in subsection two of the same section after the word "justices" the words "or the stipendiary magistrate or the two or more justices constituting the special petty sessions as provided by section thirteen of this Act";

(j) by omitting section twenty-five; Sec. 25. (District court judge to prepare jurors' book.)

(k) by omitting from subsection one of section twenty-six the words "made out by the sheriff or the district court judge, as the case may be" and by inserting in lieu thereof the words "transmitted to the sheriff"; Sec. 26. (Coming into force of jurors' books and lists.)

(l) by omitting from subsection one of section twenty-seven the words "the circuit courts"; Sec. 27. (Trial by jury in criminal cases.) (Revision.)

(m) by omitting from section twenty-nine the words "whether the trial or assessment is had in the said court or in any circuit court"; Sec. 29 (Trial and assessment in civil cases.) (Revision.)

(n) by inserting next after section thirty the following new section:— New s. 30A.

30A. Where in the course of a civil trial any member of a jury dies or is discharged by the court as being through illness incapable of continuing, or for any other reason, the jury shall, unless the judge otherwise orders, and so long as the number of its members is not reduced below three (or in case of a jury of twelve below ten), be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a valid verdict may be given accordingly. Provision for continuance of civil trial when a juror dies or becomes incapable.

(o) (i) by omitting from subsection one of section thirty-two the words "and circuit courts" and by inserting in lieu thereof the word "Court"; Sec. 32. (General jury precepts.)

(ii)

(ii) by omitting from subsection two of the same section the words "or any circuit court";

(iii) by inserting at the end of the same section the following new subsection:—

(4) Two or more precepts may be issued returnable at any particular court on any one day to ensure the attendance at any trial of a sufficient number of jurors to allow full right of challenge to all parties.

Sec. 36. (Number of jurors to be summoned.) (Revision.)

(p) by omitting from subsection one of section thirty-six the words "or any circuit court";

Sec. 37. (Priority of precepts.)

(q) by omitting from section thirty-seven the words "circuit court" and by inserting in lieu thereof the words "district court";

Secs. 38 and 39. (Repeal: consequential.)

(r) by omitting sections thirty-eight and thirty-nine;

Sec. 40. (Power reserved to courts, etc.) (Revision.)

(s) (i) by omitting from subsection one of section forty the words "and circuit courts";

(ii) by inserting in subsection two of the same section after the word "except" the words "where otherwise provided in this Act and";

Sec. 43. (Jurors to be chosen by lot.)

(t) (i) by omitting from paragraph (a) of subsection one of section forty-three the words "rotating ballot-box" and by inserting in lieu thereof the words "ballot-box of a type";

(ii) by inserting at the end of the same paragraph the words "cards which during any year have already been drawn in a lot pursuant to this section being excluded";

(iii) by omitting from paragraph (b) of the same subsection the words "Such box first having been made to rotate for one minute at least"

and

and by inserting in lieu thereof the words "The cards in the box having been thoroughly mixed";

(u) by omitting from subsection one of section forty-five the words "Such summons shall be" and by inserting in lieu thereof the words "Every such summons requiring a juror to attend a sitting of the Supreme Court or a sitting of a court of quarter sessions shall be"; Sec. 45. (Service of summons.)

(v) by omitting section forty-seven; Sec. 47. (Summoning of same jurors.)

(w) (i) by omitting from section fifty the words "and shall annex to the said precept a panel containing the names in alphabetical order of the persons so summoned by him in pursuance of the said jury precept, and shall also therewith furnish to the clerk of the said court the names of the said persons, with their respective additions and places of abode", and by inserting in lieu thereof the words "and shall, in the case of a precept for a jury for the trial of criminal issues, annex to the said precept a panel containing the names only of the persons so summoned by him in pursuance of the said jury precept, and in the case of a precept for a jury for the trial of civil issues, annex to the said precept a panel containing the names of the persons so summoned by him in pursuance of the said jury precept with their respective additions, and shall also furnish therewith to the clerk of the said court in the case of a precept for a jury for the trial of criminal issues and in the case of a precept for a jury for the trial of civil issues the names of the said persons with their respective additions and places of abode"; Sec. 50. (Sheriff's return to general precept.)

(ii) by inserting at the end of the same section the following new subsections:—

(2) No person shall, unless the judge otherwise orders, prior to or during the

the trial, be allowed to inspect or to obtain a copy of any such panel annexed to a precept directed to the sheriff requiring him to summon jurors for the trial of any criminal issue in any court.

(3) Any party to any other proceeding not being the trial of any criminal issue shall, upon payment of such fee as may be fixed by the judges of the Supreme Court, be allowed at any convenient time prior to the trial to inspect or to obtain a copy of any such panel annexed to a precept pursuant to subsection one of this section.

Sec. 57. (Impanelling jury in criminal trials.)

(x) (i) by omitting from subsection one of section fifty-seven the words "or a circuit court";

(ii) by inserting in the same subsection after the word "another" the words "and call each by name";

(iii) by inserting at the end of the same subsection the words "Where more than one precept has been issued returnable on any one day the said clerk shall place into such box all the cards furnished pursuant to all such precepts before drawing any card from such box";

Sec. 59. (Striking jury in civil cases.)

(y) by omitting from subsection two of section fifty-nine the words "twice the number of jurors required to be impanelled" and by inserting in lieu thereof the words "the number of jurors required for the impanelling of the jury pursuant to section sixty of this Act";

Sec. 60. (Impanelling jury in civil cases.)

(z) (i) by omitting subsection one of section sixty and by inserting in lieu thereof the following subsection:—

(1) In civil issues a sufficient number of pieces of card having been drawn out a list of the names appearing thereon shall be delivered by the sheriff or his deputy to the

plaintiff

plaintiff or his attorney or counsel by whom a number of such names equal to one half of the number of the jury to be impanelled may be struck therefrom and the list so reduced shall then be delivered to each defendant who has pleaded separately or his attorney or counsel by each of whom a number of names equal to one half of the number of the jury to be impanelled may be also struck therefrom.

(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections:—

(3) The cards bearing the names struck out from the list shall be returned to the box as soon as the jury is sworn and impanelled and the cards bearing the names of the jury sworn and impanelled shall also be returned to the box at the conclusion of the trial.

(4) In this section and in section sixty-three of this Act, "plaintiff" includes petitioner and "defendant" includes respondent, intervener and co-respondent.

(aa) by omitting from section sixty-two the words "the three next preceding sections" and by inserting in lieu thereof the words "sections fifty-nine, sixty and sixty-one"; Sec. 62. (When damages assessed only.)

(bb) by omitting from section sixty-four the word "order" and by inserting in lieu thereof the word "permit"; Sec. 64. (Refreshments.)

(cc) by omitting from section sixty-five the word "twelve" and by inserting in lieu thereof the word "six"; Sec. 65. (Disagreement in criminal trial.)

(dd) (i) by omitting from subsection one of section sixty-six the words "six hours" and by inserting in lieu thereof the words "four hours"; Sec. 66. (Disagreement in civil cases.)

(ii)

(ii) by inserting at the end of the same subsection the words "but if three-fourths in number of them do not concur in any such verdict or assessment and it be found after examination on oath of one or more of them that they or three-fourths in number of them are not likely so to concur then such jurors may 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";

(iii) by omitting from subsection two of the same section the words "the whole twelve hours" and by inserting in lieu thereof the words "six hours";

(iv) by inserting at the end of the same section the following new subsection:—

(3) Where, pursuant to section 30A of this Act, the number of jurors has been reduced to three—

(a) the decision of such three jurors shall, if such jurors agree, be taken and entered as the verdict or assessment of the jury;

(b) the provisions of subsection one of this section shall not apply;

(c) the provisions of subsection two of this section shall be read as if the words "the three" were substituted for the words "three-fourths in number of the".

In their application to a case where, pursuant to section 30A of this Act the number of a jury of twelve has been reduced to eleven or ten the provisions of subsection one and of subsection two of this section shall be read as if the word "nine" were substituted for the words "three-fourths in number" in each such subsection. (ee)

(ee) by omitting from subsection one of section sixty-seven the words "some of"; Sec. 67. (Order for view.)

(ff) by omitting sections sixty-eight and sixty-nine; Secs. 68 and 69. (Repeal: consequential.)

(gg) by omitting from section seventy the words "and circuit courts" and by inserting in lieu thereof the word "Court"; Sec. 70. (Jurors' fees.) (Revision.)

(hh) by omitting subsection two of section seventy-one; Sec. 71. (Compensation to jurors.)

(ii) by omitting from section seventy-two the words "or any circuit court"; Sec. 72. (District courts.) (Revision.)

(jj) by omitting from section seventy-five the word "Prothonotary" wherever occuring and by inserting in lieu thereof the word "sheriff"; Sec. 75. (Fees to be paid.)

(kk) by omitting section seventy-nine; Sec. 79. (Liability of justices.)

(ll) by omitting section eighty-one; Sec. 81. (Liability of viewers: repeal: consequential.)

(mm) by inserting next after section eighty-four the following new sections:— New ss. 84A, 84B.

84A. Any person who publishes in any newspaper the names, descriptions, addresses or photographs of the jurors or of any of the jurors summoned or impanelled for the trial of any issue shall be liable on summary conviction to a penalty not exceeding one hundred pounds. Penalty for publication of names of members of jury.

84B. (1) Any employer who dismisses an employee or injures him in his employment or alters his position to his prejudice by reason of the fact that the employee is summoned to serve on a jury shall be liable on summary conviction— Penalty for unlawful dismissal of employee summoned to serve on a jury.

(a) if a body corporate—to a penalty not exceeding two hundred pounds;

(b)

(b) if any other person—to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(2) The court before which the employer is charged may further order that the employee be reimbursed the wages lost by him and the court may also direct his reinstatement in his old or a similar position.

(3) In any proceeding for an offence against this section if all the facts and circumstances constituting the offence other than the reason for the defendant's action are proved, it shall lie upon the defendant to prove that the dismissal was not actuated by the reason alleged in the charge.

(4) Where the employer is a body corporate and the dismissal complained of is proved to have been with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed guilty of an offence against this section and shall be liable to be proceeded against and punished accordingly.

(5) Where, pursuant to the provisions of subsection two of this section, the court has ordered that an employee be reimbursed the wages lost by him, the amount of the wages so lost shall be specified in the order, and such order shall operate as an order against the employer for the payment of money under the Small Debts Recovery Act, 1912, as amended by subsequent Acts, and be enforceable as such under the provisions of that Act as so amended.

(6) Any employer who neglects or fails to comply with an order, made pursuant to the provisions of subsection two of this section, directing reinstatement of an employee, shall be liable

liable on summary conviction to a penalty not exceeding ten pounds for each day such neglect or failure continues.

The amount of wages which would have been payable to the employee in respect of the period of such neglect or failure if he had been reinstated in accordance with the terms of the order aforesaid shall be recoverable, as a debt due to the employee by the employer, in any court of competent jurisdiction.

(nn) by omitting from subsection one of section eighty-five the words "or to the Supreme Court, if the fine has been imposed for non-attendance at a circuit court"; Sec. 85. (Recovery of fines for non-attendance.)

(oo) (i) by omitting from paragraph (a) of section eighty-six the words "or a circuit court"; Sec. 86. (Recovery of other fines.)

(ii) by omitting from paragraph (b) of the same section the words "in the manner appointed by law for the recovery of fines imposed by justices of the peace" and by inserting in lieu thereof the words "pursuant to the Fines and Forfeited Recognizances Recovery Act, 1902";

(pp) by inserting in the Second Schedule after the words "all men" the words and symbols "[*or of men (being the number certified by the sheriff as being reasonably sufficient for the estimated requirements of the district)*]"; Second Schedule.

(qq) by omitting from the heading to the Third Schedule the words "of all persons" and by inserting in lieu thereof the words and symbols "of all [*or of persons*]"; Third Schedule.

(rr) (i) by omitting from the Sixth Schedule the words "or Circuit Court" and by inserting in lieu thereof the words "Court or District Court"; Sixth Schedule.

(ii) by omitting from the same Schedule the word "ten" and by inserting in lieu thereof the words "a quarter to ten".

Amendment of Act No. 23, 1912.

6. (1) The District Courts Act, 1912-1936, is amended—

Sec. 90 (3). (Jury in actions for less than £20.)

(a) (i) by omitting from subsection three of section ninety the words "made at least five clear days before the day named for the hearing" and by inserting in lieu thereof the words "made not less than the prescribed number of days before the day named for the hearing";

(ii) by omitting from the same subsection the words "at least five clear days before the day named for the hearing" and by inserting in lieu thereof the words "not less than the prescribed number of days before the day named for the hearing";

Sec. 93. (Special jurors' list.)

(b) by omitting section ninety-three;

Sec. 94. (Summons to jurors.)

(c) (i) by omitting from subsection one of section ninety-four the words "except where otherwise provided" and by inserting in lieu thereof the words "deliver to the sheriff a precept in or to the effect of the form contained in the Fifth Schedule to the Jury Act, 1912-1947, requiring him to";

(ii) by omitting from the same subsection the words "or special jurors' list";

(iii) by omitting from the same subsection the word "summons" and by inserting in lieu thereof the word "precept";

(iv) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—

(4) Before the day and at the place named in any precept for the appearance of the jurors thereby required to be summoned to attend the District Court, the sheriff shall return

return to the registrar thereof a panel containing the names of the persons so summoned pursuant to the precept with their respective additions and shall also furnish to the said registrar the names of the said persons with their respective additions written upon separate pieces of card being as nearly as may be of equal size.

The sheriff shall previously upon the panel certify that the jurors named therein have been duly summoned and such certificate shall without proof of his signature be prima facie evidence that each juror whose name is included in the panel has been duly summoned to attend the court pursuant to the precept.

(d) by omitting from subsection one of section ninety-five the words "or special jurors' list"; Sec. 95. (Jury, how chosen.)

(e) by omitting from subsection two of section one hundred and thirty-four the words "may be a common or special jury, and"; Sec. 134. (Jury.)

(f) by omitting from section one hundred and thirty-six the word "special" wherever occurring; Sec. 136. (Number of jurors.)

(g) by omitting subsections one and two of section one hundred and thirty-seven and by inserting in lieu thereof the following subsection:— Sec. 137. (Drawing of jury.)

(1) At the trial of any such issue the registrar shall put into a box provided for that purpose the pieces of card furnished as aforesaid by the sheriff.

(2) The Principal Act is further amended as follows:— Further amendment of Act No. 31, 1912.

(a) (i) by omitting from subsection five of section thirteen the word "three" and by inserting in lieu thereof the word "two"; Sec. 13 (5). (Lists.)

(ii) by omitting the proviso to the same subsection;

Sec. 15. (Transmission of lists.)

(b) by omitting from subsection one of section fifteen all words after the word "sheriff".

(3) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Act, 1912-1947.

Amendment of Act No. 14, 1899.

7. (1) The Matrimonial Causes Act, 1899, is amended—

Sec. 52. (Claim by husband for damages.)

(a) (i) by inserting at the end of subsection three of section fifty-two the following words:—

Provided that, subject to section sixty-nine of this Act, any issue arising upon the hearing of any such petition (including the amount of damages) may be determined by the Court;

(ii) by omitting subsection five of the same section;

Sec. 69. (Trial by jury.)

(b) by inserting next after subsection two of section sixty-nine the following new subsection:—

(2A) A husband claiming damages may require the issues in the suit to be tried by a jury and the amount of the damages to be recovered to be ascertained by the verdict of a jury, although the respondent or co-respondent, or both the respondent and co-respondent, do not appear.

Subst. sec. 73.

(c) by omitting section seventy-three and by inserting in lieu thereof the following section:—

Summoning of jurors.

73. For the purposes of this Act the Court may, as occasion requires, issue such precepts directing the sheriff to summon jurors and make such orders upon the sheriff for the attendance of such number of jurors as such Court may consider requisite.

Sec. 76. (General law and practice to apply.)

(d) by omitting from section seventy-six the word "now" and by inserting in lieu thereof the words "that for the time being."

(2) The Matrimonial Causes Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Matrimonial Causes Act, 1899-1947.

8.

8. (1) (a) The Equity Act, 1901, as amended by subsequent Acts, is amended— Amendment of Act No. 24, 1901.

(i) by omitting from paragraph (a) of subsection two of section fifty-one the words "special or common"; Sec. 51. (Trial of issues.)

(ii) by omitting from subsection one of section fifty-two the words "special or common"; Sec. 52. (Jury, how summoned.)

(b) The Equity Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Equity Act, 1901-1947.

(2) (a) The Wills, Probate and Administration Act, 1898, as amended by subsequent Acts, is amended— Amendment of Act No. 13, 1898.

(i) by omitting from section one hundred and forty the words "special or common"; Sec. 140. (Questions of fact how tried.)

(ii) by omitting from subsection one of section one hundred and forty-one the word "men" and by inserting in lieu thereof the word "persons". Sec. 141. (Question to be stated.)

(b) The Wills, Probate and Administration Act, 1898, as amended by subsequent Acts and by this Act, may be cited as the Wills, Probate and Administration Act, 1898–1947.

(3) (a) The Lunacy Act of 1898, as amended by subsequent Acts, is amended by omitting from section one hundred and seven the words "and in such order shall direct whether such jury shall be a common or special jury". Amendment of Act No. 45, 1898. Sec. 107. (Inquiry before a jury.)

(b) The Lunacy Act of 1898, as amended by subsequent Acts and by this Act, may be cited as the Lunacy Act, 1898–1947.

By Authority:
THOMAS HENRY TENNANT, Government Printer, Sydney, 1948.
[9*d*.]

I certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

H. ROBBINS,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 18 *December,* 1947.

New South Wales.

ANNO DUODECIMO

GEORGII VI REGIS.

* *

Act No. 41, 1947.

An Act to amend in certain respects the law relating to juries; to amend the Jury Act, 1912, and certain other Acts; and for purposes connected therewith. [Assented to, 19th December, 1947.]

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 New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Jury (Amendment) Act, 1947." **Short title and citation.**

(2) The Jury Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Jury Act, 1912-1947.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Commencement of section.

2. (1) For the purposes only of Parts IV and V of the Principal Act subsection three of this section shall be deemed to commence on the first day of the second week of October in such year as the Governor may by notification published in the Gazette appoint.

(2) Subsection three of this section shall come into operation for all purposes upon the first day of January next following the year appointed by the Governor pursuant to subsection one of this section.

Amendment of Act No. 31, 1912.

(3) The Principal Act is amended—

Subst. sec. 3.

(a) by omitting section three and by inserting in lieu thereof the following section:—

Qualifications of male jurors.

3. Except as hereinafter provided every man who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946, shall be qualified and liable to serve on juries for the trial of all issues, civil and criminal, and for the assessment of damages in all actions at law, and to act as a juror in any district court.

Sec. 4. (Disqualification.)

(b) by omitting paragraph (a) of section four;

Sec. 10. (Lists to be prepared by chief constables.)

(c) (i) by omitting from subsection one of section ten the words "and nature of the qualification";

(ii) by omitting from subsection two of the same section the words "addition, and nature of the qualification" and by inserting in lieu thereof the words "and addition";

Third Schedule.

(d) by omitting from the Third Schedule the matter appearing in the column "Nature of qualification".

Commencement of section.

3. (1) (a) For the purposes only of Parts IV and V of the Principal Act subsection three of this section shall be deemed to commence in respect of any jurors' district on the first day of the second week of October in such year as the Governor may by notification published in the Gazette appoint in respect of such district.

(b)

(b) The Governor may for the purpose aforesaid appoint different years in respect of different jurors' districts and may appoint a year in respect of any one or more of such districts without appointing any year in respect of other such districts.

(2) Subsection three of this section shall come into operation for all purposes in respect of any jurors' district upon the first day of January next following the year appointed by the Governor in respect of that jurors' district pursuant to subsection one of this section.

(3) The Principal Act is further amended—

Further amendment of Act No. 31, 1912.

(a) by inserting next after section three the following new section:—

New sec. 3A.

3A. (1) Except as hereinafter provided every woman—

Qualifications of female jurors.

(a) who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946; and

(b) who has, in the form contained in the Seventh Schedule to this Act, notified the chief constable of the police district in which she resides that she is desirous of serving as a juror as from the first day of January next following,

shall be qualified and liable to serve on juries for the trial of all issues, civil and criminal, and for the assessment of damages in all actions at law, and to act as a juror in any district court.

(2) Any woman qualified and liable to serve on juries or act as a juror as aforesaid shall, upon giving notification to the chief constable of the police district for which she is enrolled as a juror of her desire to discontinue her qualification and liability to serve on juries or act as a juror as aforesaid, cease, as from the first day of January next following such notification, to be qualified and liable to serve on juries or act as a juror as aforesaid.

(b)

Sec. 4. (Consequential.)

(b) (i) by omitting from section four the word "man" and by inserting in lieu thereof the word "person";

(ii) by omitting from paragraph (b) of the same section the word "he" and by inserting in lieu thereof the words "such person";

Secs. 9, 13, 27 and 57. (Consequential.)

(c) by omitting from sections nine, thirteen, twenty-seven and fifty-seven the word "men" wherever occurring and by inserting in lieu thereof the word "persons";

Secs. 10 and 58. (Consequential.)

(d) by omitting from sections ten and fifty-eight the word "man" wherever occurring and by inserting in lieu thereof the word "person";

Second Schedule. (Consequential.)

(e) by omitting from the Second Schedule the word "men" and by inserting in lieu thereof the word "persons";

Sixth Schedule. (Consequential.)

(f) by inserting in the Sixth Schedule next before the letters "A.B." the words "Mrs. or Miss";

New Seventh Schedule. Sec. 3A.

(g) by inserting next after the Sixth Schedule the following new Schedule:—

SEVENTH SCHEDULE.

FORM OF NOTIFICATION.

To the Chief Constable of the Police District of (*insert name of District*).

I, (*name*), being a woman who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1946, now resident at (*insert address*), am desirous of serving as a juror.

Dated this day of 19

.....

(*Signature.*)

Secs. 9, 10, and Second Schedule. (Consequential.)

(h) (i) by omitting from section nine, as amended by paragraph (a) of section five of this Act, the words "such men" and by inserting in lieu thereof the words "such persons";

(ii) by omitting from subsection three of section ten, as inserted by paragraph (b) of section five of this Act, the word "men" and by inserting in lieu thereof the word "persons";

(iii)

(iii) by omitting from the Second Schedule, as amended by paragraph (pp) of section five of this Act, the words "*of men*" and by inserting in lieu thereof the words "*of persons*".

4. (1) The Principal Act is further amended— Further amendment of Act No. 31, 1912.

(a) by omitting subsection (1A) of section fifteen; Sec. 15. (Special jurors.)

(b) by omitting from the heading of Part V the words "AND SPECIAL JURORS' LISTS."

(c) by omitting section twenty; Sec. 20. (Sydney special jurors' book.)

(d) (i) by omitting from subsection one of section twenty-six the words "and special jurors' list"; Sec. 26. (Jurors' books and lists to come into force immediately.)

(ii) by omitting from the same subsection the words "or list";

(iii) by omitting from subsection two of the same section the words "or list";

(iv) by omitting from the same subsection the words "or special jurors' list";

(e) by omitting section twenty-eight; Sec. 28. (Criminal special jury.)

(f) by omitting from section twenty-nine the word "special"; Sec. 29. (Trial and assessment in civil cases.)

(g) by omitting from section thirty the words "who shall be returned under the provisions of this Act either from amongst the class of special jurors or of common jurors, or in cases to be tried on circuit partly from each class, as the court thinks fit to order"; Sec. 30. (Juries of twelve.)

(h) by omitting sections thirty-three and thirty-four; Secs. 33 and 34. (Special or common jury precepts.)

(i) by omitting from section forty-one the words "special or common"; Sec. 41. (Special rule or order for summoning jury.)

(j)

Sec. 43. (Jurors to be chosen by lot.)

(j) (i) by omitting from subsection one of section forty-three the words "or special jurors' list";

(ii) by omitting from the same subsection the words "or list" wherever occurring;

Subst. sec. 46.

Jurors not liable to be summoned until list exhausted.

(k) by omitting section forty-six and by inserting in lieu thereof the following section:—

46. In determining the persons to be summoned for a jury, those persons who, during the time that the jury book has been in use, have attended at a court in pursuance of a summons, or served on a jury, shall be excluded from service as jurors until the list of names in the jury book has been exhausted.

Sec. 59. (Striking jury in civil cases.)

(l) by omitting from subsection three of section fifty-nine the words "either special or common";

Sec. 75. (Fees to be paid on setting down case for trial.)

(m) (i) by omitting from paragraph (c) of subsection one of section seventy-five the word "common";

(ii) by omitting paragraph (d) of the same subsection;

(iii) by omitting from subsection three of the same section the words "or six pounds, as the case may be";

Sec. 76. (Costs of special jury unless judge certify.)

(n) by omitting section seventy-six;

Fourth Schedule.

(o) by omitting from the Fourth Schedule the words "either special or common";

Subst. Fifth Schedule.

(p) by omitting the Fifth Schedule and by inserting in lieu thereof the following Schedule:—

Sec. 32.

FIFTH SCHEDULE.

FORM OF PRECEPT.

(*To be adopted for juries of twelve and juries of four.*)

To the Sheriff of or his deputy, greeting,—

Pursuant to the Act in such case made and provided, you are hereby commanded that you cause to come before (*here insert the style of the court*) to be holden at the court-house at , on (*here insert the day of the week*), the day of now next (*or instant*) good and lawful

lawful persons of the jurors' district for
aforesaid, duly qualified according to law as jurors to make a jury of the country for the trial of all such issues of fact or other matters as shall be then required to be tried by a jury of (*twelve or of four according as the precept shall be intended*). And that you have then there the names of those jurors as by the law is required of you, together with due proof of the service of a summons upon such of the said jurors as shall have been served and of the time and manner thereof and of the causes wherefore the others of such jurors have not been served with such summons and also this writ.

Given under my hand and seal at this
day of , A.D. 19

(2) The amendments made by subsection one of this section shall not affect or invalidate the trial of any issue, civil or criminal, or the assessment of damages in any action at law pending or commenced at the commencement of this Act by or had before a jury summoned, impanelled or constituted in accordance with the provisions of the Principal Act. **Savings.**

5. The Principal Act is further amended— **Further amendment of Act No. 31, 1912.**

(a) by inserting in section nine after the words "according to this Act" the words "or a list comprising such number of such men as has been previously certified to such clerk by the sheriff as being reasonably sufficient for the estimated requirements of the district"; **Sec. 9. (Notice to chief constable.)**

(b) by inserting at the end of section ten the following new subsection:— **Sec. 10. (Lists to be prepared by chief constable.)**

(3) The foregoing provisions of this section shall be regarded as sufficiently complied with if the list contains such number of such men as is specified in the notice referred to in section nine.

(c) by inserting in section twelve after the words "in every year" the words "by notice published in a newspaper circulating in the district or by notice served by post"; **Sec. 12. (Special petty sessions to be summoned.)**

(d)

Sec. 13. (Correction and allowance of lists.)

(d) (i) by inserting in subsection three of section thirteen after the words "infirmity of body" the words "and also the names of all men who in the opinion of the justices are, from the nature of their calling, liable to suffer undue hardship from being called to serve as jurors or whose call so to serve would occasion undue public inconvenience";

(ii) by inserting at the end of the same section the following new subsection:—

(6) The special petty sessions may be held by and before a stipendiary magistrate sitting alone or by and before two or more justices.

Sec. 15. (Lists to be transmitted to sheriff, etc.)

(e) (i) by omitting from subsection one of section fifteen the words "the Supreme Court or a circuit court or" and by inserting in lieu thereof the words "a sitting of the Supreme Court or a district court or a";

(ii) by omitting from subsection two of the same section the words "or circuit court" and by inserting in lieu thereof the words "or district court";

Sec. 17. (Jurors' book.)

(f) (i) by omitting from subsection one of section seventeen the words "Except in the case of the jurors' district of the city of Sydney";

(ii) by omitting subsection two of the same section;

Sec. 19. (District court jurors' book.)

(g) by omitting section nineteen;

Sec. 22 (New courts.) (Revision.)

(h) by omitting from section twenty-two the words "circuit court, or" and by inserting in lieu thereof the words "sitting of the Supreme Court, or a";

Sec. 23. (Preparation of lists for new courts.)

(i) (i) by inserting at the end of subsection one of section twenty-three the words "or a list comprising such number of such persons as has been previously certified to such bench by

by the sheriff as being reasonably sufficient for the estimated requirements of the district";

(ii) by inserting in subsection two of the same section after the word "justices" the words "or the stipendiary magistrate or the two or more justices constituting the special petty sessions as provided by section thirteen of this Act";

(j) by omitting section twenty-five; Sec. 25. (District court judge to prepare jurors' book.)

(k) by omitting from subsection one of section twenty-six the words "made out by the sheriff or the district court judge, as the case may be" and by inserting in lieu thereof the words "transmitted to the sheriff"; Sec. 26. (Coming into force of jurors' books and lists.)

(l) by omitting from subsection one of section twenty-seven the words "the circuit courts"; Sec. 27. (Trial by jury in criminal cases.) (Revision.)

(m) by omitting from section twenty-nine the words "whether the trial or assessment is had in the said court or in any circuit court"; Sec. 29 (Trial and assessment in civil cases.) (Revision.)

(n) by inserting next after section thirty the following new section:— New s. 30A.

30A. Where in the course of a civil trial any member of a jury dies or is discharged by the court as being through illness incapable of continuing, or for any other reason, the jury shall, unless the judge otherwise orders, and so long as the number of its members is not reduced below three (or in case of a jury of twelve below ten), be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a valid verdict may be given accordingly. Provision for continuance of civil trial when a juror dies or becomes incapable.

(o) (i) by omitting from subsection one of section thirty-two the words "and circuit courts" and by inserting in lieu thereof the word "Court"; Sec. 32. (General jury precepts.)

(ii)

(ii) by omitting from subsection two of the same section the words "or any circuit court";

(iii) by inserting at the end of the same section the following new subsection:—

(4) Two or more precepts may be issued returnable at any particular court on any one day to ensure the attendance at any trial of a sufficient number of jurors to allow full right of challenge to all parties.

Sec. 36. (Number of jurors to be summoned.) (Revision.)

(p) by omitting from subsection one of section thirty-six the words "or any circuit court";

Sec. 37. (Priority of precepts.)

(q) by omitting from section thirty-seven the words "circuit court" and by inserting in lieu thereof the words "district court";

Secs. 38 and 39. (Repeal: consequential.)

(r) by omitting sections thirty-eight and thirty-nine;

Sec. 40. (Power reserved to courts, etc.) (Revision.)

(s) (i) by omitting from subsection one of section forty the words "and circuit courts";

(ii) by inserting in subsection two of the same section after the word "except" the words "where otherwise provided in this Act and";

Sec. 43. (Jurors to be chosen by lot.)

(t) (i) by omitting from paragraph (a) of subsection one of section forty-three the words "rotating ballot-box" and by inserting in lieu thereof the words "ballot-box of a type";

(ii) by inserting at the end of the same paragraph the words "cards which during any year have already been drawn in a lot pursuant to this section being excluded";

(iii) by omitting from paragraph (b) of the same subsection the words "Such box first having been made to rotate for one minute at least"

and

and by inserting in lieu thereof the words "The cards in the box having been thoroughly mixed";

(u) by omitting from subsection one of section forty-five the words "Such summons shall be" and by inserting in lieu thereof the words "Every such summons requiring a juror to attend a sitting of the Supreme Court or a sitting of a court of quarter sessions shall be"; Sec. 45. (Service of summons.)

(v) by omitting section forty-seven; Sec. 47. (Summoning of same jurors.)

(w) (i) by omitting from section fifty the words "and shall annex to the said precept a panel containing the names in alphabetical order of the persons so summoned by him in pursuance of the said jury precept, and shall also therewith furnish to the clerk of the said court the names of the said persons, with their respective additions and places of abode", and by inserting in lieu thereof the words "and shall, in the case of a precept for a jury for the trial of criminal issues, annex to the said precept a panel containing the names only of the persons so summoned by him in pursuance of the said jury precept, and in the case of a precept for a jury for the trial of civil issues, annex to the said precept a panel containing the names of the persons so summoned by him in pursuance of the said jury precept with their respective additions, and shall also furnish therewith to the clerk of the said court in the case of a precept for a jury for the trial of criminal issues and in the case of a precept for a jury for the trial of civil issues the names of the said persons with their respective additions and places of abode"; Sec. 50. (Sheriff's return to general precept.)

(ii) by inserting at the end of the same section the following new subsections:—

(2) No person shall, unless the judge otherwise orders, prior to or during the

the trial, be allowed to inspect or to obtain a copy of any such panel annexed to a precept directed to the sheriff requiring him to summon jurors for the trial of any criminal issue in any court.

(3) Any party to any other proceeding not being the trial of any criminal issue shall, upon payment of such fee as may be fixed by the judges of the Supreme Court, be allowed at any convenient time prior to the trial to inspect or to obtain a copy of any such panel annexed to a precept pursuant to subsection one of this section.

Sec. 57. (Impanelling jury in criminal trials.)

(x) (i) by omitting from subsection one of section fifty-seven the words "or a circuit court";

(ii) by inserting in the same subsection after the word "another" the words "and call each by name";

(iii) by inserting at the end of the same subsection the words "Where more than one precept has been issued returnable on any one day the said clerk shall place into such box all the cards furnished pursuant to all such precepts before drawing any card from such box";

Sec. 59. (Striking jury in civil cases.)

(y) by omitting from subsection two of section fifty-nine the words "twice the number of jurors required to be impanelled" and by inserting in lieu thereof the words "the number of jurors required for the impanelling of the jury pursuant to section sixty of this Act";

Sec. 60. (Impanelling jury in civil cases.)

(z) (i) by omitting subsection one of section sixty and by inserting in lieu thereof the following subsection:—

(1) In civil issues a sufficient number of pieces of card having been drawn out a list of the names appearing thereon shall be delivered by the sheriff or his deputy to the

plaintiff

plaintiff or his attorney or counsel by whom a number of such names equal to one half of the number of the jury to be impanelled may be struck therefrom and the list so reduced shall then be delivered to each defendant who has pleaded separately or his attorney or counsel by each of whom a number of names equal to one half of the number of the jury to be impanelled may be also struck therefrom.

(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections:—

(3) The cards bearing the names struck out from the list shall be returned to the box as soon as the jury is sworn and impanelled and the cards bearing the names of the jury sworn and impanelled shall also be returned to the box at the conclusion of the trial.

(4) In this section and in section sixty-three of this Act, "plaintiff" includes petitioner and "defendant" includes respondent, intervener and co-respondent.

(aa) by omitting from section sixty-two the words "the three next preceding sections" and by inserting in lieu thereof the words "sections fifty-nine, sixty and sixty-one"; Sec. 62. (When damages assessed only.)

(bb) by omitting from section sixty-four the word "order" and by inserting in lieu thereof the word "permit"; Sec. 64. (Refreshments.)

(cc) by omitting from section sixty-five the word "twelve" and by inserting in lieu thereof the word "six"; Sec. 65. (Disagreement in criminal trial.)

(dd) (i) by omitting from subsection one of section sixty-six the words "six hours" and by inserting in lieu thereof the words "four hours"; Sec. 66. (Disagreement in civil cases.)

(ii) by inserting at the end of the same subsection the words "but if three-fourths in number of them do not concur in any such verdict or assessment and it be found after examination on oath of one or more of them that they or three-fourths in number of them are not likely so to concur then such jurors may 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";

(iii) by omitting from subsection two of the same section the words "the whole twelve hours" and by inserting in lieu thereof the words "six hours";

(iv) by inserting at the end of the same section the following new subsection:—

(3) Where, pursuant to section 30A of this Act, the number of jurors has been reduced to three—

(a) the decision of such three jurors shall, if such jurors agree, be taken and entered as the verdict or assessment of the jury;

(b) the provisions of subsection one of this section shall not apply;

(c) the provisions of subsection two of this section shall be read as if the words "the three" were substituted for the words "three-fourths in number of the".

In their application to a case where, pursuant to section 30A of this Act the number of a jury of twelve has been reduced to eleven or ten the provisions of subsection one and of subsection two of this section shall be read as if the word "nine" were substituted for the words "three-fourths in number" in each such subsection. (ee)

(ee) by omitting from subsection one of section sixty-seven the words "some of"; Sec. 67. (Order for view.)

(ff) by omitting sections sixty-eight and sixty-nine; Secs. 68 and 69. (Repeal: consequential.)

(gg) by omitting from section seventy the words "and circuit courts" and by inserting in lieu thereof the word "Court"; Sec. 70. (Jurors' fees.) (Revision.)

(hh) by omitting subsection two of section seventy-one; Sec. 71. (Compensation to jurors.)

(ii) by omitting from section seventy-two the words "or any circuit court"; Sec. 72. (District courts.) (Revision.)

(jj) by omitting from section seventy-five the word "Prothonotary" wherever occuring and by inserting in lieu thereof the word "sheriff"; Sec. 75. (Fees to be paid.)

(kk) by omitting section seventy-nine; Sec. 79. (Liability of justices.)

(ll) by omitting section eighty-one; Sec. 81. (Liability of viewers: repeal: consequential.)

(mm) by inserting next after section eighty-four the following new sections:— New ss. 84A, 84B.

Penalty for publication of names of members of jury.

84A. Any person who publishes in any newspaper the names, descriptions, addresses or photographs of the jurors or of any of the jurors summoned or impanelled for the trial of any issue shall be liable on summary conviction to a penalty not exceeding one hundred pounds.

Penalty for unlawful dismissal of employee summoned to serve on a jury.

84B. (1) Any employer who dismisses an employee or injures him in his employment or alters his position to his prejudice by reason of the fact that the employee is summoned to serve on a jury shall be liable on summary conviction—

(a) if a body corporate—to a penalty not exceeding two hundred pounds;

(b)

(b) if any other person—to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(2) The court before which the employer is charged may further order that the employee be reimbursed the wages lost by him and the court may also direct his reinstatement in his old or a similar position.

(3) In any proceeding for an offence against this section if all the facts and circumstances constituting the offence other than the reason for the defendant's action are proved, it shall lie upon the defendant to prove that the dismissal was not actuated by the reason alleged in the charge.

(4) Where the employer is a body corporate and the dismissal complained of is proved to have been with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed guilty of an offence against this section and shall be liable to be proceeded against and punished accordingly.

(5) Where, pursuant to the provisions of subsection two of this section, the court has ordered that an employee be reimbursed the wages lost by him, the amount of the wages so lost shall be specified in the order, and such order shall operate as an order against the employer for the payment of money under the Small Debts Recovery Act, 1912, as amended by subsequent Acts, and be enforceable as such under the provisions of that Act as so amended.

(6) Any employer who neglects or fails to comply with an order, made pursuant to the provisions of subsection two of this section, directing reinstatement of an employee, shall be

liable

liable on summary conviction to a penalty not exceeding ten pounds for each day such neglect or failure continues.

The amount of wages which would have been payable to the employee in respect of the period of such neglect or failure if he had been reinstated in accordance with the terms of the order aforesaid shall be recoverable, as a debt due to the employee by the employer, in any court of competent jurisdiction.

(nn) by omitting from subsection one of section eighty-five the words "or to the Supreme Court, if the fine has been imposed for non-attendance at a circuit court"; Sec. 85. (Recovery of fines for non-attendance.)

(oo) (i) by omitting from paragraph (a) of section eighty-six the words "or a circuit court"; Sec. 86. (Recovery of other fines.)

(ii) by omitting from paragraph (b) of the same section the words "in the manner appointed by law for the recovery of fines imposed by justices of the peace" and by inserting in lieu thereof the words "pursuant to the Fines and Forfeited Recognizances Recovery Act, 1902";

(pp) by inserting in the Second Schedule after the words "all men" the words and symbols "[*or of men (being the number certified by the sheriff as being reasonably sufficient for the estimated requirements of the district)*]"; Second Schedule.

(qq) by omitting from the heading to the Third Schedule the words "of all persons" and by inserting in lieu thereof the words and symbols "of all [*or of persons*]"; Third Schedule.

(rr) (i) by omitting from the Sixth Schedule the words "or Circuit Court" and by inserting in lieu thereof the words "Court or District Court"; Sixth Schedule.

(ii)

(ii) by omitting from the same Schedule the word "ten" and by inserting in lieu thereof the words "a quarter to ten".

Amendment of Act No. 23, 1912.

6. (1) The District Courts Act, 1912-1936, is amended—

Sec. 90 (3). (Jury in actions for less than £20.)

(a) (i) by omitting from subsection three of section ninety the words "made at least five clear days before the day named for the hearing" and by inserting in lieu thereof the words "made not less than the prescribed number of days before the day named for the hearing";

(ii) by omitting from the same subsection the words "at least five clear days before the day named for the hearing" and by inserting in lieu thereof the words "not less than the prescribed number of days before the day named for the hearing";

Sec. 93. (Special jurors' list.)

(b) by omitting section ninety-three;

Sec. 94. (Summons to jurors.)

(c) (i) by omitting from subsection one of section ninety-four the words "except where otherwise provided" and by inserting in lieu thereof the words "deliver to the sheriff a precept in or to the effect of the form contained in the Fifth Schedule to the Jury Act, 1912-1947, requiring him to";

(ii) by omitting from the same subsection the words "or special jurors' list";

(iii) by omitting from the same subsection the word "summons" and by inserting in lieu thereof the word "precept";

(iv) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—

(4) Before the day and at the place named in any precept for the appearance of the jurors thereby required to be summoned to attend the District Court, the sheriff shall return

return to the registrar thereof a panel containing the names of the persons so summoned pursuant to the precept with their respective additions and shall also furnish to the said registrar the names of the said persons with their respective additions written upon separate pieces of card being as nearly as may be of equal size.

The sheriff shall previously upon the panel certify that the jurors named therein have been duly summoned and such certificate shall without proof of his signature be prima facie evidence that each juror whose name is included in the panel has been duly summoned to attend the court pursuant to the precept.

(d) by omitting from subsection one of section ninety-five the words "or special jurors' list"; Sec. 95. (Jury, how chosen.)

(e) by omitting from subsection two of section one hundred and thirty-four the words "may be a common or special jury, and"; Sec. 134. (Jury.)

(f) by omitting from section one hundred and thirty-six the word "special" wherever occurring; Sec. 136. (Number of jurors.)

(g) by omitting subsections one and two of section one hundred and thirty-seven and by inserting in lieu thereof the following subsection:— Sec. 137. (Drawing of jury.)

(1) At the trial of any such issue the registrar shall put into a box provided for that purpose the pieces of card furnished as aforesaid by the sheriff.

(2) The Principal Act is further amended as follows:— Further amendment of Act No. 31, 1912.

(a) (i) by omitting from subsection five of section thirteen the word "three" and by inserting in lieu thereof the word "two"; Sec. 13 (5). (Lists.)

(ii) by omitting the proviso to the same subsection;

(b)

Sec. 15. (Transmission of lists.)

(b) by omitting from subsection one of section fifteen all words after the word "sheriff".

(3) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Act, 1912-1947.

Amendment of Act No. 14, 1899.

7. (1) The Matrimonial Causes Act, 1899, is amended—

Sec. 52. (Claim by husband for damages.)

(a) (i) by inserting at the end of subsection three of section fifty-two the following words:—

Provided that, subject to section sixty-nine of this Act, any issue arising upon the hearing of any such petition (including the amount of damages) may be determined by the Court;

(ii) by omitting subsection five of the same section;

Sec. 69. (Trial by jury.)

(b) by inserting next after subsection two of section sixty-nine the following new subsection:—

(2A) A husband claiming damages may require the issues in the suit to be tried by a jury and the amount of the damages to be recovered to be ascertained by the verdict of a jury, although the respondent or co-respondent, or both the respondent and co-respondent, do not appear.

Subst. sec. 73.

(c) by omitting section seventy-three and by inserting in lieu thereof the following section:—

Summoning of jurors.

73. For the purposes of this Act the Court may, as occasion requires, issue such precepts directing the sheriff to summon jurors and make such orders upon the sheriff for the attendance of such number of jurors as such Court may consider requisite.

Sec. 76. (General law and practice to apply.)

(d) by omitting from section seventy-six the word "now" and by inserting in lieu thereof the words "that for the time being."

(2) The Matrimonial Causes Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the Matrimonial Causes Act, 1899-1947.

8. (1) (a) The Equity Act, 1901, as amended by subsequent Acts, is amended— Amendment of Act No. 24, 1901.

(i) by omitting from paragraph (a) of subsection two of section fifty-one the words "special or common"; Sec. 51. (Trial of issues.)

(ii) by omitting from subsection one of section fifty-two the words "special or common"; Sec. 52. (Jury, how summoned.)

(b) The Equity Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Equity Act, 1901-1947.

(2) (a) The Wills, Probate and Administration Act, 1898, as amended by subsequent Acts, is amended— Amendment of Act No. 13, 1898.

(i) by omitting from section one hundred and forty the words "special or common"; Sec. 140. (Questions of fact how tried.)

(ii) by omitting from subsection one of section one hundred and forty-one the word "men" and by inserting in lieu thereof the word "persons". Sec. 141. (Question to be stated.)

(b) The Wills, Probate and Administration Act, 1898, as amended by subsequent Acts and by this Act, may be cited as the Wills, Probate and Administration Act, 1898–1947.

(3) (a) The Lunacy Act of 1898, as amended by subsequent Acts, is amended by omitting from section one hundred and seven the words "and in such order shall direct whether such jury shall be a common or special jury". Amendment of Act No. 45, 1898. Sec. 107. (Inquiry before a jury.)

(b) The Lunacy Act of 1898, as amended by subsequent Acts and by this Act, may be cited as the Lunacy Act, 1898–1947.

In the name and on behalf of His Majesty I assent to this Act.

J. NORTHCOTT,
Governor.

Government House,
Sydney, 19th December, 1947.