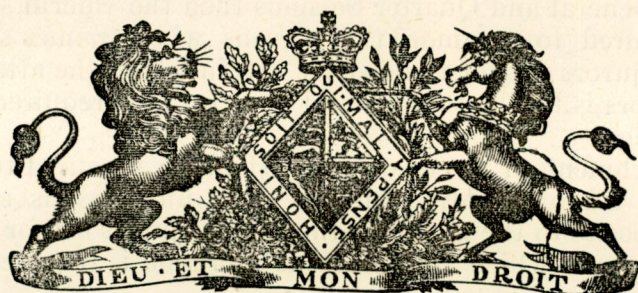


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 20 June, 1876. }*

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUADRAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend the Laws relative to the formation and return of Juries and to the compensation to be paid thereto.

WHEREAS it is expedient and desirable to amend the Laws Preamble. relative to the formation and return of Juries and for the compensation to be paid to Jurors for the trial of civil and criminal issues in the Colony of New South Wales Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. Whenever it shall be made to appear that the list of jurors who shall be qualified to serve on any jury for any town or place within the said Colony at which any Court for the trial by jury of civil and criminal issues and the assessment of damages or any Court of General or Quarter Sessions of the Peace has been or shall hereafter be appointed to be holden does not contain two hundred names it shall be competent for the Governor by and with the advice and consent of the Executive Council to extend the "jurors district" for such

Jury Laws Amendment (No. 2).

such town or place from time to time until the jurors list for such town or place shall contain not less than the above-mentioned number of qualified jurors to a circuit of not more than fifty miles around such town or place and the area within such circuit shall be called the
 5 jurors district for such town or place. Provided always that whenever or wherever from the relative distances of the places for holding any two of such last-mentioned Courts the circuits around each of them would in the direction between them be partially identical then that portion of the respective jurors districts for such Courts respectively
 10 shall be bounded by a straight line equidistant from such towns or places and rectangularly to a straight line connecting such towns or places and so prolonged as to intersect the circuits of the jurors districts for such towns or places.

2. Whenever any precept to summon any general jury shall
 15 have been issued by any person lawfully authorized in that behalf requiring the Sheriff to summon such jury for the trial of issues and assessment of damages in the said Supreme and Circuit Courts and in the said Courts of General and Quarter Sessions then the Sheriff shall and is hereby required to summon the persons whose names shall
 20 appear on the said jurors list for the district within which the attendance of the said jurors is by the said general jury precept required in the manner following:—

(1.) Cards parchment or pieces of metal shall be procured to be
 25 printed or stamped only with the same numbers as shall appear opposite to the names on the general jurors list for any town or place at which any Court as aforesaid is required to be held.

(2.) As many cards as aforesaid as there are names on any jury
 30 list from which it is required to summon any such jury as aforesaid shall be placed in a rotating ballot box to be approved of by the Minister of Justice and such box having been first made to rotate for one minute at least by the proper officer or other person appointed for that purpose the cards parchments or pieces of metal shall then be drawn
 35 forth one at a time until the number of jurors required to be summoned shall be so chosen and the persons the numbers opposite whose names on the jurors list shall correspond with the numbers on the cards drawn in the manner aforesaid shall be the persons who shall be summoned
 40 to attend such Courts as aforesaid.

(3.) No jurors who shall have been chosen to be summoned in the above manner shall be again liable to be summoned until every person whose name shall appear on the jurors list for any town or place as aforesaid shall have been summoned.

3. Every man who shall in the jurors lists be described as a
 45 Justice of the Peace lessee of the Crown banker bank director or manager merchant accountant engineer or architect or who shall occupy as owner or tenant any lands or tenements of the yearly value of one hundred pounds and upwards shall be qualified and liable to
 50 serve as a "Special Juror."

4. The Governor with the advice of the Executive Council shall have power by proclamation to fix from time to time the amounts
 of compensation to be paid to jurors for attendance in the Supreme and Circuit Courts and Courts of General and Quarter Sessions.

5. No person whose name shall be and appear on the special
 55 jury list for the towns of Parramatta Bathurst Newcastle Maitland and Goulburn shall be liable or be compelled to attend as a juror in any Court of General or Quarter Sessions of the Peace in the said Colony unless summoned under a special jury precept.

Jury Laws Amendment (No. 2).

6. Every special jury when required to be summoned shall be chosen to be summoned in the same manner as that prescribed in this Act for the choosing of general juries. Special jury to be summoned by lot.

7. Every ordinance statute or custom to the contrary notwithstanding any Judge may in his discretion order any refreshment not being fermented or spirituous liquor to be supplied to any juror serving on any jury at any time after any such jury shall have been empanelled and sworn. Judge may order refreshment for jury.

8. This Act shall come into force on the first day of August one thousand eight hundred and seventy-six and may be cited as the "Jury Laws Amendment Act of 1876." Commencement and short title.

6. Every special jury who is required to be summoned shall be chosen to be summoned in the same manner as that prescribed in this Act for the choosing of general juries.

7. Every ordinance, statute or custom to the contrary notwithstanding standing any judge may in his discretion order any retainer not being attached or subpoenaed thereon to be applied to any juror serving on any jury at any time after any such jury shall have been empanelled and sworn.

8. This Act shall come into force on the first day of August 1858.

10 one thousand eight hundred and seventy six and may be cited as the "July Laws Amendment Act of 1858."

Enacted by the Queen's Most Excellent Majesty in Council at the City of Westminster the sixth day of July 1858.

In witness whereof we have hereunto set our hand and the seal of Great Britain at the City of Westminster the sixth day of July 1858.

By Appointment, *[Signature]* Secretary to the Queen's Most Excellent Majesty in Council.

By Appointment, *[Signature]* Clerk of the Council.

By Appointment, *[Signature]* Secretary to the Council.

By Appointment, *[Signature]* Secretary to the Council.

By Appointment, *[Signature]* Secretary to the Council.

By Appointment, *[Signature]* Secretary to the Council.

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By Appointment, *[Signature]* Secretary to the Council.

By Appointment, *[Signature]* Secretary to the Council.

By Appointment, *[Signature]* Secretary to the Council.

JURY LAWS AMENDMENT BILL (No. 2).

(Schedule of Amendments to be proposed in Committee of the Whole
by SIR ALFRED STEPHEN.)

- Page 1, clause 1, line 9. *After* "appear" *insert* "to the Governor in
" Council"
- " clause 1, line 10. *Omit* "who shall be"
- " " lines 10 and 11. *Omit* "within the said Colony"
- " " line 11. *Omit* "by jury"
- " " line 12. *Omit* "and the assessment of damages"
- " " lines 15 and 16. *Omit* "by and with the advice and
" consent of the Executive" *insert* "in"
- " clause 1, line 16. *After* "Council" *insert* "if he shall think
" fit"
- Page 2, clause 1, lines 1 to 3. *Omit* "from time to time until the
" jurors' list for such town or place shall contain not less than
" the above-mentioned number of qualified jurors"
- " clause 1, line 3. *After* "miles" *insert* "including and"
- " " lines 4 and 5. *Omit* "and the area within such
" circuit shall be called the jurors' district for such town or
" place"
- " clause 1, line 6. *Omit* "or wherever"
- " " line 6. *Before* "places" *insert* "towns or"
- " " line 7. *Omit* "last mentioned"
- " " line 7. *Omit* "of them"
- " " line 9. *Omit* "of the respective jurors' districts for
" such Courts respectively"
- " clause 1, lines 10 and 11. *Omit* "equi-distant from such
" towns or places and"
- " clause 1, lines 12 and 13. *Omit* "intersect the circuits of the
" jurors' districts for such towns or places" *insert* "meet the
" points of intersection"
- Page 2, clause 2, line 14. *Omit* "general"
- " " lines 15 to 18. *Omit* "by any person lawfully
" authorized in that behalf requiring the Sheriff to summon
" such jury for the trial of issues and assessment of damages
" in the said Supreme and Circuit Courts and in the said
" Courts of General and Quarter Sessions then"
- " clause 2, line 19. *Omit* "and is hereby required to"
- " " line 20. *Omit* "said"
- " " line 21. *Before* "jurors" *omit* "said"
- " " line 21. *Omit* "general jury"
- " " line 23. *Omit* "parchment or pieces of metal"
- " " line 25. *Omit* "general" *insert* "appropriate"
- " " line 28. *Omit* "as aforesaid"
- " " line 33. *Omit* "proper officer or other person
" appointed for that purpose" *insert* "Sheriff or his Deputy"
- " clause 2, line 34. *Omit* "parchments or pieces of metal"
- " " line 36. *Omit* "so"
- " " lines 36 and 37. *Omit* "the numbers opposite"
- " " line 37. *Omit* "shall"
- " " line 39. *Omit* "who shall be"
- " " line 40. *Omit* "such Courts as aforesaid"
- " " line 41. *Omit* "s" from "jurors"

Page 2, clause 2, line 41. *Omit* "who shall have been"
 " " line 41. *Omit* "to be summoned"
 " " line 42. *After* "manner" *insert* "and afterwards
 " " "duly summoned"
 " clause 2, line 43. *Omit* "whose name shall appear"
 " " line 44. *Omit* "any" *insert* "the same"
 " " line 44. *Omit* "as aforesaid"
 " clause 3, line 45. *Omit* "s" from "lists"
 " " lines 46 and 47. *Omit* "or manager"
 " " lines 47 and 48. *Omit* "or architect or who shall
 " " "occupy as owner or tenant" *insert* "manager of a station
 " " "broker chemist or druggist warehouseman commission
 " " "agent or architect or as the owner or tenant of"
 " clause 4, line 51. *Omit* "with the advice of the Executive"
 " " *insert* "in"
 " clause 4, line 52. *Omit* "by proclamation"
 " clause 5. *Omit* clause 5, and in lieu thereof *insert* the following
 " " new clause:—

Persons claiming
 exemption.

5. No person otherwise entitled to exemption from service as a juror shall be exempted unless he shall have claimed such exemption by notice to the Sheriff thirty days at the least before he shall be summoned.

Page 3, clause 6. *Omit* clause 6, and in lieu thereof *insert* the following new clause:—

Repeal of sec. 2 of 18
 Vic. No. 18.

6. After the passing of this Act the second section of the Act passed in the eighteenth year of Her Majesty and numbered eighteen shall be repealed.

Page 3, clause 7 (*as printed*), lines 4 and 5. *Omit* "ordinance statute
 " " "or custom to the contrary notwithstanding any"
 " clause 7, lines 6 and 7. *Omit* "juror serving on any"
 " " line 7. *After* "after" *omit* "any"
 " " line 8. *After* "sworn" *add* "and notwithstanding
 " " "that such jury may have retired to consider of their verdict"

Here follow proposed new clauses 8, 9, and 10, viz.:—

Jurors' District for
 Sydney.

8. The Jurors' District for Sydney shall after the present year be the Sydney Police District and also all places within a distance of twelve miles from the City Town Hall And all such places shall thereafter be excluded from the Jurors' District for Parramatta.

Mode of summoning
 Jurors.

9. After the first day of September next every juror may be summoned in the ordinary manner or by a summons having thereon the Sheriff's seal of office sent by post Provided that a duplicate of every summons so sent shall be stamped by the Postmaster or some person duly acting for him at the time of delivery at the office for transmission which duplicate shall be *primá facie* evidence that the juror named was served in the ordinary course of post And provided also that two additional days shall be allowed in every case of summoning by post between the day of such summoning and the day of attendance required.

Service by persons
 naturalised &c.

10. Every person having obtained letters of denization or been naturalised or who being an alien by birth shall have resided in this Colony seven years or upwards shall if otherwise qualified as a juror be qualified and liable to serve on all juries in like manner as a natural born subject of the Queen so qualified would be liable.

Page 3, clause 8 (*as printed*), line 9. *Omit* "August" *insert* "September"
 " " "ber"

JURY LAWS AMENDMENT BILL (No. 2).

SCHEDULE of the Amendments referred to in Message of 12th July, 1876.

JOHN J. CALVERT,
Clerk of the Parliaments.

- Page 1, Preamble, line 4. *Omit* "in the Colony of New South Wales"
- " clause 1, line 9. *After* "appear" *insert* "to the Governor in Council"
- " " line 10. *Omit* "who shall be"
- " " line 11. *Omit* "within the said Colony"
- " " line 12. *Omit* "by jury"
- " " lines 12 and 13. *Omit* "and the assessment of damages"
- " " lines 15 and 16. *Omit* "by and with the advice and consent of the
" "Executive" *insert* "in"
- " clause 1, line 16. *After* "Council" *insert* "if he shall think fit"
- " 2, " lines 1 to 3. *Omit* "from time to time until the jurors list for such
" "town or place shall contain not less than the above-mentioned number of
" "qualified jurors"
- " clause 1, line 4. *After* "miles" *insert* "including and"
- " " lines 4 and 5. *Omit* "and the area within such circuit shall be called
" "the jurors district for such town or place"
- " clause 1, line 6. *Omit* "or wherever"
- " " line 7. *After* "the" *insert* "towns or"
- " " line 7. *Omit* "last-mentioned."
- " " line 8. *Omit* "of them"
- " " lines 9 and 10. *Omit* "of the respective jurors districts for such
" "Courts respectively"
- " clause 1, lines 10 and 11. *Omit* "equi-distant from such town or places and"
- " " lines 12 and 13. *Omit* "intersect the circuits of the jurors districts
" "for such towns or places" *insert* "meet the points of intersection"
- " clause 2, line 14. *Omit* "general"
- " " lines 15 to 18. *Omit* "by any person lawfully authorized in that behalf
" "requiring the Sheriff to summon such jury for the trial of issues and assess-
" "ment of damages in the said Supreme and Circuit Courts and in the said
" "Courts of General and Quarter Sessions then"
- " clause 2, line 19. *Omit* "and is hereby required to"
- " " line 20. *Omit* "said"
- " " line 21. *Before* "jurors" *omit* "said"
- " " line 21. *Omit* "general jury"
- " " line 23. *Omit* "parchment or pieces of metal"
- " " line 25. *Omit* "general" *insert* "appropriate"
- " " line 28. *Omit* "as aforesaid"
- " " line 33. *Omit* "proper officer or other person appointed for that pur-
" "pose" *insert* "Sheriff or his Deputy"
- " clause 2, line 34. *Omit* "parchments or pieces of metal"
- " " line 36. *Omit* "so"
- " " line 37. *Omit* "the numbers opposite"
- " " line 37. *Omit* "shall"
- " " line 39. *Omit* "who shall be"
- " " line 40. *Omit* "such Courts as aforesaid"
- " " line 41. *Omit* "s" from "jurors"
- " " line 41. *Omit* "who shall have been"
- " " line 41. *Omit* "to be summoned"

- Page 2, clause 2, line 42. *After* "manner" *insert* "and afterwards duly summoned"
- " " lines 43 and 44. *Omit* "whose name shall appear"
- " " line 44. *Omit* "any" *insert* "the same"
- " " lines 44 and 45. *Omit* "as aforesaid"
- " " line 45. *After* "summoned" *add* Proviso.
- " clause 3, line 52. *Omit* "s" from "lists"
- " " lines 53 and 54. *Omit* "or manager"
- " " lines 54 and 55. *Omit* "or architect or who shall occupy as owner or
"tenant" *insert* "manager of a station broker chemist or druggist ware-
"houseman commission agent or architect or as the owner or tenant of"
- " 3, clause 4, line 1. *Omit* "with the advice of the Executive" *insert* "in"
- " " line 2. *Omit* "by proclamation"
- " clause 5. *Omit* clause 5 *insert* new clause 5.
- " clause 6. *Omit* clause 6 *insert* new clause 6.
- " clause 7, lines 20 and 21. *Omit* "ordinance statute or custom to the contrary
"notwithstanding any"
- " clause 7, lines 22 and 23. *Omit* "juror serving on any"
- " " line 23. *After* "after" *omit* "any"
- " " line 24. *After* "sworn" *add* "and notwithstanding that such jury
"may have retired to consider of their verdict"
- " *After* clause 7 *insert* new clauses 8, 9, 10, and 11.
- " clause 8, 12, line 52. *Omit* "August" *insert* "September"

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.

Legislative Assembly Chamber,
Sydney, 20 June, 1876. }

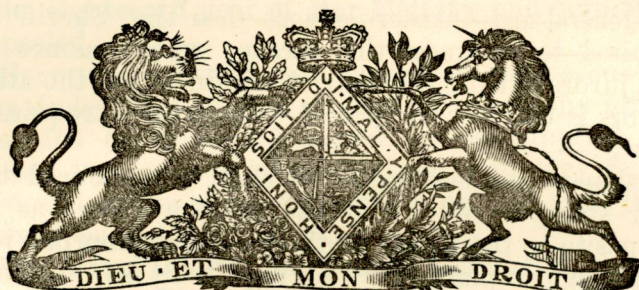
STEPHEN W. JONES,
Clerk of Legislative Assembly.

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

Legislative Council Chamber,
Sydney, 12th July, 1876. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUADRAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend the Laws relative to the formation and return of Juries and to the compensation to be paid thereto.

WHEREAS it is expedient and desirable to amend the Laws ^{Preamble.} relative to the formation and return of Juries and for the compensation to be paid to Jurors for the trial of civil and criminal issues ~~in the Colony of New South Wales~~ Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. Whenever it shall be made to appear to the Governor in Council that the list of jurors ~~who shall be qualified to serve on any jury for any town or place within the said Colony at which any Court for the trial by jury of civil and criminal issues and the assessment of damages or any Court of General or Quarter Sessions of the Peace has been or shall hereafter be appointed to be holden does not contain two hundred names~~ it shall be competent for the Governor ^{“Jurors district” to contain two hundred names.} by and with the advice and consent of the Executive in Council if he shall think fit to extend

Jury Laws Amendment (No. 2).

extend the "jurors district" for such town or place ~~from time to time until the jurors list for such town or place shall contain not less than the above mentioned number of qualified jurors to a circuit of not more than fifty miles including and around such town or place and the area within~~ such circuit shall be called the jurors district for such town or place. Provided always that whenever or wherever from the relative distances of the towns or places for holding any two of such last mentioned Courts the circuits around each of them would in the direction between them be partially identical then that portion of the respective jurors districts for such Courts respectively shall be bounded by a straight line equidistant from such towns or places and rectangularly to a straight line connecting such towns or places and so prolonged as to intersect the circuits of the jurors districts for such towns or places **meet the points of intersection.**

2. Whenever any precept to summon any general jury shall have been issued by any person lawfully authorized in that behalf requiring the Sheriff to summon such jury for the trial of issues and assessment of damages in the said Supreme and Circuit Courts and in the said Courts of General and Quarter Sessions then the Sheriff shall and is hereby required to summon the persons whose names shall appear on the said jurors list for the district within which the attendance of the said jurors is by the said general jury precept required in the manner following:—

(1.) Cards parchment or pieces of metal shall be procured to be printed or stamped only with the same numbers as shall appear opposite to the names on the general appropriate jurors list for any town or place at which any Court as aforesaid is required to be held.

(2.) As many cards as aforesaid as there are names on any jury list from which it is required to summon any such jury as aforesaid shall be placed in a rotating ballot-box to be approved of by the Minister of Justice and such box having been first made to rotate for one minute at least by the proper officer or other person appointed for that purpose Sheriff or his Deputy the cards parchments or pieces of metal shall then be drawn forth one at a time until the number of jurors required to be summoned shall be so chosen and the persons the numbers opposite whose names on the jurors list shall correspond with the numbers on the cards drawn in the manner aforesaid shall be the persons who shall be summoned to attend such Courts as aforesaid.

(3.) No jurors who shall have been chosen to be summoned in the above manner and afterwards duly summoned shall be again liable to be summoned until every person whose name shall appear on the jurors list for any the same town or place as aforesaid shall have been summoned. Provided always that where a number is drawn indicating the name of a juror whom such Sheriff or Deputy knows to be dead or to have quitted the district another number shall be drawn in the place of such juror a special return being made to the Court with the names of the jurors summoned of the names of every juror so omitted with the cause thereof.

3. Every man who shall in the jurors lists be described as a Justice of the Peace lessee of the Crown Banker Bank director or manager merchant accountant engineer or architect or who shall occupy as owner or tenant manager of a station broker chemist or druggist warehouseman commission agent or architect or as the owner or tenant of any lands or tenements of the yearly value of one hundred pounds and upwards shall be qualified and liable to serve as a "Special Juror."

Jury Laws Amendment (No. 2).

4. The Governor with the advice of the Executive in Council shall have power by proclamation to fix from time to time the amounts of compensation to be paid to jurors for attendance in the Supreme and Circuit Courts and Courts of General and Quarter Sessions. Compensation to be paid to jurors.
5. No person whose name shall be and appear on the special jury list for the towns of Parramatta Bathurst Newcastle Maitland and Goulburn shall be liable or be compelled to attend as a juror in any Court of General or Quarter Sessions of the Peace in the said Colony unless summoned under a special jury precept. Special jurors to be exempt in certain cases.
10. 5. No person otherwise entitled to exemption from service as a juror shall be exempted unless he shall have claimed such exemption by notice to the Sheriff thirty days at the least before he shall be summoned. Persons claiming exemption.
15. 6. Every special jury when required to be summoned shall be chosen to be summoned in the same manner as that prescribed in this Act for the choosing of general juries. Special jury to be summoned by lot.
6. After the passing of this Act the second section of the Act passed in the eighteenth year of Her Majesty and numbered eighteen shall be repealed. Repeal of sec. 2 of 18 Vic. No. 18.
20. 7. Every ordinance statute or custom to the contrary notwithstanding any Judge may in his discretion order any refreshment not being fermented or spirituous liquor to be supplied to any juror serving on any jury at any time after any such jury shall have been impanelled and sworn and notwithstanding that such jury may have retired to consider of their verdict. Judge may order refreshment for jury.
25. 8. The Jurors District for Sydney shall after the present year be the Sydney Police District and also all places within a distance of twelve miles from the City Town Hall And all such places shall thereafter be excluded from the Jurors District for Parramatta. Jurors District for Sydney.
30. 9. After the first day of September next every juror may be summoned in the ordinary manner or by a summons having thereon the Sheriff's seal of office sent by post Provided that a duplicate of every summons so sent shall be stamped by the Postmaster or some person duly acting for him at the time of delivery at the office for transmission which duplicate shall be prima facie evidence that the juror named was served in the ordinary course of post And provided also that two additional days shall be allowed in every case of summoning by post between the day of such summoning and the day of attendance required. Mode of summoning Jurors.
35. 10. Every person having obtained letters of denization or been naturalised or who being an alien by birth shall have resided in this Colony seven years or upwards shall if otherwise qualified as a juror be qualified and liable to serve on all juries in like manner as a natural born subject of the Queen so qualified would be liable. Service by persons naturalised &c.
40. 11. The provisions of the fifth section of the Act passed in the eighteenth year of Her Majesty numbered eighteen shall apply to all Courts and Judges having power to impose fines on jurors for non-attendance and where cause shall be shown by affidavit in pursuance of that section the same may be transmitted to the Judge who imposed the fine who shall thereupon have power to remit or mitigate the same and in default of any order to that effect the fine shall be enforced. Jurors not attending.
50. 12. This Act shall come into force on the first day of August September one thousand eight hundred and seventy-six and may be cited as the "Jury Laws Amendment Act of 1876." Commencement and short title.

Law of Evidence (No. 2)

1. The Court shall have jurisdiction to receive in evidence any statement made by a witness in the course of his testimony in any trial or proceeding before the Court.

2. No person shall be called as a witness in any trial or proceeding before the Court unless he has been sworn or affirmed as a witness in the presence of the Court.

3. No person shall be called as a witness in any trial or proceeding before the Court unless he has been sworn or affirmed as a witness in the presence of the Court.

4. No person shall be called as a witness in any trial or proceeding before the Court unless he has been sworn or affirmed as a witness in the presence of the Court.

5. No person shall be called as a witness in any trial or proceeding before the Court unless he has been sworn or affirmed as a witness in the presence of the Court.

6. No person shall be called as a witness in any trial or proceeding before the Court unless he has been sworn or affirmed as a witness in the presence of the Court.

7. No person shall be called as a witness in any trial or proceeding before the Court unless he has been sworn or affirmed as a witness in the presence of the Court.

8. No person shall be called as a witness in any trial or proceeding before the Court unless he has been sworn or affirmed as a witness in the presence of the Court.

9. No person shall be called as a witness in any trial or proceeding before the Court unless he has been sworn or affirmed as a witness in the presence of the Court.

10. No person shall be called as a witness in any trial or proceeding before the Court unless he has been sworn or affirmed as a witness in the presence of the Court.

11. No person shall be called as a witness in any trial or proceeding before the Court unless he has been sworn or affirmed as a witness in the presence of the Court.

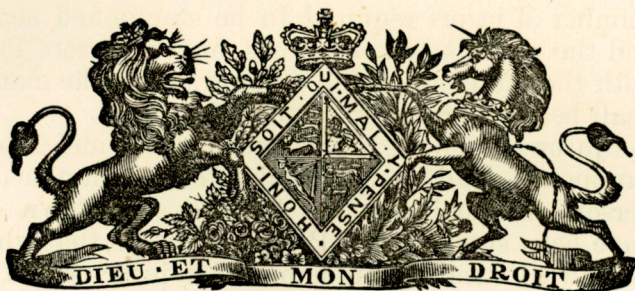
12. No person shall be called as a witness in any trial or proceeding before the Court unless he has been sworn or affirmed as a witness in the presence of the Court.

13. No person shall be called as a witness in any trial or proceeding before the Court unless he has been sworn or affirmed as a witness in the presence of the Court.

14. No person shall be called as a witness in any trial or proceeding before the Court unless he has been sworn or affirmed as a witness in the presence of the Court.

15. No person shall be called as a witness in any trial or proceeding before the Court unless he has been sworn or affirmed as a witness in the presence of the Court.

New South Wales.



ANNO QUADRAGESIMO

VICTORIÆ REGINÆ.

No. VI.

An Act to amend the Laws relative to the formation and return of Juries and to the compensation to be paid thereto. [Assented to, 28th July, 1876.]

WHEREAS it is expedient and desirable to amend the Laws Preamble. relative to the formation and return of Juries and for the compensation to be paid to Jurors for the trial of civil and criminal issues Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. Whenever it shall be made to appear to the Governor in Council that the list of jurors qualified to serve on any jury for any town or place at which any Court for the trial of civil and criminal issues or any Court of General or Quarter Sessions of the Peace has been or shall hereafter be appointed to be holden does not contain two hundred names it shall be competent for the Governor in Council if he shall think fit to extend the "jurors district" for such town or place to a circuit of not more than fifty miles including and around such town

Jury Laws Amendment (No. 2).

town or place Provided always that whenever from the relative distances of the towns or places for holding any two of such Courts the circuits around each would in the direction between them be partially identical then that portion shall be bounded by a straight line rectangularly to a straight line connecting such towns or places and so prolonged as to meet the points of intersection.

Sheriff to summon jurors by lot.

2. Whenever any precept to summon any jury shall have been issued the Sheriff shall summon the persons whose names shall appear on the jurors list for the district within which the attendance of the jurors is by the said precept required in the manner following:—

- (1.) Cards shall be procured to be printed or stamped only with the same numbers as shall appear opposite to the names on the appropriate jurors list for any town or place at which any Court as aforesaid is required to be held.
- (2.) As many cards as there are names on any jury list from which it is required to summon any such jury as [aforesaid shall be placed in a rotating ballot-box to be approved of by the Minister of Justice and such box having been first made to rotate for one minute at least by the Sheriff or his Deputy the cards shall then be drawn forth one at a time until the number of jurors required to be summoned shall be chosen and the persons whose names on the jurors list correspond with the numbers on the cards drawn in the manner aforesaid shall be the persons summoned to attend.
- (3.) No juror chosen in the above manner and afterwards duly summoned shall be again liable to be summoned until every person on the jurors list for the same town or place shall have been summoned Provided always that where a number is drawn indicating the name of a juror whom such Sheriff or Deputy knows to be dead or to have quitted the district another number shall be drawn in the place of such juror a special return being made to the Court with the names of the jurors summoned of the names of every juror so omitted with the cause thereof.

Qualification for "Special Juror."

3. Every man who shall in the jurors list be described as a Justice of the Peace lessee of the Crown Banker Bank director merchant accountant engineer manager of a station broker chemist or druggist warehouseman commission agent or architect or as the owner or tenant of any lands or tenements of the yearly value of one hundred pounds and upwards shall be qualified and liable to serve as a "Special Juror."

Compensation to be paid to jurors.

4. The Governor in Council shall have power to fix from time to time the amounts of compensation to be paid to jurors for attendance in the Supreme and Circuit Courts and Courts of General and Quarter Sessions.

Persons claiming exemption.

5. No person otherwise entitled to exemption from service as a juror shall be exempted unless he shall have claimed such exemption by notice to the Sheriff thirty days at the least before he shall be summoned.

Repeal of sec. 2 of 18 Vic. No. 18.

6. After the passing of this Act the second section of the Act passed in the eighteenth year of Her Majesty and numbered eighteen shall be repealed.

Judge may order refreshment for jury.

7. Every Judge may in his discretion order any refreshment not being fermented or spirituous liquor to be supplied to any jury at any time after such jury shall have been impanelled and sworn and notwithstanding that such jury may have retired to consider of their verdict.

Jurors' District for Sydney.

8. The Jurors' District for Sydney shall after the present year be the Sydney Police District and also all places within a distance of twelve miles from the City Town Hall And all such places shall thereafter be excluded from the Jurors' District for Parramatta.

Jury Laws Amendment (No. 2).

9. After the first day of September next every juror may be summoned in the ordinary manner or by a summons having thereon the Sheriff's seal of office sent by post. Provided that a duplicate of every summons so sent shall be stamped by the Postmaster or some person duly acting for him at the time of delivery at the office for transmission which duplicate shall be *prima facie* evidence that the juror named was served in the ordinary course of post. And provided also that two additional days shall be allowed in every case of summoning by post between the day of such summoning and the day of attendance required.

Mode of summoning jurors.

10. Every person having obtained letters of denization or been naturalised or who being an alien by birth shall have resided in this Colony seven years or upwards shall if otherwise qualified as a juror be qualified and liable to serve on all juries in like manner as a natural born subject of the Queen so qualified would be liable.

Service by persons naturalised &c.

11. The provisions of the fifth section of the Act passed in the eighteenth year of Her Majesty numbered eighteen shall apply to all Courts and Judges having power to impose fines on jurors for non-attendance and where cause shall be shown by affidavit in pursuance of that section the same may be transmitted to the Judge who imposed the fine who shall thereupon have power to remit or mitigate the same and in default of any order to that effect the fine shall be enforced.

Jurors not attending.

12. This Act shall come into force on the first day of September one thousand eight hundred and seventy-six and may be cited as the "Jury Laws Amendment Act of 1876."

Commencement and short title.

Jury Laws Amendment (No. 2)

9. After the first day of September next every juror may be summoned in the ordinary manner or by a summons having thereon the Sheriff's seal of office sent by post. Provided that a duplicate of every summons so sent shall be stamped by the Postmaster or some person duly acting for him at the time of delivery at the office for transmission which duplicate shall be placed in the envelope and provided that two additional days shall be allowed in every case of summoning by post between the day of such summoning and the day of attendance required.

10. Every person having obtained letters of denization or been naturalized or who being an alien by birth shall have resided in this Colony seven years or upwards shall if otherwise qualified as a juror be qualified and liable to serve on all juries in like manner as a natural born subject of the Queen so qualified would be liable.

11. The provisions of the fifth section of the Act passed in the eighteenth year of Her Majesty numbered eighty shall apply to all Courts and Judges having power to impose fines on jurors for non-attendance and where cause shall be shown by affidavit in pursuance of that section the same may be transmitted to the Judge who imposed the fine who shall thereupon have power to remit or mitigate the same and in default of any order to that effect the fine shall be enforced.

12. This Act shall come into force on the first day of September one thousand eight hundred and seventy-six and may be cited as the Jury Laws Amendment Act of 1876.

By Authority: THOMAS RICHARDS, Government Printer, Sydney, 1876.