



ANNO OCTAVO

GEORGII V REGIS.

A.D. 1917.

No. 1290.

An Act to consolidate and amend the Law relating to Juries.

[*Assented to, November 8th, 1917.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Juries Act, 1917," and shall come into operation on a day to be fixed by proclamation. Short title and commencement of Act.

2. From the commencement of this Act the Acts mentioned in the First Schedule, to the extent to which the same are thereby expressed to be repealed, are repealed. Repeal. First Schedule.

3. In this Act, unless inconsistent with the context or subject-matter— Interpretation.

"Addition" used in reference to any juror means the description as to profession, occupation, office, rank, degree, and station of such person and also his residence and his qualification in respect of the yearly value of lands or tenements owned or occupied by him :

"Civil inquest" means trial of any issue or inquiry of damages before a Court of civil jurisdiction :

"Circuit Court" means a Court held by one of the Judges of the Supreme Court by virtue of the provisions of the Third Judge and District Courts Act, and the Act No. 6 of 1868-9 :

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“Criminal inquest” means trial before a Court of criminal jurisdiction of any issue joined upon an indictment presentment or information for any indictable offence:

“Compilation year” means a year ending on the thirty-first day of December in which general lists of persons qualified and liable to serve as jurors are prepared:

“Compiler” means the Clerk of a Municipality or District or member of the Police Force or other person required to prepare a list of persons qualified and liable to serve as jurors:

“District” means a District constituted by or under or continued by The District Councils Act, 1914:

“Inquest” includes both civil and criminal inquests:

“Municipality” means any locality the citizens or inhabitants of which are incorporated or are continued or become incorporated under the Municipal Corporations Act, 1890:

“Supreme Court” does not include Circuit Court.

Division of Act.

4. This Act is divided into Parts as follows:—

PART I.—Jurors.

PART II.—Jury Districts.

PART III.—Compilation Revision and Allowance of Jury Lists.

PART IV.—Jurors Books, Boxes, and Cards.

PART V.—Jury Lists and Books for New Courts.

PART VI.—Panel and Summoning of Jurors.

PART VII.—Proceedings upon Trial.

PART VIII.—Challenge and Tales.

PART IX.—View.

PART X.—By what Juries Inquests shall be taken.

PART XI.—Fees.

PART XII.—Offences and Penalties.

PART XIII.—Miscellaneous.

PART I.

Qualification of
common jurors.
Cf. 1, 1862, s. 4.

PART I.
JURORS.

5. Every man residing in South Australia who—

- I. has attained the age of twenty-one years and is not above the age of sixty-five years, and
- II. is a natural born or naturalised subject of the King, and
- III. is the owner or occupier of any lands or tenements in the said State of the yearly value of not less than Twenty Pounds sterling

shall, save as is herein excepted, be qualified and liable to serve as a common juror.

6. Every

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6. Every man residing in South Australia who possesses the qualifications mentioned in subdivisions i. and ii. of section 5 of this Act, and who—

Qualification of special jurors.
Cf. 1, 1862, s. 5.

- i. is described in the Jurors Books hereinafter mentioned as a Justice of the Peace, lessee of the Crown, bank director, manager of a station, merchant, accountant, engineer, architect, broker, warehouseman, commission agent, esquire or gentleman, or
- ii. is the owner or occupier of any lands or tenements in the said State of the yearly value of not less than One Hundred Pounds sterling

shall, save as is herein excepted, be qualified and liable to serve as aforesaid and also as a special juror.

7. The assessment of any lands or tenements written in the Assessment Book of any District or Municipality made in the manner provided by The District Councils Act, 1914, or The Municipal Corporations Act, 1890 (as the case may require), and being either—

Assessments written in Assessment Book to be yearly value of lands for the purposes of this Act.

- (a) based upon the annual rental at which such lands or tenements would let for the periods mentioned in the said Acts respectively, or
- (b) at a percentage on the fee simple value of such lands or tenements at the rates mentioned in the said Acts respectively

shall for the purposes of this Act be deemed to be the yearly value of such lands or tenements.

8. In order to ascertain the yearly value for the purposes of this Act of lands and tenements within any municipality in which Part II. of the The Land Value Assessment Act, 1893, is in operation the land value of any property as shown in the Assessment Book shall be divided by the number three, and the quotient thus obtained (omitting any fraction of a pound) shall be taken to be the yearly value of such property for the purposes of this Act.

Ascertainment of yearly value where The Land Value Assessment Act, 1893, is in operation.
1115, 1913, ss. 3, 4.

9. No man who has been convicted in any part of His Majesty's dominions of any treason or felony, or any crime that is infamous (unless he has obtained a free pardon thereof), or who is an uncertificated insolvent debtor, or under outlawry, or who is of bad fame or repute, shall be qualified to serve as juror.

Disqualifications.
1, 1862, s. 6.

10. No Justice of the Peace shall be summoned to serve as a juror at any Local Court.

Justices disqualified for Local Courts.
Ibid., s. 7.

11. The persons described in the Second Schedule shall be exempt from serving as jurors.

Persons exempt. Second Schedule.
Ibid., s. 8.

12. No person shall be qualified or liable to serve as juror in any Court unless he resides within the jury district for such Court.

Jurors must reside in jury district.

13. No

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Exemption or want of qualification not to avoid any verdict.

Victoria 2674, 1915, s. 10.

Disqualification or exemption to be pleaded on revision of list.

Ibid., s. 11.

Cf. Imp. Act, 33 and 34 Vict., c. 77, s. 12.

Power to discharge juror in case of urgency.

Victoria, 2674, 1915, s. 13.

One of two partners may be exempted.

Ibid., s. 14.

13. No exemption or want of qualification if not submitted before the juror is sworn shall afterwards form a sufficient reason for impeaching any verdict.

14. Except as hereinafter provided and except persons disqualified under sections 9 and 10, and persons described in the Second Schedule, no person whose name is in any Jurors Book or Special Jurors List as juror shall be excused on his own application from attendance on the ground of any disqualification or exemption except illhealth not claimed at the revision of the list by the Local Court of Full Jurisdiction as hereinafter provided.

15. On proof on oath or by affidavit or statutory declaration to the satisfaction of the Judge or Court before whom or which any person is summoned as juror that such person ought to be excused from attendance by reason of illhealth or any matter of special urgency or importance such Judge or Court may, if he or it thinks fit, in chambers or in open Court discharge such person from further attendance on such Court, or excuse such person from attendance for any period during the sittings of such Court.

16. The Judge or Court on proof to his or its satisfaction in chambers or in open court that two or more partners, members of the same co-partnership, or two or more persons employed in the same establishment, have been summoned to attend as jurors on the same days may exempt one of such jurors during one or more of those days.

PART II.**PART II.****JURY DISTRICTS.**

Jury districts.

17. There shall be a jury district for the Supreme Court, and for every Circuit Court, and for every Local Court of Full Jurisdiction.

Third Schedule.

18. The respective jury districts for the Supreme Court and Circuit Courts, and Local Courts of Full Jurisdiction are set forth and defined in the Third Schedule.

Governor may appoint jury district for new Circuit Courts.

19. Whenever any circuit district is proclaimed after the commencement of this Act, pursuant to the power in that behalf contained in Act No. 6 of 1868-9, or any other Act for the time being in force, the Governor at the same time or at any other time thereafter, may, by proclamation, appoint a jury district for the Circuit Court of such Circuit District and may define the boundaries of such jury district.

Governor may appoint jury districts for new Local Courts.

1, 1862, s. 21.

20. Whenever any Local Court with full jurisdiction is proclaimed after the commencement of this Act, the Governor may at the same time, or at any time thereafter, by proclamation appoint a jury

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jury district for such Local Court, and may define the boundaries of such jury district.

21. (1) The Governor whenever, from time to time, he may think fit, may, by proclamation, alter any of the boundaries of any jury district. Governor may alter jury districts.

(2) After any such alteration the provisions of this Act shall apply to such altered jury district in the same manner as if such altered boundaries had been in existence at the commencement of this Act.

PART III.

PART III.

COMPILATION, REVISION, AND ALLOWANCE OF JURY LISTS.

22. (1) The year nineteen hundred and eighteen and every third year thereafter, ending on the thirty-first day of December shall be compilation years: Compilation years. Provided nevertheless that the Governor may, by proclamation, direct that any other year ending on the said date shall be a compilation year in addition to, or in lieu of, any year or years herein declared to be compilation years, and any year so proclaimed shall be deemed a compilation year for the purposes of this Act in all respects as if it had been a compilation year prescribed by this Act.

(2) Whenever any year is so proclaimed to be a compilation year, the third year thereafter ending on thirty-first day of December, and every subsequent third year ending on the said date shall, unless the Governor shall, by proclamation, otherwise direct, be compilation years.

23. For the purpose of preparing Jurors Books containing the names of persons qualified and liable to serve as jurors, the Sheriff shall on or before the first Monday in August in every compilation year, issue a precept according to the form in the Fourth Schedule addressed to each respective Clerk of a Municipality or District which or part whereof is within the boundaries of any jury district calling upon such Clerk on or before the first Monday in September then next, to make out a list in the form set forth in the Fourth Schedule of the Christian names and surnames of all men qualified and liable to serve as jurors who—

Sheriff to issue precept to Clerks of Municipalities and Districts.
1, 1862, s. 9.
Fourth Schedule.

- (a) reside within the boundaries of such Municipality or District or part thereof as aforesaid, and
- (b) appear on the rate or assessment books as being assessed as owners or occupiers of lands or tenements of the yearly value of not less than Twenty Pounds sterling.

24. Such

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Clerk to obey precept.
Ibid.

24. Such Clerk shall obey the precept, and shall subscribe such list with a declaration to be made before a Justice, that to the best of the knowledge and belief of such Clerk, the same contains the names and additions of all persons as aforesaid, liable to serve as jurors, and qualified according to the provisions of this Act.

Commissioner of Police to cause certain lists to be made.

Ibid., s. 10.

25. The Commissioner of Police, or such other person as the Governor may appoint, shall cause to be made out on or before the first Monday in September in every compilation year lists of the Christian names and surnames of all men qualified and liable to serve as jurors who—

I. reside within a jury district, and

II. do not reside within the boundaries of any Municipality or District, and

III. own or occupy lands or tenements in the said State of the yearly value of not less than Twenty Pounds sterling.

Requirements of Fourth Schedule to apply to such lists.

Ibid.

26. The requirements contained in the Fourth Schedule with reference to the formation of lists, the times of making out the same, the form of return, declaration thereto, times and mode of exhibit, and revision shall be applicable to all lists made out under section 25.

Questions may be asked and inspection of documents had.

Vic., 2674, 1915, s. 29.

27. Any compiler may put to any person such questions as may be useful for preparing or revising the lists aforesaid, and may also inspect and make extracts from any book or document within any jury district relating to rates or assessments.

Sheriff to give notice of time and place for inspection and revision of lists.

1, 1862, s. 11.

28. During the last week in August in every compilation year the Sheriff shall give public notification by advertisement published in the *Government Gazette*

(a) of the times and places at which the lists prepared as herein directed may be inspected, and

(b) of the times and places of the sitting of the Local Courts of Full Jurisdiction whereat such lists shall be revised.

Lists to be open for inspection.

Ibid.

29. Every original list, or a true copy thereof, shall be kept open for public inspection at the office of the compiler during the first three weeks after the first Monday in September in every compilation year, and the public shall have access to such list, or copy thereof, at any reasonable time during such period without fee.

Local Courts of Full Jurisdiction to revise lists.

Cf. *ibid.*, s. 12.

30. The Local Courts of Full Jurisdiction at their respective first sittings held after the thirtieth day of September in every compilation year shall revise such lists as are produced to them for that purpose as hereinafter provided.

Revision of lists for jury district for Supreme Court by Local Court of Adelaide.

31. The Local Court of Adelaide shall revise all lists compiled in respect of Municipalities, Districts, or other areas which are within the jury district for the Supreme Court.

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32. The Local Courts of towns whereat sittings of Circuit Courts are held, shall respectively revise all lists compiled in respect of Municipalities, Districts, or other areas which are within the respective jury districts for such Circuit Courts.

Revision of lists for jury districts for Circuit Courts.

33. Subject to sections 31 and 32, lists shall respectively be revised by the Local Courts to which is annexed the jury district which includes the Municipalities, Districts, or other areas in respect of which such lists are compiled.

Revision of other lists.

Cf. *ibid.*

34. If any Municipality, District, or other area in respect whereof a list or lists is or are compiled is included in the jury district for more than one Court, the Sheriff shall appoint one of the Local Courts, which pursuant to this Act would be entitled thereto, to revise such list or lists, and the advertisement mentioned in section 28 shall be sufficient notice of such appointment, and the list or lists compiled in respect of such Municipality, District, or other area shall be revised by the Local Court so appointed.

Revision of list for a Municipality or District included in more than one jury district.

35. The compilers shall, at the proper time, respectively attend at the proper Local Courts of Full Jurisdiction, and shall produce the lists prepared and verified as hereinbefore directed, and also all rate and assessment books from which such lists have been prepared, and shall answer on oath such questions as the Court may put to them touching the said lists.

Compilers to attend Local Courts on revision of lists.

Cf. *ibid.*

36. The respective Local Courts of Full Jurisdiction shall examine such lists *seriatim* and if—

Duties of Courts on revision of lists.

Cf. *ibid.*

(a) the name of any person not qualified or liable to serve as a juror or exempt from serving has been inserted therein, or

(b) a name which ought to have been inserted has been omitted therefrom, or

(c) the addition of any person has been erroneously described, or

(d) any other error or misdescription has been made therein,

the Court, if satisfied as to the facts either by proof, or upon knowledge of any member thereof, may, whether the person interested is present or not, strike out, or insert such name, or correct any such error, omission, or misdescription.

37. Every such Local Court of Full Jurisdiction shall have as regards compelling attendance of witnesses evidence and adjournment and all other proceedings all the powers which may be exercised by it in its ordinary jurisdiction.

Powers of Courts on revision of lists.

Victoria 2674, 1915, s. 31.

38. When every such list has been duly revised at such sittings, or at any adjournment thereof, it shall be allowed by the Special Magistrate and Justices, or the majority of them present, who shall sign the same with their allowance thereof.

Allowance of lists.

1, 1862, s. 12.

39. If

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If Court not fully constituted those present to act.

Ibid.

39. If a Special Magistrate or a sufficient number of Justices to form a Local Court of Full Jurisdiction do not attend, then such lists shall be revised by such one or more of them, the said Special Magistrate and Justices, as is, or are in attendance at the time and place for holding such Court.

Persons may claim to be entered as special jurors.

Ibid. s. 13.

40. (1) Any man whose name is inserted in any jury list, and who is owner or occupier of lands or tenements within the said State sufficient to qualify him as a special juror, may make application to the Local Court, whereat such list is being revised, to have his name entered therein as a special juror.

(2) The said Court, being satisfied on oath that the person applying is duly qualified, shall write the words "special juror" against his name on such list, and duly initial and allow the same.

Revised lists to be forwarded to Sheriff.

Ibid. s. 14.

41. When any list has been duly revised and allowed as aforesaid, the person producing such list shall forthwith transmit the same to the Sheriff, who shall keep the same among the records of his office.

Sheriff may amend lists.

New.

42. If in respect of any jury district more than one list is forwarded to the Sheriff as aforesaid, and the same name is entered in more than one of such lists, the Sheriff, if satisfied that such name refers to one and the same person, shall amend such lists by striking out such name from every such list wherein it appears except one.

How amendments to be made.

N.Z. 90, 1908, s. 26.

43. In exercising such power of amendment, the Sheriff may act on his own knowledge, or on such evidence as he deems satisfactory, and every such amendment shall be initialled and dated by the Sheriff when making the same.

PART IV.

PART IV.

JURORS BOOKS, BOXES, AND CARDS.

Sheriff to provide Jurors Books.

Cf. 1, 1862, s. 14.

44. The Sheriff shall provide a book for each jury district to be called the Jurors Book for the Court to which such jury district is annexed.

Preparation of Jurors Books.

Cf. *ibid.*

45. The Sheriff shall before the thirty-first day of December in every compilation year, in the order hereinafter directed, fairly and truly copy into the Jurors Book for the respective Courts the names and additions of all men appearing in the lists forwarded to him as aforesaid to be resident within the jury districts for which such Jurors Books are respectively provided and qualified and liable to serve as common jurors.

46. The

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46. The names hereinbefore directed to be copied into the respective Jurors Books shall be entered therein in alphabetical order: Provided that in any case where it is necessary to copy the names appearing in more lists than one into any one Jurors Book, the Sheriff shall take such lists in alphabetical order of the names of the Municipalities, Districts, or other areas in respect whereof they were compiled, and enter the names in each such list in alphabetical order.

Names to be entered in alphabetical order.

Cf. *ibid.*

Cf. Victoria 2674, 1915, s. 33.

47. If any compiler fails to forward to the Sheriff a jury list in respect of any Municipality, District, or other area, revised and allowed as aforesaid, within the time hereinbefore prescribed, the Sheriff shall, if he deems it necessary for the purpose of completing any Jurors Book within the time hereinbefore prescribed, copy from the last previous jury list compiled in respect of such Municipality, District, or other area into such Jurors Book in the manner and order hereinbefore directed, the names and additions of all men appearing in such list to be resident within the jury district for which such Jurors Book is provided and qualified and liable to serve as common jurors.

If no jury list forwarded, Sheriff may resort to previous list.

New.

48. The Sheriff shall prefix to every name appearing in the respective Jurors Books for the Supreme Court and every Circuit Court its proper number, beginning the numbers from the first name in each such Jurors Book, and continuing them in regular arithmetical series down to the last name.

Names to be numbered.

Cf. N.Z. 90, 1908, s. 40.

49. The Sheriff shall also write against the name of any man appearing in any Jurors Book to be qualified and liable to serve as a special juror the words "special juror."

Special jurors.

50. All men whose names appear in any Jurors Book prepared under this Act shall subject to the provisions of section 14 be qualified and liable to serve as common jurors at the Court to which such Jurors Book relates.

Men whose names appear in Jurors Books to serve as jurors.

Cf. *ibid.*, s. 41.

51. Prior to the thirty-first day of December in every compilation year, the Sheriff shall extract from the Jurors Books for the Supreme Court and each Circuit Court, separate lists of the names of all men against which are written the words "special juror" as herein provided.

Special Jurors Lists.

Cf. 1, 1862, s. 20.

52. Such lists shall set forth in the order in which they appear in the respective Jurors Books, the names of such special jurors together with their respective additions, and shall respectively be called the "Special Jurors Lists" for the Courts to which they relate.

Names to be in alphabetical order.

Cf. *ibid.*

53. The Sheriff shall prefix to every name appearing in the respective Special Jurors Lists its proper number, beginning the numbers from the first name in each such Special Jurors List, and continuing them in regular arithmetical series down to the last name.

Names to be numbered.

Cf. *ibid.*

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Men whose names appear in Special Jurors Lists to serve as special jurors.

Cf. N.Z. 90, 1908, s. 37.

Special jurors for Local Courts.

54. (1) All men whose names appear in any Special Jurors List prepared under this Act, shall, subject to the provisions of section 14, be qualified and liable to serve as special jurors at the Court to which such list relates.

(2) All men whose names appear in the Jurors Book for any Local Court prepared under this Act, against which are written the words "special juror" as hereinbefore provided shall, subject to the provisions of section 14, be qualified and liable to serve as special jurors at the Local Court to which such Jurors Book relates.

Sheriff may amend Jurors Books and Special Jurors Lists.

Cf. *ibid.*, s. 26.

55. The Sheriff may from time to time amend any Jurors Book or Special Jurors List in his custody, by striking out the name of any person who—

(a) is dead, or

(b) has gone to reside out of the jury district in respect of which such Jurors Book or Special Jurors List was compiled, or

(c) is over the age of sixty-five years, or

(d) is otherwise absolutely exempted or disqualified from service as a juror.

The same where same name entered more than once.

New.

56. If in any one Jurors Book or Special Jurors List the same name is entered in more places than one, the Sheriff, if satisfied that the said name refers to one and the same person, shall amend such Jurors Book or Special Jurors List by striking out the said name wherever it is entered beyond the first place.

How amendments to be made.

Ibid.

57. In exercising the power of amendment given to him by sections 55 and 56 the Sheriff may act on his own knowledge, or on such evidence as he deems satisfactory, and every such amendment shall be initialled and dated by the Sheriff when making the same.

Boxes for jurors' cards.

Cf. *ibid.*, s. 32.

Victoria 2674, 1915, s. 35.

58. (1) The Sheriff shall for the Supreme Court and each Circuit Court provide four suitable boxes to be used as herein directed.

(2) Such boxes shall be marked with the names of the Courts for which they have been respectively provided.

Inscriptions thereon.

Cf. *ibid.*

59. The several boxes in each set of four so provided shall respectively be labelled by the Sheriff with the words "Common Jurors in Use," "Common Jurors in Reserve," "Special Jurors in Use," and "Special Jurors in Reserve."

Numbers on cards.

Cf. *ibid.*, s. 36.

Cf. N.Z. 90, 1908, ss. 40, 41.

60. Under the direction of the Sheriff the several numbers contained in the respective Jurors Books for the Supreme Court and Circuit Courts shall be printed or written upon separate cards of paper or cardboard of the same size and shape and having thereon respectively the names of the Courts for which such Jurors Books

are

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are respectively provided, and the word "Common" and the resulting groups of cards forming regular arithmetical series corresponding to the numbers in the respective Jurors Books shall respectively be placed in the boxes marked with the names of the Courts to which such Jurors Books respectively relate and labelled "Common Jurors in Use."

61. Under the direction of the Sheriff the several numbers contained in the said respective Special Jurors Lists shall be printed or written upon separate cards of paper or cardboard of the same size and shape and having thereon respectively the names of the Courts to which such Special Jurors Lists respectively relate and the word "Special" and the resulting groups of cards forming regular arithmetical series corresponding to the numbers in such respective Special Jurors Lists shall respectively be placed in the boxes marked with the names of the Courts to which such Special Jurors Lists respectively relate and labelled "Special Jurors in Use."

Special Jurors cards.

Cf. Victoria 2674,
1915, s. 36.

N.Z. 90, 1908, ss.
36, 37.

62. (1) When the respective groups of cards have been placed in their proper boxes, as provided by sections 60 and 61, the Sheriff shall lock the said boxes and keep the keys so that no person shall have access thereto except as hereinafter provided.

Sheriff to keep boxes
locked.

Cf. Victoria 2674,
1915, s. 36.

(2) If at any time any of the said cards are lost the Sheriff shall replace them within five days after discovery of such loss.

63. Every Jurors Book for a Local Court prepared as hereinbefore directed shall be forwarded by the Sheriff prior to the thirty-first day of December in every compilation year to the Clerk of the Local Court to which the same relates, and shall be subscribed with a declaration by the Sheriff that to the best of his knowledge and belief such Jurors Book contains the names and additions of all persons liable to serve on juries at such Local Court.

Jurors Books for
Local Courts to be
forwarded to Clerks.

Cf. 1, 1862, s. 17.

64. Every Jurors Book and Special Jurors List shall be brought into use on the first day of January next after the compilation year in which the same are prepared and shall remain in use for three years then next following or such other period as the Governor may by proclamation direct.

Time at which Jurors
Books brought into
use.

65. If at any time it is found that no Jurors Book or Special Jurors List has been made out for the current period for any Court, the Jurors Book or Special Jurors List for the preceding period shall be deemed the proper Book or List.

Previous periods
Books to be used
where no Books made
out.

6, Geo. iv., c. 50, s.
14.

Cf. N.Z. 90, 1908, s.
50.

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PART V.

PART V.

JURY LISTS AND BOOKS FOR NEW COURTS.

Jury Lists for new Courts.

Cf. *ibid.*, ss. 47, 48, 49.

Victoria 2674, 1915, s. 38.

66. Whenever pursuant to the provisions hereof any new jury district is appointed, the Sheriff and Clerks of all Municipalities and Districts within such jury district, and the Commissioner of Police, or other person as mentioned in section 25 and the proper Local Court of Full Jurisdiction shall, in manner hereinbefore provided, at and within such time as the Governor by proclamation directs, do and perform with respect to such jury district, all such acts, matters, and things in and towards preparing, revising, allowing, sending, and transmitting the lists of men qualified and liable to serve as jurors, and in and towards preparing a Jurors Book and Special Jurors List for such jury district as are herein required ordinarily to be done and performed by such persons or Court with respect to a jury district.

Jurors Books to be brought into use immediately.

Ibid.

67. The Jurors Book and Special Jurors List (if any) prepared as last mentioned shall be brought into use, and the persons whose names appear therein shall, subject to the provisions of section 14, be qualified and liable to serve immediately after such Book and List (if any) have been so prepared, and the said Book and List (if any) shall be used until a new Book and List (if any) have been prepared and come into use under the provisions hereinbefore contained.

PART VI.

PART VI.

PANEL AND SUMMONING OF JURORS.

Precept for common jurors.

Cf. 1, 1832, s. 27.

68. Whenever common jurors are required for any inquest or inquests in the Supreme Court or any Circuit Court, the Supreme Court, or the Judge authorised to hold such Circuit Court (as the case may require), shall issue a precept to the Sheriff commanding him to summon a sufficient number of common jurors to attend on such inquest or inquests.

Precept may direct jurors to be summoned in two sets.

Ibid.

69. It shall be lawful for the said Court or Judge, if it or he see fit so to do, to direct by such precept that the jurors to be summoned in obedience to it, shall be divided into two sets as nearly as may be of equal numbers, one whereof shall be summoned to attend on and from a certain day in the sittings therein mentioned, and the other on and from a certain other day therein mentioned, and such jurors shall accordingly be summoned and returned in two separate panels, each as nearly as may be, of equal numbers.

Delivery of precept to Sheriff.

Fifth Schedule.

70. Such precept shall be in such one of the forms in the Fifth Schedule as is applicable to the case, and shall be delivered to the Sheriff at least fourteen clear days before it is returnable.

71. Upon

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71. Upon receipt of such precept, the Sheriff shall by notice affixed in his office, appoint the time and place at which he will proceed to draw the names of persons to be summoned as common jurors, and at the time and place so named, and in the presence of all persons who may choose to attend, shall cause the appropriate box labelled "Common Jurors in Use" to be turned for a convenient time, and shall then draw out of that box as many cards as are equal to the number of jurors to whom summonses are intended to be issued.

Balloting for common jurors.

Cf. N.Z. 90, 1908, s. 66.
Victoria 2674, 1915, s. 51.

72. As each card is drawn, the Sheriff shall refer to the corresponding number in the appropriate Jurors Book, and read aloud the name of the juror designated by such number, and write or cause to be written the number and name with the occupation or calling, and place of residence of such juror, on a panel to be signed by him, and shall keep the cards so drawn out until the precept is returnable.

Entry on panel.

Ibid.

N.Z. 90, 1908, s. 68.

73. The Sheriff shall return to the box the card bearing the number of any common juror whose name appears in the jury panel and who does not attend, and shall put the residue, or if every such common juror attends as aforesaid, the whole of the cards, into the proper box labelled "Common Jurors in Reserve," there to remain until the remaining cards in the box labelled "Common Jurors in Use" have been drawn out, then to be returned to such box for the purpose of being again used in manner hereinbefore described.

Cards of jurors who do not attend to be returned to box marked "Common Jurors in Use."

Ibid., s. 69.

Victoria 2674, 1915, s. 52.

74. If after a card bearing the number of any common juror has been drawn from any box labelled "Common Jurors in Use," and before all the remaining cards in such box have been drawn out as hereinbefore directed, such common juror is summoned to attend as common juror at a subsequent inquest to be held at the Court for which such box has been provided, the Sheriff, upon being satisfied that such person duly attended as common juror at the inquest or inquests for the purposes whereof the card bearing his number was first drawn as aforesaid, may excuse such common juror from attending at such subsequent inquest.

Provision where juror summoned again before other jurors have served.

New.

75. The Supreme Court, or a Judge thereof, may by rule or order direct that any particular inquest before the Supreme Court or a Circuit Court be held by a special jury upon such terms as may seem fit.

Court may direct trial by special jury.

1, 1862, s. 39.

76. Whenever a civil or criminal inquest is directed to be held by a special jury of twelve men, the Supreme Court or the Judge authorised to hold a Circuit Court (as the case may require), shall issue a special precept to the Sheriff commanding him to summon not less than eighteen special jurors to attend on such inquest.

Precept for special jurors.

Cf. N.Z. 90, 1908, s. 73.

77. The precept shall be in the form in the Fifth Schedule, applicable to the case, and shall be intituled in the cause or prosecution (as the case may be), and be delivered to the Sheriff ten clear

Form Fifth Schedule.

Ibid., s. 74.

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clear days at least before the same is returnable, or such other time as is fixed by any general rule or order.

Striking special jury.

Ibid., s. 75.

1, 1862, s. 39.

78. On receipt of a precept commanding him to summon special jurors for any inquest, the Sheriff shall by notice affixed in his office, appoint a time and place for striking such jury, and shall in the presence of the parties or their solicitors if they choose to attend on reasonable notice, cause the appropriate box labelled "Special Jurors in Use" to be turned for a convenient time, and shall then draw out of that box thirty cards one after the other, and shall as each card is drawn, refer to the corresponding number in the Special Jurors List, and read aloud the name designated by such number.

Delivery of lists of names of special jurors drawn.

Ibid.

79. When such thirty cards have been drawn, the Sheriff shall prepare two lists of the men's names with the numbers as they are written in the Special Jurors List, and shall deliver one list to the plaintiff or prosecutor or his solicitor, and the other to the defendant or his solicitor.

Reduction of the lists.

Ibid.

80. At a time to be appointed by the Sheriff, the said names shall be reduced to eighteen by the plaintiff or prosecutor or his solicitor and the defendant or his solicitor each striking out at his discretion six different names from his copy of the said list in the presence of the Sheriff or his Deputy.

Sheriff may strike out for absent party.

Ibid.

81. The Sheriff or his Deputy in the absence of either party or his solicitor, and on proof being made that such absent party has been duly served with a notice of the appointment, may strike out the names on his behalf.

Panel.

Ibid.

Cf. N.Z. 90, 1908, s. 79.

82. The Sheriff shall, when the said list has been reduced to the names of eighteen jurors as herein provided, prepare a panel containing the names of such jurors with their respective callings or occupations and places of residence and with the numbers thereof as appearing in the Special Jurors List, and shall sign such panel.

Jurors to be drawn from panel.

Ibid., s. 80.

83. The jurors in the said panel shall be the ones from which the jury for the said inquest shall be drawn as hereinafter provided.

Disposal of the cards of special jurors.

84. When the panel has been signed as aforesaid, the Sheriff shall—

(a) return the twelve cards bearing the numbers of the jurors whose names have been struck out, as hereinbefore provided, into the box from which they were drawn, and

(b) keep the cards bearing the numbers of the eighteen jurors whose names appear on the said panel until after the precept is returnable.

Provisions relating to disposal of common jurors cards to apply to special jurors cards *mutatis mutandis*.

85. The provisions of sections 73 and 74 relating to common jurors and the cards bearing their numbers shall, *mutatis mutandis*, be applicable to special jurors and the cards bearing their numbers, and

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and accordingly for this purpose the said sections shall be read as if the words "special juror," "Special Jurors in Reserve," and "Special Jurors in Use," had respectively been inserted therein in lieu of the words "common juror," "Common Jurors in Reserve," and "Common Jurors in Use."

86. The Sheriff shall summon the men whose names appear on such special jury panel to attend at the time and place appointed for holding such inquest in the form and manner herein prescribed for summoning common jurors.

Summoning special jurors.

Ibid., s. 78.

87. If for any inquest the whole number of special jurors cannot be obtained from the Special Jurors List, then such a number of names from the Jurors Book for the same jury district in addition to those already taken from the Special Jurors List as is required to make up the proper number shall be taken in the same manner as is herein prescribed with reference to special jurors, and the last-mentioned names shall in such case be deemed and taken to be those of special jurors.

If enough special jurors not obtainable from Special Jurors List, Jurors Book to be resorted to.

Ibid., s. 81.

88. If the inquest is to be had by a special jury of six, then sections 76 to 87 inclusive shall apply to the same, the words nine being substituted for eighteen, fifteen for thirty, three for six, and six for twelve.

Special jury of six.

Cf. ibid., s. 83.

89. The Sheriff shall cause a summons in the form of the Sixth Schedule to be issued to every juror whose name is on a common or special jury panel completed as hereinbefore provided.

Summoning jurors.

Sixth Schedule.

1, 1862, s. 27.

90. Every such summons shall be served by a member of the Police Force, four clear days at least before the day on which the juror is required to attend, and shall be delivered to the respective jurors personally, or in case a juror be absent from his usual place of abode, shall be left with some person there dwelling.

Time and mode of service.

Cf. ibid.

91. The Sheriff shall cause a copy of every panel of jurors who have been summoned to be kept in his office for four clear days at least before the precept is returnable.

Sheriff to keep copy of jury panel in his office.

Cf. ibid.

92. The parties to any inquest, and their respective solicitors, shall be at liberty to inspect such copy without fee or reward.

Parties may inspect such copy.

Cf. ibid.

93. The Sheriff shall upon demand of any party or his solicitor or agent give to such party or his solicitor or agent a copy of the panel of jurors returned, on payment of a sum not exceeding One Shilling.

Sheriff to supply copy on demand of a party.

Cf. ibid., s. 31.

94. The Sheriff shall cause a copy of every panel of jurors summoned for a criminal inquest to be suspended in some conspicuous part of the Common Gaol nearest to the place where such criminal inquest is to be held for at least four clear days before the precept is returnable.

Copy of panel for criminal inquest to be suspended in Common Gaol.

Ibid., s. 27.

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PROCEEDINGS UPON TRIAL.

Sheriff to return precept with panel and cards.

Cf. *ibid.*, ss. 28, 29.
N.Z. 90, 1908, s. 100.

95. Upon the day, or (in case jurors have been summoned in two separate panels as provided in section 69), upon the respective days, and at the place named in the jury precept for the attendance of the jurors, the Sheriff shall in the open court—

(a) annex a panel signed by him containing the names of the jurors summoned to attend on that day, or on such respective days, to the said precept, and shall thereupon deliver the said precept with such annexure to the proper officer, and

(b) immediately after such delivery furnish to the same officer the names of the jurors summoned to attend on such day, or on such respective days, with their respective occupations or callings and places of residence written upon separate cards of paper or cardboard all as nearly as may be of equal size and shape.

Cards to be put into ballot-box.

1, 1862, s. 29.

96. Such officer upon receipt of the said cards as aforesaid shall in open court put the same together into a ballot-box to be provided for that purpose, and shall keep the same to be used as hereinafter provided.

Jurors to be sworn.

Ibid., s. 28.

Seventh Schedule.

97. The proper officer on delivery to him of the panel shall in open court call aloud the names of the jurors written thereon one after another, and such of the said jurors as shall then or at any time thereafter answer to their names shall be sworn in open court in such one of the forms contained in the Seventh Schedule as may be applicable to the case, and being once sworn shall not need to be re-sworn in each inquest unless they that sue for the King, or any of the parties, or the Court so require.

Entry of swearing on panel.

98. As each juror is sworn the proper officer shall make a minute thereof in the panel.

Balloting at trial.

Cf. *ibid.*, s. 29.

99. On any inquest the proper officer shall in open court draw out of the ballot-box one after the other a number of cards equal to the number of jurors required to constitute the jury, and if any of the men whose names are so drawn do not appear or are challenged and set aside, then such further number shall be drawn until the full number of jurors are drawn and appear after all just causes of challenge are allowed.

Jury to try.

Ibid.

100. The full number of jurors so first drawn and appearing as aforesaid shall be the jury to try the issues on the inquest.

Names of common jury kept apart until verdict recorded or jury discharged and then returned to box.

101. Where the jury is a common jury, the card bearing the name of any juror who has been called but not impannelled for the inquest, shall immediately after the full number of jurors required

has

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has appeared and been approved, be returned to the ballot-box, and the cards bearing the names of the men impannelled shall be kept apart by themselves until such jury has given its verdict and the same has been recorded, or until such jury is discharged by consent of the parties, or by leave of the Court, and then (subject to the provisions of section 113) the same cards shall be returned to the box to be kept with the other undrawn cards, and so *toties quoties* as long as any inquest remains to be taken.

Cf. Victoria 2674,
1915, s. 79.

1, 1862, s. 29.

102. If any issue is brought on to be tried in any Court before a common jury in any other issue has brought in its verdict or been discharged, the Court may order a sufficient number of the residue of the said cards not containing the names of the said jury to be drawn in manner aforesaid for the trial of the issue which is so brought on to be tried.

Proceedings with new
jury where one jury
has retired.

Ibid.

103. Where no objection is made on behalf of any party, the Court may try any issue with the same common jury that has previously tried or been drawn to try any other issue, without their names being returned to the box and redrawn.

Same jury may try
several issues if no
objection by parties.

Ibid.

104. The Court may order the names of any men on such last-mentioned jury whom both parties consent to withdraw, or who may be justly challenged, or excused by the Court, to be set aside, and other names to be drawn from the box, and may try the issue with the residue of such original jury, and with such men whose names are so drawn, and who appear and are approved as jurors, and so *toties quoties* as long as any issue remains to be tried.

Certain members of a
previous jury may be
retained and other
new ones drawn to
act with them.

Ibid.

105. If any person called as a juror for any inquest refuses, or is unwilling to be sworn, it shall be lawful for the Court, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his solemn affirmation in the words contained in the Eighth Schedule, which solemn affirmation shall be of the same force and effect as if such person had taken an oath in the usual form.

Affirmations.

Ibid., s. 34.

Eighth Schedule.

106. In any *postea* inquisition or other legal proceeding, it shall not be necessary to specify that any particular jurors made affirmation instead of oath, but it shall be sufficient to state that the jurors served and acted in the same manner as if no Act had been passed for enabling persons to serve as jurors without oath.

Mode of pleading
affirmation in lieu of
oath.

Ibid.

107. Jurors after having been sworn, may, in the discretion of the Judge, be allowed at any time before giving their verdict, the use of a fire when out of Court, and be allowed reasonable refreshment to be provided by the Sheriff at the public expense.

Jurors may be
allowed fire and
refreshment.

N.Z. 90, 1908,
s. 155.

Cf. Imp. Act, 33 and
34. Vict. c. 77, s. 23.

108. Upon the trial of any person for a felony other than murder, treason, or treason felony, the Court may, if it see fit, at any time before the jury consider their verdict, permit the jury to separate in

Court may permit
jury to separate in
certain cases.

891, 1905, s. 2.

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the same way as the jury upon the trial of any person for misdemeanour are now permitted to separate.

Trial may be continued notwithstanding that the jury may be reduced in number.
Cf. Victoria, 2674, 1915, s. 76.

109. In the event of the death or illness of any juror during any inquest, civil or criminal, except for a capital offence, the presiding judge shall have power, if he thinks fit, to direct that the inquest shall proceed with a number reduced in no case to less than five-sixths of the jurors originally impanelled, and the verdict of such remaining jurors, or, in case such inquest is a civil inquest, of so many thereof as, under section 111 constitute the proportion of the number of jurors originally impanelled whose decision shall be taken as the verdict of all, shall be a sufficient verdict, provided in the last-mentioned case, that the jurors have remained in deliberation for at least three hours.

Jury in criminal inquest may be discharged if unable to agree after four hours.
Vict. 2674, 1915, s. 82.

110. Where a jury in any criminal inquest has retired to consider its verdict, and remained in deliberation for at least four hours, and is then unable to agree upon its verdict, it may be discharged from giving a verdict.

In civil inquests verdict of three-fourths or five-sixths to be taken as verdict of all if not unanimous after three hours.

111. In civil inquests in the Supreme Court or any Circuit Court, where all the jurors after three hours' deliberation are unable to agree upon their verdict, the decision of three-fourths in the case of a jury of twelve, or of five-sixths in the case of a jury of six, shall be taken as the verdict of all; and if after four hours' deliberation three-fourths or five-sixths (as the case may be), are unable to agree upon their verdict, the jury may be discharged from giving a verdict.

Ibid.

Fresh proceedings may be taken.

112. Whenever pursuant to section 110 or 111 a jury is discharged from giving a verdict, such proceedings may thereupon be taken anew as if no inquest had been commenced before the jury so discharged.

Ibid.

Court may order another inquest.

113. If at the time of such discharge the Court thinks proper so to order, another inquest may forthwith, or at some other time during the same or some future sittings, be commenced and proceeded with, as if such first-mentioned inquest had not been commenced; but no member of the jury so discharged shall be qualified to serve as juror on such other inquest, and if such other inquest is held during the same sittings, the cards bearing the names of the members of the jury so discharged shall be withheld from the ballot box whilst the jury for such other inquest is being drawn.

Ibid.

N.Z. 90, 1908, s. 154

PART VIII.

PART VIII.

CHALLENGE, AND TALES.

Challenge in inquests by common jury.

Cf., 1, 1862, s. 30.
Victoria 2674, 1915, s. 70.

114. In all inquests by a common jury in the Supreme Court or any Circuit Court, each party may challenge peremptorily a number equal to one-half of the jury.

115. In

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PART VIII.

115. In all inquests in which the King is a party there shall be the same right of challenge in behalf of the King as any prisoner or party possesses under this Act.

Right of challenge for King.

N.Z. 90, 1908, s. 120.

116. Every peremptory challenge above the numbers herein allowed shall be void and the inquest shall proceed as if no such challenge had been made.

Peremptory challenges above numbers allowed void.

Ibid., s. 123.

117. Every challenge shall be made as the juror comes to take his seat and before he takes it.

Time for challenging.

Ibid., s. 126.

118. Where several defendants in any civil inquest have pleaded separately, or where several persons charged with the same offence are put on trial together, and such defendants or persons do not consent to join in their challenges, the proper officer of the Court in every such case, shall draw out of the ballot-box a sufficient number of cards to permit each of such several defendants or persons, or each combination of such defendants or persons who consent to challenge jointly, to exercise the right of peremptory challenge to the numbers aforesaid respectively.

Several severing in challenge.

Ibid., s. 124.

Victoria, 2674, 1915, s. 71.

119. If any man returned as a juror for any inquest is not qualified according to this Act, the want of such qualification shall, subject to the next succeeding section, be good cause of challenge, and he shall be discharged upon such challenge if the Court is satisfied of the fact.

Want of qualification a cause of challenge.

1, 1862, s. 36.

120. If any man returned as a juror for any inquest is qualified in other respects, according to this Act, the want of freehold shall not on the trial, be accepted as good cause of challenge, either by the Crown, or by the party, nor as cause for discharging the man so returned upon his own application.

Want of freehold alone not cause of challenge.

Ibid.

121. Nothing in this Act shall deprive the King or any person of any right of challenge for cause which might have been claimed or exercised immediately prior to the commencement of this Act, save and except that jurors shall be qualified according to this Act.

Challenge for cause not affected.

122. When a sufficient number of jurors summoned to attend the Supreme Court or any Circuit Court are not in attendance, or when by challenge the inquest is likely to remain untaken for want of a full jury, it shall be competent to either party to pray a *tales*, and the Court may then command the Sheriff or his Deputy forthwith to summon as many good and lawful men of the bystanders as shall be sufficient to make up a jury for the inquest, such bystanders being persons qualified and liable to serve as common or special jurors, as the case may require, and the Sheriff shall return such men duly qualified and liable as aforesaid to serve on such jury, and shall add their names and respective occupations or callings and places of residence to the panel, and they shall be deemed to have been returned upon the jury precept, and shall be subject to challenge for cause or peremptorily.

Tales.

Ct. 1, 1862, s. 38.

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Order for view.
1, 1862, s. 42.

Place or property
shown by showers.
Ibid.

Order drawn up
without motion.
Ibid

Deposit of expenses
of view.
Ibid.

Sheriff to deliver
names of viewers.
Ibid.

Sheriff to certify that
view has been had.
Ibid.

Sheriff to deliver
order to proper
officer.
Ibid.

Viewers to be on jury.
Ibid.
6 Geo. IV., c. 50,
s. 24.

Application of money
deposited for expenses
of view.
1, 1862, s. 43.

Ninth Schedule.

PART IX.

VIEW.

123. In any cause, civil or criminal, depending in the Supreme Court, or in any Circuit Court, either party may obtain an order commanding the Sheriff to have a number (to be specified in such order) of the jurors to be impanelled who shall be mutually consented to by the parties, or, if they cannot agree, nominated by the Sheriff, at some place to be named in such order, and at some convenient time before the trial or inquiry.

124. Such jurors then and there shall have the place in question in the cause, or any real or personal property, the view or inspection of which may be material to the proper determination of the question in dispute, shown to them by two persons in such order named, one of whom shall be appointed by each party, and in case either party refuses or neglects to appoint a shower, the Court may appoint one in his stead.

125. Such order may in all cases be drawn up by the proper officer of the Court on the application of either party without any motion for that purpose.

126. The party obtaining such order, shall at the time of delivering the same to the Sheriff deposit with the Sheriff a sum to be fixed by the Sheriff for payment of expenses.

127. The Sheriff shall deliver to either party, on request, the names of the viewers or inspectors.

128. The Sheriff shall certify on the back of the order that the view or inspection has been had, with the names of the viewers or inspectors.

129. On the day of trial the Sheriff shall deliver the said order with the said certificate thereon to the proper officer of the Court for the purpose of such viewers or inspectors being called as jurors on the trial.

130. Where any such view has been had those men who have had the same or such of them, if any, as appear upon the trial, shall be upon the jury, and so many only shall be added to them as, after all defaults and challenges allowed, make up the full number of jurors required.

131. If the sum deposited with the Sheriff is more than sufficient to pay the expenses of the view or inspection the surplus shall be forthwith returned, or if there shall be a deficiency, the same shall be forthwith made up by the party who obtained the order, and the Sheriff shall account for the money deposited, according to the scale in the Ninth Schedule.

132. (1) In

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132. (1) In any civil or criminal inquest the Court may at any time before verdict order a view of any place or property by the jury and may make all such orders upon the Sheriff or other person as it may deem necessary for the purposes of such view, and such view shall be had accordingly.

View during trial.
Cf. Victoria, 2674,
1915, s. 77.

(2) In any civil inquest when such view is ordered, the Court may direct what amount and by whom in the first instance the expenses of such view shall be paid.

PART X.

PART X.

BY WHAT JURIES INQUESTS SHALL BE TAKEN.

133. Every criminal inquest in the Supreme Court or in any Circuit Court, shall be had by a jury of twelve men qualified and liable to serve as jurors as herein provided.

Criminal inquests to
be by jury of twelve.
1, 1862, s. 26.

134. Every civil inquest in the Supreme Court or in any Circuit Court (except where tried without a jury) shall, subject to the next succeeding section, be had by a jury of twelve men qualified and liable as aforesaid.

Civil inquests to be
by jury of twelve
except in actions of
contract.
Ibid.

135. In actions in the Supreme Court or any Circuit Court which are altogether of contract, the jury shall consist of six men qualified and liable as aforesaid: Provided that in actions in such Courts where it is doubtful whether the action is of contract or otherwise, the Court or any Judge thereof may decide whether the jury shall consist of six or twelve; and the Court or any Judge thereof on the application, subject to the Rules of Court made under the Supreme Court Act, 1878, of either party in any action of contract, may order that such action shall be tried by a jury of twelve, if from any reason it shall appear to such Court or Judge desirable to do so.

In actions of contract
jury to be of six.
116, 1878, s. 23.

PART XI.

PART XI.

FEES.

136. (1) In addition to all other fees payable by him, any party to a civil action in the Supreme Court or any Circuit Court who applies for either a common or special jury, shall, at the time of such application, pay to the Sheriff—

Fees payable at time
of application for
jury.
Cf. 923, 1907, s. 2.
Cf. Victoria, 2674,
1915, s. 47.

(a) in case the jury is of six men, the sum of Two Pounds Ten Shillings;

(b) in case the jury is of twelve men, the sum of Five Pounds.

(2) Unless such sum is so paid the action shall proceed as if no such application had been made.

(3) Such

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(3) Such party shall also on the second and every subsequent day of trial of such action, and before the commencement of the hearing on each of such days, pay to the Sheriff the sum of Ten Shillings for every juror impanelled to try such action.

(4) If the sums mentioned in subsection (3) of this section are not paid as therein prescribed the Court or a Judge may, unless the said sums are paid by any other party, discharge the jury and proceed to finish the hearing of the trial and determine the same without a jury, notwithstanding that the same commenced with a jury.

Fees in Matrimonial Causes.

137. (1) Whenever under the Matrimonial Causes Act, 1867, the truth of any questions of fact arising in proceedings under such Act is directed to be tried by a common or special jury, the party who sets the cause down for trial or hearing, shall, at the time of setting the same down, in addition to all other fees payable by him, pay to the Sheriff the sum of Five Pounds.

(2) Such party shall also on the second and every subsequent day of trial, and before the commencement of the hearing on each of such days, pay to the Sheriff the sum of Ten Shillings for every juror impanelled to try the said questions of fact.

(3) If the said respective sums are not paid by such party as herein prescribed, any other party entitled to be heard at the trial or hearing may pay the same, and in default of payment by any party the cause shall not be called on for trial or hearing on any day.

Court may dispense with payment of fees.
923, 1907, s. 3.

138. The Supreme Court or a Judge thereof may, if it or he see fit in any case, upon sufficient cause being shown on affidavit or otherwise to the satisfaction of such Court or Judge, dispense with the payment of the moneys required to be paid by sections 136 and 137.

Court may order fees to be costs in cause.
Ibid. s. 4.

139. Such Court or Judge may order that the fees of the jury be costs in the cause.

Repayment of fees.
Cf. 7, 1865-6, s. 2.

140. If after payment of the moneys by subsection (1) of section 136, or subsection (1) of section 137 required to be paid—

- (a) the said action or questions of fact does or do not proceed to trial by a jury, and no jurors have been summoned, or
- (b) any party, other than the party paying such moneys shall procure the trial to be had by a special jury instead of by the jury in respect of which the said payments were made,

the Court or Judge may, if it or he see fit, order such moneys to be repaid by the Sheriff to the party who paid the same, and thereupon the Sheriff shall repay the same accordingly.

141. The

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PART XI.

141. The party applying for a trial by a special jury shall not on taxation of costs have any further allowance for costs and expenses occasioned by the trial by a special jury than such party would be entitled to in case the trial had been by a common jury unless the Judge before whom the trial is had shall, immediately after the verdict, certify under his hand that the same was a cause in which it was proper to have a special jury.

Costs where trial by special jury.

1, 1862, s. 41.

142. Every juror who has been summoned and who has punctually attended any Court (whether he has actually served or not), and every talesman who has served, shall be entitled to receive compensation at the rates mentioned in the Ninth Schedule, and such compensation shall be paid out of the General Revenue if no fees are contributed by the parties, or to the extent of the insufficiency if the fees contributed are insufficient.

Payment of jurors.

Cf. 1, 1862, s. 45.
511, 1891, s. 1.

Ninth Schedule.

143. No juror, except in cases wherein a view is directed and had by such juror, shall be allowed to take for serving on a jury more than the sums hereby allowed, and in no case shall any juror under any pretence whatever receive any sum by way of remuneration from the parties litigant or any of them.

Jurors not to receive any further remuneration.

Cf. Victoria, 2674, 1915, s. 81.

144. The Sheriff or his Deputy, or other proper officer, shall keep an account of the number of days each juror is called, and answers to such call, and duly attends the Court.

Account of attendance to be kept and jurors paid by the Sheriff.

1, 1862, s. 47.

145. (1) There shall be payable to persons for preparing Jurors Lists and Books and Special Jurors Lists and for attending at Local Courts, on the revision of such Lists, remuneration according to the scale set forth in the Ninth Schedule.

Payment for preparing Jurors Lists and Books.

Cf. 1, 1862, s. 52.
Ninth Schedule.

(2) Such remuneration shall be paid out of the General Revenue by the Treasurer on production of a certificate under the hand of the Sheriff that the said work has been duly performed and that the amount therein mentioned is justly payable.

PART XII.

OFFENCES AND PENALTIES.

PART XIII.

146. Any Court shall in a summary way impose such fine, as is thought fit—

Penalty for non-attendance of jurors, &c.

(a) upon any man who, having been duly summoned to attend as a juror in such Court, does not attend in pursuance of such summons, or, having been thrice called, does not answer to his name, or

Cf. 1, 1862, s. 48.

Victoria, 2674, 1915, s. 87.

(b) upon any talesman who, being present and having been called, does not appear, or wilfully withdraws himself from the presence of the Court, or (c) upon

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- (c) upon any man who personates, or attempts to personate, any juror whose name is on any jury panel, for the purpose of sitting as such juror, or
- (d) upon any viewer who, having been duly summoned, makes default and does not attend, or
- (e) upon any juror who receives or takes from any person whomsoever any sum whatever beyond the scale allowed by this Act under pretence of fees or remuneration for attending a trial.

Fines may be remitted upon cause shown.

Cf. Imp. Act, 25 and 26 Vic. c. 107, s. 12.

147. Where a fine has been imposed by any Court upon a man for non-attendance as juror in such Court, it shall not be lawful to levy or enforce the said fine until after the expiration of fourteen days from the imposition thereof; and in the meantime, the proper officer of the Court by which such fine was imposed, shall forthwith, by letter, inform the said man of the imposition of such fine, and require him within eight days after the date of such letter, to forward to him an affidavit of the cause, if any, of his non-attendance; and such officer shall, upon receipt of such affidavit, submit the same to the said Court, or the Judge, or Special Magistrate, who presided at the said Court at the time when such fine was imposed, and the said Court, Judge, or Special Magistrate shall have power to remit such fine.

Offences by Sheriff, etc.

Cf. 1, 1862, s. 49.

Victoria, 2674, 1915, s. 86.

148. The Supreme Court, or Circuit Court in relation to which or to the proceedings whereof the offence is committed, may, in a summary way, impose such fine, not exceeding Fifty Pounds, as is thought fit upon any Sheriff, Deputy Sheriff, Associate, Clerk, or other officer who—

- (a) without lawful excuse causes any alteration, omission, insertion, or misdescription in, or falsely certifies to the correctness of, any Jurors Book or Special Jurors List, or
- (b) wilfully writes or causes to be written in any Jurors Book, or Special Jurors List, the name of any person not qualified to serve as a common or special juror, as the case may be, or
- (c) wilfully omits from any such Jurors Book or Special Jurors List the name of any person qualified as a common or special juror, as the case may be, or
- (d) subtracts or destroys, or by any default or neglect loses, any of the said cards, or
- (e) refuses or neglects, within ten days after the next succeeding Sheriff has been sworn in or entered upon office, to deliver over to him all Jurors Books and Lists that have been made or prepared within six years then next preceding, whether in the time of his shrievalty, or in that of any of his predecessors, or
- (f) excuses

Juries Act.—1917.

PART XII.

- (f) excuses any man from serving, or from being summoned to serve, as a juror, except in the cases herein allowed, or
- (g) summons any juror less than two clear days before the day on which he is to attend, or
- (h) wilfully places upon any panel, or returns any man to serve in any Court as juror, such man's name not being inserted in the Jurors Book or Special Jurors List, as the case may be, for such Court, or
- (i) wilfully records the appearance of any man summoned and returned to serve as a juror who did not really appear, or
- (j) directly or indirectly takes or receives any money or reward, or any promise of or contract for money or reward for excusing, or under pretence of excusing, any man from being summoned to serve or from serving as a juror, or
- (k) omits, or refuses to do, or permit the doing of any act or thing in the manner or at or within the time or interval herein prescribed for the doing thereof.

149. (1) All fines imposed by the Supreme Court or any Circuit Court under section 146 or 148 may be levied and enforced by writ issuing out of the Supreme Court directed to the Sheriff, who at the time appointed by such writ shall duly make a return thereof to the Supreme Court, and shall duly pay into Court all sums levied by him by virtue thereof.

Recovery of
certain fines.
1, 1862, s. 48.

(2) All fines imposed under section 146 by any Local Court may be enforced in the same manner as if such fines were imposed under the authority of The Local Courts Act, 1886.

150. Any compiler who—

- (a) wilfully omits from any list of jurors the name of any man whose name ought to be inserted therein, or
- (b) wilfully inserts therein the name of any man whose name should be omitted, or
- (c) takes any money or reward, or any promise of or contract for money or reward for omitting or inserting any name whatever in any such list except as is herein allowed, or
- (d) wilfully inserts in any such list a wrong description of the name or addition of any man, or
- (e) wilfully omits or refuses to do, or permit the doing, of any act or thing in the manner or at or within the time or interval herein prescribed, or

Offences by
compilers.

Cf. 1, 1862, s. 49.

Imp. Act 6, Geo. 4,
c. 50, s. 45.

Juries Act.—1917.

PART XII.

(f) wilfully omits to comply with the requirements contained in a precept in the form set forth in the Fourth Schedule which has been duly addressed to him by the Sheriff as herein provided,

shall be liable to a penalty not exceeding Fifty Pounds.

Certificate by
convicting
Justices.
Ibid.

151. The Special Magistrate or Justices before whom such offender is convicted of the offence of any such wrongful insertion, omission, or misdescription shall forthwith, in writing under his or their hands, certify the same to the Sheriff.

Correction to be made
by Sheriff.
Ibid.

152. The Sheriff shall thereupon make the necessary correction according to such certificate in any Jurors Book or Special Jurors List in his custody, and shall initial and date the same.

Correction in
Jurors Book of
Local Court.

153. If, in consequence of such wrongful insertion, omission, or mis-description a correction is necessary in the Jurors Book for any Local Court, the Sheriff shall forthwith forward the said certificate to the Clerk of such Local Court, and on receipt thereof the said Clerk shall make such correction or alteration in the Jurors Book for such Local Court as is necessary, according to such certificate, and shall initial and date the same.

Penalty on person
not answering or
refusing inspection
of rates.
Cf. Vic. 2674, 1915,
s. 85.

154. Any person who—

(a) refuses to answer, or does not truly answer, any question lawfully put to him for the purposes of this Act by any compiler, or

(b) having the custody of any rate or assessment book, upon due request made by any compiler, refuses to allow him to inspect the same and make extracts therefrom as hereinbefore authorised,

shall be liable to a penalty not exceeding Ten pounds.

Penalty for
defacing notices.
Ibid., s. 89.

155. Any person who removes or defaces any notice affixed in pursuance or by virtue of the provisions of this Act shall be liable to a penalty not exceeding Five Pounds.

Penalty for corruptly
influencing jurors.
1, 1862, s. 51.

156. Any person guilty of the offence of corruptly influencing or attempting to influence any juror, or consenting thereto, may be punished with fine and imprisonment on conviction before the Supreme Court.

Proceedings for
penalties in certain
cases to be heard
under No. 6 of 1850.

157. (1) Every proceeding under this Act against persons for omissions, defaults, or offences, to which penalties attach shall, except where otherwise provided, be heard and determined in a summary way, by any Special Magistrate or two Justices under the provisions of Ordinance No. 6 of 1850, and the Acts amending the same.

(2) There shall be an appeal in respect of such proceedings, and in the event of such appeal a special case may be stated.

PART

Juries Act.—1917.

PART XIII.

MISCELLANEOUS.

PART XIII.

- 158.** No alien shall be entitled to be tried by a jury *de medietate linguae*, but he shall be triable in the same manner as if he were a natural born subject.
- Jury de medietate linguae abolished.*
N.Z. 90, 1908, s. 140
Cf. 1, 1862, s. 37.
- 159.** No jury *de ventre inspiciendo* shall be impanelled or sworn.
- Jury de ventre inspiciendo abolished.*
Vic. 2674, 1915, s. 92.
- 160.** In case a female upon a capital conviction alleges or there is otherwise reason to suppose that she is pregnant, the Supreme Court or a Judge thereof shall direct that three legally qualified medical practitioners be sworn to inquire whether she is with child of a quick child, and if after due inquiry, which shall be made by personal examination of the female by the practitioners themselves, they or a majority of them report that she is with child of a quick child, such Court or Judge shall stay execution of the sentence until such female is delivered of a child or until in the course of nature such delivery is no longer possible.
- Power to Court to direct enquiry by medical practitioners.
Ibid., s. 93.
- 161.** The powers to make, alter and annul rules conferred by Part V. of the Supreme Court Act, 1878, shall be read as including power to make such rules as may be necessary or convenient for the purpose of carrying into effect the provisions of sections 159 and 160 of this Act, and to alter or annul any such rules.
- Rules of Court.
Ibid., s. 94.
No. 116 of 1878.
- 162.** Trials by jury of causes brought in the Supreme Court or any Circuit Court, whether in civil or criminal proceedings, shall, so far as is not hereby or by any other law for the time being in force in the said State provided for, be subject to the like incidents and rules of proceeding as were attendant and observed on trials by jury before Judges of His Majesty's Superior Courts of Record in England prior to the twenty-ninth day of August, eighteen hundred and sixty-two.
- English practice to apply unless otherwise provided.
1, 1862, s. 25.
- 163.** The Court in which any issue comes on to be tried shall have and exercise the same power and authority it has heretofore had and exercised in issuing any writ or precept, or in making any award or order, orally or otherwise, for the return of a jury for the trial of any issue before such Court, or for amending or enlarging the panel of jurors returned for the trial of any such issue, and the return to every such writ, precept, award, or order shall, subject to the provisions of this Act, be made in manner heretofore used and accustomed in such Court.
- Provision for oral orders.
1, 1862, s. 35.
- 164.** Except as herein expressly provided, nothing in this Act shall affect or alter any of the provisions of the Local Courts Act, 1886, relating to juries and trial by juries in actions in Local Courts.
- Juries in Local Courts.

165. Nothing

PART XIII.

Juries Act.—1917.

Coroners Act not
affected.

1, 1862, s. 53.

165. Nothing herein contained shall alter or affect The Coroners Act, 1884, or any of the laws in force in the said State relating to coroners' inquests.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.

Juries Act.—1917.

SCHEDULES.

FIRST SCHEDULE.
ENACTMENTS REPEALED.

Section 2.

Number of Act.	Title of Act.	Extent of Repeal.
13 of 1858 ..	The Third Judge and District Courts Act....	Secs. 4, 5, 6, and 7
1 of 1862 ..	The Jury Act, 1862.....	The whole
3 of 1865 ..	The Jury Amendment Act, 1865	The whole
7 of 1865-6..	An Act to Amend the Jury Act, 1862	The whole
38 of 1876 ..	The Criminal Law Consolidation Act, 1876..	Secs. 365, 366, and 367 so far as they apply to fines im- posed upon jurors
116 of 1878..	Supreme Court Act, 1878	Sec. 24
379 of 1886..	The Jury Act Amendment Act, 1886	The whole
511 of 1891..	The Criminal Jurors Payment Act	The whole
564 of 1893..	An Act for the Continuance of Certain Juries and for other Purposes	The whole
781 of 1902..	The Jury Act Amendment Act, 1902.....	The whole
878 of 1905..	The Jury Act Amendment Act, 1905.....	The whole
891 of 1905..	The Juries Separation Act, 1905	The whole
923 of 1907..	The Jury Act Further Amendment Act, 1907	The whole
1115 of 1913	The Jury Act Further Amendment Act, 1913	The whole

SECOND SCHEDULE.

PERSONS EXEMPT FROM SERVING AS JURORS.

Section 11.

PART I.

Army, Officers on full pay.
 Banks, Managers and tellers of.
 Barristers-at-law, if actually practising.
 Barristers' clerks.
 Blind persons.
 Clergymen, Roman Catholic Priests, and Ministers of any religious denomination,
 provided they follow no secular occupation except that of schoolmaster.
 Coroners.
 Corporations (municipal), Mayors and Town Clerks of.
 Courts of Justice, Paid Judges of all, including Stipendiary Magistrates.
 Deaf, Persons actually.
 Dentists, Legally qualified, registered, and actually practising.
 District Councils, Clerks of.
 Dumb persons.
 Executive Councillors.
 Fire Brigades, Officers and members of.

Government

Juries Act.—1917.

Government, Persons in the paid and active service of.
 Governor, and officers and servants of the household of.
 House, of Assembly, Members and officers of.
 Legislative Council, Members and officers of.
 Masters, officers, and crews of vessels actually trading.
 Medical Practitioners, Legally qualified, if actually practising.
 Mental defectives.
 Municipal Tramways Trust, Persons in the employ of.
 Navy, Officers on full pay of the.
 Newspapers, Editors, publishers, and reporters of.
 Notaries Public.
 Pharmaceutical Chemists, registered, if actually engaged in business, and persons employed by them in dispensing medicines.
 Pilots, licensed.
 Schools, Masters and teachers of.
 Solicitors, if actually practising.
 Solicitors' clerks.

PART II.

Com. Act, No. 2,
1905.

Governor-General of the Commonwealth.
 Federal Executive Council, Members of.
 Justices of the High Court and of other Courts created by the Commonwealth Parliament.
 Senators.
 House of Representatives, Members of.
 Interstate Commission, Members of.
 Commonwealth Public Service, Officers of.
 Permanent Naval and Military Forces of the Commonwealth, Members of.
 Such other persons as are at any time exempted by any law of the Commonwealth.

THIRD SCHEDULE.

Section 18.

PART I.—JURY DISTRICTS FOR THE SUPREME COURT AND CIRCUIT COURTS.

Name of Court.	Jury District Annexed to such Court.
Supreme Court . .	Cities of Adelaide, Port Adelaide, and Unley; Towns of Brighton, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Saint Peters, and Thebarton; Districts of Burnside, Campbelltown, Crafers, East Torrens, Highercombe, Marion, Mitcham, Payneham, Prospect, Teatree Gully, Walkerville, West Torrens, Woodville, Yatala North, and Yatala South.
Circuit Court, Mount Gambier	Town of Mount Gambier; Districts of Benara, Mount Gambier East, Mount Gambier West, and Port McDonnell.
Circuit Court, Port Augusta	Towns of Davenport, Port Augusta, Port Augusta West, and Quorn; Districts of Kanyaka and Woolundunga.
Circuit Court, Gladstone	Towns of Gladstone and Laura; Districts of Booyoolie, Crystal Brook, Georgetown, Gladstone, and Caltowie.

PART

Juries Act.—1917.

PART II.—JURY DISTRICTS FOR LOCAL COURTS OF FULL JURISDICTION.

Name of Local Court.	Jury District Annexed to such Local Court.
Adelaide	Cities of Adelaide and Unley; Towns of Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Saint Peters, and Thebarton; Districts of Burnside, Payneham, Prospect, Walkerville, and West Torrens.
Angaston	Districts of Angaston and North Rhine.
Balaklava	Districts of Balaklava and Dalkey.
Beltana	Area included within a radius of ten miles around Local Court House.
Bordertown	District of Tatiara.
Carrieton	District of Carrieton.
Clare	Town of Clare; Districts of Clare and Stanley.
Clarendon	District of Clarendon.
Eudunda	Districts of English, Julia, and Neales.
Fowler's Bay....	Area included within a radius of ten miles around Local Court House.
Franklin Harbour	District of Franklin Harbour.
Gawler	Town of Gawler; Districts of Gawler South, Munno Para East, and Mudla Wirra South.
Gladstone	Towns of Laura and Gladstone; Districts of Gladstone and Georgetown.
Gumeracha	Districts of Para Wirra and Talunga.
Hawker	District of Hawker.
Hergott	Area included within a radius of ten miles around Local Court House.
Jamestown	Town of Jamestown; Districts of Belalie and Caltowie.
Kadina	Town of Kadina; District of Kadina.
Kapunda	Town of Kapunda; Districts of Belvidere and Kapunda.
Kingscote	District of Kingscote.
Kingston	District of Lacepede.
Lameroo	Districts of Pinnaroo and Pinnaroo East.
Laura.....	Town of Laura; District of Booyoolie.
Loxton	District of Loxton.
Maitland	Town of Maitland; District of Yorke Peninsula.
Mannum	Districts of Caurnamont and Mannum.
Meningie	District of Meningie.
Millicent	District of Millicent.
Minlaton	District of Minlaton.
Mocnta	Town of Moonta; District of Kadina.
Morgan	District of Morgan.
Mount Barker ..	Districts of Echunga, Mount Barker, and Nairne.
Mount Gambier..	Town of Mount Gambier; Districts of Mount Gambier East and Mount Gambier West,
Mount Remarkable	District of Port Germein.
Murray Bridge .	Districts of Mobilong and Monarto.
Naracoorte	District of Naracoorte.
Normanville	Districts of Rapid Bay and Yankalilla.
Orroroo	District of Orroroo.
Penola	District of Penola.
Petersburg	Town of Petersburg; District of Yongala.
Port Adelaide ..	City of Port Adelaide; Town of Henley and Grange; District of Woodville.
Port Augusta ..	Towns of Davenport, Port Augusta, and Port Augusta West; District of Woolundunga.
Port Broughton .	Districts of Redhill and Mundoora.
Port Elliot	Town of Victor Harbour; Districts of Port Elliot and Encounter Bay.
Port Elliston....	District of Elliston.
Port Lincoln	District of Lincoln.

Juries Act.—1917.

PART II.—JURY DISTRICTS FOR LOCAL COURTS OF FULL JURISDICTION—*continued.*

Name of Local Court.	Jury District Annexed to such Local Court.
Port Pirie	Town of Port Pirie; District of Pirie.
Port Wakefield..	Town of Port Wakefield; District of Port Wakefield.
Port Wallaroo ..	Town of Wallaroo; District of Kadina.
Quorn	Town of Quorn; District of Kanyaka.
Redruth.....	Town of Burra; Districts of Burra, Hanson, and Mount Bryan.
Renmark	Renmark Irrigation Trust No. 1; Renmark Town.
Riverton	Districts of Gilbert, Rhynie, and Saddleworth.
Robe	District of Robe.
Snowtown	District of Snowtown.
Strathalbyn	Town of Strathalbyn; Districts of Strathalbyn, Macclesfield, and Onaunga.
Streaky Bay	District of Streaky Bay.
Tailm Bend....	Districts of Brinkley and Meningie.
Tanunda	Districts of Nuriootpa and Tanunda.
Terowie	District of Terowie.
Two Wells.....	Districts of Munno Para West and Port Gawler.
Willunga	Districts of Aldinga and Willunga.
Wilmington	Districts of Hammond and Port Germein.
Woodside	District of Onkaparinga.
Yorketown	Town of Yorketown; Districts of Dalrymple and Melville.

FOURTH SCHEDULE.

PRECEPT FOR RETURNING LIST OF JURORS.

Section 23.

Jury District for the
 Court } To the Clerk of the District [*or Municipality*] of
 of }
 (to wit).

By virtue of the Juries Act, 1917, you are hereby required to make out, on or before the first Monday in September next, a true list, in writing, in the form hereunto annexed, containing the names of all men, residing within the boundary of the above-named district [*or municipality*], qualified and liable to serve as jurors; and you are hereby required to make out the said list in alphabetical order, and to write the Christian and surname of every man at full length, and the place of his abode, his title, quality, calling, or business, the nature of his qualification, and the yearly value thereof, in the proper columns of and according to the form hereto annexed. In making such list, you are to omit the names of all persons who are exempt from serving as jurors, a list of whom is hereunto annexed.

And when you have made out such list, you are required to sign notices in the form hereunto annexed stating in the proper blanks of such notice the name of the Local Court, and the time and place of the sitting thereof, at which such list will be revised, and to affix one of such notices on the first three Mondays in September next, on the principal door of every Post Office, Police or other Court, and Town Hall or Council Chamber within your district [*or municipality*]. And you must allow any inhabitant of the abovenamed district [*or municipality*] to inspect the same at any reasonable hour during the first three weeks after the first Monday in September next, gratis. And you are also further required to produce the said list at such Local Court, bringing with you the rate and assessment books of your District [*or municipality*] and to answer on oath such questions as shall then and there be put to you touching the said list. And these matters you are in nowise to omit, under liability to a penalty of Fifty Pounds.

Given under my hand and seal of office, at Adelaide, on the
 day of 19 .

Sheriff.
 FORM

Juries Act.—1917.

FORM OF RETURN.

List of men residing within the District [*or Municipality*] of qualified and liable to serve as jurors.

Christian and Surname at full length.	Residence. [<i>In towns add the name of the street and number of the house.</i>]	Title, calling, or business.	Qualification.	Yearly Value.
Brown, James Henry..	24, Rundle Street, Adelaide	Storekeeper.	Owner ..	£50
Dunn, Wilfred Robert .	Hundred of Narridy	Farmer	Occupier	40
Evans, Joseph William	Willunga	Gentleman .	Owner ..	100

I declare that to the best of my knowledge and belief the above list contains the names and additions of all persons residing in the district [*or municipality*] of qualified and liable to serve as jurors.

Signed and declared the day
of 19 at
before me,
C.D.
a Justice of the Peace in and for
the State of South Australia.

A. B.,
Clerk of

PERSONS QUALIFIED TO SERVE AS JURORS.

Men residing in South Australia who—

- (a) have attained the age of twenty-one years and are not above the age of sixty-five years, and
- (b) are natural born or naturalised subjects of the King, and
- (c) own or occupy lands or tenements in the said State of the yearly value of not less than Twenty Pounds.

NOTE: I. The assessment of any lands or tenements written in the Assessment Book being either—

- (a) based upon the annual rental at which such lands or tenements would let for the period mentioned in the District Councils Act, 1914, or the Municipal Corporations Act, 1890 (as the case may be); or
- (b) at a percentage on the fee simple value of such lands or tenements at the rates mentioned in said Acts respectively;

shall be taken as the yearly value of such lands or tenements and the amount of such assessment shall accordingly be inserted as the yearly value of the said lands or tenements in the fifth column of the list.

- II. The Clerk of any municipality in which Part II. of the Land Value Assessment Act, 1893, is in operation shall divide the land value of any property as shown in the Assessment Book by the number three, and the quotient thus obtained (omitting any fraction of a pound) shall be taken to be the yearly value of such property, and shall accordingly be inserted as the yearly value thereof in the fifth column of the list.

PERSONS DISQUALIFIED FROM SERVICE AS JURORS.

Any man who—

- (a) has been convicted in any part of His Majesty's dominions of treason or felony or any crime that is infamous (unless he has obtained a free pardon thereof), or
- (b) is an uncertificated insolvent debtor, or
- (c) is under outlawry, or
- (d) is of bad fame or repute.

Juries Act.—1917.

PERSONS EXEMPT FROM SERVING AS JURORS.

PART I.

Army, Officers on full pay.
 Banks, Managers and tellers of.
 Barristers-at-law, if actually practising.
 Barristers' clerks.
 Blind persons.
 Clergymen, Roman Catholic Priests, and Ministers of any religious denomination, provided they follow no secular occupation except that of schoolmaster.
 Coroners.
 Corporations (municipal), Mayors and Town Clerks of.
 Courts of Justice, Paid Judges of all, including Stipendiary Magistrates.
 Deaf, Persons actually.
 Dentists, legally qualified, registered, and actually practising.
 District Councils, Clerks of.
 Dumb persons.
 Executive Councillors.
 Fire Brigades, Officers and members of.
 Government, Persons in the paid and active service of.
 Governor, and officers and servants of the household of.
 House of Assembly, Members and officers of.
 Legislative Council, Members and officers of.
 Masters, officers, and crews of vessels actually trading.
 Medical Practitioners, Legally qualified, if actually practising.
 Mental defectives.
 Municipal Tramways Trust, Persons in the employ of.
 Navy, Officers on full pay of the.
 Newspapers, Editors, publishers, and reporters of.
 Notaries Public.
 Pharmaceutical Chemists, registered, if actually engaged in business, and persons employed by them in dispensing medicines.
 Pilots, licensed.
 Schools, Masters and teachers of.
 Solicitors, if actually practising.
 Solicitors' clerks.

PART II.

Governor-General of The Commonwealth.
 Federal Executive Council, Members of.
 Justices of the High Court and of other Courts created by the Commonwealth Parliament.
 Senators.
 House of Representatives, Members of.
 Interstate Commission, Members of.
 Commonwealth Public Service, Officers of.
 Permanent Naval and Military Forces of the Commonwealth, Members of.
 Such other persons as are at any time exempted by any law of the Commonwealth.

FORM OF NOTICE TO BE AFFIXED.

Take notice that a list of men residing within the District [*or municipality*] of _____, qualified and liable to serve as jurors has been made out, and may be inspected without fee at my office at any reasonable time during the first three weeks after the first Monday in the present month.

All objections to the said list will be heard by the Local Court of _____, on the _____ day of _____ next, at the hour of _____ at _____

Dated the _____ day of _____ 19 _____

A. B., Clerk.

[*Address.*]

NOTE.—(1) When a list has been revised and allowed by a Local Court it must forthwith be forwarded by the Compiler to the Sheriff, Adelaide.

(2) The lists must be written out distinctly and in full, without the use of dittos.

Juries Act.—1917.

FIFTH SCHEDULE.

FORMS OF PRECEPT.

Sections 70, 77.

To the Sheriff.

You are hereby commanded that you cause to come before [*insert the style of the Court*], to be holden at the Courthouse at _____ on [*insert the day of the week*] the _____ day of _____ 19____, not less than _____ good and lawful men of the jury district of _____, duly qualified according to law as common [*or special as the case may be*] jurors to make a jury of the country for all such matters as shall be then and there required of them in that behalf: And that you have then and there this precept with a panel annexed thereto containing the names of those jurors, as by law is required of you.

Dated the _____ day of _____ 19____.

[*If the precept is for a special jury, the precept must be intituled in the cause, prosecution, or other matter.*]

To the Sheriff.

You are hereby commanded that you cause to come before [*insert the style of the Court*] at the Courthouse at _____ at the time and in manner hereinafter specified not less than _____ good and lawful men of the jury district of _____, duly qualified according to law as common jurors to make a jury of the country for all such matters as shall be then and there required of them in that behalf: And you are further commanded that you divide such jurors into two sets, each as nearly as may be of equal numbers, and cause the jurors comprised in one of those sets to attend at the Courthouse above mentioned on [*insert the day of the week*] the _____ day of _____, and the jurors comprised in the other of those sets to attend at the same place on [*insert the day of the week*] the _____ day of _____. And that you have there on the day first above mentioned this precept with a panel thereto annexed containing the names of the jurors summoned to attend on that day. And that you have there on the day secondly above mentioned a panel containing the names of the jurors summoned to attend on that day, as by law is required of you.

Dated the _____ day of _____ 19____.

SIXTH SCHEDULE.

SUMMONS TO JUROR.

Section 89.

To Mr. [*insert full name*][*Address.*]

.....Court at.....

You are hereby required to appear and serve as a juror in the above Court on the _____ day of _____ at ten o'clock in the forenoon, and there to attend from day to day until you are discharged by the said Court.

Sheriff.

NOTE.—If you do not attend in obedience to this summons, the Court may impose upon you such fine as is thought fit.

SEVENTH

Juries Act.—1917.

SEVENTH SCHEDULE.

Section 97.

OATH.

“You and each of you shall well and truly try, and true deliverance make, between our Sovereign Lord the King and all persons whom you or any of you shall have in charge, and a true verdict give according to the evidence, So help you God.”

“You and each of you shall well and truly try the issues, and assess the damages, in all causes that may be brought before you or any of you for trial or inquiry, and a true verdict give according to the evidence, So help you God.”

EIGHTH SCHEDULE.

Section 105.

AFFIRMATION.

“I, A.B. (*name of juror*), do solemnly, sincerely, and truly affirm and declare that I will well and truly try, and true deliverance make, between our Sovereign Lord the King and all persons whom I shall have in charge [*or as the case may be* ‘that I will well and truly try the issues, and assess the damages in all causes that may be brought before me for trial or inquiry’], and a true verdict give according to the evidence.”

NINTH SCHEDULE.

Sections 131, 142,
145.

FEES AND EXPENSES OF VIEW BEFORE TRIAL.

	£	s.	d.
For travelling expenses and refreshments to the Sheriff, Showers, and Jurors—the expenses actually paid, if reasonable		—	
Fee to the Sheriff when the distance does not exceed five miles	1	0	0
Exceeding five miles	1	10	0
For every day, if necessary, after the first	1	0	0
Fee to each Shower—the same as to the Sheriff		—	
Fee to each Juror, per diem	0	10	0
To Sheriff for summoning each Juror within five miles	0	5	0
Mileage, for every mile beyond five, one way only	0	0	6

RATE OF COMPENSATION TO JURORS.

To each Juror at any inquest for each day of attendance at the Court	0	10	0
To each Talesman at any inquest for each day of service	0	10	0
To each Juror for each mile of distance between the residence of such Juror as appearing in the Jurors' Book and the place where the sittings are held, one way only, and for each day of attendance	0	0	6
To each Talesman for each mile of distance between the residence of such Talesman as appearing in the Jurors' Book and the place where the sittings are held, one way only, and for each day of service except the first	0	0	6

PAYMENT FOR MAKING OUT JURORS' LISTS AND JURORS' BOOKS.

Preparing Jury Lists, for each folio of 72 words	0	1	0
Preparing one copy of such list, for each folio of 72 words	0	1	0
Preparing Jurors Books and Special Jurors Lists, for each folio of 72 words	0	1	0
Attending Local Court to produce lists or rate books for purposes of revision, per day	0	8	0
Mileage, one way only, per mile	0	0	6