



ANNO SEXTO ET SEPTIMO

VICTORIÆ REGINÆ.

No. 12.—1843.

By His Excellency GEORGE GREY Esquire Governor and Commander-in-Chief of Her Majesty's Province of South Australia and its Dependencies and Vice-Admiral of the same by and with the advice and consent of the Legislative Council.

AN ORDINANCE to Regulate Trials by Jury in South Australia.

WHEREAS it is expedient to regulate trials by Jury in South Australia and for that purpose to repeal an Act or Ordinance of the Governor and Council passed in the Seventh Year of his late Majesty's Reign intituled "An Act for Fixing the Qualification of Jurors" and also an Act or Ordinance of the First Year of Her present Majesty's Reign intituled "An Act for Regulating the Constitution of Juries:"

BE IT THEREFORE ENACTED BY HIS EXCELLENCY the Governor of South Australia with the advice and consent of the Legislative Council thereof That from and after the passing hereof the before recited Acts or Ordinances shall be and the same are hereby repealed.

*Repealed in
by n.º 15. 1854
7 n.º 10 - 1852
Amended by
n.º 8 - 1854.*

Repeal of 7th Wm. IV. No. 2 and 1st Victoria No. 1.

II. And be it enacted that trials by Jury in South Australia when as in England.

ther in civil or criminal proceedings shall so far as not otherwise specially provided for be subject to the like incidents and rules of proceeding as are attendant and are observed upon trials by Jury before Judges of Her Majesty's Superior Courts of Record in England

Qualification of Common Jurors age between 21 and 60 years real estate £50 or personal estate £100.

III. And be it enacted that every man (except as is hereinafter excepted) between the age of twenty-one years and sixty years residing within the Province and who shall have within the Province in his own name or in trust for him real estate of the value of fifty pounds sterling clear of all incumbrances or a clear personal estate of the value of at least one hundred pounds sterling shall be qualified and liable to serve on common Juries.

Exemptions and dis-qualifications.

IV. Provided always and be it enacted that the following persons shall be exempted from serving on Juries and shall not be inserted in the lists to be prepared by virtue of this Ordinance as hereinafter mentioned or if inserted may claim exemption when called upon any Jury that is to say all members of the Executive and Legislative Councils all Judges and Commissioners of the Supreme Court and any Civil Court in the Province the Chairman of the Court of General Sessions of the Peace and all Ministerial Officers of the said Courts respectively all persons holding office under the Colonial Government whether as heads of departments or as clerks and subordinate officers all clergymen in holy orders and ministers of religion barristers attorneys solicitors and proctors admitted and practising in the Courts of the Province all members and licentiates of one of the Royal Colleges of Physicians or Surgeons in London Edinburgh or Dublin and actually practising Apothecaries certificated by the Court of Examiners of the Apothecaries' Company and actually practising all officers in Her Majesty's army and navy on full pay licensed pilots and masters of vessels actually employed in the public service sheriff's officers constables peace-officers gaolers and keepers of houses of correction and all persons who by law or custom are exempted from serving on Juries in England: Provided also that no man not being a natural born British subject except as hereinafter expressly provided and no person attainted of treason or felony or convicted of any crime that is infamous unless he shall have obtained a free pardon for the same shall be qualified to serve on any Jury: Provided further that no Justice of the Peace for the Province shall be summoned or impanelled as a Juror to serve at any Court of General Sessions of the Peace.

Lists to be prepared on or before the first Monday in November in every year.

V. And be it enacted that the Clerk to the Bench of Magistrates of the Province assembled at Adelaide or such other person as may be appointed by the Governor to act in this behalf shall on or before the

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the first Monday in November in every year prepare or cause to be prepared lists of all men liable to serve on Juries setting forth their Christian names and Surnames residences titles additions and qualifications according to the form of the Schedule annexed hereto and the said Clerk to the Magistrates or other person as aforesaid shall subscribe the said lists with a declaration that each such list contains to the best of his knowledge and belief the names of all persons liable to serve on Juries and qualified according to the provisions of this Ordinance.

Country Magistrates prepare lists at first subject to public revision by Bench assembling in Adelaide.

VI. And be it enacted that the Jury lists so to be prepared as aforesaid shall within three days after the said first Monday in November be affixed to such conspicuous places in the Province as the said Bench of Magistrates shall for that purpose from time to time appoint together with a notice signed by the Clerk of the Magistrates or such other person as aforesaid stating that the Justices of the Peace of the Province will hear at a Special Sessions directed to be held for that purpose as hereinafter mentioned all objections to the said lists: Provided always that the said Clerk of the Magistrates or such other person as aforesaid shall keep the original list or a true copy of the same to which the public shall have access at any reasonable time within fourteen days after the days of such notice without fee in order that due notice may be given of names improperly omitted or inserted.

Lists to be affixed within three days and to be open to the public for fourteen days.

VII. And be it enacted that a Special Sessions of Justices shall be held on the first Monday in December in every year at which the said Clerk to the Magistrates or other person as aforesaid shall attend and produce the lists so prepared and verified as aforesaid and thereupon the Justices so assembled shall examine such lists *seriatim* and shall strike out of such lists the names of all persons not liable to serve or disqualified from serving as Jurors as also of such as are disqualified by deafness blindness or mental infirmity and shall insert all names improperly omitted and correct all errors and mistakes in such lists: Provided always that no name if omitted shall be inserted nor shall any name inserted be struck out by the Justices unless upon the application of the men who may respectively be affected thereby or unless such men shall have had notice thereof or unless two of the said Justices shall cause notice to be given to such men respectively requiring them to show cause at some adjournment of such Sessions to be holden within four days thereafter why their names should not be inserted or struck out as the case may be and when every such list shall be duly corrected at such Sessions or at any adjournment thereof it shall be allowed by the Justices present or two of them who shall sign the same with their allowance thereof.

Special Sessions of Justices to be held first Monday in December to revise lists

VIII. And

Juror's Book to be delivered to Sheriff.

VIII. And be it enacted that the Clerk of the Magistrates or other person aforesaid shall keep the lists so allowed by the Justices among the records of his office and shall cause the same to be fairly and truly copied into a book to be provided for that purpose and to be called the "Juror's Book" setting forth in alphabetical order the names of all men contained in such lists respectively with the addition of their respective residences titles and qualifications and the Clerk of the Magistrates or other person aforesaid shall within six weeks next after the close of such Sessions deliver the same book to the Sheriff and every Sheriff on quitting his office shall deliver the same to the succeeding Sheriff and the Juror's Book so prepared shall be brought into use on the first day of January after it shall be so delivered by the Clerk of the Magistrates or other person aforesaid to the Sheriff and shall be used for one year then next following and thereafter until a new Juror's Book shall be so delivered under the provisions hereof.

Juror's to be summoned in turn.

IX. And to the end that all persons liable to serve on any such juries as aforesaid may bear an equal share of the public duty imposed on them be it further enacted that the Sheriff shall from time to time as occasion shall require summon all persons whose names shall be transcribed in such Juror's Book according to the order as nearly as may be in which such names shall successively be placed until every such person shall have been summoned in his turn and in case any such person shall make default every such defaulter shall be summoned a second time or oftener until he shall have served for such default and such order shall be observed every succeeding year the Sheriff beginning from the names of the persons in the last book who were last summoned to attend on such juries as aforesaid: Provided that no persons in the Special Juror's List hereinafter mentioned shall be liable to serve as Common Jurors at any Criminal Sittings of the Supreme Court or at the General Sessions of the Peace: Provided also that if there shall be no Juror's Book in existence for any current year it shall be lawful to return Jurors from the Juror's Book for the year next preceding and that until a Juror's Book shall have been made up under this Ordinance the whole provisions hereof so far as applicable shall be held to apply to the last Juror's Book made up under the law of the Province in force for the time being.

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Venire facias to include not fewer than twenty-four nor more than forty-eight names.

X. And be it enacted that it shall be lawful for the Court in which any issues are to be tried or damages to be assessed from time to time as and when the sittings of the said Court shall be holden to issue a general *venire facias* for the trial of

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of all issues to be tried or damages to be assessed and the form of such *venire facias* shall be settled by the Court: Provided always that the names of no more than forty-eight nor less than twenty-four persons duly qualified to serve as Jurors as aforesaid shall be included in any such *venire facias* but it shall be lawful for the Court to direct by such writ that the Jury so to be summoned may be divided into two sets one whereof may be summoned to attend on the first day of the Sittings and the other on a certain other day therein mentioned and such Jurors shall be summoned and returned in two separate panels of equal numbers each accordingly And every *venire facias* shall be issued to the Sheriff at least twenty clear days before the attendance of such Jurors shall be required and the said Jurors shall be severally summoned by the Sheriff or his proper officer ten clear days before their attendance shall be required and every such summons shall be in writing and signed by the Sheriff or his Deputy to the following effect:

Mr. A. B. [naming the Juror] you are hereby required to appear as a Juror at the (naming the Court) to be held on the
 day of _____ and there
 to attend from day to day until you shall be discharged by the
 said Court.

(Signed) C. D.
 Sheriff.

and the summons shall be delivered to the respective persons personally or in case any Juror shall be absent from his usual place of abode shall be left with some person there dwelling and the Sheriff shall return to the Court on the day appointed for that purpose the said writ of *venire* with the the panel or panels of Jurors summoned by him and the Sheriff shall cause a copy of every panel of Jurors so summoned by him to be kept in his office for seven days at the least before the sitting of the Court to attend which the said Jurors are summoned and the parties in all cases civil and criminal to be tried at such sitting and their respective attornies shall have full liberty to inspect such list without any fee or reward to be paid for inspection and the Sheriff shall also cause a copy of every panel of Jurors summoned to try issues in criminal cases to be suspended in some conspicuous part of the Common Gaol for at least seven days before the first day of the sittings of the Court for which the Jurors are summoned.

XI. And be it enacted that the name addition and place of abode of each Juror summoned as aforesaid shall be written on a separate piece of parchment paper or card such pieces being all as nearly as may be of equal size and shall be delivered unto the
 Chief

Juries to be drawn
 by ballot.

Chief Clerk or other ministerial officer of the Court and shall under his direction and care be put into a box and when any issue is called on to be tried the Chief Clerk or other ministerial officer of the Court shall in open Court draw therefrom until twelve men appear who after all just causes of challenge allowed shall be approved of as fair and indifferent which same being marked in the panel and sworn shall be the Jury to try the issue and the names of the men so drawn and sworn shall be kept apart by themselves until such Jury shall have given in their verdict and the same shall be recorded or until such Jury shall by consent of the parties or by leave of the Court be discharged and then the same names shall be returned to the box to be kept with the other undrawn names and so *toties quoties* as long as any issue shall remain to be tried: Provided always that if any issue shall be brought on to be tried in any Court before the Jury in any other issue shall have brought in their verdict or been discharged it shall be lawful for the Court to order twelve of the residue of the said parchments paper or cards not containing the names of any of the said Jury to be drawn in such manner as aforesaid for the trial of the issue which shall be so brought on to be tried: Provided also that where no objection shall be made on behalf of any party it shall be lawful for the Court to try any issue with the same Jury that shall have previously tried or been drawn to try any other issue without their names being returned to the box and re-drawn or to order the names of any men on such Jury whom both parties may consent to withdraw or who may be justly challenged objected to or excused by the Court to be set aside and other names to be drawn from the box and to try the issue with the residue of such original Jury and with such men whose names shall be so drawn and who shall appear and be approved as indifferent and so *toties quoties* as long as any issue remains to be tried.

Provision for oral orders.

XII. Provided always and be it enacted that the Court in which any issue shall come on to be tried shall have and exercise the same power and authority as the Superior Courts in England have 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 cause before such Court or for the amending or enlarging the panel of Jurors returned for the trial of any such cause and the return to every such writ precept award or order shall be made in manner heretofore used and accustomed in Her Majesty's Superior Courts of Record in England

Juries to be paid for attendance in civil causes for every Jury one shilling.

XIII. And be it enacted that every Juror who shall attend the Court to try civil issues in pursuance of such summons as aforesaid

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said shall be entitled to receive a compensation for his expenses at the following rate (that is to say) for every cause upon which such Juror shall actually be called and sit the sum of one shilling.

XIV. And be it enacted that at the end of every sitting of the Court for the trial of issues whether civil or criminal the Sheriff or his Deputy shall write in the Jurors' Book opposite the name of every Juror who shall have served at such sitting the time of his so serving and shall not again summon such Juror in a less time than a year from the time of his so serving unless all the Jurors named in the Jurors' Book shall have been previously summoned and the Sheriff shall as far as is practicable summon such persons as Jurors who have been the longest time without serving and shall for that purpose preserve the yearly book of Jurors with the several times of service marked as aforesaid for at least three years after the same is made out.

Sheriff shall write opposite the names of Jurors the time of their serving.

XV. And be it enacted that the Sheriff or his Deputy or other proper officer shall keep an account of the number of days each Juror shall be called and answer to such call and duly attend the Court and after the expiration of the time appointed by the Court for the attendance of such Jurors respectively the said Sheriff or other proper officer shall deliver to every such Juror a short account or memorandum in writing setting forth the number of causes upon which such Juror may have been called and the sum of money to which such Juror may be entitled and the said memorandum being taken by such Juror to the Sheriff the Sheriff shall thereupon pay to such Juror the sum of money to which he may be entitled as aforesaid.

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

XVI. And be it enacted that the Court (or any Judge thereof) may where it appears expedient grant a rule that two or more of the Jury shall have a view of any place in question and any Judge may order such sum as he may think reasonable for defraying the expenses of such view to be deposited in the hands of the Sheriff by the party applying for such view and which sum shall on the taxation of costs be taxed and allowed by the master or other proper officer of the Court in like manner as other sums paid and two or more Jurors who shall be mutually agreed upon between the parties or in case the parties cannot agree as shall be nominated by the Sheriff shall be shown the place by two persons to be appointed by the Court or Judge: Provided that the names of the viewers shall be returned by the Sheriff and provided also that such viewers shall be the first of the Jury who shall be called and sworn of the Jury to try the case.

Court may grant a rule for view.

XVII. And

Application for Special Juries

XVII. And be it enacted that in any cause whatever either criminal or civil excepting only indictments for treason or felony if either of the parties whether the Prosecutor on behalf of Her Majesty or the plaintiff or defendant shall make application to the Court or any Judge thereof stating his desire to have the said cause tried by a Special Jury it shall be lawful for the Court or Judge by rule or order to direct the same to be tried by a Special Jury accordingly.

Qualification of Special Juries Esquires Merchants &c. possessing real estate worth £500 or personal estate worth £1000.

XVIII. And be it enacted that every man described in the said Jurors' Book as an Esquire or person of higher degree or as a Justice of the Peace or as a Merchant (such Merchant not keeping a general retail shop) or as a Bank Director or Manager or as possessing within the Province real estate of the value of five hundred pounds or personal estate of the value of one thousand pounds shall be qualified and liable to serve on Special Juries.

Sheriff to prepare Special Jury lists.

XIX. And be it enacted that the Sheriff shall within ten days after he shall have received the lists of Jurors from the Magistrates extract from the said lists the names of all persons who shall be described as qualified and liable to serve on Special Juries and shall cause the names so extracted to be fairly and truly copied out in alphabetical order together with their respective places of abode and additions which list shall be called the "Special Jurors' List" and be subjoined to the Jurors' Book and the said Sheriff shall prefix to every name in such list its proper number beginning the numbers from the first name and continuing them in a regular arithmetical series down to the last name and shall cause the said several numbers to be written upon distinct pieces of parchment paper or card being all as nearly as may be of equal size and after all the said numbers shall have been so written shall put the same together in a separate drawer or box and shall there safely keep the same to be used for the purpose hereinafter mentioned.

Special Juries to be struck.

XX. And be it enacted that whenever the Court shall have awarded a Special Jury the Chief Clerk or other proper officer thereof shall appoint a time and place for the striking of such Special Jury and the said officer at the time and place appointed being attended by the Sheriff or his Deputy who is hereby required to bring with him the Special Jurors' List and all the numbers so written on distinct pieces of parchment paper or card as aforesaid shall in the presence of all the parties to the issues to be tried and of their attornies (if they respectively choose to attend or if the parties or their attornies or all or any of them do not attend then in their absence) put all the said numbers into a box to be by him provided for that purpose and after having shaken them

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them together shall draw out of the said box thirty of the said numbers one after the other and shall as each number is drawn refer to the corresponding number in the Special Jurors' List and read aloud the name designated by such number and when such thirty numbers shall have been drawn the said 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 his attorney and another list to the defendant or his attorney and the thirty names contained in the lists so delivered shall at a time to be appointed by the Chief Clerk or other officer be reduced to eighteen by the plaintiff or his attorney and the defendant or his attorney each of them striking out at his discretion six different names from each of the said lists in the presence of the said clerk or other officer who may in the absence of either party or his attorney and on proof being made that such absent party has been duly served with notice of the appointment strike out the names on his behalf and the said Chief Clerk or other officer shall sign such reduced lists.

XXI. And be it enacted that when a Special Jury shall be struck as aforesaid a special *venire* may be issued containing the names of the Jurors on the reduced lists who shall be severally summoned by the Sheriff or his officer to attend the Court at the time appointed for the trial of the cause according to the form and manner hereinbefore directed for the summoning of Common Juries but on a notice of three days and on the day appointed for the trial the Sheriff shall return the *venire* with a pannel of the Special Jurors summoned by him annexed thereto with the proper number prefixed to each name and shall deliver to the Clerk or other proper officer of the Court the pieces of paper parchment or card whereon are the numbers of the Special Jurors on such reduced lists and the Clerk or officer putting the same into the balloting box the Sheriff shall return the *venire* with a panel of Special Jurors summoned by him annexed thereto and shall deliver to the Clerk or other proper officer of the Court the pieces of paper parchment or card whereon are the numbers of the Special Jurors on such reduced lists and the Clerk or officer putting the same into the balloting box shall in open Court draw from the box one number at a time and shall repeat aloud the corresponding name from the said pannel until twelve men shall answer which said twelve men being duly sworn shall be the Special Jury.

Special Jury to be ballotted for.

XXII. And be it enacted that the same Special Jury may try any number of causes in which a trial by Special Jury shall have been awarded upon the parties consenting thereto in writing anything herein contained to the contrary notwithstanding.

Same Special Jury may try any number of causes on consent of parties.

XXIII. And

Applicant for a Special Jury to pay the fees and expenses.

XXIII. And be it enacted that the party who shall apply for a Special Jury shall pay the fees for striking such Jury and all the expenses occasioned by the trial of the cause by the same and shall not have any further allowance for the same upon taxation of costs than such party would be entitled to in case the cause had been tried by a Common Jury unless the Judge before whom the cause is tried shall immediately after the verdict certify under his hand that the same was a cause proper to be tried by Special Jury.

Payment of Special Juries—one guinea per trial &c.

XXIV. And be it enacted that every person serving as a Special Juror for the trial of every cause as aforesaid shall be allowed the sum of one guinea and in causes where a view shall be directed such further sum shall be taxed or allowed as the Court or Judge shall think just and proper.

A *tales* may be prayed

XXV. And be it enacted that when a sufficient number of Jurors summoned to attend any such Court shall not be in attendance or when by challenge the Jury is likely to remain untaken 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 trial of the cause such bystanders being persons qualified and liable to serve as Common Jurors: Provided however that such Court shall in no case allow such a *tales* unless at least nine of the Jurors summoned for the trial shall attend.

Jurors to be fined for non attendance when duly summoned.

XXVI. And be it enacted that if any Juror shall not attend on being duly summoned or otherwise make default in not appearing in pursuance of such summons as aforesaid every such Juror shall be fined in a sum not exceeding ten pounds at the discretion of the Court or Judge to be levied and appropriated in like manner as all other fines and forfeitures under this Ordinance unless some just cause for such defaulter's absence shall be made to appear by oath or affidavit to the satisfaction of the Court.

It shall be lawful for parties to object to Jurors.

XXVII. And whereas it is expedient to provide for the fair and impartial trial of issues as well in civil actions as in cases of indictment or information for any felony or misdemeanor without the expense attending the summoning of Special Juries be it enacted that upon any trial when and so often as either party whether plaintiff or prosecutor defendant or prisoner as the case may be shall object to any of the Jurors named in the pannel returned by the Sheriff for the trial of such issues it shall be lawful for him to object to any number of such Jurors not exceeding six by giving to the Clerk of the Court a note of the names of the Jurors objected to and the said clerk shall thereupon put aside all the pieces of parchment paper or card having thereon

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thereon the names of the Jurors so objected to by either party and shall put the residue only of the pieces of parchment paper or card into the balloting box and shall draw therefrom the names of the Jurors to try such issue: Provided always that nothing herein contained shall take away the right of challenge for good cause according to the laws of England.

XXVIII. And be it further enacted that if any man shall be returned as a Juror for the trial of any issue who shall not be qualified according to this Ordinance the want of such qualification shall be good cause of challenge and he shall be discharged upon such challenge if the Court shall be satisfied of the fact and if any man returned as a Juror for the trial of any issue shall be qualified in other respects according to this Ordinance the want of freehold shall not on such trial in any case civil or criminal 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 any law custom or usage to the contrary notwithstanding: Provided that nothing herein contained shall extend to any Special Juror.

Want of qualification cause of challenge.

XXIX. And be it enacted that for the purpose of enabling parties to make their objections in manner aforesaid the Sheriff shall upon the demand of every person being either plaintiff or prosecutor defendant or prisoner or of his attorney or agent give to such person or his attorney or agent a copy of the panel of Jurors returned by him for the trial of any such issue on payment to him of a sum not exceeding one shilling.

Sheriff shall upon demand give a copy of the panel returned by him.

XXX. Provided always and be it enacted that nothing herein contained shall extend or be construed to extend to deprive any alien indicted or impeached of any felony or misdemeanor of the right of being tried by a Jury *de medietate lingue* but that on the prayer of every alien so indicted or impeached the Sheriff or other proper officer shall by command of the Court return for one half of the Jury a competent number of aliens and no such alien Juror shall be liable to be challenged for want of freehold or of any other qualification required by this Ordinance but every such alien may be challenged for any other cause in like manner as if he were qualified.

Alien's Juries.

XXXI. And be it enacted that if any Clerk of the Magistrates or other officer appointed as aforesaid shall refuse or neglect to provide or prepare a Juror's Book within the time and in manner and form hereinbefore prescribed or to deliver the same to the Sheriff within the time hereinbefore prescribed or shall wilfully fail well and faithfully

Penalty on Clerks Sheriffs and other officers neglecting their duty as herein mentioned.

faithfully to do and perform all the acts matters and things hereby required to be by him performed or if any Sheriff or Under-Sheriff shall make or cause to be made any alteration whatsoever in the list of Jurors contained in the Juror's Book or if any Sheriff or Under-Sheriff shall neglect or refuse to provide or prepare a list of Special Jurors in the manner and within the time hereinbefore prescribed or shall wilfully write or cause to be written therein the name of any person not qualified or shall wilfully omit thereout the name of any person duly qualified as a Special Juror or shall neglect or refuse to write or cause to be written the several numbers contained in such list upon distinct pieces of parchment or card in the manner and within the time hereinbefore prescribed or shall subtract or destroy or by any default or neglect lose any of the said pieces of parchment paper or card or shall neglect or refuse upon discovery of such loss to supply the same within five days or if any Sheriff or Under-Sheriff shall refuse or neglect to prepare or keep for inspection as aforesaid a copy of the panel in the cases hereinbefore provided for or to register the service of any Juror as hereinbefore directed or to deliver to any man who shall have been summoned and have duly attended or served as a Juror at any Court a certificate of such man's service on his application and payment as aforesaid or shall refuse or neglect within ten days after the next succeeding Sheriff shall be sworn into or have entered upon office to deliver over to him as well all the Jurors' Books and Lists that shall be made or prepared in the year of his sheriffalty as also all such other like Books and Lists as were prepared in the sheriffalty of any of his predecessors within four years then next preceding and which were delivered over to him by any of his predecessors or if any Sheriff or Under-Sheriff or any Clerk or other minister or officer of any Court shall wilfully fail well and faithfully to do and perform all and several the acts matters and things hereby required to be by them respectively performed every such offender shall for every such offence forfeit the sum of Fifty Pounds two thirds whereof shall be paid to the Colonial Treasurer on behalf of Her Majesty her heirs and successors for the public uses of the Province and support of the Government thereof and the remaining third with full costs to such person as shall sue for the same in the Supreme Court by action of debt bill plaint or information.

Persons corruptly influencing Jurors to be punished by fine and imprisonment.

XXXII. And be it enacted that 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.

Indictments to be presented to the Grand Jury.

XXXIII. And be it enacted that no person shall be put on trial on any indictment at any Criminal Sessions of the Supreme Court unless the

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the bill of such indictment shall first have been presented to a Grand Jury on the prosecution of Her Majesty's Attorney or Advocate-General and shall have been returned by them a true bill reserving always nevertheless to Her Majesty's said Attorney or Advocate-General the right of filing informations *ex officio* and to the Supreme Court the right of permitting informations to be filed.

XXXIV. And be it enacted that every such Grand Jury shall consist of not more than twenty-three men nor less than thirteen who shall be qualified to serve on Special Juries and inserted in the Special Jurors' List as aforesaid and such Jurors shall serve in the same order and their service as Grand Jurors shall be reckoned in the manner hereinbefore provided with respect to Common Jurors.

Constitution of Grand Juries.

XXXV. And for meeting the expenditure required for the establishment of the Supreme Court be it enacted that the party recovering any debt or damage in the Supreme Court shall pay to the Chief Clerk or other proper officer of Court the sum of two pounds per cent. upon the amount of debt or damages for which a verdict shall be given and not set aside when the same shall not exceed One Hundred Pounds and of one pound per cent. for any sum more or less than One Hundred Pounds up to and inclusive of but not exceeding One Thousand Pounds of debt or damages.

In Supreme Court a per centage to be paid on sums recovered.

XXXVI. And be it enacted that all fees and sums of money received by the respective Clerks and other Ministerial Officers of any Court in the Province shall be paid to the Colonial Treasurer on behalf of Her Majesty her heirs and successors for the public service of the Province and support of the Government thereof at least once quarterly and that all fines imposed by any such Court and all forfeitures incurred in such Court by reason of estreated recognizances or otherwise may be levied by writ issuing out of such Court directed to the Sheriff who at the time appointed by such writ shall duly make a return thereof to the said Court showing the manner in which he shall have executed the same and shall duly pay into the said Court all sums levied by him by virtue thereof and at the end of every quarter of a year a schedule of all fines imposed by or forfeitures incurred in the said Court and of the sums levied and paid into the said Court in respect thereof shall be sent to the Colonial Treasurer signed and attested by the Clerk who shall at the same time pay over to the said Treasurer all sums so paid into Court as aforesaid.

All fees received in Court to be paid to Colonial Treasurer quarterly.

XXXVII. And be it enacted that it shall be lawful for persons belonging to the Society of Friends commonly called Quakers and

How persons object- ing to the common form of taking an for

oath shall make an
affirmation or be
sworn when called
upon Juries.

for Moravians and for persons who have been members of such society or who have been Moravians and who state in Court their conscientious objection to taking an oath to make affirmation instead of taking an oath and for persons of the Jewish religion to be sworn upon the Old Testament and for persons natives of Scotland who shall object to be sworn according to the English form of oath to be sworn according to the form of oath usually adopted in the Courts of Scotland in cases where any of such persons happen to be called to serve upon or give evidence before any Grand or other Jury.

GEORGE GREY,
Governor and Commander-in-Chief.

*Passed in the Legislative Council, this Third
day of November, 1843.*

W. L. O'HALLORAN,
Clerk of Council.

SCHEDULE REFERRED TO.

THE LIST OF ALL MEN LIABLE TO SERVE ON JURIES.

Christian and Surname at Full Length.	District or Place. <i>[In Towns add the name of the street.]</i>	Title, Quality, Calling, or Business.	Nature of Qualification.
	} street. }		Freehold pounds per annum.
	} street. }		pounds of Personal Estate.

Clerk to the Magistrates.

Passed in the Legislative Council, this Third day of November, 1843.

W. L. O'HALLORAN,
Clerk of Council.

ADELAIDE :

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