



ANNO DECIMO OCTAVO

GEORGII V REGIS.

A.D. 1927.

No. 1805.

An Act to repeal the Juries Act, 1917, and to enact other provisions in lieu thereof with respect to Juries, and for purposes incidental thereto.

[Assented to, November 30th, 1927.]

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, 1927", and shall, with the exception of Part IV. thereof, which shall come into operation on the day on which this Act receives the Royal assent, and except where otherwise provided in this Act, come into operation on a day to be fixed by proclamation. Short title.

2. (1) The Acts mentioned in the First Schedule are to the extent therein specified hereby repealed. Repeal.

(2) Notwithstanding such repeal:—

(a) until the first annual jury lists under this Act have been prepared every panel of jurors required shall be prepared in the same manner as if the said repealed Acts were still in force ; and

(b) for the purpose of any trial by a special jury taking place after the commencement of this Act as mentioned in section 5, all the provisions of the repealed Acts applicable to special juries shall continue in force.

3. In this Act unless inconsistent with the context or some other meaning is clearly intended— Interpretation.

"Civil inquest" means trial of any issue or inquiry of damages before a Court of Civil Jurisdiction : "Circuit

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“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 :

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

“Inquest” includes both civil and criminal inquests :

“Legislative Council Subdistrict” or “Subdistrict” means subdistrict of any Division of any Electoral District for the purpose of electing members of the Legislative Council :

“Sheriff” includes Deputy Sheriff and any other person for the time being performing the functions of the Sheriff under this Act :

“Subdistrict roll” means the electoral roll of Legislative Council electors for a subdistrict prepared and kept by the Returning Officer for the State, or other person for the time being required by law to prepare and keep such roll :

“Supreme Court” does not include Circuit Court.

Division of Act.

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

PART I.—General Provisions as to Trial by Jury.

PART II.—Jury Districts.

PART III.—Qualification of Jurors.

PART IV.—Annual Jury Lists, Jurors Boxes, and Cards.

PART V.—Panel and Summoning of Jurors.

PART VI.—Proceedings upon Trial.

PART VII.—Challenge and Tales.

PART VIII.—Fees.

PART IX.—Offences and Penalties.

PART X.—Miscellaneous.

PART I.

PART I.

GENERAL PROVISIONS AS TO TRIAL BY JURY.

Right to jury in
civil inquests.
New.

5. (1) Subject to this Act, every cause matter or issue required to be tried in the Supreme Court or any Circuit Court in any jurisdiction, other than the Criminal Causes Jurisdiction of such Court, shall be tried by a single Judge without a jury : Provided that—

(a) if it appears to the Court or a Judge that in the cause matter or issue to be tried a question may or will arise whether any party has been guilty of any indictable offence, the Court or Judge may, on application for the purpose made by any party in accordance with Rules of Court, order that the cause matter or issue be tried by a jury ; and

(b) this section shall not affect any provision of any Act or Rules of Court for the time being in force under which any cause matter or issue may be authorised or ordered, or is required to be tried before two or more Judges without a jury, or before a Judge sitting with assessors, or before a special referee or arbitrator.

This

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This section shall apply as regards every cause matter or issue coming on for trial in the Supreme Court after the commencement of this Act, except causes matters or issues in which, prior to the commencement of this Act :—

- (a) any party has, in a proper case, in accordance with the Rules of Court for the time being in force required the trial to take place before a Judge and a common jury; or
- (b) a Judge has ordered that the trial take place before a Judge and a special or common jury.

In such last-mentioned causes matters or issues the trial and all proceedings preliminary thereto shall take place as if this Act had not been passed, except that in cases where the trial is to take place before a Judge and a common jury, if the first annual jury lists under this Act have been prepared prior to the receipt by the Sheriff of the precept for the jury, the jury panel shall be prepared from such annual jury lists.

(2) Subject to the foregoing provisions of this section, after the commencement of this Act no inquest shall be tried in any Court with a special jury.

6. Every civil inquest in the Supreme Court or in any Circuit Court ordered after the commencement of this Act to be tried with a jury shall be had by a jury of twelve men qualified and liable to serve as jurors as provided in this Act.

Jury in civil inquests.
Cf. 1290, 1917, s. 134.

7. 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 aforesaid.

Jury in criminal inquests.
Ibid., s. 133.

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

8. There shall be a jury district for the Supreme Court and for every Circuit Court.

Jury districts.
Cf. 1290, 1917, s. 17.

9. (1) Every jury district shall consist of one or more Legislative Council subdistricts.

Area of jury districts.
New.

(2) Until altered in the manner provided in this Act the jury districts for the Supreme Court and the Circuit Courts shall consist of the subdistricts set out in the Second Schedule to this Act.

(3) Whenever any circuit district is proclaimed after the commencement of this Act pursuant to the power in that behalf contained in the Act No. 6 of 1868-9, or any other Act for the time being in force, the Governor may by the proclamation proclaiming such circuit district or by any subsequent proclamation declare what subdistricts shall constitute the jury district for the Circuit Court of the circuit district so proclaimed.

(4) If any subdistricts forming or comprised in a jury district are altered or abolished pursuant to the Electoral Acts, 1908

to

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to 1920, or any other law for the time being in force, the jury districts in force immediately prior to such alteration or abolition shall nevertheless remain in force until varied by proclamation under this Act, and any annual jury lists in force shall continue in force until new lists are prepared under this Act.

Power to vary jury districts.
Cf. 1290, 1917, s. 21.

10. The Governor may from time to time by proclamation vary the area of any jury district as for the time being constituted, but so always that such district shall consist of the whole of one or more subdistricts.

PART III.

PART III.

QUALIFICATION OF JURORS.

Qualification of jurors.
New.

11. Every man residing in South Australia—

(a) who is enrolled on the roll of electors entitled to vote at the election of Members of the Legislative Council; and

(b) who is not above the age of sixty-five years,

shall, subject to the exceptions in this Act mentioned, be qualified and liable to serve as a juror.

Disqualifications
1290, 1917, s. 9.

12. 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 undischarged bankrupt or insolvent, or who is of bad fame or repute, shall be qualified to serve as juror.

Exemptions.
Ibid., s. 11.

13. The persons described in the Third Schedule shall be exempt from serving as jurors.

Residence qualifications.
Ibid., s. 12.

14. No person shall be qualified or (subject to the provisions of section 69 of this Act) liable to serve as juror in any Court unless he resides within the jury district for such Court.

Exemption or want of qualification not to avoid verdict.
Ibid., s. 13.

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

Power to discharge juror in case of urgency.
Ibid., s. 15.

16. 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, that Judge or Court may, if he or it thinks fit, in Chambers or in open Court discharge such person from further attendance on the Court, or excuse such person from attendance for any period during the sittings of the Court.

Power to exempt one or two partners.
Ibid., s. 16.

17. 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 those jurors during one or more of those days.

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18. Where any application to excuse or exempt any person from attendance as a juror is made to a Court or Judge pursuant to either of the last two preceding sections, such Court or Judge may as a condition of granting the application, order that the name of the applicant be included in the panel of jurors to be summoned for any subsequent inquest or inquests, and that he be summoned accordingly. When any such order is made the Court or Judge shall notify the Sheriff thereof and the Sheriff shall cause the name of the applicant to be included in a subsequent panel, and the applicant to be summoned as a juror in accordance with the order.

Power to exempt from jury service on condition of subsequent service.

19. If the Sheriff is satisfied that any person has been summoned to attend as a juror before any Court or Judge in the jury district for the Supreme Court within three years from the date on which he last previously served as a juror in such jury district, whether as constituted by or under this Act or any Act repealed by this Act, the Sheriff may, upon application made to him for the purpose by or on behalf of such person, exempt such person from attendance as a juror before such Judge or Court.

Power of Sheriff to exempt in certain cases.
New.

PART IV.

PART IV.

ANNUAL JURY LISTS, JURORS BOXES AND CARDS.

20. (1) The Sheriff shall, as soon as practicable after the day on which this Act receives the Royal Assent and thereafter during the month of December in each year commencing with the year nineteen hundred and twenty-eight, prepare an annual jury list for each jury district in the manner hereinafter provided.

Duty of Sheriff to prepare annual jury lists.
New.

(2) It shall be the duty of the Returning Officer for the State and his Deputy, officers, and servants to render to the Sheriff all such assistance in preparing the annual jury lists under this Act as the Sheriff may reasonably require.

21. (1) Every annual jury list for the jury district for the Supreme Court shall contain such number of names as the Sheriff deems necessary, but not less than fifteen hundred.

Number of jurors on each list.
New.

(2) Every annual jury list for any other jury district shall contain such number of names as the Sheriff deems necessary, but not less than two hundred.

22. The names of jurors to be contained in the annual jury list for any jury district shall be selected by ballot from the names appearing on the subdistrict rolls for the subdistricts contained in such jury district.

Preparation of lists from Legislative Council rolls.
New.

23. (1) The ballot for the annual jury lists shall be conducted by the Sheriff in the office of the Returning Officer for the State.

Mode of ballot.
New.

(2) The following provisions shall apply with respect to the ballot held in respect of each jury district:—

- (a) The Sheriff shall ascertain the number of names on the subdistrict roll for each subdistrict comprised in such jury district.
- (b) The

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- (b) The number of jurors required for the jury district shall be divided into quotas, one quota to be selected from each subdistrict comprised in such jury district.
- (c) The quotas shall bear the same ratios to each other, as nearly as possible, as the numbers of electors on the respective subdistrict rolls bear to each other.
- (d) When the quota for each subdistrict has been ascertained the Sheriff shall select the number of jurors required for such quota by ballot from the names contained on the subdistrict roll for the appropriate subdistrict.
- (e) The ballot for the quota for each subdistrict shall be conducted as follows:—
- I. The Sheriff shall place in a box to be provided for the purpose, one card for each name on the subdistrict roll, bearing a number corresponding to the number shewn against that name on the roll, and shall draw from such box the number of cards necessary to obtain the required quota of names of men qualified for service as jurors.
 - II. As each card is drawn the Sheriff shall ascertain from the subdistrict roll the name of the elector whose number on that roll corresponds to the number on the card, and shall refer to the particulars contained in the electoral office showing the age, sex, and occupation of such elector. All names which appear to the Sheriff from the said particulars to be names of female electors or of persons over the age of sixty-four years or of persons exempt from serving as jurors shall be rejected. All other names for which corresponding cards are drawn, together with the addresses and descriptions appearing on the roll, shall be written on a list, and the ballot shall be continued until the required quota from the subdistrict is obtained.
- (f) When all the quotas of names from the subdistrict rolls for all the subdistricts comprised in a jury district have been drawn, those names shall be written on a list and numbered consecutively, and such list shall constitute the annual jury list for the particular jury district.

Coming into
operation of lists.
New.

24. The first annual jury lists prepared under this Act shall be used for selecting every panel of jurors required after the list is prepared, or after the commencement of this Act, whichever is later, and every subsequent annual list shall come into use on the first day of January next after the preparation thereof.

Boxes for jurors'
cards.
1290, 1917, s. 58.

25. (1) The Sheriff shall, for the Supreme Court and each Circuit Court, provide two suitable boxes to be used as hereinafter directed.

(2) Such

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

26. The boxes in each set of two so provided shall respectively be labelled by the Sheriff with the words "Jurors in Use" and "Jurors in Reserve".

Inscriptions on boxes.
Ibid., s. 59.

27. Under the direction of the Sheriff the several numbers contained in the respective annual jury lists 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 jury lists are respectively provided, and the resulting groups of cards forming regular arithmetical series corresponding to the numbers in the respective annual jury lists shall respectively be placed in the boxes marked with the names of the Courts to which such lists respectively relate and labelled "Jurors in Use".

Numbers on cards.
Ibid., s. 60.

28. (1) When the respective groups of cards have been placed in their proper boxes, as provided by section 27, the Sheriff shall lock the said boxes and keep the keys, so that no person shall have access thereto, except as hereinafter provided.

Duty of Sheriff to keep boxes locked.
Ibid., s. 62.

(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.

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PANEL AND SUMMONING OF JURORS.

29. (1) Whenever 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 jurors to attend on such inquest or inquests.

Precept for jurors.
Ibid., s. 68.

(2) Whenever jurors have been summoned to attend on any inquests in the Supreme Court or any Circuit Court and it appears to the Judge before whom such inquests are being held that it is desirable to discharge those jurors before all such inquests have been held and summon other jurors to attend on the inquests remaining to be held, the Supreme Court or the Judge authorised to hold the Circuit Court, as the case may require, may issue a precept to the Sheriff commanding him to summon a sufficient number of jurors to attend on such remaining inquests.

30. The said Court or Judge, if it or he see fit so to do, may direct by any 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.

Precept for jurors in two panels.
Ibid., s. 69.

31. Such

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Delivery of precept
to Sheriff.
Ibid., s. 70.

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

Balloting for jurors.
Ibid., s. 71.

32. 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 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 "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.

Entry on panel.
Ibid., s. 72.

33. As each card is drawn, the Sheriff shall refer to the corresponding number in the appropriate annual jury list, 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.

Procedure where
juror does not
attend.
Ibid., s. 73.

34. The Sheriff shall return to the box the card bearing the number of any juror whose name appears in the jury panel and who does not attend, and shall put the residue, or if every such juror attends as aforesaid, the whole of the cards, into the proper box, labelled "Jurors in Reserve," there to remain until the remaining cards in the box labelled "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.

Provision where
juror summoned
again before other
jurors served.
Ibid., s. 74.

35. If after a card bearing the number of any juror has been drawn from any box labelled "Jurors in Use", and before all the remaining cards in such box have been drawn out as hereinbefore directed, such juror is summoned to attend as 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 juror at the inquest or inquests for the purposes whereof the card bearing his number was first drawn as aforesaid, may excuse such juror from attending at such subsequent inquest.

Summoning jurors.
Ibid., s. 89.

36. The Sheriff shall cause a summons in the form of the Fifth Schedule to be issued to every juror whose name is on a jury panel completed as hereinbefore provided.

Time and mode of
service.
Ibid., s. 90.

37. 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 personally to the juror thereby summoned, or in case a juror be absent from his usual place of abode, shall be left with some person there dwelling.

Duty of Sheriff to
keep panel in his
office.
Ibid., s. 91.

38. 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.

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

Right to inspect panel.

Ibid., s. 92.

40. 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.

Duty of Sheriff to supply copies of panel.

Ibid., s. 93.

41. 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.

Duty to suspend panel in Gaol.

Ibid., s. 94.

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PROCEEDINGS UPON TRIAL.

42. Upon the day, or (in case jurors have been summoned in two separate panels as provided in section 30), upon the respective days, and at the place named in the jury precept for the attendance of the jurors, the Sheriff shall in open court—

Sheriff to return precept with panel and cards.

Ibid., s. 95.

(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.

43. 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.

Cards to be put into ballot-box.

Ibid., s. 96.

44. 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 Sixth 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.

Jurors to be sworn.

Ibid., s. 97.

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

Entry of swearing on panel.

Ibid., s. 98.

46. On

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Balloting at trial.
Ibid., s. 92.

46. 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., s. 100.

47. 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 jurors kept apart until verdict recorded or jury discharged and then returned to box.
Ibid., s. 101.

48. On any inquest the card bearing the name of any juror who has been called but not impanelled for the inquest shall, immediately after the full number of jurors required has appeared and been approved, be returned to the ballot-box, and the cards bearing the names of the men impanelled 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 50) 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: Provided that when any jury has given its verdict or been discharged as aforesaid, the Court may order that the cards bearing the names of the members of that jury shall not be returned to the box to be kept with the undrawn cards, until the names of the jurymen for one or more subsequent inquests have been drawn.

Proceedings with new jury where one jury has retired.
Ibid., s. 102.

49. If any issue is brought on to be tried in any Court before a 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.

Same jury may try several issues if no objection by parties
Ibid., s. 103.

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

Certain members of a previous jury may be retained and other new ones drawn to act with them.
Ibid., s. 104.

51. 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.

Affirmations.
Ibid., s. 105.

52. 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

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contained in the Seventh Schedule, which solemn affirmation shall be of the same force and effect as if such person had taken an oath in the usual form.

53. In any inquisition or 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., s. 106.

54. 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.

Ibid., s. 107.

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

Court may permit jury to separate in certain cases.

Ibid., s. 108.

56. (1) 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 shall be taken as the verdict of all and shall be a sufficient verdict.

Trial may be continued notwithstanding that the jury may be reduced in number.

Ibid., s. 109.

Altered.

(2) If all such remaining jurors have, in a criminal case, remained in deliberation for at least four hours, or in a civil case for at least three hours, and are then unable to agree upon their verdict, the verdict of such number of those jurors as constitutes at least five-sixths of them in a criminal case, or at least three-fourths of them in a civil case shall be taken as the verdict of all and shall be a sufficient verdict. If after a jury has been reduced as allowed by this section the number of jurors whose agreement is necessary for a verdict under this section, do not agree upon a verdict within four hours in a criminal case, or three hours in a civil case, the jury may be discharged from giving a verdict.

57. (1) Where a jury in any criminal inquest not being an inquest for a capital offence has retired to consider its verdict, and remained in deliberation for at least four hours and all the jurors are then unable to agree upon their verdict, the decision of ten of such jurors shall be taken as the verdict of all; and if after four hours' deliberation ten of such jurors are unable to agree upon their verdict the jury may be discharged from giving a verdict.

Number of jurors required to agree upon verdicts in criminal inquests.

New.

(2) Where a jury in any criminal inquest for a capital offence 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: Provided that where in any inquest

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inquest for a capital offence in which it is competent for the jury to bring in a verdict of manslaughter, the jury has remained in deliberation for four hours and ten of the jurors agree that the accused is guilty of manslaughter, the verdict of such ten jurors that the accused is guilty of manslaughter shall be taken as the verdict of all.

Number of jurors required to agree upon verdict in civil inquests.

1290, 1917, s. 111.

58. 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 nine jurors shall be taken as the verdict of all; and if after four hours' deliberation nine jurors are unable to agree upon their verdict, the jury may be discharged from giving a verdict.

Fresh proceedings may be taken.

Ibid., s. 112.

59. Whenever pursuant to section 56, 57, or 58, 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.

Court may order another inquest.

Ibid., s. 113.

60. 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.

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CHALLENGE, AND TALES.

Challenge.
Ibid., s. 114
(altered).

61. In all inquests by a jury in the Supreme Court or any Circuit Court, each party may challenge peremptorily three jurors.

Right of challenge for King.
Ibid., s. 115.

62. 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.

Peremptory challenges above numbers allowed void.
Ibid., s. 116.

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

Time for challenging.
Ibid., s. 117.

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

Several severing in challenge.
Ibid., s. 118.

65. 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

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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.

66. If any man returned as a juror for any inquest is not qualified according to this Act, the want of such qualification shall, 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.
Ibid., s. 119.

67. 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.
Ibid., s. 121.

68. Where on any inquest any juror or talesman is challenged for cause, and it is necessary to try whether such cause be truly alleged, the matter shall be tried and determined by the Judge or Judges before whom the inquest is to be held.

Trial of challenge
for cause.

69. 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, either party may 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 jurors in any jury district, 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.
Ibid., s. 122.

PART VIII.

PART VIII.

FEES.

70. (1) In addition to all other fees payable by him, any party to any suit or action in the Supreme Court or any Circuit Court who applies for a jury, shall, at the time of such application, pay to the Sheriff the sum of Five Pounds.

Fees payable at time
of application for
jury.
Ibid., s. 136.

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

(3) Such party shall also on the second and every subsequent day of trial of such suit or action, and before the commencement of the hearing on each of such days, pay to the Sheriff in respect of every juror

PART VIII.

Juries Act.—1927.

juror impanelled to try such action a sum equal to the total of the sums payable under this Act to such juror in respect of compensation and mileage for such day.

(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.

Court may dispense with payment of fees.

Ibid., s. 138.

71. 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 section 70.

Court may order fees to be costs in cause.

Ibid., s. 139.

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

Repayment of fees.

Ibid., s. 140.

73. If after payment of the moneys by subsection (1) of section 70 required to be paid the said suit or action does not proceed to trial by a jury, and no jurors have been summoned, 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.

Payment of jurors.

Ibid., s. 142.

74. 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 Eighth 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.

Jurors not to receive any further remuneration.

Ibid., s. 143.

75. No juror shall be allowed to take for serving on a jury more than the sums allowed by this Act, 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.

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

Ibid., s. 144.

76. 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.

Power to fix fees by proclamation.

Ibid., s. 145A.

77. The Governor may by proclamation from time to time fix the amount of compensation to be paid to jurors and talesmen under this Act, and may by proclamation revoke or vary any proclamation made pursuant to this Act.

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PART IX.

PART IX.

OFFENCES AND PENALTIES.

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

Penalty for non attendance of jurors, &c.

Ibid., s. 146.

- (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
- (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 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 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.

79. 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 of his non-attendance; and such officer shall, upon receipt of such affidavit, submit the same to the said Court, or the Judge, who presided at the said Court at the time when such fine was imposed, and the said Court, or Judge, shall have power to remit such fine.

Fines may be remitted upon cause shown.

Ibid., s. 147.

80. 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—

Offences by Sheriff, etc.

Ibid., s. 148.

- (a) without lawful excuse causes any alteration, omission, insertion, or misdescription in any annual jury list, or
- (b) wilfully writes or causes to be written in any annual jury list, the name of any person not qualified to serve as a juror, or
- (c) subtracts or destroys, or by any default or neglect loses, any cards provided pursuant to this Act, or

(d) refuses

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- (d) 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 jury 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
- (e) excuses any man from serving, or from being summoned to serve, as a juror, except in the cases allowed by this Act, or
- (f) summons any juror less than two clear days before the day on which he is to attend, or
- (g) wilfully places upon any panel the name of any man who is not qualified to serve as a juror, or
- (h) wilfully records the appearance of any man summoned and returned to serve as a juror who did not really appear, or
- (i) 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
- (j) 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.

Recovery of certain fines.
Ibid., s. 149.

81. All fines imposed by the Supreme Court or any Circuit Court under section 78 or 80 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.

Penalty for defacing notices.
Ibid., s. 155.

82. 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.
Ibid., s. 156.

83. 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.

Summary proceedings for penalties in certain cases.
Ibid., s. 157.

84. 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.

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PART X.

PART X.

MISCELLANEOUS.

85. No alien shall be entitled to be tried by a jury one-half of which consists of aliens (heretofore known as a jury *de medietate lingue*), but he shall be triable in the same manner as if he were a natural born subject.

Jury *de medietate lingue* abolished.
Ibid., s. 158.

86. No jury to inquire whether a woman be with child or not (heretofore known as a jury *de ventre inspiciendo*) shall be impanelled or sworn.

Abolition of jury *de ventre inspiciendo*.

87. If 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. 160.

88. (1) In any inquest the Court or Judge 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 and give such directions as the Court or Judge may deem necessary for the purposes of such view, and such view shall be had accordingly.

View during trial
Ibid., s. 132.

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

89. 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 85 and 86 of this Act, and to alter or annul any such rules.

Rules of Court.
Ibid., s. 161.

90. 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.
Ibid., s. 162.

91. The Court or Judge in which any issue comes on to be tried shall have and exercise the same power and authority as that Court or Judge 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

Provisions for oral orders.
Ibid., s. 163.

Judge,

PART X.

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Judge, 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.

Effect of this Act on
Coroners Act.
Ibid., s. 165,
Altered.

92. 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: Provided that after the commencement of this Act any person otherwise qualified under the said Act to act as juror on a coroner's inquest, shall be liable to serve as such juror notwithstanding that he does not reside within two miles of the place where the inquest is to be held and notwithstanding that his name does not appear on any jurors list for a Local Court.

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

TOM BRIDGES, Governor.

Juries Act.—1927.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS REPEALED.

Section 2

Number of Act.	Title of Act.	Extent of Repeal.
116 of 1878 ..	Supreme Court Act, 1878	Secs. 22 and 23
1290 of 1917 .	Juries Act, 1917	The whole
1464 of 1921 .	Juries Act Amendment Act, 1921	The whole
1674 of 1925 .	Juries Act Amendment Act, 1925	The whole

SECOND SCHEDULE.

JURY DISTRICTS FOR THE SUPREME COURT AND CIRCUIT COURTS.

Section 9.

Name of Court.	Jury District Annexed to such Court.
Supreme Court . .	The subdistricts of East Adelaide, West Adelaide, North Adelaide, Prospect, Walkerville, Port Adelaide, Semaphore, Hindmarsh, Plympton, Thebarton, Unley, Glenelg, Goodwood, Mitcham, Norwood, Burnside, Magill, and St. Peters, being the whole of the Legislative Council Divisions of Adelaide, North Adelaide, Port Adelaide, West Torrens, Sturt, and East Torrens.
Circuit Court, Mount Gambier	The subdistrict of Mount Gambier being part of the Legislative Council Division of Victoria.
Circuit Court, Port Augusta	The subdistricts of Port Augusta, Carrieton, and Quorn being part of the Legislative Council Division of Newcastle.
Circuit Court, Gladstone	The subdistricts of Gladstone, Crystal Brook, and Jamestown being parts of the Legislative Council Divisions of Stanley and Burra Burra.

THIRD

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THIRD SCHEDULE.

Section 13.

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.
 South Australian Railways Commissioner, Persons in the paid and active service of.

Commonwealth Act,
 No. 2, 1905.

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.

FOURTH

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FOURTH SCHEDULE.

FORMS OF PRECEPT.

Sections 29, 30,
and 31.

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 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 ____ .

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 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 ____ .

FIFTH SCHEDULE.

SUMMONS TO JUROR.

Section 36.

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.

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SIXTH SCHEDULE.

Section 44.

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.”

SEVENTH SCHEDULE.

Section 52.

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.”

EIGHTH SCHEDULE.

Sections 74, 77.

RATE OF COMPENSATION TO JURORS.

To each Juror at any inquest for each day of attendance at the Court	} The sum fixed by proclamation under section 77 of this Act.	
To each Talesman at any inquest for each day of service		
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