

No. III.

**An Act for regulating the Constitution of Juries
and for the Trial of Issues in certain cases in
the Supreme Court of New South Wales.
[3rd February, 1832.]**

JURY TRIALS.

WHEREAS by an Act of Parliament passed in the ninth year ^{Preamble.}
of the reign of His late Majesty King George the Fourth
intituled "*An Act to provide for the Administration of Justice in New* ^{9 Geo. IV. c. 83.}
South Wales and Van Diemen's Land and for the more effectual
Government thereof and for other purposes relating thereto" it is
provided that if either of the parties plaintiff or defendant in any action
at law brought in the Supreme Court shall be desirous of having any
issue of fact joined between the said parties to be tried by a jury
and shall apply for that purpose to the said Court it shall be lawful
for the said Court to award or to refuse a trial by jury as the justice
of each particular case may seem to such Court to require and it is
further provided that the qualifications numbers and summonses of
such juries and all other rules for their constitution and proceeding
shall be fixed by some general Law or Ordinance to be passed by the
Governor with the advice of the Legislative Council And whereas in
pursuance of the said Act of Parliament a certain Law or Ordinance
for regulating the constitution of juries for the trial of issues in the
said Court and a certain other Law or Ordinance to amend the said
last-mentioned Law or Ordinance were passed by the said Governor
with the advice of his said Council which several Laws and Ordinances
have expired and it is expedient to amend renew and extend the pro-
visions thereof for a limited time Be it therefore enacted by His
Excellency the Governor of New South Wales with the advice of the
Legislative Council That in all actions at law in the Supreme Court of
the said Colony wherein the said Court shall award a trial by jury
such jury shall consist of *twelve* persons who shall be subject to such <sup>Juries to consist of
twelve persons.</sup>
and the like rules and manner of proceeding as are observed upon the
trial of any issue of fact joined in His Majesty's Courts of Record at
Westminster so far as the same may not be specially provided for in
this Act.

2. And be it further enacted That every man (except as hereinafter excepted) between the ages of twenty-one years and sixty years <sup>Qualification of
jurors.</sup>
residing within the district commonly called the County of Cumberland who shall have within the said Colony in his own name or in trust for him a clear income arising out of lands houses or other real estate of at least thirty pounds per annum or a clear personal estate of the value of at least three hundred pounds shall be qualified and liable to serve on juries for the trial of any such issues joined in the said Court as aforesaid.

3. And be it further enacted That the following persons shall ^{Exemptions.}
not be liable (except by and with their own consent) to serve upon any jury for the trial of any such issue as aforesaid that is to say all the Judges of the Supreme Court Commissioners of the Courts of Requests Chairmen of the Courts of Sessions and all ministerial officers of such Courts respectively all Members of the Executive and Legislative Council all persons holding offices under the departments of Customs and of Excise all clergymen in holy orders priests of the Roman Catholic faith dissenting ministers all barristers attornies and solicitors duly admitted to practice and actually practising in the
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Supreme Court coroners and gaolers physicians surgeons and apothecaries in actual practice all military and naval officers on full pay licensed pilots and masters of vessels actually employed in the service of the Crown sheriff's officers stipendiary constables or peace officers schoolmasters and parish clerks.

Disqualifications.

4. And be it further enacted That the following persons shall not be qualified to serve on any such jury as aforesaid that is to say every man not being a natural-born subject of the King and every man who hath been or shall be attainted of any treason or felony or convicted of any crime that is infamous (unless he shall have received for such crime a pardon or the full period shall have expired for which he shall have been sentenced to be transported) and every man of bad fame or of dishonest life or conduct or of immoral character or repute.

Persons twice convicted disqualified.

5. Provided also and be it further enacted That nothing hereinbefore contained shall extend to the qualifying of any person to serve on any such jury who either while serving under a sentence passed upon him in any part of the British dominions or after the expiration or remission of such sentence shall have been convicted of any treason felony or other infamous offence.

Preparation of lists.

6. And be it further enacted That the several Superintendents of Police for the time-being within the said County of Cumberland and the several Benches of Magistrates in places within the said County in which there are no Superintendents of Police shall in the first week in the month of March in this present year and in the first week in the month of January in every succeeding year prepare or cause to be prepared lists of all men within their respective townships or districts liable to serve on the said juries setting forth their christian and surnames residences titles additions and qualifications according to the form annexed to this Act and the said Superintendents of Police for the time-being respectively and the said Benches of Magistrates respectively or any two or more of the said Magistrates shall respectively subscribe the said lists with a declaration that each such list contains to the best of their knowledge and belief the names of all persons liable to serve on juries in the district for which it is made and qualified according to the provisions of this Act.

Lists to be affixed to the doors of the Court-houses and Churches.

7. And be it further enacted That the said Superintendents and Magistrates respectively shall cause a copy of the lists which shall be made out as aforesaid to be within three days after the same shall be prepared affixed to the principal doors of the Court-houses and also to the principal door of every public place of religious worship within the said towns respectively with a notice signed with their names that the Justices of the Peace for the said towns and districts respectively will hear at the then next Petty Sessions directed to be held for that purpose as hereinafter mentioned all objections to the said lists Provided always that the said Superintendents and Magistrates respectively shall keep the original lists or copies of the same to which the inhabitants of the said towns or districts respectively shall have access at any reasonable time within fourteen days after the date of such notice without fee in order that due notice may be given of names improperly omitted or inserted.

Special Petty Sessions to be held for correcting the lists.

8. And be it further enacted That Special Petty Sessions shall be held in the third week in the month of March in this present year and in the third week in the month of January in every succeeding year in each of the said townships or districts at which the said Superintendents and Magistrates respectively 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 and also of such as are disabled by lunacy or inability

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inability of mind deafness blindness or other permanent infirmity and shall insert all names improperly omitted and correct all errors and mistakes in such lists and finally settle the same and the said lists when so settled shall be final and shall continue in force for the current year.

9. And be it further enacted That it shall and may be lawful for the said Superintendents of Police and Magistrates who shall have prepared and submitted such lists as aforesaid to assist and vote at such Petty Sessions as aforesaid upon all questions which may be put respecting the character qualification disqualification or exemption of every person named in any such list or of any person whose name may be proposed to be added thereto Provided always that if any question should arise respecting the striking out or adding of a name the same shall be decided by ballot.

Superintendents and Magistrates who have prepared the lists may vote at such Sessions.

Proviso for voting by ballot.

10. And be it further enacted That after the said lists shall have been finally settled and approved in Petty Sessions in the manner directed in this Act as aforesaid a certificate shall be subjoined to each such list and subscribed by the Superintendents and such other Magistrates as may be then present stating that the same has been carefully examined and corrected according to the best of their knowledge and belief or at least according to the best of the knowledge and belief of the major part of them and that all the persons then named in such lists are qualified to serve on juries according to the provisions of this Act.

Certificates to be subjoined to lists.

11. And be it further enacted That the Superintendents of Police or other Magistrates as aforesaid shall cause all the Magistrates of the respective districts to be specially summoned to attend the said Special Petty Sessions and the said Magistrates shall sit *de die in diem* until the jury lists shall be settled as hereinbefore directed and if any Superintendent of Police or other Magistrate after having been so summoned shall neglect or fail to attend at any such Special Petty Sessions or if attending shall refuse or fail to vote accordingly upon any question that shall be put every such Superintendent of Police or other Magistrate so refusing or failing to vote or so neglecting or failing to attend unless he can shew reasonable cause shall forfeit and pay for every such offence the sum of twenty pounds to be sued for in the name of the Attorney General and to be appropriated in the same manner as all fines and forfeitures levied under this Act and the Clerks of the said Benches respectively shall note the names of all such Magistrates as shall attend the said Special Sessions and as shall be absent from the same from day to day and at the close of the said Session shall transmit a certified list thereof to the Attorney General.

Magistrates not attending at Petty Sessions when summoned or failing to vote to be fined in the sum of £20.

Clerk of the Bench to report the names of such Magistrates to the Attorney General.

12. And be it further enacted That as soon as the said lists shall be settled as aforesaid the same shall be immediately transmitted by the said Justices to the Sheriff and the Sheriff upon receiving such lists shall within ten days after the receipt thereof in each and every year cause to be transcribed fairly in a book to be kept in his office for such purpose and to be styled the "Jurors' Book" the names of all persons contained in such lists respectively with the addition of their respective residences titles and qualifications in alphabetical order beginning under each letter of the alphabet with the surname of each person and such jurors' book shall thereupon be and continue in force for the current year and until the jury lists for the year next ensuing shall be transcribed by the Sheriff into the jurors' book.

Lists to be transmitted to the Sheriff to be entered in a book.

13. And be it further enacted That a true and faithful copy of the said jurors's book shall be made by the said Sheriff in each and every year as soon as conveniently may be and shall be delivered upon oath by the said Sheriff to the Clerk of the Supreme Court in order

Copy of jurors' book to be delivered to the Clerk of the Supreme Court.

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order that the same may be referred to in the said Court at the trial of every issue as aforesaid.

Jurors to be summoned in alphabetical order.

14. 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 as often as a writ of *venire facias* as hereinafter provided shall be delivered to the Sheriff requiring him to summon jurors for the trial of any such issues as aforesaid the Sheriff shall and he is hereby required to summon all persons (not being on the special jury list as hereinafter provided) whose names shall be transcribed in such jurors' book according to the order 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 or defaults and such order shall be observed in each succeeding year the Sheriff beginning with the names in the new book next after the names of the persons in the last book who were last summoned to attend on such juries as aforesaid.

Venire facias.

15. And be it further enacted That in case the said Court shall award a trial by jury in any such action as aforesaid it shall be lawful for the said Court to issue a general *venire facias* for the trial of all and every issue or issues of fact joined as aforesaid and ordered for trial by jury in the said Court and the form of such *venire facias* shall be settled by the said Court and shall direct the Sheriff to summon so many jurors to attend the said Court and at such time or times as the said Court shall direct and appoint Provided always that the names of no more than thirty-six nor less than eighteen persons duly qualified to serve as jurors as aforesaid shall be included in any such *venire facias* and that every such *venire facias* shall be issued to the Sheriff eight clear days before the attendance of such jurors shall be required and that the said jurors shall be severally summoned by the said Sheriff or his proper officer four 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—

Form of summons.

Mr. A. B. (*naming the juror*) you are hereby required to appear as a juror at the Supreme Court in Sydney to be held on the day of next and there to attend from day to day until you shall be discharged by the said Court.

(Signed) C. D.
Sheriff.

and the said summons shall be left at the respective places of abode of the said jurors.

Penalty for jurors not attending when summoned.

16. And be it further enacted That if any person duly summoned as a juror as aforesaid shall make default and fail to attend the said Court (upon proof on oath of such person being duly summoned as aforesaid) every such person shall forfeit a sum not exceeding ten pounds at the discretion of any Judge or Judges of the said Court to be levied and appropriated in like manner as all other fines and forfeitures under this Act unless some just cause for such defaulter's absence shall be made to appear by oath or affidavit to the satisfaction of the said Court.

Names to be drawn from a box.

17. And be it further enacted That at the sitting of the said Court for the trial of any such issue as aforesaid the name addition and place of abode of each juror summoned as aforesaid shall be written on a separate piece of card or paper and put into a box and when such 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 are not objected to or challenged and after the

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the trial such 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.

18. And be it further enacted That when a cause appointed to be tried by a common jury shall be called on and a sufficient number of jurors summoned to attend such Court shall not be in attendance it shall be competent to either party to the cause to pray a *tales* and the Court or Judge may then command the Sheriff or his deputy forthwith to summon as many good and lawful men of the bystanders (being qualified and liable as jurors as aforesaid) as shall be sufficient to make up a full jury for the trial of such cause as aforesaid. Talesmen.

19. And be it further enacted That every juror who shall attend the said Court to try civil issues in pursuance of such summons as aforesaid shall be entitled to receive for every day during his attendance upon the said Court a compensation for his expenses at and after the following rates that is to say if such person shall reside within the Town of Sydney or within two miles thereof the sum of two shillings for every day such juror shall attend the said Court and if such juror shall reside at the distance of more than two miles from the said town the sum of five shillings for every day such juror shall be so in attendance and the further sum of eight-pence per mile for every mile he shall reside beyond the limits of Sydney. Allowance to jurors.

20. And be it further enacted That the Chief Clerk of the Court 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 said Court and after the expiration of the time appointed by the Court for the attendance of such jurors respectively the said Clerk or other proper officer shall deliver to every such juror a short account or memorandum in writing setting forth the number of days such juror may have been in attendance upon the said Court and the distance from Sydney (if such juror reside more than two miles beyond Sydney) from which such juror may have attended and the sum of money to which such juror may be entitled and the said memorandum shall be taken by such juror to the Sheriff and the Sheriff shall thereupon pay to such juror the sum of money to which he may be entitled as aforesaid. The Clerk of the Court to note the attendance of jurors who are to be paid by the Sheriff.

21. And in order to provide a fund for the payment of jurors be it further enacted That there shall be paid by the party or parties who shall obtain a verdict in any cause tried by a common jury as aforesaid into the hands of the Chief Clerk or other proper officer of the said Court the sum of two pounds and such and the like sum shall be allowed to such party or parties in the taxation of costs and all sums of money so received by the said Clerk or other officer of the said Court shall be paid over to the Sheriff and the same together with all fines and forfeitures levied under this Law or Ordinance shall form and be a fund for the payment of the expenses of jurors in attendance upon the said Court and shall be paid and applied to such purpose accordingly. Successful party to pay the sum of £2 which with fines &c. shall form a fund for the payment of jurors.

22. And be it further enacted That the Judges of the said Supreme Court or any one Judge in vacation may grant a rule where it appears expedient that the jury should have a view of any place in dispute and that any Judge or Judges of the said Court may order such sum as such Judge or Judges 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 such sum shall be paid over to such jurors as shall have had such view and shall be taxed and allowed by the Master or other proper officer of the Court in like manner as the other costs of the same and that two or more jurors as shall be mutually agreed upon between the parties to the suit or Jurors if expedient to view any place in dispute.
in

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Proviso.

in case the parties cannot agree as shall be nominated by the Sheriff shall be shewn the place by two persons to be appointed by the Court or Judge who shall sit for the trial of issues for the time 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 issue.

If a jury be granted the Court if required shall order a special jury.

23. And be it further enacted That in every case wherein a jury shall have been granted as aforesaid for the trial of any issue or issues if either of the parties plaintiff or defendant shall make application to the Court stating his desire to have the said issue or issues tried by a special jury the Judges of the said Court shall forthwith issue directions for summoning a special jury constituted as is hereinafter more particularly described for the trial of such issue or issues between the said plaintiff and defendant.

Qualification of special jurors.

24. And be it further enacted That every man described in the said juror's 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 shall be qualified to serve on special juries for the trial of issues in the Supreme Court as aforesaid and shall in consideration of such qualifications be exempted from serving except with his own consent on any common jury as aforesaid.

Special jurors' list.

25. And be it further 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 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 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.

Mode of striking special juries.

26. And be it further enacted That whenever the said Supreme Court shall have awarded a jury for the trial of any issue and either party plaintiff or defendant shall require a special jury the Chief Clerk or other officer of the Supreme Court shall appoint a time and place for the striking of such special jury and the said officer at the time and place being attended by the Sheriff or his officer who is hereby required to bring with him the special jurors' list and all the numbers so written on distinct pieces of parchment 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 said 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 together shall draw out of the said box forty-eight of the said numbers one after another 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 forty-eight 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 forty-eight names contained in the lists so delivered shall be reduced to eighteen by the plaintiff or his attorney and the defendant or his attorney

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attorney each of them striking out at his discretion fifteen different names from each of the said lists.

27. And be it further enacted That as soon as any special jury shall be struck as aforesaid the same shall be severally summoned by the Sheriff or his officer to attend the Supreme Court on the day appointed for the trial of such cause according to the form and manner hereinbefore directed for the summoning of common juries and the Sheriff shall on the day appointed for the trial deliver to the Chief Clerk or other proper officer of the Supreme Court the two aforesaid reduced lists of jurors together with the box from which the numbers were drawn and shall put therein all the numbers corresponding with the names remaining on the said two reduced lists and the said officer shall in open Court draw from the box one number at a time and shall repeat aloud the corresponding name from the said lists until twelve men shall answer which said twelve men being duly sworn shall be deemed and taken to be the special jury.

The summoning and mode of drawing for special juries.

28. And be it further enacted That when the cause appointed to be tried by a special jury as aforesaid shall be called on and a sufficient number of jurors summoned to attend such Court shall not be in attendance it shall be competent to either party to pray a *tales* and the Court or Judges may then command the Sheriff or his deputy forthwith to summon as many good and lawful men of the bystanders (being qualified and liable as such special jurors as aforesaid under the provisions of this Act) as shall be sufficient to make up a full jury for the trial of such cause as aforesaid Provided however that such Court shall in no case allow such *tales* unless at least nine of the jurors summoned for the trial of the cause should be then in attendance at the Court.

Tales de circumstantibus.

29. And be it further 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 plaintiff and defendant consenting thereto in writing any thing in this Act contained to the contrary notwithstanding.

The same special jury may try any number of causes.

30. And be it further enacted That the person or party who shall apply for a special jury for the trial of any civil issue 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 or person would be entitled to in case the cause had been tried by a common jury as hereinbefore directed 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 a special jury.

Party applying for a special jury to pay all expenses unless the Judge shall certify.

31. And be it further enacted That every special juror for the trial of every civil issue as aforesaid shall be allowed the sum of fifteen shillings and in cases where a view shall be directed such further sum as shall be taxed or allowed by the Court or Judge as hereinbefore provided with respect to common juries.

Allowance to special jurors for the trial of civil issues.

32. And be it further enacted That every special juror who shall be summoned for the trial of any civil issue as aforesaid or any criminal issue as hereinafter mentioned and shall attend the said Court in pursuance of such summons and who shall reside at the distance of more than five miles from the Town of Sydney shall be allowed for such attendance the sum of eight-pence per mile for every mile he shall reside beyond the limits of Sydney and the said allowance shall be computed and paid in such and the like manner as hereinbefore directed with respect to the mileage allowed to common jurors Provided however that no such allowance shall be made to any such juror for more than one attendance at any one time.

Mileage to special jurors residing beyond five miles from Sydney for attendance.

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Penalty for not attending when summoned.

33. And be it further enacted That if any special 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 twenty pounds at the discretion of any Judge or Judges of the said Court to be levied and appropriated in like manner as all other fines and forfeitures under this Act unless some just cause for such defaulter's absence shall be made to appear by oath or affidavit to the satisfaction of the said Court.

Penalty for Sheriff or other officer failing to do what is hereby required.

34. And be it further enacted That if any Sheriff or other minister or officer shall wilfully insert or omit in the jurors' book the name of any man not included in the lists of jurors as aforesaid or shall fail to deliver a correct copy thereof to the Clerk of the Supreme Court or shall otherwise fail well and faithfully to do and perform all and every the acts matters and things hereby required to be by him performed such Sheriff or other minister or officer shall be fined at the discretion of the Court.

Penalty for Magistrates &c. neglecting the duties herein prescribed.

35. And be it further enacted That any Superintendent of Police Magistrate Clerk of the Petty Sessions or other ministerial officer who shall wilfully neglect or refuse to execute any of the duties in the manner herein prescribed shall forfeit for every such offence the sum of fifty pounds one half to the person suing in the Supreme Court for the same the other to be appropriated in like manner as all other fines and forfeitures under this Act.

Penalty for corruptly influencing jurors.

36. And be it further enacted That any person guilty of the offence of corruptly influencing or attempting to influence any such juror as aforesaid or jurors consenting thereto may be punished with fine and imprisonment on conviction before the said Supreme Court.

How fines shall be levied and accounted for.

37. And be it further enacted That all fines to be imposed under this Law or Ordinance by the Supreme Court shall be levied in the same manner as any other fines imposed by the Supreme Court and shall form a fund for the payment of jurors as hereinbefore provided and shall be accounted for in like manner as other fines and forfeitures imposed by the said Court.

Allowance to assessors.

38. And whereas it is expedient to make some allowance to assessors for their loss of time in attending the Supreme Court for the trial of issues as by law they are required Be it therefore further enacted That each and every assessor attending the said Court shall for the trial of every issue upon which he shall serve be allowed the sum of ten shillings and such sum shall immediately be paid by the successful party to each assessor serving as aforesaid and shall be taxed and allowed as hereinbefore directed with respect to common juries.

To be paid by the successful party.

No other costs to be allowed for trial by jury than by assessors unless the Court shall certify.

39. Provided always and be it further enacted That no further or other expense occasioned by the trial of any civil issue or cause in the said Court by a jury shall be allowed upon taxation of costs than would be allowed for a trial by assessors unless the Judge before whom such cause may be tried shall immediately after the verdict certify under his hand that the same was more proper to be tried by a jury than by assessors.

9 Geo. IV. c. 83.

40. And whereas by the said recited Act of Parliament it is amongst other things further enacted That it shall and may be lawful for His Majesty His Heirs and Successors by an Order to be by him or them issued with the advice of his or their Privy Council at any time or times thereafter to authorize the Governors of New South Wales and Van Diemen's Land respectively or either of them with the advice of the Legislative Councils of the said Colonies respectively or either of them further to extend and apply the form and manner of proceeding by Grand or Petit Juries or either of them in the presentment and trial of all crimes misdemeanors issues matters and things properly cognizable by juries in such parts of the said Colonies and their

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their Dependencies respectively at such time and with under and subject to such limitations modifications and rules in respect thereof as to the said Governors and Councils respectively should seem meet and as should from time to time be specified by any Law or Ordinance to be by them made in such behalf and whenever and so far as such manner of proceeding by juries shall from time to time be extended and applied as aforesaid then the form and manner of proceeding therein-before directed as well in the prosecution of offences as in the trial of issues shall cease and determine And whereas by an Order in Council bearing date the twenty-eighth day of June one thousand eight hundred and thirty His said late Majesty was pleased by and with the advice of his Council and in pursuance and exercise of the authority so vested in him as aforesaid by the said Act of Parliament to authorize the Governors of New South Wales and Van Diemen's Land respectively with the advice of the Legislative Councils of the said Colonies respectively to extend and apply the form and manner of proceeding by Grand and Petit Juries or either of them at such times and with under and subject to such limitations modifications and rules in respect thereof as to the said Governors and Councils respectively should seem meet and as should from time to time be specified in any Law or Ordinance to be by them made in such behalf And whereas it is expedient to extend and apply the trial by juries to certain crimes and misdemeanors hereinafter particularly mentioned Be it therefore enacted That in all cases in which any person or persons shall be charged with and prosecuted for any crime misdemeanor or offence in the Supreme Court of the said Colony and that the said party or parties so charged shall at the time of his her or their being brought up to be arraigned for such offence or offences make it appear to the satisfaction of the said Court that the Governor or any Member of the Executive Council of the said Colony of New South Wales is the person against whom such offence or offences is or are alleged to have been committed or has any personal interest in the result of such prosecution or that the personal interest or reputation of any Officer of the Navy or Army on the station of the said Colony or the interest or reputation of either of these bodies generally is involved in such prosecution or will be affected by its result the said Court shall order and direct that the said person or persons so accused as aforesaid shall be tried by a jury of twelve civil inhabitants of the said Colony and shall adjourn the trial of the said person or persons to such future day as to the said Court shall seem meet to enable the Sheriff to return to the said Court a list of jurors for that purpose Provided however that the person or persons making such statement and application to the said Court as aforesaid shall have previously served a notice in writing of his her or their intention of making such statement and application upon His Majesty's Attorney General for the said Colony or other prosecutor or prosecutors in such case at least four days before the time of his her or their being so arraigned as aforesaid.

Order in Council of
28th June 1830.

In criminal cases where the Governor the Members of the Executive Council or Naval or Military Officers are interested the same may be tried by a jury of civil inhabitants.

Notice to be given to the Attorney General or other prosecutors.

41. And be it further enacted That in case the said Court shall award a trial by jury of civil inhabitants for such offence or offences as aforesaid it shall be lawful for the said Court to issue a *venire facias* or precept to the Sheriff directing him to summon so many jurors of the civil inhabitants and at such time or times as the said Court shall direct and appoint and the said Sheriff shall upon receipt thereof duly cause to be summoned the number of jurors directed by the said writ or precept which said jurors shall be taken from the special jurors' list pursuant to the provisions of this Act and the said Sheriff shall return to the said Court a list of the said jurors so summoned by him pursuant to the directions of the said writ or precept.

Court to issue a
venire facias.

Governor's and Judges' Salaries.

Such jurors to be subject to the same provisions as special juries for the trial of civil issues.

42. And be it further enacted That the jurors so summoned as last aforesaid shall be subject in all respect to such and the like provisions and the trial of any such offence by such juries shall proceed in like manner and be subject to such and the like rules and regulations as hereinbefore are made and directed with respect to the trial of civil issues by a special jury in the said Court.

Commencement and duration of Act.

43. And be it further enacted That this Law or Ordinance shall commence and take effect from and after the publication thereof and shall continue and be in force until the first day of March one thousand eight hundred and thirty-four.

FORM OF RETURN OR LIST REFERRED TO.

The List of all Men within the District or Town of

liable to serve on Juries.

District or Place in Towns add the name of the Street.	Christian and Surnames at full length.	Title Quality Calling or Business.	Nature of Qualification.
Parramatta Macquarie-street	Adams John	Esquire	{ Freehold one hundred pounds per annum.
Sydney George-street	Bowles James	Grocer	{ Four hundred pounds of personal estate.

A. B.
Superintendent of Police or
Magistrate for
