

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1944.

A BILL

To amend in certain respects the law relating to juries; to amend the Jury Act, 1912, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows :—

1. (1) This Act may be cited as the "Jury (Amend- Short title.
ment) Act, 1944."

(2) The Jury Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

10 (3) The Principal Act, as amended by this Act, may be cited as the Jury Act, 1912-1944.

Jury (Amendment).

2. (1) For the purposes only of Parts IV and V of the Principal Act subsection three of this section shall be deemed to commence on the first day of the second week of October in such year as the Governor may by
5 notification published in the Gazette appoint.

Commence-
ment of
section.

(2) Subsection three of this section shall come into operation for all purposes upon the first day of January next following the year appointed by the Governor pursuant to subsection one of this section.

10 (3) The Principal Act is amended—

Amendment of
Act No. 31,
1912.

(a) by omitting section three and by inserting in lieu thereof the following section:—

Subst. sec. 3.

15 3. Except as hereinafter provided every man who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1941, shall be qualified and liable to serve on juries for the trial of all issues, civil and criminal, and for the assessment of damages in all actions at law,
20 and to act as a juror in any district court.

Qualifica-
tions of
male jurors.

(b) by omitting paragraph (a) of section four;

Sec. 4.
(Disqualifica-
tion.)

(c) (i) by omitting from subsection one of section ten the words “and nature of the qualification”;

Sec. 10.

25 (ii) by omitting from subsection two of the same section the words “addition, and nature of the qualification” and by inserting in lieu thereof the words “and addition”;

(Lists to be
prepared
by chief
constables.)

30 (d) by omitting from the Third Schedule the matter appearing in the column headed “Nature of Qualification”.

Third
Schedule.

35 3. (1) For the purposes only of Parts IV and V of the Principal Act subsection three of this section shall be deemed to commence on the first day of the second week of October in such year (not being prior to the termination of the present war between His Majesty and Germany and her Allies) as the Governor may by notification published in the Gazette appoint.

Commence-
ment of
section.

(2)

Jury (Amendment).

(2) Subsection three of this section shall come into operation for all purposes upon the first day of January next following the year appointed by the Governor pursuant to subsection one of this section.

5 (3) The Principal Act is further amended—

Further amendment of Act No. 31, 1912. New sec. 3A.

(a) by inserting next after section three the following new section:—

3A. Except as hereinafter provided every woman—

Qualifications of female jurors.

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(a) who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1941; and

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(b) who, during the month of October in any year, has, in the form contained in the Seventh Schedule to this Act, notified the chief constable of the police district in which she resides that she is desirous of serving as a juror for one year as from the first day of January next following;

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shall be qualified and liable to serve on juries for the trial of all issues, civil and criminal, and for the assessment of damages in all actions at law, and to act as a juror in any district court.

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(b) (i) by omitting from section four the word "man" and by inserting in lieu thereof the word "person";

Sec. 4. (Consequential.)

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(ii) by omitting from paragraph (b) of the same section the word "he" and by inserting in lieu thereof the words "such person";

(c) by omitting from sections nine, thirteen, twenty-seven and fifty-seven the word "men" wherever occurring and by inserting in lieu thereof the word "persons";

Secs. 9, 13, 27 and 57. (Consequential.)

35

(d) by omitting from sections ten and fifty-eight the word "man" wherever occurring and by inserting in lieu thereof the word "person";

Secs. 10 and 58. (Consequential.)

(e)

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Jury (Amendment).

- (e) by omitting from the Second Schedule the word "men" and by inserting in lieu thereof the word "persons";
- (f) by inserting in the Sixth Schedule next before the letters "A.B." the words "Mrs. or Miss";
- (g) by inserting next after the Sixth Schedule the following new Schedule:—

Second
Schedule.
(Conse-
quential.)
Sixth
Schedule.
(Conse-
quential.)
New
Seventh
Schedule.

SEVENTH SCHEDULE.

FORM OF NOTIFICATION.

To the Chief Constable of the Police District of (insert name of District).

I, (name), being a woman who is entitled to be enrolled as an elector pursuant to Part III of the Parliamentary Electorates and Elections Act, 1912-1941, now resident at (insert address), am desirous of serving as a juror during the year commencing on the 1st January next.

Dated this day of 19

(Signature.)

4. (1) The Principal Act is amended—

- (a) by omitting subsection (1A) of section fifteen;
- (b) by omitting section twenty;
- (c) (i) by omitting from subsection one of section twenty-six the words "and special jurors' list";
- (ii) by omitting from the same subsection the words "or list";
- (iii) by omitting from subsection two of the same section the words "or list";
- (iv) by omitting from the same subsection the words "or special jurors' list";
- (d) by omitting section twenty-eight;
- (e) by omitting from section twenty-nine the word "special";
- (f)

Further amendment of Act No. 31, 1912.
Sec. 15.
(Lists to be transmitted to sheriff and district court judges.)
Sec. 20.
(Sydney special jurors' book.)
Sec. 26.
(Jurors' books and lists to come into force immediately.)
Sec. 28.
(Criminal special jury.)
Sec. 29.
(Trial and assessment in civil cases.)

Jury (Amendment).

- 5 (f) by omitting from section thirty the words "who shall be returned under the provisions of this Act either from amongst the class of special jurors or of common jurors or in cases to be tried on circuit partly from each class, as the court thinks fit to order";
- 10 (g) by omitting sections thirty-three and thirty-four;
- (h) by omitting from subsection one of section thirty-eight the words "to be taken from either the general or the special jury list";
- (i) by omitting from section forty-one the words "special or common";
- 15 (j) (i) by omitting from subsection one of section forty-three the words "or special jurors' list";
- (ii) by omitting from the same subsection the words "or list" wherever occurring;
- 20 (k) by omitting section forty-six and by inserting in lieu thereof the following new section:—
- 25 46. In determining the persons to be summoned for a jury, those persons who, during the time that the jury book has been in use, have attended at a court in pursuance of a summons, or served on a jury, shall be excluded from service as jurors until the list of names in the jury book has been exhausted.
- (l) by omitting from subsection three of section fifty-nine the words "either special or common";
- 30 (m) (i) by omitting from paragraph (c) of subsection one of section seventy-five the word "common";
- (ii) by omitting paragraph (d) of the same subsection;
- 35 (iii) by omitting from subsection three of the same section the words "or six pounds, as the case may be";
- (n) by omitting section seventy-six;
- (o)

Sec. 30.
(Juries of twelve.)

Secs. 32 and 33.
(Special or common jury precepts.)

Sec. 38.
(Enlarged or separate jury panel may be ordered by the court.)

Sec. 41.
(Special rule or order for summoning jury.)

Sec. 23.
(Jurors to be chosen by lot.)

Subst.
sec. 46.

Jurors not liable to be summoned until list exhausted.

Sec. 59.
(Striking jury in civil cases.)

Sec. 75.
(Fees to be paid on setting down case for trial.)

Sec. 76.
(Costs of special jury unless judge certify.)

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Jury (Amendment).

(o) by omitting from the Fourth Schedule the words "either special or common";

Fourth Schedule.

(p) by omitting the Fifth Schedule and by inserting in lieu thereof the following new Schedule:—

Subst. Fifth Schedule.

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FIFTH SCHEDULE.

Secs. 32-37.

FORM OF PRECEPT.

(To be adopted for juries of twelve and juries of four.)

To the Sheriff of or his deputy, greeting,—

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Pursuant to the Act in such case made and provided, you are hereby commanded that you cause to come before

(here insert the style of the court) to be

holden at the court-house at , on

(here insert the day of the week), the day of

15

now next *(or instant)* good and

lawful persons of the jurors' district for

aforsaid, duly qualified according to law as jurors to make

a jury of the country for the trial of all such issues of

fact or other matters as shall be then required to be tried

by a jury of (twelve or of four according as the precept

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shall be intended). And that you have then there the

names of those jurors as by the law is required of you,

together with due proof of the service of a summons upon

such of the said jurors as shall have been served and of

the time and manner thereof and of the causes wherefore

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the others of such jurors have not been served with such

summons and also this writ.

Given under my hand and seal at this

day of , A.D. 19

(2) The amendments made by subsection one of Savings.

30 this section shall not affect or invalidate the trial of any

issue, civil or criminal, or the assessment of damages in

any action at law pending or commenced at the commence-

ment of this Act by or had before a jury summoned,

impanelled or constituted in accordance with the pro-

35 visions of the Principal Act.

5. The Principal Act is further amended—

Further amend- ment of Act No. 31, 1912.

(a) by inserting in section nine after the words

Sec. 9.

"according to this Act" the words "or a list

(Notice to chief constable.)

comprising such number of such men as has

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been previously certified to such clerk by the

sheriff as being reasonably sufficient for the

estimated requirements of the district";

(b)

Jury (Amendment).

- (b) by inserting at the end of section ten the following new subsection:—

Sec. 10.
(Lists to be prepared by chief constable.)

(3) The foregoing provisions of this section shall be regarded as sufficiently complied with if the list contains such number of such men as is specified in the notice referred to in section nine.
- (c) by inserting in section twelve after the words “in every year” the words “by notice published in a newspaper circulating in the district or by notice served by post”;

Sec. 12.
(Special petty sessions to be summoned.)
- (d) (i) by inserting in subsection three of section thirteen after the words “infirmity of body” the words “and also the names of all men who in the opinion of the justices are, from the nature of their calling, liable to suffer undue hardship from being called to serve as jurors or whose call to so serve would occasion undue public inconvenience”;

Sec. 13.
(Correction and allowance of lists.)

(ii) by inserting at the end of the same section the following new subsection:—

(6) The special petty sessions may be held by and before a stipendiary or police magistrate sitting alone or by and before two or more justices.
- (e) (i) by omitting from subsection one of section fifteen the words “the Supreme Court or a circuit court or” and by inserting in lieu thereof the words “a sitting of the Supreme Court or a district court or a”;

Sec. 15.
(Lists to be transmitted to sheriff, etc.)

(ii) by omitting from subsection two of the same section the words “or circuit court” and by inserting in lieu thereof the words “or district court”;
- (f) (i) by omitting from subsection one of section seventeen the words “Except in the case of the jurors’ district of the city of Sydney”;

Sec. 17.
(Jurors’ book.)

(ii),

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Jury (Amendment).

- (ii) by omitting subsection two of the same section;
- (g) by omitting section nineteen; Sec. 19.
(District court jurors' book.)
- 5 (h) by omitting from section twenty-two the words "circuit court or" and by inserting in lieu thereof the words "sitting of the Supreme Court or a"; Sec. 22
(New courts.)
(Revision.)
- 10 (i) (i) by inserting at the end of subsection one of section twenty-three the words "or a list comprising such number of such persons as has been previously certified to such bench by the sheriff as being reasonably sufficient for the estimated requirements of the district"; Sec. 23.
(Preparation of lists for new courts.)
- 15 (ii) by inserting in subsection two of the same section after the word "justices" the words "or the stipendiary or police magistrate or the two or more justices constituting the special petty sessions as provided by section thirteen";
- 20 (j) by omitting section twenty-five; Sec. 25.
(District court judge to prepare jurors' book.)
- 25 (k) by omitting from subsection one of section twenty-six the words "made out by the sheriff or the district court judge, as the case may be" and by inserting in lieu thereof the words "transmitted to the sheriff"; Sec. 26.
(Coming into force of juror's books and lists.)
- (l) by omitting from subsection one of section twenty-seven the words "the circuit courts"; Sec. 27.
(Trial by jury in criminal cases.)
(Revision.)
- 30 (m) by omitting from section 27A the words "nevertheless, subject to assent being given in writing by or on behalf of both the Crown Prosecutor and the accused (which assent the accused is hereby authorised to give)" and by inserting in lieu thereof the words "unless the judge otherwise directs"; Sec. 27A.
(Continuance of trial where juror dies or becomes incapable.)
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(n)

Jury (Amendment).

(n) by inserting next after section thirty the following new section:— New s. 30A.

5 30A. Where in the course of a civil trial any member of a jury dies or is discharged by the court as being through illness incapable of continuing, or for any other reason, the jury shall, unless the judge otherwise orders, and so long as the number of its members is not reduced below three (or in case of a jury of twelve below 10 ten), be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a valid verdict may be given accordingly.

15 (o) (i) by omitting from subsection one of section thirty-two the words "and circuit courts" and by inserting in lieu thereof the word "Court"; Sec. 32. (General jury precepts.)

 (ii) by omitting from subsection two of the same section the words "or any circuit court";

20 (iii) by inserting at the end of the same section the following new subsection:—

 (4) Two or more precepts may be issued returnable at any particular court on any one day to ensure the attendance at any 25 trial of a sufficient number of jurors to allow full right of challenge to all parties.

(p) by omitting from section thirty-six the words "or any circuit court"; Sec. 36. (Number of jurors to be summoned.)

30 (q) by omitting from section thirty-seven the words "circuit court" and by inserting in lieu thereof the words "district court"; Sec. 37. (Priority of precepts.)

35 (r) (i) by omitting from section thirty-nine the words "the next preceding section" and by inserting in lieu thereof the words "section thirty-eight of this Act"; Sec. 39. (Enlarged jury panel.) (Revision.)

 (ii) by omitting from the same section the words "or in a circuit court";

(s)

Jury (Amendment).

- 5 (s) (i) by omitting from subsection one of section forty the words "and circuit courts";

(ii) by inserting in subsection two of the same section after the word "except" the words "where otherwise provided in this Act and";
- 10 (t) (i) by omitting from paragraph (a) of subsection one of section forty-three the words "rotating ballot-box" and by inserting in lieu thereof the words "ballot-box of a type";

(ii) by inserting at the end of the same paragraph the words "cards which during any year have already been drawn in a lot pursuant to this section being excluded";
- 15 (iii) by omitting from paragraph (b) of the same subsection the words "Such box first having been made to rotate for one minute at least" and by inserting in lieu thereof the words

20 "The cards in the box having been thoroughly mixed";
- (u) by omitting section forty-seven and by inserting in lieu thereof the following new section:—

25 47. Where the sheriff has summoned any jurors for the trial of issues in the Supreme Court or court of quarter sessions at Darlinghurst, or the Supreme Court in King-street, Sydney, or the Metropolitan District Court, on any particular day or days, he shall not

30 summon the same juror to attend at any other such court on the same day or days.
- (v) (i) by omitting from section fifty the words "in alphabetical order";

(ii) by omitting from the same section the words "the names of the said persons, with" and by inserting in lieu thereof the words "in the case of a precept for a jury for the trial of criminal issues the names of the said persons

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Sec. 40.
(Power reserved to courts, etc.)
(Revision.)

Sec. 43.
(Jurors to be chosen by lot.)

Subst. s. 47.
Summoning of jurors to attend certain courts.

Sec. 50.
(Sheriff's return to general precept.)

Jury (Amendment).

persons only and in the case of a precept for a jury for the trial of civil issues the names of the said persons also”;

- 5 (iii) by inserting in the same section after the word “abode” the words “and in each such case”;
- (iv) by inserting at the end of the same section the following new subsection:—

10 (2) Any party to a proceeding shall, upon payment of such fee as may be fixed by the judges of the Supreme Court, be allowed at any convenient time prior to the trial to inspect or to obtain a copy of any such panel annexed to a precept pursuant to subsection one of this section.

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- (w) (i) by omitting from subsection one of section fifty-seven the words “or a circuit court”; Sec. 57. (Impaneling jury in criminal trials.)
- (ii) by inserting in the same subsection after the word “another” the words “and call each by name”;
- 20 (iii) by inserting at the end of the same subsection the words “Where more than one precept has been issued returnable on any one day the said clerk shall place into such box all the cards furnished pursuant to all such precepts before drawing any card from such box”;
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- (x) by omitting from subsection two of section fifty-nine the words “twice the number of jurors required to be impanelled” and by inserting in lieu thereof the words “the number of jurors required for the impanelling of the jury pursuant to section sixty”;
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- (y) (i) by omitting subsection one of section sixty and by inserting in lieu thereof the following new subsection:— Sec. 60. (Impaneling jury in civil cases.)
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(1) In civil issues a sufficient number of pieces of card having been drawn out a list of the names appearing thereon shall be delivered

Jury (Amendment).

5 delivered by the sheriff or his deputy to the
 plaintiff or his attorney or counsel by whom
 a number of such names equal to one half
 of the number of the jury to be impanelled
 may be struck therefrom and the list so
 reduced shall then be delivered to each
 10 defendant who has pleaded separately or
 his attorney or counsel by each of whom a
 number of names equal to one half of the
 number of the jury to be impanelled may
 be also struck therefrom.

(ii) by omitting subsection three of the same
 section and by inserting in lieu thereof the
 following new subsections:—

15 (3) The cards bearing the names struck
 out from the list shall be returned to the
 box as soon as the jury is sworn and im-
 panelled and the cards bearing the names
 of the jury sworn and impanelled shall also
 20 be returned to the box at the conclusion of
 the trial.

(4) In this section and in section sixty-
 three "plaintiff" includes petitioner and
 "defendant" includes respondent, inter-
 25 vener and co-respondent.

(z) by omitting from section sixty-two the words Sec. 62.
 "the three next preceding sections" and by (When
 inserting in lieu thereof the words "sections damages
 fifty-nine, sixty and sixty-one"; assessed
 only.)

30 (aa) by omitting from section sixty-four the word Sec. 64.
 "order" and by inserting in lieu thereof the (Refresh-
 word "permit"; ments.)

(bb) by omitting from section sixty-five the word Sec. 65.
 "twelve" and by inserting in lieu thereof the (Disagreement
 35 word "six"; in criminal
 trial.)

(cc) (i) by omitting from subsection one of section Sec. 66.
 sixty-six the words "six hours" and by in- (Disagree-
 serting in lieu thereof the words "four ment in
 hours"; civil cases.)

(ii)

Jury (Amendment).

5 (ii) by inserting at the end of the same sub-
section the words "but if three-fourths in
number of them do not concur in any such
verdict or assessment and it be found after
examination on oath of one or more of them
that they or three-fourths of them are not
likely to so concur then such jurors may be
discharged and the cause may without any
new process for that purpose be again set
10 down for trial or assessment (as the case
may be) either at the same or any subse-
quent sittings, as the court or presiding
judge may order";

15 (iii) by omitting from subsection two of the same
section the words "the whole twelve hours"
and by inserting in lieu thereof the words
"six hours";

(iv) by inserting at the end of the same section
the following new subsection:—

20 (3) In their application to a case where,
pursuant to section 30A of this Act, the
number of the jury has been reduced to
three the provisions of subsection one and
of subsection two of this section shall be
25 read as if the word "two" were substituted
for the words "three-fourths in number"
in each such subsection.

In their application in a case where, pur-
30 suant to section 30A of this Act the number
of a jury of twelve has been reduced to
eleven the provisions of subsection one and
of subsection two of this section shall be
read as if the word "eight" were substi-
tuted for the words "three-fourths in num-
35 ber" in each such subsection.

In their application to a case where,
pursuant to section 30A of this Act, the
number of a jury of twelve has been
reduced to ten the provisions of subsection
40 one and of subsection two of this section
shall

Jury (Amendment).

shall be read as if the word "seven" were substituted for the words "three-fourths in number" in each such subsection.

- 5 (dd) by inserting in Part XIII next after section sixty-nine the following new short heading and section:—

View by Judge.

10 69A. Where it appears expedient to any judge of the Supreme Court that in any case depending before him, whether sitting alone or with a jury, in any jurisdiction of the said court that he should have a view of any place referred to in the evidence taken in such case, such judge may view such place and order that the costs and expenses of the view should be paid by one or more of the parties in the case and allowed as other costs in the case.

- 20 (ee) by omitting from section seventy the words "and circuit courts" and by inserting in lieu thereof the word "court";

(ff) by omitting subsection two of section seventy-one;

(gg) by omitting from section seventy-two the words "or any circuit court";

- 25 (hh) (i) by omitting from section seventy-four the words "the prevailing party to pay them severally, or" and by inserting in lieu thereof the words "the party upon whose application the trial is had before a jury to pay";

30 (ii) by inserting at the end of the same section the following new subsection:—

35 (2) Any sum so directed to be paid may be recovered by the sheriff as a debt in any court of competent jurisdiction.

(ii) by omitting section seventy-nine;

(jj)

Sec. 79.
(Liability of justices.)

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Jury (Amendment).

(jj) by inserting next after section eighty-four the following new sections:— New ss. 84A, 84B.

5 84A. Any person who publishes in any newspaper the names, descriptions, addresses or photographs of the jurors or of any of the jurors summoned or impanelled for the trial of any criminal issue shall be liable on summary conviction to a penalty not exceeding one hundred pounds. Penalty for publication of names of members of jury.

10 84B. (1) Any employer who dismisses an employee or injures him in his employment or alters his position to his prejudice by reason of the fact that the employee is summoned to serve on a jury shall be liable on summary conviction— Penalty for unlawful dismissal of employee summoned to serve on a jury.

15 (a) if a body corporate—to a penalty not exceeding two hundred pounds;

20 (b) if any other person—to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

25 (2) The court before which the employer is charged may further order that the employee be reimbursed the wages lost by him and the court may also direct his reinstatement in his old or a similar position.

30 (3) In any proceeding for an offence against this section if all the facts and circumstances constituting the offence other than the reason for the defendant's action are proved, it shall lie upon the defendant to prove that the dismissal was not actuated by the reason alleged in the charge.

35 (4) Where the employer is a body corporate and the dismissal complained of is proved to have been with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed guilty of an offence
 40 against

Jury (Amendment).

against this section and shall be liable to be proceeded against and punished accordingly.

5 (kk) by omitting from subsection one of section eighty-five the words "or to the Supreme Court, if the fine has been imposed for non-attendance at a circuit court"; Sec. 85. (Recovery of fines for non-attendance.)

(ll) (i) by omitting from paragraph (a) of section eighty-six the words "or a circuit court"; Sec. 86. (Recovery of other fines.)

10 (ii) by omitting from paragraph (b) of the same section the words "in the manner appointed by law for the recovery of fines imposed by justices of the peace" and by inserting in lieu thereof the words "pursuant to the Fines and Forfeited Recognizances Recovery Act, 1902";

15 (mm) by inserting in the Second Schedule after the words "all men" the words and symbols "[or of *men (being the number certified by the sheriff as being reasonably sufficient for the estimated requirements of the district)]"; Second Schedule.*

(nn) by omitting from the heading to the Third Schedule the words "of all persons" and by inserting in lieu thereof the words and symbols "of all [*or persons*]"; Third Schedule.

25 (oo) by omitting from the Sixth Schedule the words "or Circuit Court" and by inserting in lieu thereof the words "Court or District Court." Sixth Schedule.

6. (1) The District Courts Act, 1912-1936, is amended— Amendment of Act No. 23, 1912.

30 (a) (i) by omitting from subsection three of section ninety the words "made at least five clear days before the day named for the hearing" and by inserting in lieu thereof the words "made at least ten clear days before the day named for the hearing if the hearing is to be had in Sydney and at least sixteen clear days before the day named for Sec. 90 (3). (Jury in actions for less than £20.)

Jury (Amendment).

for the hearing if the hearing is to be had elsewhere”;

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(ii) by omitting from the same subsection the words “at least five clear days before the day named for the hearing” and by inserting in lieu thereof the words “at least ten clear days before the day named for the hearing if the hearing is to be had in Sydney and at least sixteen clear days before the day named for the hearing if the hearing is to be had elsewhere”;

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(b) by omitting section ninety-three;

Sec. 93.
(Special jurors' list.)

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(c) (i) by omitting from subsection one of section ninety-four the words “except where otherwise provided” and by inserting in lieu thereof the words “deliver to the sheriff a precept in or to the effect of the form contained in the Fifth Schedule to the Jury Act, 1912-1944, requiring him to”;

Sec. 94.
(Summons to jurors.)

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(ii) by omitting from the same subsection the words “or special jurors' list”;

(iii) by omitting from the same subsection the word “summons” and by inserting in lieu thereof the word “precept”;

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(iv) by omitting subsection three of the same section and by inserting in lieu thereof the following new subsection:—

(3) Such summons shall be—

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(a) delivered to such juror or left at his usual place of abode at least four clear days before the time specified for his attendance, if his attendance is required in Sydney and in other cases at least eight clear days before such time; or

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(b) sent to him by post with the sheriff's seal of office thereon in which case two additional days shall

Jury (Amendment).

shall be allowed between the day of service and the time specified for his attendance.

5 (v) by omitting subsection four of the same section and by inserting in lieu thereof the following new subsection:—

10 (4) Before the day and at the place named in any precept for the appearance of the jurors thereby required to be summoned to attend the district court the sheriff shall return to the registrar thereof a panel containing the names of the person so summoned pursuant to the precept and shall also furnish to the said registrar their respective additions and places of abode, written upon separate pieces of card being as nearly as may be of equal size.

15 The sheriff shall previously upon the panel certify that the jurors named therein have been duly summoned and such certificates shall without proof of his signature be prima facie evidence that each juror whose name is included in the panel has been duly summoned to attend the court pursuant to the precept.

20 (d) by omitting from subsection one of section ninety-five the words "or special jurors' list"; Sec. 95. (Jury, how chosen.)

30 (e) by omitting from subsection two of section one hundred and thirty-four the words "may be a common or special jury, and"; Sec. 134. (Jury.)

(f) by omitting from section one hundred and thirty-six the word "special" wherever occurring; Sec. 136. (Number of jurors.)

35 (g) by omitting subsections one and two of section one hundred and thirty-seven and by inserting in lieu thereof the following new subsection:— Sec. 137. (Drawing of jury.)

(1) At the trial of any such issue the registrar shall put into a box provided for that purpose the pieces of card furnished as aforesaid by the sheriff.

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Jury (Amendment).

(2) The Principal Act is further amended as follows:—

Further amendment of Act No. 31, 1912.

- 5 (a) (i) by omitting from subsection five of section thirteen the word "three" and by inserting in lieu thereof the word "two";
- (ii) by omitting the proviso to the same subsection;

Sec. 13 (5). (Lists.)

- 10 (b) by omitting from subsection one of section fifteen all words after the word "sheriff".

Sec. 15. (Transmission of lists.)

(3) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Districts Courts Act, 1912-1944.

7. (1) The Matrimonial Causes Act, 1899, is amended—

Amendment of Act No. 14, 1899.

- 15 (a) (i) by inserting at the end of subsection three of section fifty-two the following words:—

Sec. 52. (Claim by husband for damages.)

20 Provided that, subject to section sixty-nine of this Act, any issue arising upon the hearing of any such petition (including the amount of damages) may be determined by the Court;

- (ii) by omitting subsection five of the same section;

- 25 (b) by inserting next after subsection two of section sixty-nine the following new subsection:—

Sec. 69. (Trial by jury.)

30 (2A) A husband claiming damages may require the issues in the suit to be tried by a jury and the amount of the damages to be recovered to be ascertained by the verdict of a jury, although the respondent or co-respondent, or both the respondent and co-respondent, do not appear.

- 35 (c) by omitting section seventy-three and by inserting in lieu thereof the following new section:—

Subst. sec. 73.

73. For the purposes of this Act the Court may, as occasion requires, issue such precepts directing the sheriff to summon jurors and make such

Summoning of jurors.

Jury (Amendment).

such orders upon the sheriff for the attendance of such number of jurors as such Court may consider requisite.

- 5 (d) by omitting from section seventy-six the word "now" and by inserting in lieu thereof the words "that for the time being."

Sec. 76.
(General law and practice to apply.)

(2) The Matrimonial Causes Act, 1899, as amended by subsequent Acts and by this Act, may be cited as the **Matrimonial Causes Act, 1899-1944.**
