



ANNO SEXTO

VICTORIÆ REGINÆ.

No. 15.

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

AN ACT further to provide for Trial by Jury at the General Sessions of the Peace.

WHEREAS an Act of the Governor and Council of South Australia was passed in the present year of Her Majesty's reign for the regulation of the Sessions of the Peace in South Australia and it was thereby amongst other things enacted that Jurors and others required to attend at any Court of General Sessions of the Peace shall be summoned by virtue of a precept to be issued in manner therein mentioned directed to the Sheriff for that purpose but by reason of it having been intended to pass "An Act for the General Regulation

Preamble.

Regulation of Trials by Jury in South Australia" no provision was therein made as to the persons who shall be qualified and liable to serve as Jurors for the trial of prisoners and others at such General Sessions of the Peace and whereas by an Act of the said Governor and Council passed on the third day of January last past provision is made for trials by Jury at the General Sessions of the Peace then next ensuing and now past and whereas circumstances having hitherto prevented the passing of such intended general Act as aforesaid it is necessary further to provide for trials by Jury at Courts of General Sessions of the Peace to be hereafter held :

Jurors of Supreme Court qualified for Sessions of the Peace.

BE IT THEREFORE ENACTED BY HIS EXCELLENCY GEORGE GREY Esquire Governor and Commander-in-Chief of Her Majesty's Province of South Australia and its Dependencies and Vice-Admiral of the same by and with the advice and consent of the Legislative Council thereof That all persons qualified and liable to serve as Common Jurors for the trial of issues of fact in the Supreme Court of this Province shall be qualified and liable to serve as Jurors at all Courts of General Sessions of the Peace.

Sheriff may summon Juries to General Sessions of the Peace which shall be subject to be Jury law of the Province for the time being.

II. And be it enacted that it shall be lawful for the Sheriff of the Province or his Deputy lawfully authorised on that behalf on the delivery to him of a precept issued in the name of Her Majesty and tested and signed in manner directed by the said Act of Council "for the Regulation of the Sessions of the Peace in South Australia" to cause to be summoned out of the persons whose names are contained in the "Jurors' Book" or general list of Jurors in use for the then current year within the Province or within the district for which such Sessions of the Peace may be held as the case may require in pursuance of the Act of Council now in force within the Province "for Regulating the Constitution of Juries" or in pursuance of any Act hereafter to be made in lieu thereof for regulating trials by Jury twenty-four men qualified as aforesaid for the trial of issues of fact and any twelve of the men so to be summoned may make a Jury between our Sovereign Lady the Queen and all or any of the offenders to be tried at the said Courts of General Sessions of the Peace and trials by Juries so to be summoned shall have all the same incidents as to challenge or otherwise as trials by Jury in the Supreme Court.

Summoning of Jurors and account of services of Jurors.

III. Provided always and be it enacted that every summons shall be served on the Jurymen named therein either personally or by leaving the same with some person living at his place of abode at least ten days before the day on which such Jurymen shall be required to attend : Provided also that an account of the service of every Juryman at Courts of Sessions of the Peace shall

shall and may ensue thereupon as in the case of an action brought against a Managing Director under the recited Act.

III. And be it enacted that in any action brought against any one or more members of the said Company no plea in abatement shall be competent or allowed by the Court on account of the non-joinder of other members thereof. No plea of abatement.

IV. Provided always that every such member against whom any action suit or other proceeding shall be brought instituted or prosecuted or against whom execution shall be issued shall always be reimbursed out of the funds of the said Company all such loss damages expenses costs and charges as by the event of any such proceedings he may sustain or be put to and that as between the several members of the said Company for the time being such contribution shall be had in respect of any such loss damages expenses costs and charges as may ordinarily be had between several joint contractors for money paid by one or more of them on the joint account.

G. GREY,
Governor South Australia.

*Passed the Legislative Council this Eighteenth }
day of February One Thousand Eight }
Hundred and Forty-three.*

A. M. MUNDY,
Clerk of Council.

ADELAIDE:

Printed by authority by ARCHIBALD MACDOUGALL, Government Printer, Rundle-street.