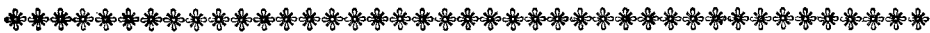




ANNO QUARTO

VICTORIÆ REGINÆ,

No. 7.



By His Excellency SIR JOHN FRANKLIN, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Greek Order of the Redeemer, and a Captain in Her Majesty's Royal Navy, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

AN ACT to provide for the Attendance of Jurors on Coroners' Inquests.

WHEREAS it is expedient to make provision by law for the due attendance of persons summoned to serve as Jurors on Coroners' Inquests—AND WHEREAS great difficulty delay and inconvenience have arisen in consequence of Jurors not attending when summoned to serve on Coroners' Inquests—AND WHEREAS it not unfrequently happens that the distance to which parties are compelled to proceed in order to attend such Inquests as Jurors is very considerable and is accompanied by great inconvenience and loss to the Jurors who do so attend and for this purpose it seems expedient to limit the number of Jurors to be summoned under this Act—AND WHEREAS by an Act of Parliament passed in the Second and Third Years of Her present Majesty intituled *An Act to amend an Act of the Ninth Year of King George the Fourth to provide for the Administration of Justice in New South Wales and Van Diemen's Land and for the more effectual* PREAMBLE.

Government thereof and for other purposes relating thereto and to continue the same until the Thirty-first day of December One thousand eight hundred and forty and thenceforward to the end of the then next Session of Parliament it is competent to the Legislature of this Colony to make such provision in this behalf as to them may seem meet for the better administration of justice and for defining the constitution of the Courts of Law and Equity and of Juries within this Colony anything in the Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth intituled *An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land and for the more effectual Government thereof and for other purposes relating thereto* or in any Charter of Justice or Order in Council made and issued in pursuance of such last recited Act or in any law statute or usage to the contrary thereof in anywise notwithstanding—**BE IT THEREFORE ENACTED** by His Excellency SIR JOHN FRANKLIN Knight Commander of the Royal Hanoverian Guelphic Order Knight of the Greek Order of the Redeemer and a Captain in Her Majesty's Royal Navy Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council that

Upon issuing of Precept Jurors to be summoned.

Form of Summons.

Proviso.

from and after the First day of October next whenever any Coroner shall issue his Precept for the summoning or holding of any Inquest the Chief Constable or any Chief District Constable or other person to whom the said Precept shall lawfully be directed shall forthwith summon Twelve men of the age of twenty-one years and not exceeding that of sixty years being free and resident within the distance of one mile from the place at which the said Inquest is appointed to be holden to attend and serve as Jurors on such Inquest—**AND** every Summons to any such Juror shall be in the form contained in the Schedule to this Act annexed and be signed by such Chief Constable or Chief District Constable or such other person as aforesaid and be delivered to every such Juror or left at his usual place of abode—**PROVIDED ALWAYS** that if it shall so happen that Twelve such men shall not be found resident within the distance aforesaid it shall and may be lawful for the said District Constable Chief District Constable or other person as aforesaid to summon such other men qualified as aforesaid to serve as Jurors as aforesaid who shall be nearest resident to the place at which such Inquest is appointed to be holden so as to complete the said number of Twelve Jurors to be summoned as aforesaid.

Jury to consist of Seven qualified persons.

II. AND BE IT ENACTED that the Jury in every case summoned to enquire upon the view of the body how the party came by his or her death under this Act shall consist of Seven persons duly qualified under this Act and returned and chosen as is by this Act provided.

List of Jurors returned to Coroner.

III. AND BE IT ENACTED that the Chief Constable or Chief District Constable or other person to whom such Precept as aforesaid shall be directed shall duly return to the Coroner holding such Inquest a true List of the names of the Jurors who have been duly summoned to attend such Inquest and if any person liable to serve as a Juror under this Act shall after having been duly summoned omit to attend pursuant to such Summons or being thrice called shall not answer to his name or shall not show to the satisfaction of the Coroner sufficient reason for his non-attendance he shall forfeit and pay a penalty or sum not exceeding Five Pounds to be recovered in a summary way before any two Justices of the Peace and if any Chief Con-

Penalty for non-attendance.

stable or any Chief District Constable or other person as aforesaid shall fail in the execution of his duty under this Act he shall forfeit and pay a penalty or sum not exceeding Twenty Pounds to be recovered in the like manner—AND every proceeding under this Section shall be had before such Justices and every such penalty be awarded levied and distributed and the party convicted be entitled to appeal in the manner respectively provided by the Act intituled *An Act to regulate Summary Proceedings before Justices of the Peace*.

Penalty for neglect of duty.

Appeal allowed.

IV. AND BE IT ENACTED that no Judge of the Supreme Court or Chairman of any Court of General Quarter Sessions or ministerial Officer of either of those Courts no Member of the Executive or Legislative Council of this Island no Clerk of the Councils or Private Secretary to the Lieutenant-Governor no Clergyman no Officer in the Navy or Army on full pay no person above the age of sixty years no Principal or Assistant Superintendent of Convicts no Superintendent of Prisoners' Barracks no Coroner Officer or person employed in the Customs no Sheriff's Officer or Gaoler no practising Barrister Attorney Physician Surgeon or Apothecary shall be liable to serve as a Juror under the provisions of this Act or if summoned by the Officer for that purpose appointed to attend in virtue of such summons any Inquest or to serve as a Juror at any such Inquest.

General exemptions.

JOHN FRANKLIN.

Passed the Legislative Council this twentieth day of August, one thousand eight hundred and forty,

RONALD C. GUNN, *Clerk of the Council*.

SCHEDULE.

VAN DIEMEN'S LAND
(TO WIT).

To

BY virtue of a Precept under the hand and seal of Esquire one of the Coroners for the Island of Van Diemen's Land and its Dependencies You are hereby summoned personally to be and appear before him as a Juryman on the _____ day of _____ at _____ of the clock in the _____ precisely at _____ in the said Island then and there to enquire in Her Majesty's behalf touching the death of _____ and further to do and execute such other matters and things as shall be then and there given you in charge and not to depart without leave.

Hereof fail not at your peril.

Dated this _____ day of _____

Constable.

