granted, or of avoiding service of a petition of bankruptcy, or of avoiding appearing to such petition, or of avoiding examination in respect of his affairs, or otherwise avoiding, delaying, or embarrassing proceedings in bankruptcy: Provided always, that nothing herein contained shall be construed to alter or qualify the right of the debtor to apply to the Court in the prescribed manner to dismiss the said summons as in the said Act is provided, or to pay, secure, or compound for the said debt within the time by the said Act provided, without being deemed to have committed an act of bankruptcy; and provided also, that upon any such payment or composition being made, or such security offered as the Court shall think reasonable, the said debtor shall be discharged out of custody, unless the Court shall otherwise order.

When arrest not valid.

2. No arrest shall be valid or protected under this Act unless the debtor, before or at the time of his arrest, shall be served with the debtor's summons.

Security for debt given after arrest.

3. No payment or composition of a debt made or security for the same given after an arrest made under the provisions of this Act shall be exempted from the provisions of the said Act relating to fraudulent preferences.

Construction of terms.

4. The terms used in this Act shall have the same meaning as they have in the said recited Act, and this Act shall be read and construed therewith.

Costs and fees.

5. The costs and fees to be charged in respect of any proceedings authorised shall be prescribed in the like manner in which costs and fees to be charged in respect of proceedings under the Bankruptcy Act, 1869, are respectively directed by that Act to be prescribed.

Short title.

6. In citing this Act in other Acts of Parliament, or in any instrument, document, or proceeding, it shall be sufficient to use the expression "The Absconding Debtors Act, 1870."

CHAP. 77.

An Act to amend the Laws relating to the qualifications, summoning, attendance, and remuneration of Special and Common Juries.

[9th August 1870.]

WHEREAS it is expedient to amend the laws regulating the qualification, summoning, attendance, and remuneration of special and common juries in England and Wales, and otherwise to amend the laws as to trials by jury in England and Wales:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Commencement of Act.

1. This Act shall not come into force till the second day of November one thousand eight hundred and seventy.

Application of Act.

2. This Act shall not apply to Scotland or Ireland.

Short titles of certain Acts.

3. The Acts herein-after mentioned may be cited for all purposes by the short titles following; that is to say,

An Act of the session of the sixth year of the reign of King George the Fourth, chapter fifty, and intituled "An Act for consolidating and amending the Laws relative to "Jurors and Juries," by the short title of "The County Juries Act, 1825;"

this Act by the short title of "The Juries Act, 1870."

Construction of Act and repeal of inconsistent enactments.

4. This Act shall be construed as one with "The County Juries Act, 1825," and any Act amending the same; and such parts of the said Act and of any other Act or Acts as are inconsistent with this Act are hereby repealed.

Definition of terms.

5. In this Act—
The term "overseers" shall include churchwardens, and the term "quarter sessions" shall include general sessions:
The word "juror" shall mean male persons only.

Qualification of special jurors.

6. Every man whose name shall be in the jurors book for any county in England or Wales, or for the county of the city of London, and who shall be legally entitled to be called an esquire, or shall be a person of higher degree, or shall be a banker or merchant, or who shall occupy a private dwelling house rated or assessed to the poor rate or to the inhabited house duty on a value of not less than one hundred pounds in a town containing, according to the census next preceding the preparation of the jury list, twenty thousand inhabitants and upwards, or rated or assessed to the poor rate or to the inhabited house duty on a value of not less than fifty pounds elsewhere, or who shall occupy premises other than a farm rated or assessed as aforesaid on a value of not less than one hundred pounds, or a farm rated or assessed as aforesaid on a value of not less than three hundred pounds, shall be qualified and liable to serve on special juries in every such county in England and Wales, and in London respectively.

Qualification of jurors in Wales.

7. So much of the said first section of the County Juries Act, 1825, as relates to the qualification of persons as jurors in Wales is hereby repealed, and it is hereby enacted, that the qualification of persons as jurors in Wales shall be the same as the qualification of persons as jurors in England.

Aliens to be qualified after ten years domicile, but not otherwise.

8. Aliens having been domiciled in England or Wales for ten years or upwards, if in other respects duly qualified, shall be qualified and shall be liable to serve on juries or inquests in England and Wales as if they had been natural-born subjects of the Queen; but, save as aforesaid, no man not being a natural-born subject of the Queen shall be qualified to serve on juries or inquests in any court or on any occasion whatsoever.

Persons exempt from serving on juries.

9. The inhabitants of the city and liberty of Westminster shall, as heretofore, be exempt from serving on any jury at the sessions of the peace for the county of Middlesex.
The persons described in the schedule hereto shall be severally exempt as therein specified from being returned to serve and from serving upon any juries or inquests whatsoever, and their names shall not be inserted in the lists of the persons qualified and liable to serve on the same, but, save as aforesaid, no man otherwise qualified to serve on such juries or inquests shall be exempt from serving thereon, any enactment, prescription, charter, grant, or writ to the contrary notwithstanding.

Convicts (exception), outlaws, &c. disqualified.

10. Provided always, and it is hereby enacted, that no man who has been or shall be attainted of any treason or felony, or convicted of any crime that is infamous, unless he shall have obtained a free pardon, nor any man who is under outlawry, is or shall be qualified to serve on juries or inquests in any court or on any occasion whatsoever.

Overseers to specify special jurors in list.

11. In making out the lists of persons within their respective parishes and townships qualified to serve as jurors, the overseers shall specify which of such persons are, in the judgment of such overseers, qualified as special jurors, and shall also specify in every case the nature of the qualification and also the occupation and the amount of the rating or assessment of every such person.

Disqualification or exemption to be pleaded before revision of list.

12. No person whose name shall be in the jury book as a juror shall be entitled to be excused from attendance on the ground of any disqualification or exemption other than illness not claimed by him at or before the revision of the list by the justices of the peace, and a notice to that effect shall be printed at the bottom of every jury list.

Penalty on overseer for negligence.

13. If any overseer, without reasonable excuse to be allowed by the justice or justices having cognizance of the case, insert in the list of persons qualified to serve as jurors prepared by him the name of any person whose name ought not to have been inserted therein, or omit therefrom the name of any person whose name ought not to have been omitted, he shall, on summary conviction, be liable to a penalty for each offence not exceeding forty shillings.

Justices to certify jury lists after revision.

14. Upon completing the revision of the jury lists, the justices at petty sessions shall certify in writing that they have examined such lists and that the same are, to the best of their knowledge and belief, true and proper lists of the special and common jurors; and the decision of such justices as to the qualifications of persons marked as special jurors in the lists so revised by them shall, as respects those lists, be final.

Special jurors' names to be retained in jurors book.

15. And whereas by the thirty-first section of "The County Juries Act, 1825," it is enacted, that "the sheriff of every county in England and Wales or his under sheriff, and "the sheriffs of London or their secondary, shall, within ten days after the delivery of the "jurors book for the current year to either of them, take from such book the names of all "men who shall be described therein as esquires, persons of higher degree, or as bankers "or merchants:" Be it enacted, that nothing in the said section contained shall be deemed to authorise the said sheriffs or any of them, or any under sheriff, or any secondary, to remove from the jurors book the name of any person by reason of his being therein described as an esquire or person of higher degree, or as a banker or merchant, nor shall the said sheriffs or any sheriff or under sheriff or secondary remove from the jurors book the name of any person by reason of his being otherwise qualified to serve on special juries.

Special juries for London and Middlesex to be provided in the same manner as in other counties.

16. In London and Middlesex, on the occasion of any sittings of the superior courts, or any of them, for the trial of issues, a sufficient number of special jurymen, not less than thirty for each court, shall be summoned to try the special jury causes triable at such sittings.

The said jurymen shall be summoned in pursuance of a precept under the hand of any one of the judges of the said superior courts in the same manner in all respects in which special jurymen are summoned in pursuance of precepts issued by the judges of assize.

The persons summoned in pursuance of such precept shall be the jury for the trial of special jury causes at such sittings in the said courts respectively, subject to such right of challenge as the parties shall be entitled to.

A printed panel of the jurors so summoned shall be made and kept, and a copy thereof delivered and annexed to the nisi prius record at the like time, in the same manner, and upon the same terms as are by law prescribed with reference to the panel of common jurors in the case of London and Middlesex.

Upon the trial the special jury shall be ballotted for and called in the order in which they are drawn from the box in the same manner as common jurors.

Any special juryman summoned to serve in any one of the said superior courts shall be qualified and be liable, in case of necessity, to serve in any other of the said courts as if he had been originally summoned as one of the jurymen for the trial of special jury causes in such last-mentioned court.

Abolition of present practice of nominating special juries in London and Middlesex.

17. The present practice of nominating and reducing special jurors in London and Middlesex shall cease to be followed as regards the trial of any cause at any of the said sittings of the said courts, subject to this proviso, that any of the said superior courts or any judge thereof may, if it seem expedient, order that a special jury be struck according to the present practice, and such order shall be a sufficient warrant for striking such jury and making a panel thereof for the trial of the particular cause.

Mode of obtaining special jury in London and Middlesex.

18. In London and Middlesex, subject to any rules which may be made by any of the superior courts in that behalf, any party to any action triable at any of the aforesaid sittings of the superior courts shall be entitled to have the cause tried by a special jury upon the same conditions as would entitle him to have it so tried in any county other than London and Middlesex.

In London and Middlesex every court or judge shall have the same power of ordering that a cause be tried by a special jury as the like court or judge would have if the cause were tried in any county other than London and Middlesex.

19. The following regulations shall be enacted with respect to the summoning of jurors: Summoning of jurors.

1. That no person shall be summoned to serve on any jury or inquest (except a grand jury) more than once in any one year, unless all the jurors upon the list shall have been already summoned to serve during such year:

   Provided that nothing herein contained shall prejudice the operation of any certificate granted under the County Juries Act, 1825, secs. 41 and 42:
2. No person shall be exempted from serving as a common juror by reason of his being on any special jurors list, or being qualified to serve as a grand juror:
3. No person shall be summoned or liable to serve as a juror in more than one court on the same day.

20. No juror shall be liable to any penalty for non-attendance on any jury unless the summons requiring him to attend be duly served six days at least before the day on which he is required to attend, but no longer period than such six days shall in any case be required between the service and such last-mentioned day. Jurors entitled to six days notice.

21. It shall be lawful for any sheriff or other officer to whom any precept for summoning jurors shall be addressed, with the consent of the person or persons by whom such precept shall have been issued, to make regulations as to the attendance of jurors during the time for which they shall be summoned, and in particular as to the days on which, and the time during which, they are to attend. Sheriff to make regulations as to attendance.

Such regulations may be sent to any juror, together with the summons requiring him to attend on any jury, and when so sent shall be deemed to be part of such summons.

22. Jurors shall be entitled to the following remuneration for their services; that is to say, Payment of jurors.

Every special juror, when summoned for the purpose of trying special jury cases, at the rate of one pound one shilling for every day of his attendance.

The remuneration of a juror, when trying common jury cases, shall be at the rate of ten shillings for every day of his attendance.

The above-mentioned remuneration shall be paid by the parties to the causes to be tried, and for that purpose each of the said parties shall deposit such sum of money as may be determined by any rule of the court in which the cause is depending; and such deposit shall be made in such manner, at such time, and with such officer as the said court may prescribe.

23. 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, such refreshment to be procured at their own expense. Jurors to be allowed fire and refreshment.

24. The judges of Her Majesty's superior courts of common law are hereby empowered by general orders to make rules, not inconsistent with this Act, for the purpose of carrying out the several provisions of this Act. Judges to make general orders.

25. This Act shall not alter or affect the mode of procedure pursued in the making out of jury lists for the city of London, nor the provisions of the ninth and tenth Victoria, chapter ninety-five, section seventy-two. Jury lists in the city of London to be made as before.

SCHEDULE.

PERSONS EXEMPT FROM SERVING ON JURIES.

Peers.
Members of Parliament.
Judges.
Clergymen.
Roman Catholic priests.
Ministers of any congregation of Protestant dissenters and of Jews whose place of meeting is duly registered, provided they follow no secular occupation except that of a schoolmaster.

Serjeants, barristers-at-law, certificated conveyancers, and special pleaders, if actually practising.

Members of the Society of Doctors of Law and advocates of the civil law, if actually practising.

Attornies, solicitors, and proctors, if actually practising and having taken out their annual certificates, and their managing clerks, and notaries public in actual practice.

Officers of the courts of law and equity, and of the Admiralty and Ecclesiastical Courts, including therein the Courts of Probate and Divorce, and the clerks of the peace or their deputies, if actually exercising the duties of their respective offices.

Coroners.

Gaolers and keepers of houses of correction, and all subordinate officers of the same.

Keepers in public lunatic asylums.

Members and licentiates of the Royal College of Physicians in London, if actually practising as physicians.

Members of the Royal Colleges of Surgeons in London, Edinburgh, and Dublin, if actually practising as surgeons.

Apothecaries certificated by the Court of Examiners of the Apothecaries Company, and all registered medical practitioners and registered pharmaceutical chemists, if actually practising as apothecaries, medical practitioners, or pharmaceutical chemists respectively.

Officers of the navy, army, militia, and yeomanry, while on full pay.

The members of the Mersey Docks and Harbour Board.

The master, wardens, and brethren of the Corporation of Trinity House of Deptford Strond.

Pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all masters of vessels in the buoy and light service employed by either of those corporations, and all pilots licensed under any Act of Parliament or charter for the regulation of pilots.

The household servants of Her Majesty, her heirs and successors.

Officers of the Post Office, Commissioners of Customs, and officers, clerks, or other persons acting in the management or collection of the Customs, Commissioners of Inland Revenue, and officers or persons appointed by the Commissioners of Inland Revenue or employed by them or under their authority or direction in any way relating to the duties of Inland Revenue.

Sheriffs officers.

Officers of the rural and metropolitan police.

Magistrates of the metropolitan police courts, their clerks, ushers, doorkeepers, and messengers.

Members of the council of the municipal corporation of any borough, and every justice of the peace assigned to keep the peace therein, and the town clerk and treasurer for the time being of every such borough, so far as relates to any jury summoned to serve in the county where such borough is situate.

Burgesses of every borough in and for which a separate court of quarter sessions shall be holden so far as relates to any jury summoned for the trial of issues joined in any court of general or quarter sessions of the peace in the county wherein such borough is situate.

Justices of the peace so far as relates to any jury summoned to serve at any sessions of the peace for the jurisdiction of which he is a justice.

Officers of the Houses of Lords and Commons.

CHAP. 78.

An Act to facilitate the construction and to regulate the working of Tramways. [9th August 1870.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited for all purposes as "The Tramways Act, 1870."

Limitation of Act.

2. This Act shall not extend to Ireland.