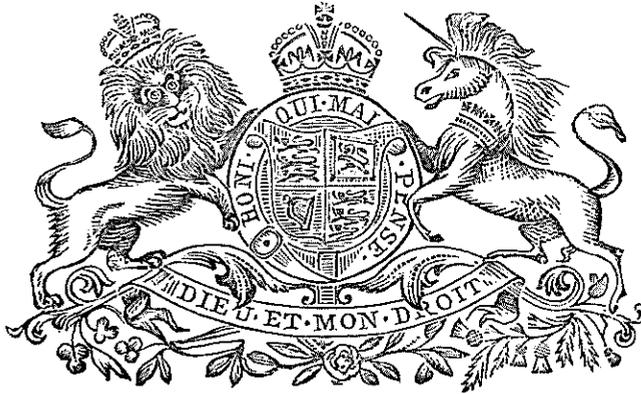


WESTERN AUSTRALIA.



ANNO SECUNDO

GEORGII QUINTI REGIS,

XII.

No. 4 of 1912.

AN ACT to enlarge the appellate jurisdiction of the Supreme Court, and to repeal the enactments relating to the establishment and jurisdiction of the Court of Appeal of Western Australia.

[Assented to 9th January, 1912.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Appellate Jurisdiction Act*, Short title. 1911.

2. The Full Court shall, subject to this Act and Rules of Court, have jurisdiction to hear and determine an appeal from every judgment, decree, and order, final or interlocutory, hereafter, or within three months before the commencement of this Act, given or made by a Judge in a matrimonial cause, whether in Court or in Chambers. Appeals in matrimonial causes.

- New trials. 3. In any matrimonial cause in which there has been a trial, whether with or without a jury, the Full Court in the exercise of its appellate jurisdiction under this Act may review any finding of fact and may grant a new trial.
- Verdicts of juries. 4. No finding of fact by a jury in a matrimonial cause shall be reviewed or set aside otherwise than in accordance with the rules and practice for the time being observed by the Supreme Court in relation to the findings of juries in other civil causes.
- Powers of Court. 5. The Full Court in the exercise of its appellate jurisdiction under this Act may affirm, reverse, or modify the judgment, decree, or order appealed from, and may give such judgment or make such decree or order as ought to have been given or made in the first instance.
- Appeals from orders absolute for dissolution or nullity. 6. No appeal to the Full Court from an order absolute for dissolution or nullity of marriage shall hereafter lie in favour of any party who, having had time and opportunity to appeal to that Court from the decree *nisi* on which such order may be founded, shall not have appealed therefrom.
- Repeal. 7. Sections twenty-nine and thirty of the Supreme Court Ordinance, 1861, and section sixty-one of the Act 27 Victoriae, No. 19, are hereby repealed.
- Rules of Court. Other jurisdiction of Court unaffected. 8. Conditions and restrictions may be imposed by Rules of Court on the exercise of the jurisdiction conferred by this Act, and such jurisdiction shall be in addition to any jurisdiction possessed by the Full Court independently of this Act.
- Interpretation. 9. In this Act, subject to the context, the expression—
 “Full Court” means the Full Court as defined by section fifteen of the Supreme Court Act, 1880;
 “Judge” includes any commissioner or other person empowered to exercise any jurisdiction in a matrimonial cause in the Supreme Court;
 “Matrimonial Cause” includes any proceeding for divorce, judicial separation, nullity of marriage, jactitation of marriage, and every cause and matter cognisable in the Supreme Court by virtue of the jurisdiction transferred to such Court from the Court for Divorce and Matrimonial Causes.