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[1914.

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## CRIMINAL PRACTICE RULES, 1914.

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### RULES OF COURT.



# CRIMINAL PRACTICE RULES, 1914.

## RULES OF COURT.

The 15th April, 1914.

IT is ordered by the Honourable ROBERT FURSE MCMILLAN, Chief Justice of Western Australia, and the Honourables ROBERT BRUCE BURNSIDE and JOHN ROTH, Judges of the Supreme Court of Western Australia, in pursuance and execution of all powers and authorities enabling them in that behalf, as follows:—

The Criminal Practice Rules of 1902 are hereby repealed.

The following Rules may be cited as "THE CRIMINAL PRACTICE RULES, 1914." They shall come into operation on the publication thereof in the *Gazette*.

### ORDER I.

#### INTERPRETATION: TITLE OF PROCEEDINGS.

1. (a.) In these Rules (subject to the context)—

- The expression "Code" means the Criminal Code;
- The expression "Court" means the Supreme Court, including the Court of Criminal Appeal;
- The expression "Court of Trial" means the Court by or in which a person has been tried for an offence;
- The expression "Judge of the Court of Trial" means the presiding Judge, President or Chairman of the Court of Trial;
- The expression "Clerk of Arraigns" means the Associate or other person charged with or performing the duty of arraigning the accused person;
- The expression "Chapter sixty-nine of the Code" includes any rules made with reference to or for the purposes of that chapter;
- The expression "Registrar" means the Registrar of the Court or any person acting in the capacity or in lieu of such Registrar;
- The expression "Shorthand Writer" means any person or persons appointed from time to time as such for the purposes of Order X.;
- The expression "Respondent" means the person who has the duty of appearing for the Crown, or who undertakes the defence of any appeal;
- The expression "Exhibits" includes all books, papers, and documents, and all other property, matters and things whatsoever connected with the proceedings against any person for any offence, if the same have been forwarded to the Court of Trial on the person accused being committed for trial or have been produced and used in evidence during the trial of, or other proceedings in relation to any person accused of an offence, and any written statement handed in to the Judge of the Court of Trial by such person, but shall not include the original depositions of witnesses examined before the Committing Justice or Coroner nor any indictment or inquisition against any such person nor any plea filed in the Court of Trial;
- The expression "Prison" includes gaol.

### ORDER I.

#### Interpretation.

CRIMINAL PRACTICE RULES.

ORDER I. (b.) Any reference to a superintendent of a prison shall be deemed to include a gaoler or keeper of a gaol.  
 (c.) The Interpretation Act, 1898, and its amendments shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

Title of proceedings. 2. Every proceeding in the Supreme Court in its Criminal Jurisdiction shall be entitled "In the Supreme Court of Western Australia."  
 When the proceeding is in the Court of Criminal Appeal the words "Court of Criminal Appeal" shall be added.

ORDER II. ORDER II.  
 COMPLAINTS AND INDICTMENTS.

Title of indictments. 1. Every indictment shall be entitled "In the Supreme Court of Western Australia," or, in the case of an indictment presented in a Circuit Court, "Western Australia: In the Circuit Court at B," or in the case of an indictment presented in a Court of General (or Quarter) Sessions of the Peace, "Western Australia: In the Court of General (or Quarter) Sessions of the Peace holden at B."

Form of statement of offences in indictments. 2. The statement of the offence in an indictment presented in any Court may be in such of the Forms in the Schedule as is applicable to the case.  
 In the case of any offence in respect of which no form is given in the Schedule, the statement may be in accordance with the analogous Form in the Schedule; and, if there is no such Form, it shall be sufficient to state the offence in the words of the Code or other Statute under which the indictment is presented.

Complaints. 3. Similar Forms may be used in complaints before Justices.

ORDER III. ORDER III.  
 PROCEEDINGS AT TRIAL ON INDICTMENT.

Subsequent pleadings to be oral. 1. At the trial of a person charged upon an indictment, all pleadings subsequent to the indictment may be made orally; but the pleadings shall be reduced into writing so far as may be necessary for the purpose of recording the proceedings at the trial.

Challenges. 2. Challenges, and pleas and demurrers to challenges, may be made orally in the first instance, but the Court may require them to be reduced into writing and handed to the proper officer by the party making the same.

ORDER IV. ORDER IV.  
 INFORMATION BY PRIVATE PERSONS.

Application for leave. 1. Applications for leave to present an information against any person for an indictable offence shall be made by motion to the Court or a Judge for an order calling on the accused person to show cause why the leave should not be granted.

Charges against Judicial officers. 2. An order *nisi* shall not be granted upon an application for leave to present an information against a judicial officer for anything done in his capacity as such officer unless it is proved upon affidavit that the applicant has, six days before making the application, given to the person intended to be accused written notice of his intention to make the application, setting forth a distinct statement of the alleged offence. Such notice must be served on the person intended to be accused, either personally or by leaving it at his usual or last known place of residence with some member of the household.

Prosecutor's address for service. 3. The copy information for service shall have indorsed thereon a statement of a proper place, to be called the prosecutor's address for service, which shall be not more than one mile from the Central Office of the Supreme Court, where any proceedings in the cause may be left for him.

Appearance. 4. An appearance to an information shall be in the like form, and shall be entered in the same manner, as an appearance to a writ of summons in an action; and notice of appearance shall be given as in that case.

Plea. 5. If the defendant appears by solicitor he may also plead by solicitor. The copy of the plea shall be delivered to the prosecutor at his address for service.

CRIMINAL PRACTICE RULES.

6. All notices and other documents required to be served on the accused person may be served on him at his address for service stated in his memorandum of appearance.

ORDER IV.  
Service of notices, etc., on defendant.

ORDER V.  
BENCH WARRANTS.

ORDER V.

1. An application for a warrant to arrest a person against whom an indictment has been presented may be made upon production to the Judge of the original indictment, or an office copy thereof, without other evidence.

Application for Bench warrant.

2. In the case of an information presented by leave, such warrant shall not be granted, except by order of the Court or a Judge made at the time of giving leave, without evidence on oath showing that the accused person is likely to abscond, or that for other reasons his arrest is necessary in the interests of justice.

On information by leave.

ORDER VI.  
BAIL AND RECOGNISANCES.

ORDER VI.

1. Applications for bail shall be made upon notice of motion or summons served on the Crown Prosecutor. A copy of the depositions or other documents showing the cause of the custody of the applicant shall be produced to the Court or Judge on the hearing of the application.

Application for bail.

2. When an order is made for the admission to bail of a person committed for trial or in custody, or pending the determination of any appeal to the Court of Criminal Appeal, a notice, specifying the names, places of abode, and descriptions of the proposed sureties and the time and place at which it is proposed that the recognisance shall be taken, shall, unless the Judge or Court otherwise orders, be given to the Crown Prosecutor, and to the principal officer of police at the place where the person in question is in custody, twenty-four hours at least before the recognisance is taken.

Notice of proposed sureties.

3. Recognisances may be entered into before a Judge or the Registrar or any Judge's Associate or any Justice or any clerk of petty or general or quarter sessions, or before an inspector or sub-inspector of police or other police officer who is of equal or superior rank or who is in charge of a Police Station, or where one of the parties is in gaol before the keeper of such gaol.

Before whom recognisances to be taken.

4. Every recognisance to appear and answer an indictment or information or to attend and give evidence at a trial shall contain a condition that the party bound shall personally attend from day to day at the trial, and not depart until he is discharged by the Court before which the trial is held.

Form of recognisance.

5. An Appellant who has been admitted to bail shall, by the order of the Court of Criminal Appeal or a Judge thereof under which he was so admitted to bail, be ordered to be and shall be personally present at each and every hearing of his appeal, and at the final determination thereof. The Court of Criminal Appeal may, in the event of such Appellant not being present at any hearing of his appeal, if they think right so to do, decline to consider the appeal, and may proceed to summarily dismiss the same, and may issue a Warrant for the apprehension of the Appellant in the Form 20 in Part III. of the Schedule hereto. Provided that the Court of Criminal Appeal may consider the appeal in his absence, or make such other order as they think right.

Presence of Appellant on bail at hearing of his appeal.

6. The person before whom any recognisances are taken shall forward them to the Registrar and the Registrar on being satisfied that the recognisances of any person in custody on the charge or under the conviction in respect of which the recognisances have been entered into and his surety or sureties (if any) are in due form and in compliance with the order of the Court or Judge admitting the Appellant to bail, shall send in the Form 17 in Part III. of the Schedule to these Rules a notice to the Superintendent of the Prison in which the person in custody shall then be confined. This notice, when received by the said Superintendent, shall be a sufficient authority to him to release such person from such custody in accordance with the tenor of such notice.

Recognisances to be forwarded to Registrar. Release of prisoner.

7. When a person bound by recognisance to attend at any Court fails in the conditions of the recognisance, the Court, on production of the recognisance, and on the application of counsel for the Crown, or other prosecutor, may order that the recognisance be estreated forthwith.

Estreat of recognisance to attend.

## ORDER VI.

Other cases.

8. In other cases, applications to estreat recognisances shall be made in the same manner in which applications to enforce a security given in an action are required to be made.

Varying order for bail by Court of Criminal Appeal.

9. When an accused person or appellant is present before any Court, such Court may, on an application made by any person or, if they think right so to do without any application, make any order admitting him to bail, or revoke or vary any such order previously made, or enlarge from time to time the recognisance of such accused person or appellant or of his sureties or substitute any other surety for a surety previously bound as may be thought right.

Revocation of order for bail.

10. At any time after any person in custody has been released on bail, the Court or any Judge thereof may, if satisfied that it is in the interest of justice so to do, revoke the order admitting him to bail and order him to be committed to prison, and a warrant shall thereupon be issued according to the Form 20 in Part III. of the Schedule.

Power of sureties to surrender principal.

11. Sureties or any one or more of them may apprehend their principal and may, before or after apprehension, obtain from a Judge on *ex parte* application an order for the issue of a warrant according to the Form 21 in Part III. of the Schedule, and such warrant shall, on production of the Judge's fiat, be signed and issued by the Registrar accordingly.

Superintendent of prison to notify Registrar of arrest.

12. When any person has been released on bail and has, under a warrant under these Rules or by his surety or sureties, been apprehended and is in prison, the Superintendent thereof shall forthwith notify the Registrar who shall take steps to inform the Court or a Judge thereof, and the Court or Judge may give to the Registrar such directions as they or he shall think right.

Saving of other rights of sureties.

13. Nothing in these Rules shall take away any other lawful right of a surety to apprehend and surrender into custody the person for whose appearance he has become bound, and thereby to discharge himself of his suretyship.

Person on bail to surrender.

14. An accused person or appellant who is not in custody shall, whenever his case is called on before the Court, surrender himself to such persons as the Court shall from time to time direct, and thereupon shall be searched by them, and shall be deemed to be in their lawful custody until further released on bail or otherwise dealt with as the Court shall direct.

Private prosecutions.

15. In the case of a private prosecution, any notice or document required under this order to be given to or served on the Crown Prosecutor shall be given to or served on the private prosecutor or his solicitor.

Recognisance when warrant issued under Sec. 690 or 691 of the Code.

16. When any warrant has been issued by the Registrar or a Justice under Section 690 or 691 of the Code and the Court of Criminal Appeal or a Judge thereof shall have granted bail, the recognisance or recognisances shall be in such form as the Court or Judge may order, and in the absence of any such order may be according to such of the forms numbered 15 and 16 in Part III. of the Schedule as shall be applicable.

## ORDER VII.

## ORDER VII.

## TRIAL AT BAR.

To be by order of Full Court.

1. A trial at bar shall not be had except by order of the Full Court. The order may be made at any time after plea.

Application, how made.

2. An application for a trial at bar shall be by motion for an order *nisi*, except when made by the Attorney General on behalf of the Crown, when the order shall be absolute in the first instance, as of course.

Terms may be imposed.

3. On making the order absolute for a trial at bar the Court may impose such terms on the applicant, as to payment of costs or otherwise, as the Court may think fit.

Copy pleadings for Judges.

4. Four days at least before the day appointed for the trial a copy of the pleadings shall be left by the party prosecuting, at the Chambers of each of the Judges who are to sit at the trial.

Trial.

5. A trial at bar may be continued from day to day, or adjourned to a subsequent day at any time, in the discretion of the Court, without any reference to the sittings of the Supreme Court; and no formal order shall be drawn up for any such continued sitting or adjournment, nor shall any such order be entered on the record.

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## ORDER VIII.

## JUDGMENTS.

1. At every trial at which the officer by whom judgment ought to be entered is not present the Clerk of Arraigns shall enter, in a book to be kept for that purpose, the plea, the verdict, and such other findings of fact as the Court may direct to be entered, and the directions, if any, of the Court as to judgment.

2. The certificate of the Clerk of Arraigns to the effect that any judgment has been directed by the Court to be entered shall be sufficient authority to the proper officer to enter judgment accordingly. The certificate shall be in the Form 9 of Section VI. of Part I. of the Schedule, with such variations as circumstances may require.

3. A list or calendar of all persons to be tried at any sittings of the Supreme Court, or a Circuit Court, or a Court of General or Quarter Sessions of the Peace, shall be made out in duplicate for the use of the Court, wherein shall be entered a short memorandum of the verdict, and of the judgment, if any, pronounced upon every such person. One of such lists shall be sent to the Central Office of the Supreme Court, and the other shall be delivered to the Sheriff.

Such list or calendar shall be sufficient warrant for the execution of the judgments thereby appearing to have been pronounced.

## ORDER VIII.

Entry of findings of fact.

Certificate for entry of judgment.

Calendar.

## ORDER IX.

## INSTITUTION AND ABANDONMENT OF APPEALS.

1. Subject to the Code and these Rules, a person (not being the prosecutor) desiring to appeal to the Court of Criminal Appeal against his conviction or sentence, or against any order which he is entitled to appeal against, shall commence his appeal by sending to the Registrar a Notice of Appeal or Notice of Application for leave to appeal, or Notice of Application for extension of time within which such notice shall be given, as the case may be, in the form of such notices respectively set forth in the Schedule to these Rules, and in the notice or notices so sent shall answer the questions and comply with the requirements set forth thereon.

2. Every Notice of Appeal or Notice of Application for leave to appeal or Notice of Application for extension of time within which such Notice shall be given under Chapter sixty-nine of the Code shall be signed by the Appellant himself, except under the provisions of Rules 4 and 5 of this Order.

3. When an Appellant or any other person authorised or required to give or send any notice of appeal or notice of any application for the purposes of Chapter sixty-nine of the Code, is unable to write he may affix his mark thereto in the presence of a witness who shall attest the same and thereupon such notice shall be deemed to be duly signed by such Appellant.

4. Where, on the trial of a person entitled to appeal under the Act, it has been contended or found that he was not responsible according to law for his actions, or was not guilty of the offence charged, on the ground that he was insane at the time the act was done or the omission made by him, any notice required by these Rules to be given and signed by the Appellant himself may be given and signed by his solicitor or other person authorised to act on his behalf.

5. In the case of a body corporate where any notice or other document is required to be signed by the Appellant himself for the purposes of Chapter sixty-nine of the Code, it shall be sufficient compliance therewith if such notice or other document is signed by the Secretary, Clerk, Manager, or Solicitor of such body corporate.

6. The time within which a person convicted shall give Notice of Appeal or Notice of his Application for leave to appeal to the Court of Criminal Appeal against his conviction shall commence to run from the day on which the verdict of the jury was returned, whether the Judge of the Court of Trial shall have passed sentence or pronounced final judgment upon him on that day or not.

7. The time within which a person convicted and sentenced shall give Notice of Appeal or Notice of Application for leave to appeal against such sentence to the Court of Criminal Appeal shall commence to run from the day on which such sentence shall have been passed upon him by the Judge of the Court of Trial.

## ORDER IX.

Obligation on Appellants to fill up forms of appeal notices and answer questions thereon.

Notices of appeal to be signed by Appellant and addressed to Registrar.

Where Appellant unable to write.

Appellant's representative may act for him where question of insanity involved.

Notice, etc., on behalf of corporations.

Time for appealing against conviction to run from verdict.

Time for appealing against sentence to run from pronouncement of sentence.

ORDER IX.

Time for appealing against order for restitution.

8. The time within which a person (not being the person convicted) may appeal against an order for restitution shall commence to run from the day on which the order was made.

Registrar to require proper officer of Court of Trial to furnish him with particulars, etc., of trial.

9. When the Registrar has received a Notice of Appeal, or a Notice of Application for leave to appeal, or a Notice of Application for extension of time within which such notices shall be given, or where the Attorney General shall exercise his powers under Section 21 of the Code, he shall forthwith apply to the Clerk of Arraignment of the Court of Trial for the particulars of the trial and conviction according to the Form No. 6 in Part IV. of the Schedule hereto, and for the Calendar supplied to the Judge of the Court of Trial or a copy thereof so far as the same refers to the Appellant, and such officer shall forthwith furnish the same to the Registrar.

Registrar to require proper officer of Court of Trial to furnish him with depositions, indictments, pleas, etc., for use of Court of Appeal.

10. In respect of cases which have not been tried in the Supreme Court, the Registrar may, if it appears to him to be necessary for the proper determination of any appeal or application or for the due performance of the duties of the Court of Criminal Appeal under the said section or whenever in any such cases he is directed by the Court of Criminal Appeal so to do, shall require the Clerk of the Court of Trial to furnish him with the original depositions of witnesses examined before the committing Justice or Coroner, or with any exhibit retained by such officer, and with the indictment or indictments or inquisition against the Appellant, or with an abstract or copy thereof or any part thereof or with any plea filed in the Court of Trial, and such officer shall forthwith furnish the same to the Registrar.

Prosecutor at trial to be ascertained.

11. The Registrar or Clerk of the Court of Trial shall ascertain and record in every case the name and address of the person, whether a private prosecutor or not, who is responsible for and is carrying on a prosecution in such Court, and the name and address of the solicitor, if any, for the prosecution.

Notice of application for leave to appeal.

12. Where the Court of Criminal Appeal has, on a Notice of Application for leave to appeal duly served, and in the form provided under these Rules, given an Appellant leave to appeal, it shall not be necessary for such Appellant to give any Notice of Appeal, but the Notice of Application for leave to appeal shall in such case be deemed to be a Notice of Appeal.

Abandonment of appeal.

13. An Appellant at any time after he has duly served notice of Appeal or of Application for leave to Appeal, or of application for extension of time within which such notices shall be given, may abandon his appeal by giving notice of abandonment thereof in the Form No. 7 in Part IV. of the Schedule to these Rules to the Registrar, and upon such notice being given the appeal shall be deemed to have been dismissed by the Court of Criminal Appeal.

Notice of application for extension of time for appealing.

14. An application to the Court of Criminal Appeal for an extension of time within which notices may be given shall be in the Form No. 5 in Part IV. of the Schedule hereto. Every person making an application for such extension of time shall send to the Registrar, together with the proper form of such application, a form, duly filled up, of Notice of Appeal, or of Notice of Application for leave to appeal, appropriate to the ground or grounds upon which he desires to question his conviction or sentence, as the case may be.

Appeals by prosecution.

15. The foregoing Rules of this Order do not apply to an appeal on the part of the prosecution.

Notice of appeal by prosecution.

16. Every notice of appeal on the part of the prosecution shall be by notice of motion served on the accused or his solicitor and returnable at the next sitting of the Court, which shall be held not less than seven clear days after the day of service. The notice may be according to the Form 8 in Part IV. of the Schedule.

Application for extension of time by prosecution.

17. Every application for an extension of time for appealing on the part of the prosecution shall be made by summons served on the accused or his solicitor and returnable before a Judge not less than one clear day after the day of the service thereof or by notice of motion served on the accused or his solicitor and returnable before the Court of Criminal Appeal not less than two clear days after the day of the service thereof.

Application to Full Court when extension refused by Judge.

18. If a Judge refuses to grant any extension requested the matter may be referred to the Court of Criminal Appeal by notice of motion returnable not less than two clear days after the day of the service thereof.



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19. Every notice on the part of the prosecution shall be signed by or on behalf of the Appellant or proposed Appellant or his solicitor, and a copy thereof shall be filed in the registry.

20. The Registrar shall set down every notice of motion on the part of the prosecution for hearing at the next available sitting of the Court after the filing of the notice thereof in the registry.

21. On an appeal by the prosecution it shall be the duty of the Appellant to supply the Court with all necessary evidence, records, and documents or duly authenticated copies thereof to enable the appeal to be decided, and to furnish each Judge and also the Respondent with a copy of all such evidence, records, and documents.

## ORDER IX.

Signature and filing of notices.

Registrar to set down notices of motion.

Prosecutor to supply documents, etc., necessary for decision of appeal.

## ORDER X.

## SHORTHAND WRITERS AND TRANSCRIPT OF NOTES.

1. Shorthand Writers may be appointed from time to time as required for the purposes of chapter sixty-nine of the Code by the Governor, on the recommendation of the Chief Justice, for such period and on such conditions as they shall think right.

2. A Shorthand Writer shall sign the shorthand note taken by him of any trial or proceeding, or of any part of such trial or proceeding, and certify the same to be a complete and correct shorthand note thereof, and shall retain the same unless and until he is directed by the Registrar to forward such shorthand note to him.

3. A Shorthand Writer shall, on being directed by the Registrar, furnish to him, for the use of the Court of Criminal Appeal, a transcript of the whole or of any part of the shorthand note taken by him of any trial or proceeding in reference to which an Appellant has appealed.

4. A Shorthand Writer shall furnish to a party interested in a trial or other proceeding in relation to which a person may appeal under chapter sixty-nine of the Code, and to no other person, a transcript of the whole or of any part of the shorthand note of any such trial or other proceedings, on payment by such party interested to such Shorthand Writer of his charges on such scale as the Attorney General may fix.

5. A party interested in an appeal under the said chapter sixty-nine may obtain from the Registrar a copy of the transcript of the whole or of any part of such shorthand note as relates to the appeal.

6. For the purposes of Rules 4 and 5, "a party interested" shall mean the prosecutor, or the person convicted, or any other person named in, or immediately affected by, any order made by the Judge of the Court of Trial, or other person authorised to act on behalf of a party interested, as herein defined.

7. Whenever a transcript of the whole or of any part of such shorthand note is required for the use of the Court of Criminal Appeal such transcript may be made by the Shorthand Writer who took and certified the shorthand note, or by such other competent person as the Registrar may direct.

8. A transcript of the whole or any part of the shorthand note relating to the case of any Appellant which may be required for the use of the Court of Criminal Appeal shall be typewritten and verified by the person making the same by a Statutory Declaration in the Form No. 9 of Part IV. of the Schedule to these Rules that the same is a correct and complete transcript of the whole or of such part, as the case may be, of the shorthand note purporting to have been taken, signed, and certified by the Shorthand Writer who took the same.

## ORDER X.

Shorthand writers, how appointed.

Shorthand note to be certified by the writer.

Transcript to be furnished on application of Registrar.

Party interested may obtain transcript from shorthand writer.

Party interested may obtain transcript from Registrar.

Definition of "Party interested."

Transcript to be made by writer thereof or some other person on Registrar's directions.

Verification of transcript for use of Court of Criminal Appeal.

## ORDER XI.

## CERTIFICATE OF JUDGE OF TRIAL.

1. The certificate of the Judge of the Court of Trial under Section 688 (b) of the Code may be in the Form No. 10 of Part IV. in the Schedule to these Rules.

2. The Judge of the Court of Trial may, in any case in which he considers it desirable so to do, inform the person convicted before or sentenced by him that the case is in his opinion one fit for an appeal to the Court of Criminal Appeal under Section 688 (1) (b), and may give to such person a certificate to that effect in the Form in the Schedule to these Rules.

## ORDER XI.

Judge's certificate under s. 688 (1) (b).

Judge's certificate may be given at trial without application.

## ORDER XII.

## ORDER XII.

## APPLICATIONS WHICH MAY BE DEALT WITH UNDER SECTION 702.

Answers to questions to be deemed applications to Court in certain cases.

1. Any answers to the questions on Forms 1, 2, 3, or 4 of Part IV. of the Schedule by which an appellant signifies his desire to have legal aid assigned to him or to have leave granted to him to be present at the hearing of his appeal, shall be deemed to be applications to the Court of Criminal Appeal in such matters respectively.

Certain matter to be referred to Judge.

2. The Registrar shall refer to a Judge of the Court any applications which such Judge has power to deal with under Section 702 of the Code, and the Judge may deal with the applications (except applications for bail) *ex parte*, or may cause notice thereof to be given to the prosecutor or his solicitor (in cases of private prosecutions) or to the Crown Prosecutor in other cases.

Procedure where Judge refuses application.

3. When any application has been dealt with by a Judge under Section 702 of the Code the Registrar shall notify the applicant of the Judge's decision. In the event of such Judge refusing all or any of such applications the Registrar on notifying such refusal to the Appellant shall forward to him Form No. 12 in Part IV. of the Schedule hereto, which form the Appellant is hereby required to fill up and forthwith return to the Registrar. If the Appellant does not desire to have his said application or applications determined by the Court of Criminal Appeal as duly constituted for the hearing of appeals under the Act, or does not return within five days to the Registrar the said Form No. 12 duly filled up by him, the refusal of his application or applications by such Judge shall be final. If the Appellant desires that his said application or applications shall be determined by the Court of Criminal Appeal as duly constituted for the hearing of appeals under the Code and is not legally represented he may, if the Court of Criminal Appeal give him leave, be present at the hearing and determination by the Court of Criminal Appeal of his said application: Provided that an Appellant who is legally represented shall not be entitled to be present without special leave of the Court of Criminal Appeal.

When an Appellant duly fills up and returns within the prescribed time to the Registrar Form No. 12 expressing a desire to be present at the hearing and determination by the Court of Criminal Appeal of the applications mentioned in this Rule, such form shall be deemed to be an application by the Appellant for leave to be so present. And the Registrar, on receiving the said form, shall take the necessary steps for placing the said application before the Court of Criminal Appeal. If the said application to be present is refused by the Court of Criminal Appeal, the Registrar shall notify the Appellant; and if the said application is granted the Registrar shall notify the Appellant and the Superintendent of any Prison wherein the Appellant is in custody, as provided by these Rules. For the purpose of constituting a Court of Criminal Appeal the Judge who has refused any such application may sit as a member of such Court, and take part in determining such application.

Sittings of a Judge under s. 702.

4. A Judge of the Court of Criminal Appeal sitting under the provisions of Section 702 of the Code may sit and act wherever convenient.

## ORDER XIII.

## ORDER XIII.

## APPEALS WHERE FINE ONLY IS INFLICTED.

Where fine imposed on conviction to be retained pending appeal.

1. Where a person has, on his conviction, been sentenced to payment of a fine, and in default of payment to imprisonment, the person lawfully authorised to receive such fine shall, on receiving the same, retain it until the determination of any appeal in relation thereto.

Person in custody in default of payment of fine, deemed to be person sentenced to imprisonment.

2. If such person remains in custody in default of payment of the fine, he shall be deemed, for all purposes of Chapter sixty-nine of the Code, to be a person sentenced to imprisonment.

Person fined may in certain cases intimate appeal, and not pay fine. Power of Court of Trial in such cases to impose recognisances.

3. Where any person has been convicted and is thereupon sentenced to the payment of a fine, and, in default of such payment, to imprisonment and he intimates to the Judge of the Court of Trial that he is desirous of appealing against his conviction to the Court of Criminal Appeal, either upon grounds of law alone, or, with the Certificate of the Judge of the Court of Trial, upon any grounds men-

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tioned in Section 688 (1) (b) of the Code, such Judge may, if he thinks right so to do, order such person forthwith to enter into recognisances in such amount, and with and without sureties in such amount as the Judge may think right, to prosecute his appeal. And, subject thereto, may order that payment of the said fine shall be made at the final determination of his said appeal, if the same be dismissed, to the Registrar, or as such Court may then order. The recognisance under this Rule shall be in the Forms Nos. 13 and 14 in Part III. of the Schedule hereto. A surety becoming duly bound by recognisance under this Rule shall be deemed to be, for all purposes, and shall have all the powers of a surety under the provisions of Order VI.

The Clerk of Arraigns or Clerk of the Court of Trial shall forward the recognisances of the Appellant and his surety or sureties to the Registrar.

4. An Appellant who had been sentenced to the payment of a fine, and has paid the same in accordance with such sentence shall, in the event of his appeal being successful, be entitled, subject to any order of the Court of Criminal Appeal, to the return of the sum or any part thereof so paid by him.

5. If an Appellant to whom Rule 3 applies does not serve, in accordance with these rules, a Notice of Appeal together with the Certificate of the Judge of the Court of Trial (if such certificate is required by law), within 10 days from the date of his conviction and sentence, the Registrar shall report such omission to the Court of Criminal Appeal who may, after notice in the Forms Nos. 18 and 19 of Part III. of the Schedule hereto has been given to the Appellant and his sureties, if any, order an estreat of the recognisances of the Appellant and his sureties in manner provided by Order VI. hereof, and may issue a warrant for the apprehension of the Appellant and may commit him to prison in default of payment of his fine, or may make such other order as they think right.

## ORDER XIII.

Fine to be repaid on success of appeal.

How Appellant committing breach of recognisance under this Rule may be dealt with.

## ORDER XIV.

## CUSTODY OF EXHIBITS USED AT TRIAL.

1. The Judge of the Court of Trial may make any Order he thinks fit for the custody, disposal, or production of any exhibits in the case, but unless he makes any such order, exhibits shall be returned to the custody of the person producing the same or of the solicitor for the prosecution or defence respectively. Such person or solicitor shall retain the same pending any appeal and shall, on notice from the Registrar or Crown Prosecutor, produce or forward the same as and when required so to do.

2. Whenever a person is committed for trial it shall be the duty of the Coroner or of the Clerk to the Justice committing such person for trial to make and forward, with the depositions taken in relation to such person, a complete list of such exhibits as have been produced and used in evidence for or against him during any proceedings before such Coroner or Justice, to the Court before which such person is to be tried. Such list shall be in the Form No. 13 of Part IV. of the Schedule to these Rules, subject to the necessary modifications, and shall be signed by such Coroner or Clerk. The exhibits appearing on such list shall be marked with consecutive numbers for the purpose of readily identifying the same. Any exhibits put in for the first time at the trial shall be added to such list by the Clerk of Arraigns and marked as herein provided.

3. Exhibits, other than such documents as are usually kept by an officer of the Court of Trial shall, subject to any order which the Court of Trial or the Court of Criminal Appeal may make, be returned to the person who originally produced the same, provided that any such exhibit to which the provisions of Section 694 of the Code relate shall not be so returned except under the direction of the Court of Trial or the Court of Criminal Appeal.

## ORDER XIV.

Judge's directions as to custody of exhibits.

List of exhibits produced before committal, to be made by Coroner or Clerk to Justices.

Exhibits to which Rule 1 relates to be returned to persons producing the same subject to order of Court.

## ORDER XV.

## SUSPENSION OF CONSEQUENTIAL ORDERS PENDING APPEAL.

1. Where, upon the trial of a person entitled to appeal under the Act against his conviction, an order of restitution of any property to any person or awarding compensation to any person has been made by the Judge of the Court of Trial,

## ORDER XV.

Annuling or varying order of restitution of property. Persons affected may appear on appeal.

## ORDER XV.

the person in whose favour or against whom the order of restitution or compensation has been made, any person in whose favour or against whom an order to which Rule 2 relates has been made, and, with the leave of the Court of Criminal Appeal any other person, shall, on the final hearing by the Court of Criminal Appeal of an appeal against the conviction on which such order was made, be entitled to be heard by the Court of Criminal Appeal before any order annulling or varying such order is made.

Non-suspension of orders for restitution, etc., to be subject to property or a sample, etc., being necessary for purposes of appeal.

2. Where the Judge of the Court of Trial is of opinion that the title to any property the subject of an order of restitution made on a conviction of a person before him, or any property to which provisions of Subsection 1 of Section 24 of the Sale of Goods Act, 1895, apply, is not in dispute, he, if he shall be of opinion that such property or a sample or portion or *facsimile* representation thereof is reasonably necessary to be produced for use at the hearing of any appeal, shall give such directions to or impose such terms upon the person in whose favour the order of restitution is made, or in whom such property reverts under such subsection, as he shall think right in order to secure the production of such sample, portion or *facsimile* representation for use at the hearing of any such appeal.

Temporary suspension of orders made on conviction, as to money, costs, etc.

3. Where, on the conviction of a person, the Judge of the Court of Trial makes an order condemning such person to the payment of the whole or of any part of the costs and expenses of the prosecution for the offence of which he shall be convicted, or where such Judge makes any order under Section 718 or 719 of the Code, or where such Judge lawfully makes on the conviction of any person before him any order for the payment of money by such convicted person or by any other person, or any order affecting the rights or property of such convicted person, the operation of such orders shall in any of such cases be suspended until the expiration of 10 days after the day on which any of such orders were made. And in any case where Notice of Appeal or Notice of Application for leave to appeal is lawfully given either against the conviction or against the order within 10 days from and after the date of the verdict against such person, such order shall be further suspended until the determination of the appeal. The Court of Criminal Appeal may by order annul any order to which this Rule refers on the determination of any appeal, or may vary such order, and such order, if annulled, shall not take effect, and, if varied, shall take effect as so varied.

Judge's directions as to property of convicted person pending appeal.

4. Where the Judge of the Court of Trial makes any such order on a person convicted before him, as in this Order mentioned, he shall give such directions as he thinks right as to the retention by any person of any money or valuable securities belonging to the person so convicted or taken from such person on his apprehension or of any money or valuable securities at the date of his conviction in the possession of the prosecution for the period of ten days, or in the event of an appeal, until the determination thereof by the Court of Criminal Appeal.

Suspension of disqualification consequent on conviction.

5. Where upon conviction of any person of any offence any disqualification, forfeiture or disability attaches to such person by reason of such conviction, such disqualification, forfeiture, or disability shall not attach for the period of ten days from the date of the verdict against such person, nor in the event of an appeal to the Court of Criminal Appeal, until the determination thereof.

Judge's directions as to securing payment of money by convicted person pending appeal.

6. When the Judge of the Court of Trial on the conviction of a person before him makes any order for the payment of money by such person or by any other person upon such conviction, and, by reason of this Order, such order would otherwise be suspended, such Judge may, if he thinks right so to do, direct that the operation of such order shall not be suspended unless the person on whom such order has been made shall, in such manner and within such time as the said Judge shall direct, give security by way of undertaking or otherwise for the payment to the person in whose favour such order shall have been made of the amount therein named. Such security may be to the satisfaction of the person in whose favour the order for payment shall have been made or of any other person as such Judge shall direct.

Suspension of order of destruction or forfeiture of property.

7. Where on a conviction any property, matters or things the subject of the prosecution or connected therewith are to be or may be ordered to be destroyed or forfeited under the provisions of any Statute, the destruction or forfeiture or order for destruction or forfeiture thereof shall be suspended for the period of 10 days from and after the date on which the verdict on such indictment was returned,

CRIMINAL PRACTICE RULES.

and in the event of an appeal shall be further suspended until the determination thereof by the Court of Criminal Appeal. ORDER XV.

8. Where, upon conviction of any person of any offence, any claim may be made or any proceedings may be taken under any Statute against such person or any other person in consequence of such conviction, such proceedings shall not be taken until after the period of 10 days from the date on which the verdict against such person was returned, nor in the event of an appeal to the Court of Criminal Appeal until the determination thereof. Suspension of proceedings or claims consequent on conviction.

9. Any person affected by any orders which are suspended under this Order may, with the leave of the Court of Criminal Appeal, be heard on the final determination of any appeal, before any such orders are varied or annulled by the Court of Criminal Appeal.

10. The time during which an Order of Restitution or the operation of subsection 1 of Section 24 of the Sale of Goods Act, 1895, is suspended under Section 694 of the Code, shall commence to run from the day on which the verdict of the jury was returned, and, in cases where Notice of Appeal or Notice of Application for leave to appeal is duly given within 10 days after such day, the period of suspension of such order or of the operation of the subsection shall continue until the determination of the appeal. Period of suspension of orders under s. 6 of Act.

11. The Registrar or Clerk of the Court of Trial or other officer thereof having the custody of the Records of such Court, or the deputy of such Clerk or other officer, shall not issue, under any Statute authorising him so to do, a certificate of conviction of any person convicted on indictment in the Court to which he is such Clerk, officer, or deputy, for the period of 10 days after the actual day on which such conviction took place, nor in the event of such Clerk, officer, or deputy receiving information from the Registrar of the Court of Criminal Appeal within such 10 days that a Notice of Appeal or if Application for leave to appeal to that Court has been given, until the determination thereof. Certificate of conviction not to issue for 10 days after conviction.

12. Where an application is made to such Registrar, Clerk, officer, or deputy to issue such certificate of conviction as in this rule mentioned after the expiration of the said period of 10 days, he shall require, before issuing the same, to be satisfied that there is no appeal then pending in the Court of Criminal Appeal against such conviction. A person desirous of obtaining a certificate of conviction from such Registrar, Clerk, officer, or deputy shall be entitled to obtain from the Registrar of the Court of Criminal Appeal a certificate in such form as the said Registrar may think right for the purpose of satisfying, by the production thereof, such Clerk, officer, or deputy that no appeal against such conviction is then pending. After the expiration of two months from the date of the conviction a certificate thereof may be issued by such Registrar, Clerk, officer, or deputy as heretofore, except in cases in which he has had notice of an appeal still undetermined. After 10 days from conviction, Clerk to be satisfied no appeal pending before issuing certificate of conviction.

For the purposes of this Rule the expression "conviction" shall mean the verdict or plea of guilty and any final judgment passed thereon. Appeal by person convicted against order of restitution or compensation to be made on appeal against conviction.

13. No person convicted of any offence shall be allowed to appeal against any order consequential on such conviction made under Section 717 or 719 of the Code, except on an appeal against the conviction.

14. The Judge of the Court of Trial may, at any time, order that any person other than the person convicted who desires to appeal against an order made under Section 717 of the Code shall not be allowed to appeal unless he complies with such conditions as to security or otherwise as shall be specified in the order, but such order may be set aside or varied by the Court of Criminal Appeal. Conditions may be imposed on appeal against order of restitution.

ORDER XVI.

ORDER XVI.

NOTES AND REPORT OF JUDGE OF TRIAL.

1. The Registrar when he has received a Notice of Appeal, or a Notice of Application for leave to appeal under Chapter LXIX. of the Code or a Notice of Application for extension of the time within which such notices shall be given, or when the Attorney General shall exercise his powers under Section 21 of the Code, shall request the Judge of the Court of Trial to furnish him with the whole of or any part of his note of the trial or with a copy of such note or any part thereof, Judge's note to be furnished to the Registrar on request.

ORDER XVI.

Report of Judge of Court of Trial.

and such Judge of the Court of Trial shall thereupon furnish the same to the Registrar in accordance with such request.

2. The Registrar when he has received a Notice of Appeal, or a Notice of Application for leave to appeal or a Notice of Application for extension of time within which such notices shall be given, or when the Attorney General shall exercise his powers under Section 21 of the Code, or whenever it appears to be necessary for the proper determination of any appeal or application, or for the due performance of the duties of the Court of Criminal Appeal under the said section may, and whenever in relation to any appeal the Court of Criminal Appeal or any Judge thereof directs him so to do shall, request the Judge of the Court of Trial to furnish him with a report in writing, giving his opinion upon the case generally or upon any point arising upon the case of the Appellant, and the Judge of the Court of Trial shall furnish the same to the Registrar in accordance with such request.

Judge's report to be furnished to Court of Appeal.

3. The report of the Judge shall be made to the Court of Criminal Appeal, and except by leave of the Court or a Judge thereof the Registrar shall not furnish to any person any part thereof.

Registrar to furnish Judge of Court of Trial with materials for report.

4. When the Registrar shall request the Judge of the Court of Trial to furnish a report under these Rules, he shall send to such Judge of the Court of Trial a copy of the Notice of Appeal or Notice of Application for leave to appeal or Notice of Application for extension of time within which under the Act such notice shall be given or any other document or information which he shall consider material, or which the Court of Criminal Appeal at any time shall direct him to send, or with which such Judge may request to be furnished by the Registrar, to enable such Judge to deal in his report with the Appellant's case generally or with any point arising thereon.

ORDER XVII.

ORDER XVII.

DEFENCE OF APPEALS.

Registrar's duties as to ascertaining Respondent.

1. When the Registrar has received a Notice of Appeal, or a Notice of Appeal on grounds of law alone, which does not, in his opinion, fall within the provisions of Section 701, Subsection 2. of the Code, or where leave to appeal is granted to any Appellant, he shall, in the case of a private prosecution, forthwith ascertain from the person specified in Form No. 6 of Part IV. of the Schedule as the Prosecutor, or from the solicitor of such person, whether the Prosecutor intends to undertake the defence of the appeal. And in the event of the Prosecutor declining to undertake the defence of the appeal, notice to that effect shall be sent by the Registrar to the Crown Prosecutor.

In the case of other than private prosecutions the Registrar shall notify the Crown Prosecutor of the appeal.

Prosecutor to afford all information, documents, etc., to Registrar and Crown Prosecutor.

2. It shall be the duty of a Prosecutor who declines to undertake the defence of an appeal, and of his solicitor, to furnish to the Registrar and the Crown Prosecutor, or either of them, any information, documents, matters, and things in his possession or under his control connected with the proceedings against the Appellant, which the Registrar or Crown Prosecutor may require for the purposes of their duties under the Act.

Court may at any stage substitute Crown Prosecutor for a private prosecutor.

3. Where the defence of an appeal is undertaken by a private prosecutor the Court of Criminal Appeal may, at any stage of the proceedings in such appeal, if it shall think right so to do, order that the Crown Prosecutor shall take over the defence of the appeal and be responsible on behalf of the Crown for the further proceedings in the same.

ORDER XVIII.

ORDER XVIII.

DOCUMENTS REQUIRED FOR PURPOSES OF APPEAL.

Registrar on application of Appellant or Respondent, or where he thinks necessary, to obtain documents, exhibits, etc., for purposes of appeal, and same to be open for inspection.

1. The Registrar may, on an application made to him by the Appellant or Respondent in any appeal, or where he considers the same to be necessary for the proper determination of any appeal or application, or shall where directed by the Court of Criminal Appeal so to do, obtain and keep available for use by the Court of Criminal Appeal any documents, exhibits, or other things relating to the

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proceedings before the Court, and pending the determination of the appeal, such documents, exhibits, or other things shall be open as and when the Registrar may arrange, for the inspection of any party interested.

ORDER XVIII.

2. The Court of Criminal Appeal may, at any stage of an appeal, whenever they think it necessary or expedient in the interest of justice so to do, on the application of an Appellant or Respondent, order any document, exhibit, or other thing connected with the proceedings, to be produced to the Registrar or before them, by any person having the custody or control thereof.

Court of Appeal may order production of any document or exhibits, etc.

3. At any time after Notice of Appeal or Notice of Application for leave to appeal has been given under chapter sixty-nine of the Code, an Appellant or Respondent or the Solicitor or other person representing either of them, may obtain from the Registrar copies of any documents or exhibits in his possession under the Code or these Rules for the purposes of such appeals. Such copies shall be supplied by the Registrar at such charges as may be provided in rules made under the Supreme Court Act (Amendment), 1892.

How Appellant or Respondent may obtain from Registrar copies of documents or exhibits.

4. Where Solicitor and Counsel, or Counsel only, are assigned to an Appellant under chapter sixty-nine of the Code, copies of any documents or exhibits which they or he may request the Registrar to supply shall without charge be supplied unless the Registrar thinks that they are not necessary for the purpose of the appeal.

Counsel and Solicitor assigned to Appellant may receive copies of documents and exhibits free on his request.

5. A transcript of the shorthand notes (if any) taken of the proceedings at the trial of any Appellant shall not be supplied free of charge, except by an order of the Court of Criminal Appeal or of a Judge thereof, upon an application made by an Appellant or by his Counsel or Solicitor assigned to him under the Act.

Transcript of shorthand notes not to be supplied free except on order of Judge of Court.

6. Where an Appellant, who is not legally represented, requires from the Registrar a copy of any document or exhibit in his custody for the purposes of his appeal, he may obtain it free of charge if the Registrar thinks, under all the circumstances, it is desirable or necessary to supply the same to him.

Poor appellant not legally represented may obtain copy of documents or exhibits free.

ORDER XIX.

ORDER XIX.

PROCEDURE AS TO WITNESSES BEFORE COURT OF CRIMINAL APPEAL, AND THEIR EXAMINATION BEFORE EXAMINER.

1. Where the Court of Criminal Appeal have ordered any witness to attend and be examined before the Court under Section 697 (b) of the Code, an order in the Form No. 15 in Part IV. of the Schedule hereto shall be served upon such witness specifying the time and place at which to attend for such purpose.

Attendance of witness before Court of Appeal.

2. Such order may be made on the application at any time of the Appellant or Respondent, but if the Appellant is in custody and not legally represented the application shall be made by him in the Form No. 14 in Part IV. of the Schedule hereto.

Application to Court to hear witnesses.

3. Where the Court of Criminal Appeal order the examination of any witness to be conducted otherwise than before the Court itself, such order shall specify the person appointed as examiner to take and the place of taking such examination and the witness or witnesses to be examined thereat.

Order appointing Examiner.

4. The Registrar shall furnish to the person appointed to take such examination any documents or exhibits and any other material relating to the said appeal as and when requested so to do. Such documents and exhibits and other material shall after the examination has been concluded be returned by the examiner together with any depositions taken by him to the Registrar.

Registrar to furnish Examiner with exhibits, etc., necessary for examination.

5. When the examiner has appointed the day and time for the examination he shall request the Registrar to notify the Appellant or Respondent and their legal representatives, if any, and when the Appellant is in prison, the Superintendent of that prison, thereof. The Registrar shall cause to be served on every witness to be so examined a notice in the Form No. 16 in Part IV. of the Schedule hereto.

Notification of date of examination.

6. Every witness examined before an examiner under this Order shall give his evidence upon oath to be administered by such examiner, except where any such witness if giving evidence as a witness on a trial on indictment need not be sworn.

Evidence to be given on oath.

7. The examination of every such witness shall be taken in the form of a deposition and shall be read over to and signed by the witness and shall also be

Deposition of witness, how to be taken.

ORDER XIX.

Travelling expenses of witnesses before Examiner.

Service of notices and orders under Rule.

Presence of parties at examination of witnesses.

Proceedings under Section 697, subsection (d), on reference.

signed by the examiner. The caption in the Form No. 17 in Part IV. of the Schedule hereto shall be attached to any such deposition.

8. Where any witness shall receive an order or notice to attend before the Court of Criminal Appeal or an examiner, the person serving the same may, if it appears to him necessary so to do, pay to him a reasonable sum not exceeding the amount of the scale sanctioned by the Attorney General for the travelling expenses of such witness from his place of residence to the place named in such notice or order, and the sum so paid shall be certified by such person to the Registrar. Any expenses certified by the Registrar under this rule shall be paid as part of the expenses of a prosecution.

9. Any order or notice required by this Order to be given to any witness may be served as a writ of subpoena in the Supreme Court may be served, and any such notice shall be deemed to be an order of the Court of Criminal Appeal on such witness to attend at the time and place specified therein.

10. The Appellant and Respondent, or Counsel or Solicitor on their behalf, shall be entitled to be present at and take part in any examination of any witness to which this Rule relates.

11. When an order of Reference is made by the Court of Appeal under Section 697 (d) of the Code, the question to be referred and the person to whom as Special Commissioner the same shall be referred shall be specified in such order. The Court of Criminal Appeal may in such order or by giving directions as and when they, from time to time, shall think right, specify whether the Appellant or Respondent or any person on his behalf may be present at any examination or investigation ordered under Section 697 (d) of the Code or at any stage thereof, and specify any and what powers of the Court of Criminal Appeal under Chapter LXIX. of the Code may be delegated to such Special Commissioner, and may require him from time to time to make interim reports to the Court of Criminal Appeal upon the question referred to him under Section 697 (d) of the Code, and may, if the Appellant is in custody, give leave to him to be present at any stage of such examination or investigation and give the necessary directions to the Superintendent of the prison in which such Appellant is, accordingly, and may give directions to the Registrar that copies of any report made by such Special Commissioner shall be furnished to the Appellant and Respondent or to Counsel or Solicitor on their behalf.

ORDER XX.

On final determination of appeals, etc., Registrar to notify Appellant, Prison Superintendent, and Attorney General.

In cases of death sentence, notice of appeal and final determination to be given.

Registrar to notify Officer of Court of Trial result of appeal.

ORDER XX.

NOTIFYING RESULT OF APPEALS.

1. On the final determination of any appeal under Chapter LXIX. of the Code or of any matter under Section 702 of the Code, the Registrar shall give to the Appellant, if he is in custody and has not been present at such final determination, and to the Attorney General, and to the Superintendent of the prison in which the Appellant then is, or from which he has been released on bail or to which under such determination he is committed, notice of such determination in the Forms 18, 19, 20, and 21 respectively provided for such cases in Part IV. of the Schedule hereto.

2. In any case of an appeal in relation to a conviction involving sentence of death, the Registrar shall on receiving the Notice of Appeal or of Application for leave to appeal, send a copy thereof to the Attorney General, and on the final determination of any such appeal by the Court of Criminal Appeal shall forthwith notify the Appellant, the Attorney General, and the Superintendent of the prison in which the Appellant then is or to which he is committed under such determination.

3. The Registrar at the final determination of an appeal (when the Supreme Court was not the Court of trial) shall notify in such manner as he thinks most convenient to the Clerk of the Court of Trial the decision of the Court of Criminal Appeal in relation thereto, and also any orders or directions made or given by the Court in relation to such appeal or any matter connected therewith.



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The proper officer of the Court of Trial shall, on receiving the notification referred to in this Rule, enter the particulars thereof on the Records of the Court of which he is such officer.

4. Upon the final determination of an appeal for the purposes of which the Registrar has obtained from the proper officer of the Court of Trial any original depositions, exhibits, indictment, inquisition, plea, or other documents usually kept by the said officer, or forming part of the Record of the Court of Trial, the Registrar shall cause the same to be returned to such officer.

## ORDER XX.

Officer of Court of Trial to enter decision of Court on records.

Registrar after appeal to return original depositions, exhibits, indictment, etc., to Officer of Court of Trial when received from him.

## ORDER XXI.

## PASSING OF ACCOUNTS BY CURATOR OF PRISONER'S ESTATE.

1. A curator of a prisoner's estate liable to pass his accounts shall, as soon as practicable, file in the Registry of the Supreme Court his accounts relating to the estate of the prisoner, and shall, at the time of filing the said accounts, take out an appointment for passing the same. If the curator intends to claim commission or other remuneration which has not already been allowed by the Court or a Judge he shall state that fact in the notice.

2. Notice of the filing of the accounts and of the time fixed for passing the same shall be served on the prisoner or his trustee in bankruptcy or legal personal representative as the case may require.

3. Any person wishing to object to the passing of the accounts of any curator shall file with the Registrar, on or before the day fixed for the passing of the accounts, a notice of his intention to object and also an affidavit stating his interest and the nature and grounds of his objection.

4. Upon the taking of such accounts the Registrar may make such order as to service upon any of the parties interested as he may think fit.

5. Any person interested may attend before the Registrar upon the taking of such accounts.

6. The Registrar shall state the result of the taking of the accounts in the form of a certificate and in the certificate shall state the amount of commission or other remuneration allowed by the Court or a Judge, or if no such allowance has been made he shall state what he recommends should be allowed in respect of the claim (if any) for commission or other remuneration.

7. Every certificate of the Registrar shall be binding on all persons concerned unless discharged or varied by the Court or a Judge upon application by motion or summons made before the expiration of eight clear days from the signing of the certificate: provided that no recommendation for commission or other remuneration shall be binding until approved by the Court or a Judge.

## ORDER XXI.

Accounts to be filed.

Notice to parties.

Notice of objections.

Service on persons interested.

Attendance of persons interested.

Registrar's certificate.

Certificate, when binding.

## ORDER XXII.

## CERTIORARI TO INFERIOR COURTS.

1. Affidavits intended to be used on an application for a writ of *certiorari* to remove an indictment from a Court of General Sessions of the Peace or other Inferior Court into the Supreme Court shall be entitled "In the Supreme Court of Western Australia, and in the matter of an indictment presented in the Court of General Sessions of the Peace at B. (or other Court, naming it) against C.D."

2. A writ of *certiorari* for the removal of an indictment from a Court of General or Quarter Sessions of the Peace or other Inferior Court into the Supreme Court shall not be granted, except on the application of the Attorney General acting on behalf of the Crown, either at the instance of the prosecutor or of the accused person, unless it is made to appear to the Court or Judge by the party applying that a fair and impartial trial of the case cannot be had in the Court below, or that some question of law of more than usual difficulty and importance is likely to arise upon the trial.

3. A writ of *certiorari* for the removal of an indictment from a Court of General or Quarter Sessions of the Peace or other Inferior Court into the Supreme Court shall not be issued except on the application of the Attorney General acting

## ORDER XXII.

Title of affidavits.

Grounds for removal.

Security for costs of prosecution.

ORDER XXII.	on behalf of the Crown, until the accused person at whose instance it has been directed to issue has given security, by recognisance, or in such other manner as the Court or Judge may direct, with or without sureties, and in such sum as the Court or Judge may think fit, conditioned that he will appear and plead in open Court to the indictment, and proceed to trial at the next Criminal Sittings of the Supreme Court at Perth forthwith, or at the sittings of such other Court, and at such time and place as the Supreme Court or a Judge may direct, and will personally attend from day to day at the trial of the indictment, and not depart till he shall be discharged by the Court, and that he will pay the cost of the prosecution subsequent to the removal of the indictment, if he is convicted.
Time and notice.	4. An order <i>nisi</i> for a writ of <i>certiorari</i> to remove a judgment, conviction, order, or other proceeding, of a Court of General or Quarter Sessions of the Peace other than an indictment presented therein, or a judgment, conviction, order, or other proceeding of any other Inferior Court or Tribunal, or of Justices, in a criminal cause, shall not be granted unless it is made within six months after the date of such judgment, conviction, order, or other proceeding, nor unless it is proved upon affidavit that the applicant has given six days' notice of the intended application to the Court of General or Quarter Sessions of the Peace, Justice, or other person or persons by or before whom the judgment, conviction, order, or other proceeding was made or taken, or to two of them if more than one.
Objections to be stated in order.	5. Any mistake or omission in any judgment, conviction, order, or other proceeding which is intended to be relied upon as a ground for quashing such judgment, conviction, order, or proceeding shall be stated in the order <i>nisi</i> ; otherwise an objection on account of such omission or mistake shall not be allowed.
Service.	6. In the case of orders to show cause why a writ of <i>certiorari</i> should not be issued addressed to Justices in petty sessions, service of the order on the clerk of petty sessions shall be sufficient.
Security for costs on <i>certiorari</i> to bring up convictions or orders of Justices.	7. A writ of <i>certiorari</i> to remove a judgment, conviction, or order of a Court of General or Quarter Sessions of the Peace, or of any other Inferior Court or Tribunal, or of Justices shall not be issued, except upon the application of the Attorney General, until the applicant has given security in the sum of fifty pounds, conditioned to prosecute the writ with effect at his own cost without delay, and to pay, within ten days, to the party in whose favour the judgment, conviction, or order was given or made, in the event of the same being confirmed, such costs, if any, as the Court shall order.
Quashing order in first instance.	8. When cause is shown against an order <i>nisi</i> for a writ of <i>certiorari</i> to remove a conviction or order of justices, the Court, if it directs the writ to issue, may by the same order direct that the conviction or order shall be quashed on return without further order; and in such case no security need be given as required by the last preceding rule, and a memorandum to that effect shall be indorsed upon the writ by the officer by whom it is issued. In any such case the conviction or order shall be quashed, upon being returned to the Court, without further order.
When no cause shown.	9. When cause is not shown against an order <i>nisi</i> for a writ of <i>certiorari</i> to bring up a conviction or order of justices, or when the order is absolute in the first instance, the applicant may apply to the Court or a Judge for an order to quash the conviction or order. Such application shall be made upon notice to the parties interested in supporting the conviction or order.

ORDER XXIII.

ORDER XXIII.

MISCELLANEOUS PROVISIONS.

Application not specially provided for, how made.

1. Except where otherwise provided in these Rules, any application to the Court of Criminal Appeal may be made by the Appellant or Respondent, or by Counsel on their behalf, orally or in writing, but in regard to such applications if the Appellant is unrepresented and is in custody and is not entitled or has not obtained leave to be present before the Court, he shall make any such application by forwarding the same in writing to the Registrar, who shall take the proper steps to obtain the decision of the Court thereon.

## CRIMINAL PRACTICE RULES.

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2. When the Court of Criminal Appeal has heard and dealt with any application under the Act or these Rules, the Registrar shall (unless it appears to him unnecessary so to do) give to the Appellant (if he is in custody and has not been present at the hearing of such application) notice of the decision of the Court of Criminal Appeal in relation to the said application.

ORDER XXIII.

Notice by Registrar to Appellant of results of all applications.

3. When legal aid is assigned to an Appellant, the Court of Criminal Appeal may give such directions as to the stage of the appeal at which such legal aid shall commence and whether Counsel only, or Counsel and Solicitor, shall be assigned or otherwise as they think right.

Legal aid.

The Registrar shall thereupon, subject to any special order of the Court of  
or  
Criminal Appeal select a Counsel ——— Solicitor for the purpose of affording legal  
and  
aid to an Appellant under the directions of the Court of Criminal Appeal, having regard in so doing to the place at which the Appellant was tried and the Counsel or Solicitor, if any, who represented the Appellant at his trial and the nature of the appeal.

4. The performance of any duty imposed upon any person under Chapter LXIX. of the Code may be enforced by order of the Court of Appeal.

Enforcing duties under Rules.

5. When the Attorney General exercises his powers under Section 21 (a) and refers the whole case to the Court of Appeal, the petitioner whose case is so dealt with shall be deemed to be for all the purposes of Chapter LXIX. of the Code a person who has obtained from the Court of Appeal leave to appeal, and the Court of Appeal may proceed to deal with his case accordingly.

A petition under Section 21, subsection (a) to be deemed an Appellant for all purposes.

6. The Judges of the Court of Criminal Appeal shall make arrangements for any sittings that may be necessary during vacation.

Sittings during Long Vacation.

7. Where the Attorney General refers a point to the Court of Criminal Appeal under Section 21 (b) of the Code, such Court shall, unless they otherwise determine, consider such point in private.

Reference to Court under s. 21 (b).

8. (1) Warrants issued by the Registrar under these rules or Chapter LXIX. of the Criminal Code shall be impressed with the seal of the Supreme Court; but the absence of such impression shall not affect the validity of the warrant.

Warrants.

(2) Warrants issued by a Justice under Chapter LXIX. of the Criminal Code require no seal.

(3) Subject to these rules and to any order of the Court or a Judge, whenever it is necessary to name a prison in any warrant the person issuing the warrant shall select the prison; provided that, where a person has been released from any prison on bail and it is afterwards necessary to issue a warrant for his detention on revocation of the order for bail or at the instance of any surety, the prison named in the warrant shall be that from which he was released unless the Court or a Judge otherwise orders.

(4) Warrants shall have effect and shall be executed and observed according to their tenor.

9. All notices required or authorised to be given to the Court of Criminal Appeal shall be addressed to "The Registrar of the Court of Criminal Appeal, Supreme Court, Perth."

Notices to Court.

10. Except as in these rules otherwise provided notices under these rules shall be in writing and signed by the person giving the same or his solicitor, and the provisions of Section 9 of the Interpretation Act, 1898, shall apply to the service thereof.

Notices to be in writing.  
Service.

11. Except as in these rules otherwise provided every application to the Court shall be made by notice of motion.

Applications to Court, how made.

12. Unless the Court or a Judge otherwise orders, every notice of motion requiring to be served shall be served at least two clear days before the day on which the same is to be heard.

Notice of motion to be served two days before hearing.

13. Except as in these rules otherwise provided and subject to any order of the Court or Judge, every application to a Judge in Chambers (not made *ex parte*) shall be made by summons served (where service is required) at least one clear day before the day on which it is to be heard.

Applications in Chambers.

## ORDER XXIII.

Solicitor to represent client.

14. Except as herein otherwise provided, whenever by these rules any act is required to be done by, or to, or with reference to, a party, then, in the case of a party who is represented by a solicitor, such act may be done by, to, or with reference to, such solicitor.

Schedule of Forms.

15. The Forms contained in the Schedule to these Rules may be used in the several cases and for the several purposes for which they are respectively applicable, with such variations (if any) as the nature of the case may require, and when so used shall be sufficient and shall have effect according to their tenor.

Power of Court or Judge to enlarge or abridge time.

16. Subject to the provisions of the Criminal Code, the Court or a Judge shall have power to enlarge or abridge the time appointed by these rules, or fixed by any order enlarging time, for doing any act or taking any proceeding, upon such terms (if any) as the justice of the case may require, and any such enlargement may be ordered although the application for the same is not made until the expiration of the time appointed or allowed.

Effect of non-compliance.

17. Non-compliance with any of these Rules shall not render any proceeding void, unless the Court or a Judge so directs, but such proceeding may be set aside either wholly or in part as irregular, or may be amended or otherwise dealt with in such manner and upon such terms as the Court or a Judge may think fit, or the Court or the Judge may waive the irregularity either wholly or in part and either unconditionally or on terms.

## THE SCHEDULE OF FORMS.

### PART I.—FORMS RELATING TO INDICTMENTS, INFORMATIONS, AND COMPLAINTS.

#### SECTION I.—FORMAL PARTS.

##### A.—TITLES.

No. 1.—*In the Supreme Court.*

In the Supreme Court of Western Australia.

[At Bar if so ordered.]

The King against A.B. [and C.D.]  
NOTE.—“*Rex*” or “*R.*” may be substituted for “*The King*,” and “*versus*” or “*v.*” for “*against*.”

No. 2.—*In a Circuit Court.*

Western Australia.

In the Circuit Court  
at [Coolgardie].

The King against A.B. [and C.D.]

No. 3.—*In a Court of General (or Quarter) Sessions of the Peace.*

Western Australia.

In the Court of General (or Quarter) Sessions of the  
Peace holden at [Roebourne].

The King against A.B. [and C.D.]

##### B.—INTRODUCTORY PART.

No. 1.—*Indictment.*

(Title.)

The day of \_\_\_\_\_, 19 \_\_\_\_  
(the first day of the sitting of the Court).

The Honourable A.R., Attorney-General for our Lord the King [or J.J.K., Esquire, duly appointed to prosecute for our Lord the King in this behalf], informs the Court that on the \_\_\_\_\_ day of \_\_\_\_\_ at (state the place where the offence was committed so as to show that the case is within the jurisdiction of the Court); A.B. [and C.D.] (here follows the statement of the offence).

(To be signed) A.R.,  
Attorney General [or Crown Prosecutor].

No. 2.—*Information by Leave.*

(Title.)

Z.Y., who by leave of the Court prosecutes for our Lord the King in this behalf, informs the Court that (etc., as in Form No. 1).

(To be signed) Z.Y.

### SECTION II.—STATEMENTS OF OFFENCES.

#### A.—OFFENCES AGAINST PUBLIC ORDER.

#### I.—TREASON AND OTHER OFFENCES AGAINST THE SOVEREIGN'S PERSON AND AUTHORITY.

No. 1.—*Treason.*

Code, Section 37 (5) (6) (7) (8).

(1.) Levied war against our said Lord the King, with intent thereby to depose our said Lord the King from the style, honour, and royal name of the Imperial Crown of the United Kingdom of Great Britain and Ireland [or of the Commonwealth of Australia (or as the case may be)] [or in order, by force (or constraint), to compel our said Lord the King to change His royal measures (or counsels) or in order to put force (or constraint) upon (or to intimidate or overawe) the Legislative Assembly of Western Australia (or as the case may be)]:

And that the said A.B. [and C.D.], in pursuance and execution of his [or their] purpose of levying war against our said Lord the King as aforesaid, on etc. at etc. assembled with divers other persons armed with firearms and other warlike weapons (or as the case may be, describe briefly the overt act or acts alleged).

(2.) Conspired together [or with one M.N. (and divers other persons to the said Attorney General (or J.J.K.) unknown)] to levy war against our said Lord the King, with intent thereby (etc. as in (a)): And that the said A.B. [and C.D.], in pursuance and execution of the said conspiracy, published a pamphlet inciting any person who might read it to make an armed insurrection in Western Australia (or as the case may be, describe briefly the overt act or acts alleged).

(3.) Instigated [one E.F. and] divers [other] persons to the said Attorney General [or J.J.K.] unknown, being foreigners, to make an armed invasion of Western Australia [or New South Wales (or as the case may be)]: And that the said A.B. [and C.D.], in pursuance and execution of the purpose aforesaid, sent a communication in writing to one G.H., offering to supply a vessel to the foreigners aforesaid to convey them from the island of X. to Western Australia (or as the case may be, describe briefly the overt act or acts alleged).

(4.) Our said Lord the King then being at war with (state the enemy), assisted the said (enemy) by supplying firearms to the said (enemy) (or as the case may be, describe briefly the overt act or acts of assistance alleged).

No. 2.—*Concealment of Treason.*

Section 38 (1) (2).

(1.) State the treason in one of the preceding forms and proceed thus:—

And that E.F. on etc. at etc., knowing that the said A.B. had committed the crime aforesaid, received [or assisted] him in order to enable him, the said A.B., to escape punishment.

(2.) Knowing that one E.F. intended to commit treason, that is to say, intended to [conspire with other persons to] levy war against our said Lord the King with intent (etc., as in Form No. 1, (1) or (2)) [or intended to instigate etc., as in Form No. 1 (3)] [or intended, our said Lord the King being then at war with (state the enemy) to assist the said (etc., as in Form No. 1 (4))], did not give information thereof with all reasonable despatch to a justice of the peace, nor use other reasonable endeavours to prevent the commission of the said intended crime.

No. 3.—*Treasonable Crimes.*

Section 39.

(1.) Formed an intention to depose our said Lord the King from the style, honour, and royal name of the Imperial Crown of the United Kingdom of Great Britain and Ireland (or as the case may be): And that the said A.B. [and C.D.] manifested such intention by the acts next hereinafter stated, that is to say, by publishing a pamphlet inciting any persons who might read it to rise in insurrection against our said Lord the King (or as the case may be, describe briefly the overt act or acts alleged).

## PART I.

(2.) Formed an intention to levy war against our said Lord the King within Western Australia (*or as the case may be*) in order by force [*or constraint*] to compel our said Lord the King to change His royal measures [*or counsels*] [*or in order to put force (or constraint) upon (or to intimidate or overawe) the Legislative Assembly of Western Australia (or as the case may be)*]: And that the said A.B. [and C.D.] manifested such intention by (*etc. as in (1)*).

(3.) Formed an intention to instigate certain foreigners to make an armed invasion of Western Australia (*or as the case may be*): And that the said A.B. [and C.D.] manifested such intention by (*etc. as in (1)*).

No. 4.—*Inciting to Mutiny.*

## Section 41.

(1.) Advisedly attempted to seduce one M.N., who was then serving in the naval forces of our said Lord the King by sea [*or land*], from his duty and allegiance to our said Lord the King.

(2.) Advisedly attempted to incite one M.N., who was then serving in the forces of our said Lord the King by sea [*or land*], to commit an act of mutiny [*or a traitorous (or mutinous) act*].

(3.) Advisedly attempted to incite one M.N., and others who were then serving in the forces of our said Lord the King by sea [*or land*], to make [*or endeavour to make*] a mutinous assembly.

No. 5.—*Assisting Escape of Prisoners of War.*

## Section 42.

(1.) Knowingly and advisedly aided one M.N., then being an alien enemy of our said Lord the King, and then being a prisoner of war in Western Australia, to escape from the prison [*or place*] wherein he was then confined [*or and then being at large on his parole, to escape from Western Australia*].

(2.) *State the place of committing the offence thus:* On the high seas within the territorial waters of Western Australia and proceed thus:

Being a person who then owed allegiance to our said Lord the King, did, after one M.N., then being an alien enemy of our said Lord the King, and being a prisoner of war, had escaped by sea from Western Australia [*or New South Wales (or as the case may be)*], aid the said M.N. in his escape to [*or towards*] another place [*or dominion*], namely, British New Guinea (*or as the case may be*).

## II.—SEDITION.

## Section 47.

No. 6.—*Unlawful Oaths to commit Capital Offences.*

(1.) Administered [*or Was present at and consented to the administering*] to one M.N. [*of*] an oath [*or an engagement in the nature of an oath*] purporting to bind the said M.N. to commit a crime punishable with death, namely, the crime of treason (*or as the case may be*).

(2.) Took an oath [*or an engagement in the nature of an oath*] purporting to bind him to commit a crime punishable with death, namely, the crime of treason (*or as the case may be*), he the said A.B. not being then compelled to take such oath [*or engagement*].

(3.) Attempted to induce one M.N. to take an oath [*or an engagement in the nature of an oath*] purporting to bind the said M.N. to commit a crime punishable with death, namely, the crime of treason (*or as the case may be*).

No. 7.—*Other Unlawful Oaths to commit Offences.*

## Section 48.

(1.) Administered [*or Was present at and consented to the administering*] to one M.N. [*of*] an oath [*or an engagement in the nature of an oath*] purporting to bind the said M.N.

## PART I.

(a) to engage in a mutinous [*or seditious*] enterprise;

*or (b) to commit an indictable offence not punishable with death, namely (state the offence);*

*or (c) to disturb the public peace;*

*or (d) to be a member of an association [or society or confederacy] formed for the purpose of engaging in a mutinous [or seditious] enterprise [or of committing an indictable offence not punishable with death, namely (state the offence), or of disturbing the public peace];*

*or (e) to obey the order [or commands] of a committee [or body] of men not lawfully constituted [or of a leader (or commander or person) not having authority of law to give such order (or commands)];*

*or (f) not to inform or give evidence against any person associated [or confederated] with him [or against certain persons who had then lately committed an indictable offence (or as the case may be)];*

*or (g) not to reveal [or discover] a certain unlawful association [or society or confederacy] then existing;*

*or (h) not to reveal [or discover] any illegal act theretofore done [or that might thereafter be done] by himself [or by certain persons then associated (or to be associated) with him] [or (the import of) any illegal oath (or engagement) that might have been administered (or tendered to or taken by) himself (or certain persons then associated (or to be associated) with him)].*

(2.) Took an oath [*or an engagement in the nature of an oath*] purporting to bind him (*etc., as in (1)*), he the said A.B. not being then compelled to take such oath [*or engagement*].

(3.) Attempted to induce one M.N. to take an oath [*or an engagement in the nature of an oath*] purporting to bind him the said M.N. (*etc., as in (1)*).

No. 8.—*Unlawful Drilling.*

## Section 51.

(1.) In contravention of the directions of a Proclamation of the Governor in Council in that behalf trained [*or drilled*], one M.N. and others [to the said Attorney General (*or to the said J.J.K.*) unknown] to the use of arms [*or to the practice of military exercises (or movements or evolutions)*].

(2.) Was present at a meeting [*or assembly*] of persons held in contravention of the directions of a Proclamation of the Governor in Council in that behalf for the purpose of there training [*or drilling*] divers other persons [*or one M.N. and others (etc., as in (1))*] to the use of arms (*or etc., as in (1)*).

(3.) Was present (*etc., as in (2) to "behalf"*),

(a) and being so present was trained [*or drilled*] to the use of arms (*or etc., as in (1)*);

*or (b) for the purpose of being trained [or drilled] to the use of arms (or etc., as in (1)).*

No. 9.—*Sedition.*

## Section 52.

(1.) Conspired together [*or with one M.N. or with divers persons to the said Attorney General (or J.J.K.) unknown*] to carry into execution an enterprise having for its object

(a) to bring our said Lord the King into hatred and contempt;

*or (b) to excite disaffection against our said Lord the King [or against the Government (or Constitution) of Western Australia as by law established] [or against the Legislative Council (or Legislative Assembly) of Western Australia] [or against the administration of justice];*

## PART I.

or (c) to excite the subjects of our said Lord the King to attempt to procure the alteration of certain matters in the State, as by law established, otherwise than by lawful means;

or (d) to raise discontent and disaffection amongst the subjects of our said Lord the King;

or (e) to promote feelings of illwill and enmity between different classes of the subjects of our said Lord the King.

(2.) Advisedly spoke [or wrote or printed] and published the seditious words [or writing] following, that is to say (*set out or describe the seditious words or writing with such innuendoes as may be necessary to set forth any meaning attributed to it which is not apparent on its face*).

## No. 10.—Defamation of Foreign Princes.

## Section 53.

Unlawfully spoke [or wrote or printed] and published of and concerning the Queen of the Netherlands (*or as the case may be*) the defamatory matter following (*set out or describe the matter in question with such innuendoes as may be necessary to show that it tends to expose the Prince or persons defamed to hatred and contempt in the estimation of the people of the Foreign State*).

## III.—OFFENCES AGAINST THE EXECUTIVE AND LEGISLATIVE POWER.

## No. 11.—Interference with Governor or Ministers.

## Section 54.

(1.) Advisedly wrote and sent to the Governor of Western Australia a letter threatening to kill [or assault or make a false accusation against] the said Governor, if he did not remit the sentence of death then lately passed upon one M.N. [or if he did not forthwith dismiss his Ministers] (*or as the same may be, set out the act charged*): Such Act of the said A.B. being calculated to interfere with the free exercise by the said Governor of the duties [or authority] of his office.

(2.) Advisedly wrote and sent to one R.P. then being a member of the Executive Council of Western Australia, a letter threatening to do him bodily harm if he did not, as a member of the said Executive Council, concur in advising the Governor of the said State to appoint one M.N. to an office of profit in the Public Service of Western Australia (*or as the case may be*): Such act of the said A.B. being calculated to interfere with the free exercise by the said R.P. of the duties [or authority] of his office as a member of the said Executive Council [or as a Minister of State].

## No. 12.—Interference with the Legislature.

## Section 55.

(1.) Advisedly and by force [or fraud] interfered [or attempted to interfere] with the free exercise by the Legislative Council [or Legislative Assembly] of Western Australia of their authority.

(2.) Advisedly and by force [or fraud] interfered [or attempted to interfere] with the free exercise by one E.F., then being a member of the Legislative Council [or Legislative Assembly] of Western Australia, of his duties [or authority] as such member [or as a member of a Committee of the said Legislative Council (or Legislative Assembly)] [or as a member of a Joint Committee of the Legislative Council and Legislative Assembly of the said State].

## No. 13.—Disturbing the Legislature.

## Section 56.

(1.) Advisedly disturbed the Legislative Council [or Legislative Assembly] of Western Australia while the said Council [or Legislative Assembly] was in session.

## PART I.

(2.) Advisedly and in the immediate view and presence of the Legislative Council [or Legislative Assembly] of Western Australia, while the said Council [or Assembly] was in session, conducted himself in a violent and disorderly manner, tending [or as the case may be, stating the act alleged, in such manner as to tend] to interrupt the proceedings [or to impair the respect due to the authority] of the said Council [or Assembly].

## No. 14.—False Evidence before Parliament.

## Section 57.

Attended before [a Committee of] the Legislative Council [or Legislative Assembly] of Western Australia [or a Joint Committee of the Legislative Council and Legislative Assembly of Western Australia], and was then examined touching a matter then in course of inquiry before the said Legislative Council [or Legislative Assembly or Committee] and then and there, in answer to a lawful and relevant question put to him in the course of such examination, knowingly made a false statement to the effect that (*state substance of false answer*).

## No. 15.—Threatening Witnesses before Parliament.

## Section 58.

(1.) Threatened to (*as the case may be*) E.F. with intent to prevent (*or hinder*) the said E.F. from giving evidence before the Legislative Council (*or as the case may be*).

(2.) Threatened (*or as the case may be*) E.F. for having given evidence before the Legislative Council (*or as the case may be*), such evidence not having been given in bad faith.

## No. 16.—Witnesses refusing to attend and give evidence before Parliament or Parliamentary Committee.

## Section 59.

(1.) Having been duly summoned to attend as a witness [or to produce a certain book (*or as the case may be*) then in his possession] before the Legislative Council [or Legislative Assembly] of Western Australia [or before a Committee of the Legislative Council (or Legislative Assembly) of Western Australia (or before a Joint Committee of the Legislative Council and Legislative Assembly of Western Australia) authorised to summon witnesses (or to call for the production of the book (*or as the case may be*) aforesaid, and which book (*or as the case may be*) was relevant and proper to be then produced], refused [or neglected] without lawful excuse to attend pursuant to the summons [or to produce the book (*or as the case may be*) aforesaid which he was so summoned to produce].

(2.) Being present before the Legislative Council [or Legislative Assembly] of Western Australia [or before a Committee of the Legislative Council (or Legislative Assembly) of Western Australia (or before a Joint Committee of the Legislative Council and Legislative Assembly of Western Australia) authorised to summon witnesses], refused to answer a lawful relevant question then put to him by authority of the said Legislative Council [or Legislative Assembly or Committee].

## No. 17.—Members of Parliament receiving Bribes.

## Section 60.

Being a member of the Legislative Council [or Legislative Assembly] of Western Australia, asked [or received or obtained or agreed (*or attempted*) to receive (*or obtain*) ] from one M.N. certain money, namely £100 [or certain shares in a Joint-Stock Company called the N.Y. Company, Limited (*or as the case may be*) ], [or a certain benefit, that is to say, an extension of credit in respect of a debt then due by him (*or one Q.R.*) to one Q.P. (*or as the case may be*) ] for himself [or for the

## PART I.

said Q.R.] upon an understanding that his vote [or opinion or judgment or action] in [a Committee of] the said Legislative Council [or Legislative Assembly] [or in a Joint Committee of the Legislative Council and Legislative Assembly of Western Australia] [of which he was then a member] should be influenced thereby [or should be given in a particular manner or should be given in favour of a particular side of a certain question (or matter) then and there depending for determination].

No. 18.—*Bribery of Member of Parliament.*

## Section 61.

(1.) In order to influence one M.N., then being a member of the Legislative Council [or Legislative Assembly] of Western Australia, in his vote [or opinion or judgment or action] upon a certain question [or matter] which had then lately arisen [or which was then about to arise] in the said Legislative Council [or Legislative Assembly] [or in a Committee of the said Legislative Council (or Legislative Assembly) (or in a Joint Committee of the Legislative Council and Legislative Assembly of Western Australia) of which the said M.N. was then a member] [or in order to induce one M.N., then being a member of the Legislative Council (or Legislative Assembly) of Western Australia to absent himself from the said Legislative Council (or Legislative Assembly) (or from a Committee of the said Legislative Council) (or Legislative Assembly) (or from a Joint Committee of the Legislative Council and Legislative Assembly of Western Australia) of which the said M.N. was then a member] gave to [or conferred upon or procured for or promised (or offered) to give to (or confer upon or procure (or attempt to procure) for)] the said M.N. [or one O.P.] a certain sum of money, namely, £100 (or etc., as in preceding Form).

(2.) Attempted, by fraudulently representing to one M.N., then being a member of the Legislative Council [or Legislative Assembly] of Western Australia, that (state fraudulent representation) to influence the said M.N. [or Attempted by threats (or intimidation) to influence one M.N., then being (etc. as above)] in his vote (or etc. as in (1)).

(3.) Attempted, by fraudulently representing to one M.N., then being a member of the Legislative Council [or Legislative Assembly] of Western Australia, that (state fraudulent representation) to induce the said M.N. [or Attempted by threats (or intimidation) to induce one M.N., then being (etc. as above)] to absent himself from the said Legislative Council [or Legislative Assembly] [or from a Committee of the said Legislative Council (or Legislative Assembly) (or from a Joint Committee of the Legislative Council and Legislative Assembly of Western Australia) of which the said M.N. was then a member].

## IV.—UNLAWFUL ASSEMBLIES: BREACHES OF THE PEACE.

No. 19.—*Unlawful Assembly.*

## Section 63.

And other persons assembled together to the number of three [and more] in such a manner [or And other persons assembled together to the number of three (and more), and, being so assembled, conducted themselves in such a manner] as to cause the subjects of our said Lord the King in the neighbourhood to fear on reasonable grounds that he the said A.B. and the other persons so assembled would tumultuously disturb the peace [or would needlessly and without reasonable occasion provoke a tumultuous disturbance of the peace].

## PART I.

No. 20.—*Riot.*

## Section 64.

As in preceding Form to the end and add: And that the said A.B. and the other persons aforesaid, being so assembled together, then and there tumultuously disturbed the peace.

No. 21.—*Rioters remaining after Proclamation ordering them to disperse.*

## Section 65.

(1.) And other persons were riotously assembled together to the number of twelve [and more]: And that thereupon one S.T., a justice of the peace (or as the case may be), being amongst the persons so assembled together [or being as near to the said persons so assembled together as he could safely go], commanded [or caused command to be made] with a loud voice that silence should be kept while the proclamation next hereinafter mentioned was made, and then made [or caused to be made] openly and with a loud voice a proclamation in the words following, that is to say, "Our Sovereign Lord the King charges and commands all persons here assembled immediately to disperse themselves and peaceably to depart to their habitations or to their lawful business, or they will be guilty of a crime, and will be liable to be imprisoned and kept to hard labour for life: God save the King": Yet the said A.B. [and C.D.] and others being so assembled, continued together to the number of twelve [and more], and did not disperse themselves within the space of an hour after the said proclamation was so made.

(2.) Divers persons to the number of twelve [and more] were riotously assembled together: And that thereupon one S.T., a justice of the peace (or as the case may be), went to make [or began to make] a proclamation commanding the said persons so assembled to disperse themselves, as by law it was his duty to do: And that A.B. [and C.D.] then and there wilfully and knowingly and by force opposed [or obstructed or hurt] the said S.T. in the performance of his duty aforesaid, and thereby prevented such proclamation from being made.

(3.) And other persons were riotously assembled together to the number of twelve [and more]: And that thereupon one S.T., a justice of the peace (or as the case may be), went to make [or began to make] a proclamation commanding the said persons so assembled to disperse themselves, as by law it was his duty to do: And that thereupon divers persons, to the said Attorney General [or J.J.K.] unknown, by force prevented the making of such proclamation: And that the said A.B. [and C.D.], being one [or some] of the persons so assembled to whom such proclamation would or ought to have been made if the making thereof had not been so prevented, and knowing of such prevention, continued together with others of the persons so assembled to the number of twelve [and more], and did not disperse themselves within the space of an hour after the time of such prevention.

No. 22.—*Rioters Demolishing Buildings, etc.*

## Section 66.

[And other persons], being riotously assembled together [to the number of three (and more)], unlawfully pulled down [or destroyed or began to pull down (or destroy)] a building, namely, a church (or as the case may be, describing the building) [or certain fixed (or movable) machinery, namely a steam engine (or electrical engine, or as the case may be), the property of one E.F.] [or a barn (or as the case may be) used in farming land the property of one E.F.] [or a bridge (or wagonway or trunk) for conveying minerals from a mine, the property of one E.F.].



## CRIMINAL PRACTICE RULES.

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## PART I.

No. 23.—*Rioters injuring Buildings, Machinery, etc.*  
Section 67.

[And other persons] being riotously assembled together [to the number of three (and more)], unlawfully damaged a building (or as the case may be, describe the building or property as in preceding Form).

No. 24.—*Going Armed so as to Cause Fear.*

## Section 68.

Without lawful occasion went armed in public in such a manner as to cause fear to divers of the subjects of our said Lord the King.

No. 25.—*Forcible Entry.*

## Section 69.

Entered upon certain land which was then in the actual and peaceable possession of one E.F. in such a manner as to be likely to cause [reasonable apprehension of] a breach of the peace.

No. 26.—*Forcible Detainer.*

## Section 70.

Being in actual possession of certain land without colour of right, to the possession of which land one E.F. was then by law entitled, held possession of it against the said E.F. in such a manner as to be likely to cause [reasonable apprehension of] a breach of the peace.

No. 27.—*Affray.*

## Section 71.

Fought with one E.F. [or Fought together] in a public highway [or in an enclosure or racecourse (or as the case may be) to which the public then had access, in such a manner as to alarm the subjects of our said Lord the King then present].

No. 28.—*Challenge to Fight a Duel.*

## Section 72.

- (1.) Challenged [or Attempted to provoke] one E.F. to fight a duel with him.
- (2.) Attempted to provoke one E.F. to challenge one G.H. to fight a duel with him.

No. 29.—*Prize Fight.*

## Section 73.

- (1.) Fought in a prize fight with one M.N. [or Fought together in a prize fight].
- (2.) Subscribed to [or promoted] a prize fight between one M.N. and one O.P.

No. 30.—*Threatening Violence.*

## Section 74.

- (a.) [In the night time] With intent to intimidate [or annoy] one E.F., threatened to break [or injure] the dwelling-house of the said E.F. [or of one G.H.].
- (b.) [In the night time] With intent to alarm one E.F. then being in his dwelling-house [or then being in the dwelling-house of one G.H.] discharged loaded firearms or violently battered on the door of the said dwelling-house (or as the case may be).

## V.—OFFENCES AGAINST POLITICAL LIBERTY.

No. 31.—*Interfering with Political Liberty.*

## Section 75.

By violence [or by threatening to dismiss one E.F. from his employment as a clerk (or as the case may be)] hindered one [or the said] E.F. from voting [or interfered with the free exercise by one (or the said) E.F. of his right to vote] as an elector at an election for the electoral district of A. [or from procuring himself to be registered as an elector (or as the case may be)].

## PART I.

## VI.—PIRACY.

No. 32.—*Piracy on the High Seas.*

## Section 76.

(Describe the place as on the high seas.)

Stole with actual violence from one E.F. and others, mariners, then being on the ship "Thetis," the said ship [or certain goods then on board of the said ship, namely, £500 (or as the case may be) or part of the tackle (or apparel or furniture) of the said ship], then being in the custody of the said E.F. and others.

No. 33.—*Other Piracies.*

## Sections 77, 78.

(Describe the place as on the high seas, or otherwise so as to show that it is within the jurisdiction of the Admiralty.)

(1.) Being a subject of our said Lord the King, did, under colour of a commission from a foreign State [or Prince], namely, (name the State or Prince) [or under pretence of authority from one M.N., commit an act of hostility against one E.F., another subject of our said Lord the King, namely (describe briefly the act of hostility)].

(2.) Being a subject of our said Lord the King, did, under colour (etc., as in (1)) steal with actual violence from one E.F., another subject of our said Lord the King, £500 (or as the case may be), the property of the said E.F.

(3.) Being a subject of our said Lord the King, did, during a war between our said Lord the King and (name the enemy), adhere [or give aid] to the said (name the enemy).

(4.) Forcibly entered the British ship "Thetis," and then and there threw overboard [or destroyed] certain goods and merchandise belonging to [or laden upon] the said ship, namely (describe the goods).

No. 34.—*Other Piratical Acts on Board British Ships.*

## Ibid.

(Describe the place as in preceding Form.)

Being on board the British ship "Thetis,"

- (a) turned pirate [or enemy or rebel], and piratically ran away with the said ship [or a boat (or as the case may be) belonging to (or laden upon) the said ship];
- or (b) voluntarily yielded up the said ship [or a boat or etc.] to a pirate;
- or (c) brought to one E.F. a seducing message from a pirate [or enemy or rebel];
- or (d) consulted [or conspired] with [or attempted to corrupt] one M.N., being then the master [or an officer-or a seaman] of the said ship with intent that he should run away with [or yield up] the said ship [or certain goods or merchandise in the said ship] [or turn pirate or go over to pirates];
- or (e) laid violent hands on one E.F., who was then master of the said ship, with intent to hinder the said E.F. from fighting in defence of the said ship and the goods therein committed to his trust;
- or (f) confined one E.F., who was then the master of the said ship;
- or (g) made [or endeavoured to make] a revolt in the said ship.

No. 35.—*Other Piratical Acts by British Subjects.*

## Ibid.

Being a British subject [or being on board the British ship "Thetis"], knowingly

- (a) traded with one M.N., who was then a pirate;
- or (b) furnished one M.N., who was then a pirate, with ammunition [or provisions or stores];
- or (c) fitted out a ship [or vessel] with a design to trade with [or supply or correspond with] one M.N., who was then a pirate;
- or (d) conspired [or corresponded] with one M.N., who was then a pirate.

## PART I.

No. 36.—*Piracy with Violence endangering Life.*

## Section 78.

State the act of piracy as in one of the Forms No. 32, No. 33 (1), (2), (4), No. 34 (a), (b), (c), (f), (g), and proceed:

And that the said A.B. [and C.D.] then and there

(a) assaulted one [or the said] E.F., who was then on board of [or who then belonged to] the said ship, with intent to kill him [or to kill one G.H.];

or (b) wounded one [or the said] E.F., who was then on board of [or who then belonged to] the said ship;

or (c) unlawfully set fire to a powder magazine on board the said ship (or as the case may be, stating the act endangering life), whereby the life of one [or the said] E.F., who was then on board of [or who then belonged to] the said ship was endangered.

No. 37.—*Attempted Piracy with Personal Violence.*

## Section 79.

(1.) Assaulted one E.F., who was then on board of [or who then belonged to] the ship "Thetis," with intent to kill him [or to kill one G.H.], and with intent thereby then to steal with actual violence from the said E.F. [or from one G.H.] (etc., as in Form No. 32, or as the case may be, stating intention to commit one of the crimes set forth in Form No. 33 (1), (2), (4), and No. 34 (a), (b), (c), (f), (g)).

(2.) Wounded one E.F., who was then on board of [or who then belonged to] the ship "Thetis" with intent thereby then (etc., as in (1)).

(3.) Unlawfully (describe the unlawful act endangering life as in preceding Form (c)), whereby (etc., as in that Form), with intent thereby then (etc., as in (1)).

No. 38.—*Aiding Pirates.*

## Section 80.

(1.) Brought to one E.F. a seducing message from one M.N., who was then a pirate.

(2.) Consulted [or conspired] with [or attempted to corrupt] one M.N., then being the master [or an officer or a seaman] of the ship "Thetis," with intent that he should run away with [or yield up] the said ship [or the ship "Helidon"] [or certain goods (or merchandise) then on board the said ship (or as the case may be)] [or should turn pirate or should go over to pirates].

## B.—OFFENCES AGAINST THE ADMINISTRATION OF LAW AND JUSTICE AND AGAINST PUBLIC AUTHORITY.

## I.—DISCLOSING OFFICIAL SECRETS.

No. 39.—*Disclosure of Official Secrets.*

## Section 81.

Was employed in the Public Service of Western Australia, and that it had then lately come to his knowledge by virtue of his office that the Government of the said State had given orders for the immediate purchase of 5,000 horses for military purposes (or as the case may be), which fact it was his duty to keep secret [or and that a certain document, namely, a confidential telegram from the Secretary of State for the Colonies (or as the case may be, describe it shortly), had then lately come to his possession by virtue of his office, which document it was his duty to keep secret]: And that the said A.B. published [or communicated] the fact [or document] aforesaid to one M.N., who was not a person to whom he was bound to publish [or communicate] it.

## PART I.

## II.—CORRUPTION AND ABUSE OF OFFICE.

No. 40.—*Official Corruption.*

## Section 82.

(1.) Being employed in the Public Service of Western Australia [or being the holder of the office of Mayor of the Municipality of A. (or as the case may be)], and being charged by virtue of such employment [or office] with the duty of (state the duty), corruptly asked [or received or obtained or agreed (or attempted) to receive (or obtain)] from one M.N. a sum of money [or an extension of credit in respect of a debt then due by him to the said M.N. (or as the case may be)] on account of his having, in the discharge of the duties of his office aforesaid, allowed the said M.N. [or one O.P.] to misappropriate public property under his control [or to perform certain work in an inefficient manner] [or omitted to call attention to the fact that the said M.N. (or one O.P.) had grossly neglected his duties as an inspector of works (or as the case may be, setting forth shortly the act or omission alleged)] [or in consideration that the said A.B. would, in the discharge of the duties of his office, allow the said M.N. (or one O.P.) to make false (or excessive) claims against the Government of the said State (or would omit to report the misconduct of the said M.N. (or one O.P.) as an officer of the Public Service which it was his duty to report (or as the case may be))].

(2.) (a.) Corruptly gave [or conferred or procured or promised (or offered) to give (or confer or procure or attempt to procure)] to [or upon or for] one M.N., then being a person employed in the Public Service of Western Australia [or then being the Mayor of the Municipality of A. (or as the case may be)], a sum of money (or as the case may be) on account of the said M.N. having, in the discharge of the duties of his office aforesaid (etc., as in (1)) [or in consideration that the said M.N. would, in the discharge of the duties of his office aforesaid, allow (etc., as in (1))].

(b.) Corruptly gave (or, etc., as in (a)) to [or upon or for] one M.N. a sum of money (or as the case may be) on account of one O.P., who was then employed in the Public Service of Western Australia (or as the case may be), having, in the discharge of the duties of his office aforesaid (etc., as in (1)) [or in consideration that one O.P., who was then (etc., as above) would, in the discharge of the duties of his office aforesaid, allow (etc., as in (1))].

No. 41.—*Extortion by Public Officer.*

## Section 83.

Being employed in the Public Service of Western Australia, took [or accepted] from one M.N. for the performance of his duty as such officer a reward [or promise of a reward] beyond his proper pay and emoluments, that is to say, the sum of £5 [or a promise to pay him £5 (or as the case may be)].

No. 42.—*Public Officers interested in Contracts.*

## Section 84.

Being employed in the Public Service of Western Australia in the Department of [Public Works], knowingly acquired [or held], otherwise than as a member of a registered joint stock company consisting of more than twenty persons, a private interest in a contract [or agreement] which had then lately been made on account of the Public Service with respect to a matter concerning the said Department of [Public Works], namely, a contract between the Government of the said State and one M.N. for the erection of a Courthouse at A. (or as the case may be).

## PART I.

No. 43.—*Officers charged with Administration of Property of a Special Character or with Special Duties.*

## Section 85.

Being employed in the Public Service of Western Australia, and being then charged by virtue of his employment with judicial [or administrative] duties respecting [coal] mines [or respecting the distillation of spirits (or as the case may be)], held a private interest in certain [coal] mines [or in a certain distillery (or as the case may be)], and while holding such interest discharged the duties of his office aforesaid with respect to the said mine (or as the case may be) [or with regard to the conduct of one M.N. in relation to the said mine (or as the case may be)] in which he had such interest.

No. 44.—*False Claims by Officials.*

## Section 86.

Was employed in the Public Service of Western Australia as a clerk (or as the case may be), and by virtue of such employment it was his duty [or he was enabled] to furnish returns [or statements] touching the remuneration [claimed to be] payable to himself [or to one M.N.] [or touching the due performance of certain work (or as the case may be) required by law to be certified for the purpose of a payment of money (or of the delivery of certain goods) to one M.N.]: And that the said A.B. thereupon made a return [or statement] touching the matter aforesaid which was to his knowledge false, in this that he thereby returned [or stated] that (etc., state the false statement) whereas in fact (state the truth): which false statement was material to the question of the right of the said A.B. [or M.N.] to receive the said remuneration [or payment or delivery of goods].

No. 45.—*Abuse of Office.*

## Section 87.

Being employed in the Public Service of Western Australia in the capacity of (state the capacity), did, in abuse of the authority of his said office, unlawfully and arbitrarily refuse to receive the tender of one E.F. to undertake certain work for the Government of Western Australia [or direct one M.N., who was then under his orders, to refuse to allow one E.F. to inspect certain records of the Warden's Court at A., which the said E.F. was lawfully entitled to inspect (or as the case may be)] whereby the said E.F. was prejudiced in his lawful rights.

[And the said Attorney General (or J.J.K.) further says that the said A.B. did the unlawful act aforesaid (or directed the unlawful act aforesaid to be done) for the purposes of gain].

No. 46.—*Corruption of Surveyor and Valuator.*

## Section 88.

(1.) Having been duly appointed under (describe the Act by its short title, if any, or by the year and number) to be a valuator for determining the compensation to be paid to one M.N. for land compulsorily taken from him [or for injury done to certain land] under the authority of the said Act, acted as such valuator while he had an interest in the said land, as he then well knew.

(2.) Having been appointed (etc., as in (1.)) exercised unfaithfully [or dishonestly or with partiality] the duty of making a valuation of the said land [or for the extent of the said injury].

No. 47.—*False Certificates by Public Officers.*

## Section 89.

Being then authorised [or required] by law to give a certificate touching the composition of a parcel of food then lately delivered to him for analysis (or as the

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case may be, state the nature of the matter touching which the certificate is to be given, so as to show that the rights of some person might be prejudicially affected by it), gave a certificate touching the same which was to his knowledge false in a material particular, namely, in that it was thereby stated that (state the false statement), whereas in truth (state the truth).

No. 48.—*Administering Extra Judicial Oaths.*

## Section 90.

(1.) Being a Justice of the Peace [or commissioner for affidavits, or as the case may be], unlawfully administered to one M.N. an oath [or unlawfully took the solemn declaration (or solemn affirmation or affidavit) of one M.N.] touching certain matters with respect to which he had not by law any authority so to do; that is to say, an oath [or solemn declaration or solemn affirmation or affidavit] touching (state the subject matter so as to show that it is not one with respect to which the Justice, or other person had authority to administer an oath).

In the case of a Justice add which said oath [or declaration or affirmation or affidavit] was not administered [or taken] in any matter relating to the preservation of the peace or the punishment of offenders, or relating to any inquiry respecting sudden death, or to any proceedings before either House of Parliament or a Committee thereof, and was not an oath [or declaration or affirmation or affidavit] administered [or taken] for any purpose which was lawful under the laws of any other country, nor for the purpose of giving validity to an instrument in writing which was intended to be used in any other country.

No. 49.—*False Assumption of Authority.*

## Section 91.

(1.) Not being a Justice of the Peace, assumed to act as a Justice in granting a warrant for the arrest of one E.F. on a charge of stealing (or as the case may be).

(2.) Without authority assumed to act as a person having authority by law to administer an oath [or to take a solemn declaration (or solemn affirmation or affidavit)] [or to act as an officer of the Defence Force (or as the case may be)].

(3.) Represented himself to one E.F. to be a person authorised by law to sign a document testifying to the contents of a register of births (or as the case may be) kept by lawful authority at A. [or testifying to the fact that one G.H. had lately given birth to a child (or that one M.N. was a member of the Defence Force proceeding on duty (or as the case may be))]; and signed a document testifying that a certain writing was a copy of an entry in the said register (or, etc.) [or testifying to the fact aforesaid]; whereas the said A.B. was not in fact so authorised, as he then well knew.

No. 50.—*Personating Public Officers.*

## Section 92.

(1.) On etc., at etc., one E.F., being then employed in the Public Service of Western Australia as Commissioner of Police [or as an Inspector of Mines (or as the case may be)], was required by virtue of his employment to inspect certain police barracks [or a certain mine] [or to attend in the Courthouse at R.] (or as the case may be): And that at the time and place aforesaid and on the occasion aforesaid A.B. personated the said E.F.

(2.) Falsely represented himself to be one E.F., who was then employed in the Public Service of Western Australia as an Inspector of Mines (or as the case may be), and in the name and character of the said E.F. assumed to inspect a certain gold mine [or assumed to attend at the Courthouse at R., on an inquiry into an accident that had then lately occurred in a mine (or as the case may be)].

**PART I.**  
**III.—CORRUPT AND IMPROPER PRACTICES AT ELECTIONS.**

**No. 51.—Personation.**

**Section 94.**

*Begin by stating the holding of the election thus:* In the month of, etc., an election was duly held for choosing a member to serve in the Legislative Assembly of Western Australia for the Electoral District of (or as the case may be) [or for choosing an alderman for the ( of the) Municipality of or for choosing a councillor for the of or for choosing a member of the of the of (or as the case may be)], and proceed as follows:—

And that A.B. on, etc. at, etc., voted [or attempted to vote] in the name of one E.F. at the said election.

**No. 52.—Double Voting.**

**Section 95.**

*State the holding of the election and the date and place of offence, as in Form No. 51, and proceed:*

Being an elector entitled to vote at the said election, voted [or attempted to vote] twice at the said election [or voted at the said election oftener than he was entitled to vote].

**No. 53.—Recording excessive number of Votes.**

**Section 96.**

*State the holding of the election and the date and place of offence, as in Form No. 51, and proceed:*

Being an elector entitled to vote at the said election, recorded at the said election a larger number of votes than he was entitled to record.

**No. 54.—Treating.**

**Section 97.**

*State the holding of the election as in Form No. 51, and proceed:*

(1.) And that A.B. on etc. at etc. before [or during or after] the said election corruptly provided [or paid (part of) the expense of providing] food [or drink or lodging] to [or for] one M.N., on account of the said M.N. [or one O.P.], an elector at the said election, having voted [or having refrained from voting] at the said election [or in consideration that the said M.N. (or one O.P.), an elector entitled to vote at the said election, would vote (or would refrain from voting) at the said election] (or as the case may be):

or (2.) And that A.B. on etc. at etc., being an elector for the said electoral district [or municipality or ward or shire or division or subdivision], corruptly received food [or drink or lodging] on account of his [or one M.N.] having voted [or having refrained from voting] at the said election [or in consideration that he (or one M.N.) would vote (or would refrain from voting) at the said election] (or as the case may be).

**No. 55.—Undue Influence.**

**Section 98.**

*State the holding of the election, the name of accused, and the date and place of offence, as in Form No. 51, and proceed:*

(1.) Used [or threatened to use] force [or restraint] to one E.F. [or did (or threatened to do some) temporal (or spiritual) injury to one E.F.] [or caused (or threatened to cause some) detriment to one E.F.], an elector for the said electoral district (or as the case may be), in order to induce him to vote [or to refrain from voting] at the said election [or on account of his having voted (or having refrained from voting) at the said election].

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or (2.) Prevented [or obstructed] the free exercise of the franchise at the said election by one E.F., an elector for the said electoral district (or as the case may be), by forcibly abducting him [or by duress or by fraudulently persuading him that (state the fraudulent device or contrivance)]:

or (3.) Compelled [or induced] one E.F., an elector for the said electoral district (or, etc.) to vote [or to refrain from voting] at the said election by forcibly abducting him [or by duress or by fraudulently persuading him that (state the fraudulent device or contrivance)]:

**No. 56.—Bribery.**

**Section 99 (1), (2), (3).**

*State the holding of the election, the name of accused, and the date and place of offence, as in Form No. 51, and proceed:*

Gave [or conferred or procured or promised (or offered) to give (or confer or procure or attempt to procure)] to [or upon or for] one M.N. certain property, namely, £5 [or permanent employment in a shop (or as the case may be)], on account of the said M.N. [or of one G.H.] an elector at the said election, having voted [or having refrained from voting] at the said election [or in consideration that the said M.N. (or one O.P.), an elector entitled to vote at the said election, would vote (or would refrain from voting (or as the case may be) at the said election] [or on account of his (or one O.P.) having acted or joined (or agreed to act or agreed to join) in a procession at the said election] [or in order to induce the said M.N. (or one O.P.) to endeavour to procure the return of the said A.B. (or of one X.Y.) at the said election (or to procure the vote of one Q.R., an elector at the said election)]:

or (2.) Being an elector at the said election asked [or received or obtained or agreed (or attempted) to receive (or obtain)] from one M.N. certain property (etc., as the case may be) for himself [or for one O.P.] on account of the said A.B. having voted [or having refrained from voting] as an elector at the said election (or as the case may be) [or in consideration that the said A.B. would vote (or would refrain from voting) as an elector at the said election (or as the case may be)]:

or (3.) Asked [or received or obtained or agreed (or attempted) to receive (or obtain)] from one M.N. certain property (etc., as the case may be) on account of a promise then [lately] made by him, the said A.B. [or by one O.P.], to endeavour to procure the return of the said A.B. [or of one X.Y.] at the said election [or to endeavour to procure the vote of one Q.R. at the said election].

**No. 57.—Advancing Money for Purpose of Bribery.**

*Ibid* (4).

Advanced [or paid] a sum of money, namely, £5, to [or to the use of] one M.N. with the intent that it should be applied for the purpose of bribery at [or in connection with] an election then shortly to be held [or then lately held] for the election of a member of the Legislative Assembly for the Electoral District of B.N. (or as the case may be) [or should be applied in discharge (or repayment) of moneys then lately expended for the purposes of bribery at [or in connection with] an election then shortly to be held [or then lately held] for (etc., as above)].

**No. 58.—Bribery without reference to a Pending Election.**

*Ibid* (5), (6).

(1.) Corruptly conveyed [or transferred] certain property, namely (describe it briefly) [or corruptly paid a sum of money, namely, £5] to one M.N. for the

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purpose of enabling him to be registered as an elector [or ratepayer] for the electoral district of B.N. (or as the case may be), and for the purpose of thereby influencing his vote at some future election.

or (2.) Was privy to a conveyance [or transfer] of certain property, namely, (describe it briefly) [or to the payment of a sum of money, namely, £5], made by one M.N. to one O.P. for the purpose (etc., as in (1)): And that the said conveyance [or transfer or payment] was so made for the benefit of the said A.B.

No. 59.—*Illegal Practices.*

## Section 100.

State the holding of the election, the name of accused, and the date and place of offence, as in Form No. 51, and proceed:

Being a candidate at the said election:

(a) convened [or held] a meeting of electors [or of his committee] in a house licensed for the sale of fermented or spirituous liquors.

or (b) personally solicited the vote of E.F., an elector, on polling day.

or (c) attended a meeting of electors held for electoral purposes on polling day.

No. 60.—*Illegal Practices.*

## Section 101.

State the holding of the election, the name of accused, and the date and place of offence, as in Form No. 51, and proceed:

(1.) Being prohibited by law from voting at the said election, and knowing that he was so prohibited, voted at the said election:

or (2.) Procured one E.F., who was prohibited by law from voting at the said election, and whom he knew to be so prohibited, to vote at the said election:

or (3.) Before [or during] the said election, and for the purpose of promoting [or procuring] the choice of one X.Y., a candidate at the said election, knowingly published a false statement that one E.F., another candidate at the said election, had withdrawn from being a candidate:

or (4.) Before [or during] the said election, and for the purpose of affecting the return of one E.F., a candidate at the said election, knowingly published a false statement of fact respecting the personal character [or conduct] of the said E.F., namely, a statement to the effect that the said E.F. had committed bigamy [or had accepted a bribe for his vote as a member of the Legislative Assembly (or as the case may be)]:

or (5.) Being a candidate at the said election, withdrew from being such candidate in consideration of the payment to him by one M.N. of a sum of money [or of a promise made to him by one M.N. of the payment of a sum of money].

or (6.) Being a candidate [or the agent of one M.N., who was a candidate] at the said election, corruptly procured one O.P., who was also a candidate at the said election, to withdraw from being such candidate in consideration of the payment [or of a promise of payment] to him, the said O.P., of a sum of money.

No. 61.—*Other Illegal Practices.*

## Section 102.

State the holding of the election, the name of accused, and the date and place of offence, as in Form No. 51, and proceed:

(1.) Knowingly provided money for the purpose of making payments in connection with the said election contrary to the provisions of Section 99 of the Criminal Code (or as the case may be, describe the Act intended to be violated by its short title, if any, or by the year and number) [or for the purpose of replacing money which had then lately been expended at the said election

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in making payments contrary to the provisions of Section 103 of the Criminal Code (or as the case may be)]:

or (2.) Printed [or published or posted] a bill [or placard or poster] having reference to the said election, and which did not bear on its face the name and address of the printer and publisher thereof:

or (3.) Hired [or used] for a committee room at the said election part of a house then licensed for the sale of fermented [or spirituous or fermented and spirituous] liquors [or part of certain premises where intoxicating liquor was then usually sold (or supplied) to members of a club (or society or association), called the X.Y. Club (or as the case may be), and which was not a permanent political club: Such part of the said house [or premises] not being a part with a separate entrance and having no direct communication with any part of the premises in which intoxicating liquor was sold, and not being a part ordinarily let for the purpose of chambers or offices or for holding public meetings or arbitrations:

or (4.) Let for use as a committee room at the said election part of a house (etc., as in (3) to the end): he, the said A.B., then knowing that the same was intended to be used as such committee room.

or (5.) Provided a cab [or carriage or other conveyance] to carry one E.F., an elector at the said election, to a polling place with the view to influence the vote of the said E.F. as such elector.

No. 62.—*Interference at Elections.*

## Section 104.

State the holding of the election, the name of accused, and the date and place of offence, as in Form No. 51, and proceed:

(1.) Intruded into a polling booth in use at the said election, he the said A.B. not being lawfully entitled to be in the said polling booth:

or (2.) Wilfully interrupted [or obstructed or disturbed] the polling (or as the case may be) at the said election.

No. 63.—*Electors attempting to Violate Secrecy of Ballot.*

## Section 105.

State the holding of the election, as in Form No. 51, and proceed:

at which election the voting was by ballot: And that A.B. on etc., at etc., having as an elector received a ballot paper from one S.T., the presiding officer at a polling booth in use at the said election,

(a.) wilfully made [or wrote] on the said ballot paper a mark [or certain words (or figures) not expressly authorised by law to be made [or written] thereon, that is to say, his number on the electoral roll for the said Electoral District (or as the case may be);

or (b.) and having dealt with the said ballot paper so as to show for what candidate [or candidates] he intended to vote, wilfully failed to fold up his said ballot paper in such a manner as to conceal the names of the candidates;

or (c.) wilfully failed to deposit the said ballot paper in the ballot box in the presence of the said presiding officer.

No. 64.—*Other Attempts of like kind.*

## Section 106.

State the holding of the election, as in Form No. 51, and proceed: at which election the voting was by ballot: And that A.B. on, etc., at, etc.

(a.) took [or attempted to take] a ballot paper out of a polling booth in use at the said election;

or (b.) whilst one E.F., an elector at the said election, was preparing his ballot paper in a compartment then and there provided for the use of electors actually voting at the said election, wilfully intruded into such compartment.

## PART I.

No. 65.—*Stuffing Ballot Boxes.*

## Section 107.

State the holding of the election, the name of accused, and the date and place of offence, as in Form No. 64, and proceed:

Placed [or was privy to placing] in a ballot box in use at the said election a ballot paper which had not been lawfully handed to and marked by an elector.

No. 66.—*Offences by Presiding Officers at Elections.*

## Section 108.

State the holding of the election, the name of accused, and the date and place of offence, as in Form No. 64, and proceed:

Being a presiding officer at a polling booth in use at the said election, did whilst one E.F., an elector voting at said election was preparing his ballot paper in a compartment then and there provided for the use of electors actually voting, unlawfully and wilfully allow another person, namely, one G.H. [or by the said Attorney General (or J.J.K.) unknown] to be in the said compartment.

No. 67.—*False Answers to Questions at Elections.*

## Section 109.

State the holding of the election, the name of accused, and the date and place of offence, as in Form No. 51, and proceed:

(1.) Claimed to be an elector, and offered to vote at the said election, and, in answer to a question then lawfully put to him by the presiding officer at the polling booth [or polling place] where he so offered to vote, wilfully stated falsely that he was the person whose name appeared as A.B. number 151 (or as the case may be) in the roll in force for the said electoral district (or as the case may be: set out the false answer):

or (2.) Claimed to be an elector, and offered to vote at the said election, and, being then lawfully required to make a declaration before voting, wilfully made a false declaration to the effect that (state substance of false statement), whereas in truth (state the truth).

No. 68.—*Interfering with Secrecy at Elections.*

## Section 110.

State the holding of the election, the name of accused, and the date and place of offence, as in Form No. 64, and proceed:

(1.) Knowingly and wilfully, and without the lawful command of a competent court or tribunal, unfastened the fold upon a ballot paper which had been used at the said election, which fold had been made under the authority of the law, and within which the number of an elector was written:

or (2.) Being a returning officer [or presiding officer or poll clerk or scrutineer] at the said election, attempted to ascertain [or discover] [or aided in ascertaining (or discovering)] the candidate for whom the vote of one E.F., a person who voted at the said election, and did not vote openly, was given:

or (3.) Being (etc. as in (2)), and having in the exercise of his said office obtained knowledge of the candidate for whom the vote of one E.F., a person who voted at the said election, was given, disclosed such knowledge to one M.N., such disclosure not being made in answer to a question put in the course of proceedings before a competent court or tribunal:

or (4.) Being (etc., as in (2)), placed [or wrote] upon a ballot paper used at the said election a mark [(or certain words or figures)] not authorised by law.

## PART I.

No. 69.—*Breaking Seal of Packets used at Elections.*

## Section 111.

Knowingly and wilfully, and without the lawful command of any competent court or tribunal, opened [or broke the seal of] a sealed parcel which had been duly sealed under the provisions of the laws relating to elections.

No. 70.—*Offences at Elections when Voting is by Post.*

## Section 112.

State the holding of the elections, as in Form No. 51, and proceed: at which election the voting was by post: And that A.B. on etc, at etc.

(1.) Knowing that he was not entitled to vote at the said election, signed his name as a voter to a voting paper issued by the returning officer for use at the said election:

or (2.) Signed the name of one E.F. to a voting paper issued by the returning officer for use at the said election:

or (3.) Attested the signature of one M.N. as a voter to a voting paper issued by the returning officer for use at the said election, whereas the said M.N. was not entitled to vote by means of such voting paper, as he the said A.B. then well knew.

No. 71.—*False Claims.*

## Section 113.

(1.) Made a claim to have his name inserted in an electoral list for the electoral district of B.N. (or as the case may be), and in the said claim wilfully stated falsely that (state substance of false statement), whereas in truth (state the truth).

(2.) Attended at a registration court duly held for [the B. Division of] the electoral district of O. and, his qualification [or the qualification of one M.N.] as an elector of the said electoral district being then under consideration by the said court, wilfully made a false statement to the said court relating to his said qualification [or to the qualification of the said M.N.], to the effect that (state substance of false statement), whereas in truth (state the truth).

(3.) Wilfully made a false statement in writing to the registration court for (etc. as above) relating to his qualification (or the qualification of one M.N.) as an elector of the said electoral district, which was then under consideration by the said court, to the effect that (etc. as in (2)).

No. 72.—*Attesting Claim, etc., without Inquiry.*

## Section 114.

Attested the claim of C.D. to have his name inserted on the roll of electors for the Legislative Assembly (or as the case may be) for the electoral district of (or as the case may be), [or on application for transfer of C.D. from the roll of electors for the electoral district of to the roll of electors for the electoral district of (or as the case may be), without satisfying himself by inquiry of the claimant, or otherwise that the particulars were true.

## IV.—SELLING AND TRAFFICKING IN OFFICES.

No. 73.—*Bargaining for Offices in Public Service.*

## Section 119.

(1.) Corruptly asked [or received or obtained or agreed (or attempted) to receive (or obtain)] from one M.N. certain property, namely, £5 (or as the case may be) [or a certain benefit, namely, an extension of credit in respect of a debt then due from him to the said M.N. (or as the case may be)], on account of the said A.B. having recommended him the said M.N.

## PART I.

[or one O.P.] for appointment to an office in the Public Service of Western Australia [or on account of the said A.B. having refrained from informing the Government of Western Australia of the unfitness of him the said M.N. (or of one O.P.) for appointment to an office in the Public Service of Western Australia] (or as the case may be) [or in consideration that the said A.B. would recommend (etc. as above) (or would refrain (etc. as above))] [to which office it was then contemplated to appoint the said M.N. (or O.P.), or for which office the said M.N. (or O.P.) was then an applicant] (or as the case may be, state the act done or omitted or to be done or omitted).

(2.) Corruptly gave [or conferred or procured or promised (or offered) to give (or confer or procure or attempt to procure)] to [or upon or for] one M.N. certain property (etc. as in (1)), on account of the said M.N. having recommended (etc. as in (1)) [or having refrained (etc. as in (1))] [or in consideration that the said M.N. would recommend (etc. as in (1)) (or would refrain (etc. as in (1)))] (or as the case may be).

## V.—OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE.

## No. 74.—Judicial Corruption.

## Section 121.

(1.) Being a Judge (etc., state the judicial office held by the accused person), corruptly asked [or received or obtained or agreed (or attempted) to receive (or obtain)] from one M.N. certain property, namely, £100 (or as the case may be), [or a certain benefit, namely, (state it shortly)], for himself [or for one Q.R.], on account of the said A.B. having, in his judicial capacity aforesaid, given [or in consideration that he the said A.B., in his judicial capacity aforesaid, would give] judgment in favour of the said M.N. [or one O.P.] in an action between the said M.N. [or O.P.] and one R.S. (or as the case may be, state the act done or omitted or to be done or omitted).

(2.) Corruptly gave [or conferred or procured or promised (or offered) to give (or confer or procure or attempt to procure)] to [or upon or for] one M.N., then being a Judge (state the judicial office), on account of the said M.N. having, in his judicial capacity aforesaid, given [or in consideration that the said M.N., in his judicial capacity aforesaid, would give] (etc. as in (1)).

## No. 75.—Official Corruption, not Judicial, but relating to Offences.

## Section 122.

(1.) Being a justice of the peace not acting judicially [or Being a person employed in the Public Service of Western Australia as an inspector of police (or as the case may be), in which capacity he was concerned in the prosecution (or detention or punishment) of offenders], corruptly (etc. as in Form No. 76 (1)), on account of his, the said A.B., having [or in consideration that he, the said A.B., would], with a view to corrupt [or improper] interference with the due administration of justice [or to the procurement (or facilitation) of the commission of an offence by one M.N., or to the protection of one M.N., an offender (or intending offender) against the law from detection (or punishment)] (state the act done or omitted or to be done or omitted).

(2.) Corruptly gave (etc. as in Form No. 74 (2)) to [or upon or for] one M.N., then being (etc. as in (1)), on account of the said M.N. having [or in consideration that the said M.N. would], with a view (etc. as in (1)) (state the act done or omitted or to be done or omitted).

## PART I.

## No. 76.—Corrupting or threatening Jurors.

## Section 123.

(1.) Attempted by threats [or by intimidation or by a gift of money, namely, £5, to one E.F., or by promising to give a sum of money, namely, £5, to one E.F. (or as the case may be)] to influence one [or the said] E.F. [or the persons (or some of the persons) to be sworn as jurors on the trial of an action between one M.N. and one O.P. (or on the trial of one M.N. on a charge of stealing (or as the case may be))] in his [or their] conduct as a juror [or jurors] on the trial (etc. as above) [or on the said trial].

(2.) Threatened to assault one E.F. [or to procure the dismissal of one E.F. from his position as clerk to one G.H. (or as the case may be)] on account of the said E.F. having, as a juror on the trial (etc. as in (1)), concurred in giving a verdict for the plaintiff [or for the Crown (or as the case may be)].

(3.) Accepted from one M.N. a sum of money, namely, £5 [or a certain benefit, namely (a promise of) a loan of £100 (or as the case may be)], on account of his, the said A.B., having, as a juror on the trial (etc. as in (1)), concurred in giving [or refrained from giving] [or in consideration that he, the said A.B., as a juror on the trial (etc., as in (1)), would concur in giving (or would refrain from giving)] a verdict (etc. as in (2)) (or as the case may be).

## No. 77.—Perjury.

## Section 124.

## (1.) In Proceedings before Justices.

In the course of the hearing of a complaint against one E.F. before S.T. and W.X., justices of the peace, having been duly sworn, gave evidence on oath as a witness [or laid a complaint on oath before] S.T., a justice of the peace, and then wilfully swore falsely to the effect that he, the said A.B., saw the said [or one] E.F. fire a loaded gun in the direction of one G.H. (or as the case may be): And that the said false evidence was material to a question then depending [or intended to be raised] [before the said justices] upon the said complaint.

## (2.) On a Criminal Trial.

Upon the arraignment [or trial] of one E.F. in the Supreme Court of Western Australia at Perth [or in the Circuit Court at Coolgardie or in the Court of General Sessions of the Peace holden at Roebourne (or as the case may be)] upon a charge of murder (or as the case may be, describe the offence by the name by which it is commonly known or by reference to the Statute under which the indictment was presented), having been duly sworn, gave evidence on oath as a witness, and then wilfully swore falsely to the effect that (state substance of false evidence): And that the said false evidence was material to a question then depending [or intended to be raised] in and upon the said arraignment [or trial].

## (3.) Perjury in Civil Proceedings.

Upon the trial of an action [or petition or proceeding or election petition] between one E.F. and one G.H. [or Upon an examination of witnesses in the matter of the insolvent estate of E.F. (or as the case may be)] in the Supreme Court of Western Australia at Perth (or as the case may be), having been duly sworn, gave evidence on oath as a witness, and then wilfully swore falsely to the effect that (state substance of false evidence): And that the said false evidence was material to a question then depending [or intended to be raised] in and upon the said trial [or proceeding].

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(4.) *Perjury in an Affidavit.*

Having been duly sworn, made an affidavit for the purpose of being used in an action [or a judicial proceeding] then lawfully pending in the Supreme Court of Western Australia [in its Matrimonial Jurisdiction] between one E.F. and one G.H. [or on an application intended to be lawfully made to the Supreme Court of Western Australia (or as the case may be)], and in the said affidavit wilfully swore falsely to the effect that (state substance of false evidence): And that the said false statement was material to a question then depending [or intended to be raised] in the said proceeding.

(5.) *Perjury upon Affirmation.*

Use such one of the preceding Forms (1), (2), (3), (4), as is applicable, substituting the words "Having duly made a solemn affirmation" for the words "Having been duly sworn," omitting the words "on oath," and substituting the word "deposed" for the word "swore."

No. 78.—*False evidence before a Royal Commission.*

## Section 127.

Attended before a Royal Commission and was then examined touching a matter then in course of inquiry before the said Royal Commission, and then and there in answer to a lawful and relevant question put to him in the course of such examination knowingly made a false statement to the effect that (state substance of false answer).

No. 79.—*Threatening Witness before a Royal Commission.*

## Section 128.

(1.) Threatened to (as the case may be) E.F. with intent to prevent (or hinder) the said E.F. from giving evidence before a Royal Commission appointed to inquire into (as the case may be).

(2.) Threatened to (or as the case may be) E.F. for having given evidence before a Royal Commission appointed to inquire into (as the case may be), such evidence not having been given in bad faith.

No. 80.—*Fabricating Evidence.*

## Section 129.

(1.) With intent to mislead the Supreme Court of Western Australia (or as the case may be) on the trial of an action between one E.F. and one G.H. [or on the trial of one E.F. on a charge of murder (or as the case may be)], fabricated a photograph of a house with a person resembling the said E.F. standing in front thereof (or as the case may be), with intent that the same should be used and accepted as evidence by the said Court: And that the same was accepted as evidence by the said Court.

(2.) One M.N. with intent (etc., as in (1)) had fabricated, etc., with intent (etc., as in (1)): And that A.B. on etc., at etc., knowing that the said photograph (or etc.) had been so fabricated made use thereof as evidence on the trial of the said action [or of the said E.F. on the charge aforesaid].

No. 81.—*Corruption of Witnesses.*

## Section 130.

(1.) Gave [or Conferred or Procured or Promised (or Offered) to give (or confer or procure or attempt to procure)] to [or upon or for] one M.N., certain property [or a certain benefit], namely, (etc., as in Form No. 73 (2)), upon an agreement [or understanding] that the said M.N. [or one O.P.] who had then been

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called [or who was then about to be called] as a witness on the trial of an action between one E.F. and one G.H. (or as the case may be), should give false testimony [or should withhold true testimony] on the said trial.

(2.) Attempted by threats of violence [or by threatening to defame the character of one G.H. (or as the case may be)] to induce one E.F., who had then been called [or who was then about to be called] as a witness (etc., as in (1)) to give false testimony [or to withhold true testimony] on the said trial.

(3.) Asked [or Received or Obtained or Agreed (or Attempted to receive (or obtain))] from one M.N. certain property [or a certain benefit], namely, (etc., as in Form No. 73 (1)), upon an agreement [or understanding] that he should give false testimony [or should withhold true testimony] as a witness on the trial of an action between one E.F. and G.H. (or as the case may be) [or that one O.P., who had then been called (or who was then about to be called) (etc., as in (1)) should give false testimony (or withhold true testimony) on the said trial].

No. 82.—*Deceiving Witnesses.*

## Section 131.

One Q.R. had been called [or was about to be called] as a witness on the trial of an action between one E.F. and one G.H. (or as the case may be): And that A.B. on etc., at etc., with intent to affect the testimony of the said Q.R. on the said trial (or etc.), fraudulently induced the said Q.R. to believe that he had seen the said E.F. at a certain time and place when the said E.F. was not present [or with intent (etc., as above) knowingly falsely stated to the said Q.R. that a person in whose company the said Q.R. had been at a certain time and place was the said E.F. (or as the case may be)] [or with intent (etc., as above), knowingly exhibited to the said Q.R. a letter falsely purporting to be written by the said E.F. (or a photograph falsely purporting to be the photograph of the said E.F. (or as the case may be)].

No. 83.—*Destroying Evidence.*

## Section 132.

Knowing that a certain book [or deed (as the case may be)], namely, a ledger (or as the case may be), was [or might be] required in evidence in an action then pending in the Supreme Court of Western Australia between E.F. and one G.H. (or as the case may be), wilfully destroyed the same [or wilfully rendered the same illegible (or undecipherable or incapable of identification)], with intent thereby to prevent it from being used as evidence in the said action (or etc.).

No. 84.—*Preventing Witnesses from Attending.*

## Section 133.

Wilfully prevented [or attempted to prevent] one E.F., who had been duly summoned to attend as a witness before the Supreme Court of Western Australia at Perth (or as the case may be) from so attending [or from producing in evidence pursuant to his subpoena (or summons) a certain letter (or as the case may be)].

No. 85.—*Conspiracy to bring False Accusation.*

## Section 134.

Conspired together [or with one M.N.] to charge one E.F. [or to cause one E.F. to be charged] with the crime [or offence] of murder (or as the case may be), alleged to have been by him committed in Western Australia [or in New South Wales (or as the case may be)],



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he the said A.B. then knowing that the said E.F. was innocent of the said alleged crime [or offence] [or not believing that the said E.F. was guilty of the said alleged crime (or offence)].

No. 86.—*Conspiracy to defeat Justice.*

## Section 135.

Conspired together [or with one M.N.] to obstruct [or prevent or pervert or defeat] the course of justice upon the prosecution of one E.F. on a charge of murder [or in an action then pending in the Supreme Court of Western Australia between one E.F. and one G.H. (or as the case may be)].

No. 87.—*Compounding Crimes.*

## Section 136.

Asked [or Received or Obtained or Agreed (or Attempted) to receive (or obtain)] from one E.F. certain property [or a certain benefit], namely (etc., as in Form No. 73) upon an agreement [or understanding] that he, the said A.B., would compound [or conceal or abstain from (or discontinue or delay) the prosecution of the said E.F. (or of one G.H.) for] the crime of stealing (or as the case may be) then lately committed by the said E.F. [or by one (or by the said) G.H.] [or would withhold evidence of a crime then lately committed by the said E.F. (or by one G.H.)].

No. 88.—*Compounding Penal Actions.*

## Section 137.

Having then lately brought an action [or Under pretence of bringing an action] in the Supreme Court of Western Australia (or as the case may be) against one M.N. upon the Statute (describe it by its short title, if any, or by the year and number) in order to obtain from him a penalty for an offence then lately committed [or alleged to have been then lately committed] by the said M.N. against the provisions of the said Statute, compounded the said action [or pretended action] without the order or consent of the said Court.

No. 89.—*Offering Reward for the Return of Stolen Property.*

## Section 138.

(1.) Publicly offered a reward for the return of a watch (or as the case may be) which had then lately been stolen [or lost], and in the offer stated that no questions would be asked [or that the person producing the same would not be seized or molested (or as the case may be)].

(2.) Publicly offered to return to any person who might have bought or advanced money by way of loan upon a certain watch (or as the case may be), which had then lately been stolen [or lost], the money so paid or advanced [or the sum of £10 (or as the case may be) as a reward for the return of the property aforesaid].

(3.) Printed [or Published] an offer of a reward (etc., as in (1)) or an offer to return (etc., as in (2)).

No. 90.—*Justices Acting Oppressively or when Interested.*

## Section 139.

(1.) Being a justice of the peace, and being required by law to admit one E.F., who was then accused of the crime [or offence] of stealing (or as the case may be), to bail, did, wilfully and perversely and without reasonable excuse and in abuse of his office, require from the said E.F. excessive and unreasonable bail.

(2.) Being a justice of the peace, wilfully and perversely exercised jurisdiction as such justice in a matter in which he had a personal interest, that is to say,

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in an action in the Court of Petty Sessions at A. between one M.N. and one O.P. [or on the prosecution of one E.F. for wilfully and unlawfully damaging property in which he, the said A.B., had an interest (or as the case may be)].

No. 91.—*Delaying to take Person Arrested before Magistrate.*

## Section 140.

Having arrested one E.F. on a charge of riot (or as the case may be), wilfully delayed to take him before a justice to be dealt with according to law.

No. 92.—*Bringing Fictitious Action on Penal Statute.*

## Section 141.

Brought in the name of X.Y., a fictitious person, as plaintiff [or in the name of one X.Y. as plaintiff, but without his authority], an action in the Supreme Court of Western Australia (or as the case may be) against one E.F. upon the Statute (describe it by its short title, if any, or by the year and number) for the recovery of a penalty for an offence then lately committed [or alleged to have been then lately committed] by the said E.F. against the provisions of the said Statute.

No. 93.—*Inserting Advertisement without Authority of Court.*

## Section 142.

(1.) Inserted without authority [or Without authority caused to be inserted] in the *Government Gazette* (or in a newspaper called (state its name)) an advertisement purporting to be published under the authority of the Supreme Court of Western Australia (or as the case may be).

(2.) Inserted [or caused to be inserted] in the *Government Gazette* [or in a newspaper called etc.] an advertisement purporting to be published under the authority of the Supreme Court of Western Australia (or as the case may be), which advertisement was false in a material particular, namely, in that it was therein stated that (set out the false statement), whereas in truth (state the truth), as the said A.B. then well knew.

No. 94.—*Attempting to Pervert Justice.*

## Section 143.

Attempted, by making away with [or concealing or defacing the brands on] a horse (or as the case may be, state the act alleged to have been done), to obstruct [or prevent or pervert or defeat] the course of justice upon the prosecution of one M.N. on a charge of stealing (or as the case may be).

## VI.—ESCAPES: RESCUES: OBSTRUCTING OFFICERS OF COURT.

No. 95.—*Forcibly Rescuing Capital Offenders.*

## Section 144.

Rescued [or attempted to rescue] by force from lawful custody one M.N., who was then an offender under sentence of death [or who then stood committed to prison on a charge of wilful murder (or as the case may be)].

No. 96.—*Aiding Prisoners to Escape.*

## Section 145.

(1.) Aided one M.N., who was then a prisoner in lawful custody, in escaping [or attempting to escape] from such custody.

(2.) With intent to facilitate the escape of one M.N., who was then a prisoner in lawful custody, conveyed firearms [or a mask (or as the case may be)] [or caused firearms (or etc.) to be conveyed] into a prison.

## PART I.

No. 97.—*Escape of Criminal Prisoner.*

## Section 146.

Being in lawful custody under sentence of imprisonment after conviction for an indictable offence, escaped from such custody.

No. 98.—*Permitting Escape.*

## Section 147.

Being an officer of a prison [or a police officer], and being charged for the time being with the custody of one M.N., a prisoner [or who was then under arrest upon a charge of an offence], wilfully permitted the said M.N. to escape from custody.

No. 99.—*Harbouring Escaped Prisoners.*

## Section 148.

Harboured [or maintained or employed] one M.N., who then was an offender under a sentence involving deprivation of liberty and illegally at large, as the said A.B. then well knew.

No. 100.—*Rescuing Insane Persons.*

## Section 149.

(1.) Rescued one M.N. while he was being conveyed as an insane person to [or rescued one M.N. during his confinement as an insane person in] a hospital [or reception house] for the insane or a house licensed under the laws relating to insane persons for the reception of patients or a prison].

(2.) Being in charge of one M.N. while he was being conveyed as an insane person to a hospital (or etc. as in (1)), wilfully permitted him to escape from custody.

(3.) Being a superintendent of [or a person employed in] a hospital (or etc. as in (1)), wilfully permitted one M.N., who was then confined therein as an insane person, to escape therefrom.

(4.) Concealed one M.N., who had then lately been rescued [or had then lately escaped] while he was being conveyed as an insane person to [or during his confinement as an insane person in] a hospital (or etc. as in (1)), as he the said A.B. then well knew.

No. 101.—*Removing Property, etc., under Lawful Seizure.*

## Section 150.

Certain goods, namely, 100 cattle, had been attached [or taken] by the sheriff of Western Australia (or as the case may be) under the process [or authority] of the Supreme Court of Western Australia (or as the case may be): And that A.B. on etc. at etc., while the said goods were so attached [or taken], and were in the custody of the said sheriff (or etc.), knowingly, and with intent to defeat the said attachment [or process], received [or removed or retained or concealed or disposed of] the said goods.

No. 102.—*Obstructing Officers of Courts of Justice.*

## Section 151.

Wilfully obstructed [or resisted] one E.F., who was then lawfully charged with the execution of an order of the Supreme Court of Western Australia [or of a warrant lawfully issued under the authority of the Supreme Court of Western Australia] (or as the case may be).

## VII.—OFFENCES RELATING TO THE COIN.

No. 103.—*Counterfeiting Gold or Silver Coin.*

## Section 153.

Made [or Began to make] a counterfeit gold [or silver coin apparently intended to pass for the current coin called sovereigns [or for a coin of the United States of America called dollars] (or as the case may be).

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No. 104.—*Preparation for Coining Gold or Silver Coin.*

## Section 154.

(1.) Gilded [or Silvered] a piece of metal of a fit size [or figure] to be coined, with intent that it should be coined into a counterfeit coin apparently intended to pass for the current gold coin called sovereigns (or as the case may be) [or for a coin of the United States of America, called dollars (or as the case may be)].

(2.) Made a piece of metal into a fit size [or figure] to facilitate the coining from it of a counterfeit gold [or silver] current coin apparently intended to pass for the current coin called sovereigns (or as the case may be, as in (1)), with intent that such counterfeit coin should be made from it.

(3.) Without lawful authority or excuse

(a) bought [or sold or received or paid or disposed of] [or offered to buy (or sell or receive or pay or dispose of)] from [or to] one M.N. [ten] counterfeit gold [or silver] coins apparently intended to pass for the current coin called sovereigns (or as the case may be, as in (1)) at a lower rate than the same imported [or were apparently intended to import];

or (b) brought [or received into Western Australia] [ten] counterfeit gold [or silver] coins apparently intended to pass for the current coin called sovereigns (or as the case may be, as in (1)): And that the said A.B. then knew that the same were counterfeit;

or (c) made [or mended or began (or prepared) to make (or mend) or had in his possession or disposed of to one M.N.] a stamp [or mould] which was adapted to make the resemblance of [part of] both [or one of the] sides of the current gold [or silver] coin called sovereigns (or as the case may be, as in (1)): And that the said A.B. then knew that the same was such a stamp [or mould] [or was so adapted];

or (d) made (or etc., as in (c)) a tool [or instrument or machine], namely, an edger (or as the case may be), which was adapted and intended to be used for marking coin round the edges with marks [or figures] apparently resembling those on the edges of the current gold [or silver] coin called sovereigns (or as the case may be, as in (1)): And that the said A.B. then knew that the said tool (or etc.) was so adapted and intended;

or (e) made (or etc., as in (c)) a press for coinage [or a tool (or an instrument or a machine) which was adapted for cutting round blanks out of gold (or as the case may be)]: And that the said A.B. then knew that the said press [or tool or instrument or machine] had been used [or was intended to be used] for making counterfeit gold [or silver] coins apparently resembling the current coin called sovereigns (or as the case may be, as in (1));

or (f) knowingly conveyed out of the Mint of our said Lord the King at Perth [a useful part, namely, a (describe it) of] a stamp (or as the case may be) used [or employed in coining [or certain coin, namely, fifty sovereigns] [or certain gold (or silver) bullion or certain metal, namely, copper or a mixture of gold and copper (or as the case may be)].

No. 105.—*Clipping.*

## Section 155.

Diminished the weight of a piece [or ten pieces] of current gold [or silver] coin, namely a sovereign (or as the case may be) with intent that, when so dealt with, it [or they] might pass as current gold [or silver] coin.

No. 106.—*Possession of Clippings.*

## Section 156.

Unlawfully had in his possession [or disposed of to one M.N.] filings [or clippings] of gold [or silver] [or gold (or silver) in bullion (or in dust or in solution (or

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as the case may be)], which had been obtained by dealing with current gold [or silver] coin in such a manner as to diminish its weight: And that the said A.B. then knew that the same had been so obtained.

No. 107.—*Uttering Counterfeit Gold or Silver Coins.*  
Section 157.

Uttered a counterfeit gold [or silver coin apparently intended to pass for the current coin called sovereigns (or as the case may be, as in Form No. 103): And that the said A.B. then knew that the same was counterfeit.

No. 108.—*Repeated Uttering of Counterfeit Gold or Silver Coin, or Possession of several such Coins.*  
Section 158.

(1.) Uttered (*etc., as in preceding Form to the end*): And further that at the time of his so uttering the same the said A.B. had in his possession, besides the counterfeit coin so uttered by him, another [or other] counterfeit gold [or silver] coin [or coins] apparently intended (*etc., as in preceding Form*).

(2.) Uttered (*etc., as in preceding Form to the end*): And further that on the same day [or within ten days thereafter, namely, on *etc.*], at *etc.*, the said A.B. uttered another (*etc., as in preceding Form to the end*).

(3.) Had in his possession [three] pieces of counterfeit gold [or silver] coins apparently intended to pass for the current coin called sovereigns (*or as the case may be*) with intent to utter [some of] them: And that the said A.B. then knew that the same were counterfeit.

No. 109.—*Uttering after Previous Convictions.*  
Section 159.

(a) Uttered (*etc., as in Form No. 107 or No. 108 to the end*):

And further that the said A.B. had previously, namely, on *etc.*, at *etc.*, been convicted of the offence of (*state offence as in one of those Forms*) [or of the crime of (*state crime as in one of the Forms Nos. 103, 104, 105, 106, showing that the offence was committed with respect to current coin*)].

(b.) Uttered (*etc., as in (a) to the end, showing that the offence was committed with respect to foreign coin*):

And further that the said A.B. had also, namely, on *etc.* at *etc.*, been convicted (*etc., as in (a), showing that the offence was committed with respect to foreign coin*).

No. 110.—*Counterfeiting Copper Coin.*  
Section 160.

(1.) Made [or Began to make] a counterfeit copper coin apparently intended to pass for the current coin called pennies [or for a coin of the United States of America called cents (*or as the case may be*)].

(2.) Without lawful authority or excuse made [or mended or began (*or prepared*) to make (*or mend*) or had in his possession or disposed of to one M.N.] a tool [or an instrument or machine] which was adapted and intended for making counterfeit copper coin apparently intended to pass for the current copper coin called pennies [or for coins of the United States of America called cents (*or as the case may be*)]: And that the said A.B. then knew that the said tool [or *etc.*] was so adapted and intended.

(3.) Bought [or Sold or Received or Paid or Disposed of] [or Offered to buy (*or sell or receive or pay or dispose of*)] from [or to] one M.N. [ten] counterfeit copper coins apparently intended to pass for the current

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copper coin called pennies (*or as the case may be, as in (2)*) at a lower rate than the same imported [or were apparently intended to import].

(4.) *As in (1), (2), or (3), showing that the offence was committed with respect to foreign coin:*

And further that the said A.B. had previously, namely, on *etc.* at *etc.*, been convicted (*etc., as in preceding Form*).

No. 111.—*Uttering Base Copper Coin.*  
Section 161.

(1.) Uttered a counterfeit copper coin apparently intended to pass for the current copper coin called pennies (*or as the case may be*): And that the said A.B. then knew that the same was counterfeit.

(2.) Had in his possession [three] pieces of counterfeit copper coins apparently intended to pass for the current copper coin called pennies (*or as the case may be*) with intent to utter [some of] them: And that the said A.B. then knew that the same were counterfeit.

No. 112.—*Defacing Coin by Stamping Words thereon.*  
Section 162.

Defaced a current gold [or silver or copper] coin, namely, a sovereign (*or as the case may be*), by stamping a name [or names or a word or words] upon it.

No. 113.—*Uttering Foreign Coin, Medals, etc., as Current Coin, with intent to Defraud.*  
Section 163.

Uttered as and for the current gold [or silver] coin called sovereigns (*or as the case may be*) a coin which was not current coin [or a medal (or a piece of metal) which was of less value than a sovereign (*or etc.*)], with intent thereby then to defraud.

No. 114.—*Exporting Counterfeit Coin.*  
Section 164.

Without lawful authority or excuse exported [or put on board of a vessel (or dray) (*or as the case may be*) for the purpose of being exported] from Western Australia [ten] counterfeit coins apparently intended to pass for the current coin called sovereigns (*or as the case may be*): And that the said A.B. then knew that the same were counterfeit.

No. 115.—*Having Possession of more than Five Pieces of Counterfeit Foreign Coin.*  
Section 165.

Without lawful authority or excuse had in his possession [ten] counterfeit coins apparently intended to pass for coins of the United States of America called dollars (*or as the case may be*).

No. 116.—*Uttering Defaced Coin.*  
Section 166.

Uttered a current gold [or silver or copper] coin, namely, a sovereign (*or as the case may be*) which was defaced by the stamping of a name [or names or a word or words] thereon.

VIII.—OFFENCES RELATING TO MAILS.  
No. 117.—*Stopping Mails.*

## Section 167.

(1.) Stopped a mail conveyance, with intent to search the mail.

(2.) Stopped one E.F., who was then engaged in conveying [or delivering] a mail, with intent to search the said mail.

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## IX.—MISCELLANEOUS OFFENCES AGAINST PUBLIC AUTHORITY.

No. 118.—*False Declaration as to Execution of Sentence of Death.*

## Section 168.

Subscribed a certificate [or declaration] as to the execution of the sentence of death upon one X.Y., on etc., at etc., which certificate [or declaration] was false in a material particular, namely, in that it was thereby certified [or declared] that (*set out the false matter*), whereas in truth (*set out the truth*), as the said A.B. then well knew.

No. 119.—*False Statements in Statements required to be under Oath or Solemn Declaration.*

## Section 169.

Being required by law to verify on his oath [or by his solemn declaration (*or solemn affirmation*)] a statement made by him on the occasion of his marriage to one M.N. [or under (the Regulations made in pursuance of) "*The Succession and Probate Duties Act, 1892*," touching the property of one Q.R., deceased (*or as the case may be, show the occasion on which the obligation to verify the statement arose*)], made a statement [touching the matter aforesaid] which was false in a material particular, namely, in that it was thereby stated that (*set out false statement*), whereas in truth (*set out the truth*), as the said A.B. then well knew: And that the said A.B. then verified the said statement on his oath [or by his solemn declaration (*or solemn affirmation*)].

No. 120.—*False Declarations and Statements.*

## Section 170.

Being permitted [or required] by law to make a statement [or declaration] touching (*etc., state subject matter of statement or declaration so as to show that it was permitted or required by law*), made a statement [or declaration] touching the matter aforesaid before S.T., a Justice of the Peace (*or as the case may be*), who was then authorised by law to permit the said statement [or declaration] to be made before him, which said statement [or declaration] was false in a material particular, namely, in that it was thereby stated [or declared] that (*set out the false statement*), whereas in truth [*set out the truth*], as the said A.B. then well knew.

No. 121.—*Resisting Public Officers.*

## Section 172.

(1.) Obstructed [or resisted] one E.F., a public officer, while he was engaged in the [attempted] discharge of the duties of his office as an inspector of mines under "*The Mines Regulation Act of 1895*" (*or as the case may be*).

(2.) Obstructed [or resisted] one E.F., being the mining manager of the O.P. mine, while he was engaged in the [attempted] discharge of the duty of examining the machinery used in the working of the said mine, which duty was imposed upon him as such mining manager by "*The Mines Regulation Act of 1895*" (*or as the case may be*).

No. 122.—*Refusal by Public Officer to Perform Duty.*

## Section 173.

Was employed in the Public Service of Western Australia [or as an officer of the Supreme Court of Western Australia (*or as the case may be*)], and thereupon it became and was his duty by virtue of such employment to (*state the duty*): Yet the said A.B. perversely and without lawful excuse omitted [or refused] so to do.

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No. 123.—*Neglect of Officers to Suppress Riot.*

## Section 174.

Being sheriff [or under sheriff] of Western Australia [or a Justice of the Peace (*or as the case may be*)], and having notice that there was a riot in his neighbourhood, omitted without reasonable excuse to do his duty in suppressing such riot.

No. 124.—*Neglect to Aid in Suppressing Riot.*

## Section 175.

Having had reasonable notice that he was required to assist P.P., Sheriff of Western Australia [or S.T., a Justice of the Peace (*or as the case may be*)], in suppressing a riot, omitted without reasonable excuse to give such assistance.

No. 125.—*Neglect to Aid in Arresting Offenders.*

## Section 176.

Having had reasonable notice that he was required to assist P.P., Sheriff of Western Australia [or S.T., a police officer (*or as the case may be*)], in arresting one M.N. [or a person to the said Attorney General (*or J.J.K.*) unknown] [or in preserving the peace], omitted without reasonable excuse to give such assistance.

No. 126.—*Disobedience in Statute Law.*

## Section 177.

(1.) Without lawful excuse (*state the forbidden act done*), contrary to the provisions of the Act (*describe it by its short title, if any, or by the year and number*).

(2.) Being (*state position or condition giving rise to duty*), without lawful excuse omitted to (*state the omitted act*), as by the provisions of the Act (*describe it as above*) he was required to do.

No. 127.—*Disobedience to Lawful Order Issued by Statutory Authority.*

## Section 178.

On, etc., an order was made by the Supreme Court of Western Australia [or by the Home Secretary (*or as the case may be*) under and in execution of the provisions of the Act of (*describe it by its short title, if any, or by the year and number*)] whereby it was ordered (*etc., set out the order briefly*): And that on etc., at etc., A.B., being the [or a] person who by the said order was required to [refrain from] (*state act required to be done or omitted*) without lawful excuse disobeyed the said order by (*state omission or act alleged*).

## C.—ACTS INJURIOUS TO THE PUBLIC IN GENERAL.

## I.—OFFENCES RELATING TO RELIGIOUS WORSHIP.

No. 128.—*Offering Violence to Officiating Ministers of Religion.*

## Section 179.

(1.) By threats [or force] prevented [or attempted to prevent] one E.F., a minister of religion, from lawfully officiating in a place of religious worship [or from performing his duty in the lawful burial of the dead in a cemetery (*or as the case may be*)].

(2.) By threats [or force] obstructed [or attempted to obstruct] one E.F., a minister of religion, while he was lawfully officiating in a place of religious worship [or while he was performing his duty in the lawful burial of the dead in a cemetery (*or as the case may be*)].

(3.) Assaulted [or arrested, under the pretence of executing civil process], one E.F., a minister of religion, who was then, as the said A.B. then well knew, engaged [or about to engage] in lawfully officiating in a place

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of religious worship [or in performing his duty in (*etc.*, as in (1))] [or who was then, as the said A.B. then well knew, going to lawfully officiate in a place of religious worship (or going to perform his duty (*etc.*, as above) or returning from lawfully officiating (*etc.*, as above) (or returning from performing his duty (*etc.*, as above))].

No. 129.—*Disturbing Religious Worship.*

## Section 180.

(1.) Wilfully and without lawful justification or excuse disquieted [or disturbed] a meeting of persons lawfully assembled for religious worship.

## II.—OFFENCES AGAINST MORALITY.

No. 130.—*Unnatural Offences.*

## Section 181.

(1.) Had carnal knowledge of one E.F. against the order of nature.

(2.) Had carnal knowledge of a cow (or as the case may be).

(3.) Permitted one E.F., a male person, to have carnal knowledge of him [or her] against the order of nature.

No. 131.—*Attempt to Commit Unnatural Offences.*

## Section 182.

Attempted to have carnal knowledge [or to permit one E.F., a male person, to have carnal knowledge (*etc.*, as in preceding Form)].

No. 132.—*Indecent Treatment of Boys under Fourteen.*

## Section 183.

Unlawfully and indecently dealt with one E.F., a boy under the age of fourteen years.

No. 133.—*Indecent Practices between Males.*

## Section 184.

(a.) Committed an act of gross indecency with one M.N., a male person.

(b.) Procured one M.N., a male person, to commit an act of gross indecency with him.

(c.) Attempted to procure one M.N., a male person, to commit an act of gross indecency with him [or with one O.P., another male person].

No. 134.—*Defilement of Girls under Thirteen.*

## Section 185.

(1.) Unlawfully had carnal knowledge of one E.F., a girl under the age of thirteen years.

(2.) Attempted to have unlawful carnal knowledge of one E.F., a girl under the age of thirteen years.

No. 135.—*Householder permitting Defilement of Young Girls on his Premises.*

## Section 186.

Being the owner [or occupier] of certain premises [or then having (or acting in or assisting in) the management (or control) of certain premises] at B., induced [or knowingly permitted] one E.F., a girl under the age of 13 [or 16] years, to resort to [or to be in (or upon)] the said premises for the purpose of being unlawfully carnally known by a man.

No. 136.—*Attempt to Abuse Girls under Ten.*

## Section 187.

Attempted to have unlawful carnal knowledge of one E.F., a girl under the age of ten years.

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No. 137.—*Defilement of Girls under Sixteen and Idiots.*

## Section 188.

(1.) Unlawfully had [or attempted to have] unlawful carnal knowledge of one E.F., a girl under the age of sixteen years.

(2.) Unlawfully had [or attempted to have] unlawful carnal knowledge of one E.F., an idiot [or an imbecile]: And that the said A.B. then knew that the said E.F. was an idiot [or an imbecile].

No. 138.—*Indecent Treatment of Girls under Sixteen.*

## Section 189.

Unlawfully and indecently dealt with one E.F., a girl under the age of sixteen [or thirteen] years.

No. 139.—*Defilement by Guardian, etc.*

## Section 190.

Being the guardian [or teacher or schoolmaster] of E.F., a girl [or woman] under the age of seventeen years, did unlawfully and carnally know [or attempted to have unlawful and carnal knowledge of] such girl [or woman].

No. 140.—*Procuration.*

## Section 191.

(1.) Procured one E.F., a girl [or woman] under the age of twenty-one years, who was not a common prostitute or of known immoral character, to have unlawful carnal connection with a man.

(2.) Procured one E.F. to become a common prostitute.

(3.) Procured one E.F. to leave Western Australia with intent that she might become the inmate of a brothel at S., in the State of New South Wales (or as the case may be).

(4.) Procured one E.F. to leave her usual place of abode in Western Australia, which was not a brothel, with intent that she might become the inmate of a brothel at T., for the purposes of prostitution.

No. 141.—*Procuring the Defilement of Women by Threats, or Fraud, or Administering Drugs.*

## Section 192.

(1.) By threats [or intimidation] procured one E.F. to have unlawful carnal connection with a man.

(2.) By falsely pretending to one E.F., who was not a common prostitute or of known immoral character, that [state false pretence], procured her to have unlawful carnal connection with a man.

(3.) Administered a drug (or as the case may be), namely, chloroform (or as the case may be) to one E.F. [or caused one E.F. to take a drug (*etc.*, as above)] with intent to stupefy [or overpower] her, so as thereby to enable a man to have unlawful carnal connection with her.

No. 142.—*Abduction of Girl under Eighteen with intent to have Carnal Knowledge.*

## Section 193.

Took one E.F., an unmarried girl under the age of eighteen years [or caused one E.F., an unmarried girl under the age of eighteen years, to be taken], out of the custody [or protection] of one G.F., her father [or mother] [or of one O.P.], who then had the lawful care [or charge] of her, and against the will of the said G.F. [or O.P.], with intent that she might be unlawfully carnally known by a man.

## PART I.

No. 143.—*Unlawful Detention, with Intent to Defile, or in a Brothel.*

## Section 194.

(1.) Detained one E.F. against her will in [or upon] certain premises in order to her being unlawfully carnally known by a man.

(2.) Detained one E.F. against her will in a brothel.

No. 144.—*Permitting Boys to resort to Brothels.*

## Section 195.

Being the owner [or occupier] of certain premises at [or then having, or aiding in, or assisting in the management or control of certain premises at ], induced [or knowingly suffered] E.F., a boy under the age of sixteen, to resort to [or be upon] such premises for the purpose of unlawfully and carnally knowing a girl [or woman].

No. 145.—*Conspiracy to Defile.*

## Section 196.

Conspired together [or with one M.N.] to induce one E.F., by falsely pretending to her that (*state nature of false pretence*) [or by fraudulent representations as to the nature of carnal knowledge (*or as the case may be*)], to permit one [or the said] M.N. [or a man] to have unlawful carnal knowledge of her.

No. 146.—*Incest by Man.*

## Section 197.

(1.) Carnally knew one E.B., who was his daughter [or mother or sister or half-sister] as he then well knew.

(2.) Attempted to have carnal knowledge of one E.B. (*etc., as in (1)*).

No. 147.—*Incest by Adult Females.*

## Section 198.

Being of [or above] the age of eighteen years, permitted one E.B., who was her father [or son or brother or half-brother], to have carnal knowledge of her: And that the said A.B. then well knew that the said E.B. was her father [or son or brother or half-brother].

No. 148.—*Attempts to Procure Abortion.*

## Section 199.

Unlawfully administered poison [or a noxious thing], namely, ergot of rye (*or as the case may be*), to one E.F. [or unlawfully caused one E.F. to take poison (*or etc., as above*) or unlawfully used force (*or as the case may be, describe the means used*) to one E.F.], with intent thereby then to procure her miscarriage.

No. 149.—*The Like of Women with Child.*

## Section 200.

Unlawfully administered to herself poison [or a noxious thing], namely, ergot of rye (*or as the case may be*) [or Unlawfully used force (*or as the case may be, describe the means used*) to herself], with intent thereby then to procure her own miscarriage.

No. 150.—*Supplying Drugs or Instruments to Procure Abortion.*

## Section 201.

Unlawfully supplied to [or procured for] one E.F. poison [or an instrument (*or as the case may be*)], which was intended by the said E.F. to be unlawfully used to procure the miscarriage of a woman [or her own miscarriage], as the said A.B. then well knew.

## PART I.

No. 151.—*Indecent Acts.*

## Section 203.

(1.) Wilfully and without lawful excuse exposed his [or her] naked body (*or as the case may be*) in a place to which the public were permitted to have access.

(2.) Wilfully exposed his [or her] private parts (*or as the case may be*) with intent thereby to insult [or annoy] one E.F.

No. 152.—*Obscene Publications and Exhibitions.*

## Section 204.

(1.) Publicly sold [or exposed for sale] an obscene book called, *etc.* [or an obscene pamphlet (*or manuscript or picture or photograph or drawing or model*) or a statue (*or as the case may be*) of such a nature as to tend to corrupt morals].

(2.) Exposed to view in a place to which the public were permitted to have access an obscene picture (*or etc., as in (1)*).

(3.) Publicly exhibited an indecent show [or performance].

## III.—NUISANCES: MISCONDUCT RELATING TO CORPSES.

No. 153.—*Common Nuisances.*

## Section 207.

(a.) Without lawful justification or excuse carried on in the neighbourhood of a public highway an offensive [or dangerous] trade [or manufacture], namely the trade of a tripe boiler [or the manufacture of gunpowder] (*or as the case may be, stating the act done*): by reason whereof danger was caused to the lives [or safety or health or property] of the public [or the comfort of the public was interfered with] (*or as the case may be*).

(b.) Having under his control a piece of land in the neighbourhood of a public highway upon which large quantities of putrid and offensive matter had accumulated, omitted without lawful justification or excuse to cause the matter aforesaid to be removed therefrom (*or as the case may be*): by reason whereof danger was caused (*etc., as in (1)*).

(c.) Without lawful justification or excuse dug a ditch [or erected a fence] across a public highway (*or as the case may be*), by reason whereof danger was caused to the lives or safety or property of the public using the said highway [or by reason whereof the public were obstructed in the exercise (*or enjoyment*) of the common right of safe passage along the said highway] (*or as the case may be*).

(d.) Having under his control a piece of land in the neighbourhood of a public highway upon which was erected a factory (*or as the case may be*) from which large quantities of polluted water were discharged, omitted without reasonable justification or excuse to prevent the said water from overflowing the said highway: by reason whereof (*etc., as in (c)*) (*or as the case may be*).

No. 154.—*Poisoning Waterholes.*

## Section 208.

(a.) Without lawful justification or excuse placed in a waterhole [or in a certain place, to wit, a tank, or as the case may be] containing water, of which waterhole or place he was the owner [or lawful occupier], a certain poisonous [or noxious] matter, namely, strychnine (*or as the case may be*) in a quantity sufficient to render such water unfit for human consumption [or unfit for consumption by cattle, horses, camels, sheep, or other animals].

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(b.) Without the leave of the Minister for Lands first had and obtained placed in a waterhole [or in a certain place, to wit, a tank, or as the case may be] containing water and situated on unoccupied Crown land a certain (as in (a.)).

(c.) Placed in a waterhole [or in a certain place, to wit, a tank, or as the case may be] containing water on private land of which he was not the owner or lawful occupier a certain (as in (a.)).

No. 155.—*Bawdy Houses.*

## Section 209.

Kept a house [or room or set of rooms or tent (or as the case may be)] for the purpose of prostitution.

No. 156.—*Gaming Houses.*

## Section 210.

Kept a common gaming house.

No. 157.—*Betting Houses.*

## Section 211.

(1.) Opened [or kept or used] a common betting house.

(2.) Being the owner [or occupier] of a house [or room or tent or yard (or as the case may be)] knowingly and wilfully permitted it to be opened [or kept or used] as a common betting house by one M.N.

(3.) Had the use [or management] [or assisted in conducting the business] of a common betting house.

No. 158.—*Lotteries.*

## Section 212.

Unlawfully opened [or kept or used] a house [or room or yard or stand in a paddock (or as the case may be)] for carrying on a lottery.

No. 159.—*Misconduct with regard to Corpses.*

## Section 214.

(1.) Having undertaken [or being charged by virtue of his office as a police officer (or as the case may be) with] the duty of burying the dead body of a man, neglected without lawful justification or excuse to perform such duty.

(2.) Indecently interfered with the dead body of a woman (or as the case may be).

## IV.—OFFENCES AGAINST PUBLIC HEALTH.

No. 160.—*False Information as to Health of Foreign Ships.*

## Section 215.

Being the master [or medical officer] of the ship "Mary," then lately arrived from beyond sea, neglected [or refused] to give to one E.F., an officer employed in the Public Service of Western Australia in that behalf, certain information which he was required by law to give to the said E.F. with respect to the place at which the said ship had touched on her voyage (or as the case may be) [or gave to one E.F., an officer employed in the Public Service of Western Australia in that behalf, verbal (or written) information with respect to a matter as to which he was required by law to give information to the said E.F., that is to say, with respect to the places at which the said ship had touched on her voyage (or with respect to the existence of any contagious of infectious disease on board of the said ship (or as the case may be)], which information was false in a material particular, namely, in that the said A.B. informed the said E.F. that (state the false information), whereas in truth (state the truth), as the said A.B. then well knew].

## PART I.

No. 161.—*Exposing for Sale things unfit for Food.*

## Section 216.

Knowingly exposed for sale for the food of man [or had in his possession with intent to sell it for the food of man] a carcass of a pig [or certain food (or as the case may be)] which was unfit for the food of man, as he then well knew.

No. 162.—*Dealing in Diseased Meat.*

## Section 217.

(1.) Knowingly took into a slaughter-house used for the slaughter of animals intended for the food of man [part of] the carcass of a sheep (or as the case may be) which had died of disease.

(2.) Knowingly sold [or exposed for sale] [part of] the carcass of a sheep (or as the case may be) which had died of disease [or which was diseased when slaughtered].

No. 163.—*Adulterating Liquor.*

## Section 218.

(1.) Put [or mixed] a deleterious [or poisonous] substance, namely, *cocculus indicus* (or as the case may be), into [or with] certain spirituous [or fermented] liquor, namely, whisky [or beer], (or as the case may be).

(2.) Sold [or gave by way of exchange (or as the case may be) or kept for sale] certain spirituous [or fermented] liquor, namely whisky (or as the case may be), into [or with] which a deleterious [or poisonous] substance, namely, sulphuric acid (or as the case may be), had been put [or mixed].

No. 164.—*Adulteration of Beverages.*

## Section 219.

Being a public brewer [or being a maker] of a liquor intended to be used as a beverage for man, namely, beer (or as the case may be),

(a.) used in the brewing [or making] of the liquor a deleterious [or poisonous] substance, namely, *cocculus indicus* (or as the case may be);

or (b.) put [or mixed] a deleterious [or poisonous] substance, namely, *cocculus indicus* (or as the case may be), into [or with] the said liquor.

## V.—MISCELLANEOUS OFFENCES.

No. 165.—*Frauds on Land Laws.*

## Section 220.

For the purpose of acquiring land from our said Lord the King,

(a.) fraudulently evaded [or attempted to evade] the provisions of (describe the Act by its short title, if any, or by the year and number), relating to the fulfilment of conditions in respect of agricultural farms (or as the case may be) by procuring one M.N. to occupy an agricultural farm, namely, number (describe the farm sufficiently to identify it), of which he, the said A.B., was lessee, and representing the said M.N. to be his actual agent for the purpose of the use and occupation of the said farm: Whereas the said M.N. was not such agent, but used and occupied the said farm for his own benefit only (or as the case may be, describe briefly the evasion or attempted evasion);

or (b.) fraudulently procured one M.N. to become the lessee of an agricultural farm under the provisions of (describe the Act by its short title, if any, or by the year and number), for his use and benefit;

or (c.) fraudulently attempted to evade the provisions of (describe the Act by its short title, if any, or by the

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(year and number) by applying for an agricultural homestead under the name of X.Y., when he was already the holder of an agricultural homestead under the said Act under his true name of A.B.

No. 166.—*Dealing with Land Fraudulently acquired from the Crown.*

## Section 221.

Bought [or took on lease for ten years] from one M.N., a piece of land, namely (describe it sufficiently to identify it), which had then lately been acquired by the said M.N. by means of a fraudulent evasion of the provisions of (describe the Act by its short title, if any, or by the year and number), namely, by (describe briefly the fraud): And that the said A.B. then knew that the same had been so acquired by such fraudulent evasion.

D.—OFFENCES AGAINST THE PERSON AND RELATING TO MARRIAGE AND PARENTAL RIGHTS AND DUTIES AND AGAINST THE REPUTATION OF INDIVIDUALS.

I.—HOMICIDE, SUICIDE: CONCEALMENT OF BIRTH.

No. 167.—*Wilful Murder.*

Sections 278, 282.

Wilfully murdered one E.F.

No. 168.—*Murder.*

Sections 279, 282.

Murdered one E.F.

No. 169.—*Manslaughter.*

Sections 280, 287.

Unlawfully killed one E.F.

No. 170.—*Attempt to Murder.*

Section 283.

- (1.) Attempted unlawfully to kill one E.F.
- (2.) With intent unlawfully to kill one E.F.—
  - (a) administered poison, namely [strychnine], to him;
  - or (b) discharged loaded firearms at him;
  - or (c) set fire to a ship in which he then was;
  - or (d) cut a rope in use for hauling up persons from a mine in which the said E.F. then was;
  - or (e) cast away a ship in which he then was.
- (3.) Then having, as head of a family, the charge of one E.F., a child under the age of fourteen years, who was then a member of his household, omitted, without lawful excuse, to provide the necessaries of life for the said E.F., with intent thereby then unlawfully to kill the said E.F.

No. 171.—*Accessory after the Fact to Murder.*

Section 284.

See Form No. 342.

No. 172.—*Written Threats to Murder.*

Section 285.

Caused one E.F. to receive a letter [or writing] threatening to kill him [or one G.H.]: And that the said A.B. then knew the contents of the said letter [or writing].

No. 173.—*Conspiring to Murder.*

Section 286.

Conspired together [or with one M.N.] to kill one E.F.

## PART I.

No. 174.—*Aiding Suicide.*

Section 288.

- (1.) Procured one E.F. to kill himself.
- (2.) Counselling one E.F. to kill himself and thereby induced him to do so.
- (3.) Aided one E.F. in killing himself.

No. 175.—*Attempting to Commit Suicide.*

Section 289.

Attempted to kill himself.

No. 176.—*Killing Unborn Child.*

Section 290.

One E.F., being then about to be delivered of a child, unlawfully prevented the said child from being born alive.

No. 177.—*Concealing the Birth of Children.*

Section 291.

Endeavoured by the secret disposition of the dead body of a child of which she the said A.B. [or one E.F.] had then lately been delivered, to conceal the birth of the said child.

II.—OFFENCES ENDANGERING LIFE OR HEALTH.

No. 178.—*Disabling in Order to Commit Indictable Offences.*

Section 292.

By means of violence, and with intent to commit [or to facilitate the commission of] an indictable offence [or and with intent to facilitate his flight (or the flight of one M.N. (or of a person to the said Attorney General (or J.J.K.) unknown)) after the commission (or attempted commission) by him of an indictable offence, namely, robbery (or as the case may be)], rendered [or attempted to render] one E.F. incapable of resistance.

No. 179.—*Stupefying in order to Commit Indictable Offence.*

Section 293.

With intent to commit [or to facilitate the commission of] an indictable offence [or with intent to facilitate his flight (or the flight of one M.N. (or of a person to the said Attorney General (or J.J.K.) unknown)) after the commission (or attempted commission) by him of an indictable offence, namely, robbery (or as the case may be)] administered [or attempted to administer] to one E.F. a stupefying [or overpowering] drug [or vapour (or as the case may be)], namely, chloroform (or as the case may be).

No. 180.—*Acts intended to Cause Grievous Bodily Harm or Prevent Apprehension.*

Section 294.

With intent to maim [or disfigure or disable or do some grievous bodily harm to] one E.F. [or with intent to resist (or prevent) his lawful arrest (or detention) or with intent to resist (or prevent) the lawful arrest (or detention) of one M.N. (or a person to the said Attorney General (or J.J.K.) unknown)]—

- (a.) unlawfully wounded [or did grievous bodily harm to the said E.F.] [or one G.H.];
- or (b.) unlawfully attempted to strike the said E.F. [or one G.H.] with a projectile, namely, a bullet (or as the case may be);
- or (c.) unlawfully caused an explosive substance, namely, dynamite (or as the case may be) to explode;



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or (d.) sent [or delivered] to the said E.F. [or to one G.H.] an explosive substance [or a dangerous (or noxious) thing], namely, an explosive bomb (or as the case may be);

or (e.) caused the said E.F. [or one G.H.] to take [or receive] a dangerous [or noxious] thing [or an explosive substance] namely, sulphuric acid (or as the case may be);

or (f.) put a corrosive fluid [or a destructive (or explosive) substance], namely, sulphuric acid (or as the case may be), in a public highway [or in a bag used by the said E.F. (or as the case may be)];

(g.) unlawfully cast [or threw] at [or unlawfully applied to the person of the said E.F. (or one G.H.)] a corrosive fluid (etc., as in (f)).

No. 181.—*Preventing Escape from Wreck.*

## Section 295.

(1.) Unlawfully prevented [or obstructed] one E.F. [or a person to the said Attorney General (or J.J.K.) unknown] who was then on board of [or who was then escaping from:] a vessel in distress [or a wrecked vessel or a vessel cast ashore], in his endeavours to save his life.

(2.) Unlawfully obstructed one E.F. in his endeavours to save the life of one G.H. (or etc., as in (1)), who was then on board of [or who was then escaping from] a vessel in distress [or a wrecked vessel or a vessel cast ashore].

No. 182.—*Intentionally endangering Safety of Persons Travelling by Railway.*

## Section 296.

With intent to injure [or to endanger the safety of] persons travelling by a railway:

(a.) removed [or loosened] a rail (or as the case may be) belonging to the said railway [or placed a log of wood (or as the case may be) upon (or across) the said railway or loosened a large quantity of earth and rock near and above the said railway or moved (or diverted) certain points belonging to the said railway (or as the case may be, describe the act done)], whereby the free and safe use of the said railway [or the safety of the persons using the said railway] was affected [or endangered];

or (b.) showed a light [or signal] [or extinguished (or rendered invisible or removed (or as the case may be) an existing light (or signal)] upon [or near] the said railway;

(c.) omitted to show a signal which it was his duty to show (or as the case may be), and thereby caused the safety of persons travelling by the said railway to be endangered.

No. 183.—*Grievous Bodily Harm.*

## Section 297.

Unlawfully did grievous bodily harm to one E.F.

No. 184.—*Causing Explosion likely to Endanger Life.*

## Section 298.

Wilfully and unlawfully caused by an explosive substance, namely [naming it], an explosion likely to endanger the life of E.F. [or of a person to the said Attorney General (or J.J.K.) unknown].

No. 185.—*Attempting to cause explosion likely to endanger life.*

## Section 299.

(1.) Wilfully and unlawfully did a certain act, namely [describing it], with intent to cause by an explosive substance [naming it] [or did conspire to cause

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by, etc.] an explosion in Western Australia of a nature likely to endanger the life of E.F. [or of a person to the said Attorney General (or J.J.K.) unknown].

(2.) Wilfully and unlawfully made [or had in his possession or under his control] an explosive substance, namely [describing it], with intent by means thereof to endanger the life of E.F. [or of a person to the said Attorney General (or J.J.K.) unknown] in Western Australia.

(3.) Wilfully and unlawfully put an explosive substance, namely [describing it], in a certain place, namely [describing it], with intent to do bodily harm to E.F. [or to a person to the said Attorney General (or J.J.K.) unknown].

No. 186.—*Maliciously administering Poison with intent to harm.*

## Section 300.

Unlawfully and with intent to injure [or annoy] one E.F., caused poison [or a destructive (or noxious) thing], namely, strychnine (or as the case may be), to be administered to [or taken by] the said E.F. [or one G.H.], and thereby endangered the life of the said E.F. [or G.H.] [or and thereby did to the said E.F. (or G.H.) grievous bodily harm].

No. 187.—*Wounding and similar Acts.*

## Section 301.

(1.) Unlawfully wounded one E.F.

(2.) Unlawfully, and with intent to injure [or annoy] one E.F., caused poison [or a noxious thing], namely, strychnine (or as the case may be), to be administered to [or taken by] the said E.F. [or one G.H.]

No. 188.—*Failure to supply Necessaries.*

## Sections 262, 263, 302.

Then having the charge of one E.F., who was unable by reason of age (or as the case may be) to withdraw himself from such charge, and who was unable to provide himself with the necessaries of life [or Then having as head of a family the charge of one E.F., a child under the age of sixteen years, who was then a member of his household], omitted without lawful excuse to provide the necessaries of life for the said E.F., whereby the life of the said E.F. was [or was likely to be] endangered [or whereby the health of the said E.F. was (or was likely to be) permanently injured].

No. 189.—*Endangering Life or Health of Apprentices or Servants.*

## Sections 264, 303.

Then being the master [or mistress] of one E.F., his [or her] servant [or apprentice], who was then under the age of sixteen years, and for whom the said A.B. had contracted to supply necessary food [clothing and lodging], unlawfully failed to provide such food [clothing and lodging] for [or did bodily harm (or caused bodily harm to be done) to] the said E.F., whereby the life of the said E.F. was [or was likely to be] endangered [or whereby the health of the said E.F. was (or likely to be) permanently injured].

No. 190.—*Endangering Life of Children by Exposure.*

## Section 304.

Unlawfully abandoned [or exposed] one E.F., a child under the age of seven years, whereby the life of the said E.F. was [or was likely to be] endangered [or whereby the health of the said E.F. was (or was likely to be) permanently injured].

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No. 191.—*Setting Mantraps.*

## Section 305.

Set [or placed] a spring gun [or a mantrap or an engine calculated to destroy human life (or calculated to inflict grievous bodily harm), namely, a (*describe it*)] [or Caused a spring gun (or etc., as above) to be set (or placed)] with the intent that it might [or in such a place and in such a manner that it was likely to] kill or inflict grievous bodily harm upon a person coming in contact with it: Such spring gun (or etc.) not being a gin or trap such as is usually set for the purpose of destroying vermin, and not being set at night in a dwelling-house for the protection thereof.

No. 192.—*Negligent Acts causing Harm.*

## Section 306.

Unlawfully discharged loaded firearms in a public highway [or Unlawfully beat a horse which one E.F. was then riding, or unlawfully drove a horse furiously along a public highway, or Then having, as head of a family, the charge of one E.F., a child under the age of sixteen years, who was then a member of his household, failed without lawful excuse to furnish the necessaries of life for the said E.F. (*as the case may be: state the unlawful act, or the duty and the omission to fulfil it*)], whereby bodily harm was actually caused to one [or the said] E.F.

No. 193.—*Endangering Safety of Persons travelling by Railway.*

## Section 307.

Unlawfully placing a log of wood upon a railway (or as the case may be: *comp. Form No. 182*) [or Omitted to show upon a railway a signal which it was his duty to show (or as the case may be)], and thereby caused the safety of persons travelling by the said railway to be endangered.

No. 194.—*Sending or taking Unseaworthy Ships to Sea.*

## Section 308.

(1.) Sent [or Attempted to send] the ship "Thetis" to sea in such an unseaworthy state that the lives of persons on board of the said ship were likely to be endangered.

(2.) Being then the master of the British ship "Thetis," knowingly took [or attempted to take] the said ship to sea in such an unseaworthy state that the lives of persons on board of the said ship were likely to be endangered.

No. 195.—*Endangering Steamships by tampering with Machinery.*

## Section 309.

Then having actual control over the steam vessel "Mary" [or over part of the machinery of the steam vessel "Mary"], made fast [or was privy to making fast] the safety valve of the boiler of the said vessel [or omitted (or was privy to omitting) to put sufficient water into the boiler of the said vessel] (or as the case may be: *state act or omission alleged*), by reason whereof the safety of persons on board of the said vessel was [or was likely to be] endangered, as he the said A.B. then well knew.

No. 196.—*The Like by Engineers.*

## Section 310.

One E.F. made fast the safety valve of the boiler of the steam vessel "Mary" (or as the case may be, as in preceding Form), by reason whereof (etc., as in preceding Form to "endangered"): And that A.B. was then the engineer [or one of the engineers] in charge of the machinery of the said vessel.

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No. 197.—*Evading Laws as to the Equipment of Ships and Shipping Dangerous Goods.*

## Section 311.

(1.) Then having actual control over the ship "Dover," on board of which certain ballast (or as the case may be) had then lately been placed with his knowledge [or consent] in order to the obtaining of permission [or authority] for the said ship to leave the port of B., removed [or allowed the removal of] the said ballast (or etc.) from the said ship after such permission [or authority] had been so obtained.

(2.) Knowingly sent by the ship "Dover" [or Knowingly carried in the ship "Dover"] an explosive substance [or an acid or a thing of a dangerous (or destructive) nature], namely, dynamite [or sulphuric acid (or as the case may be)], under a false description thereof [or with a false description of the sender thereof].

No. 198.—*Landing Explosives.*

## Section 312.

(1.) Being charged by law with the duty of making a special notification to the principal officer of customs at the port of B., being the port at [or nearest to] which a certain explosive substance [or a dangerous (or destructive) acid], namely, dynamite (or as the case may be), was then about to be delivered from the ship "Mary," of the intention to deliver the same, failed to make such notification.

(2.) Being charged by law with the duty of seeing that a package containing a certain explosive substance (or etc. as above), namely, dynamite (or etc.), which was then about to be delivered from the ship "Mary" at B., had thereon a plain and durable brand or superscription showing the contents and the quantity thereof, delivered the said package [or caused the said package to be delivered] without having on it such brand or superscription.

(3.) Being concerned in the landing of an explosive substance, namely, dynamite (or as the case may be, as in (1)), from the ship "Mary" at B, discharged the same between the hours of sunset and sunrise; (or as the case may be, setting out the violation of the Statute in question).

## III.—ASSAULTS.

No. 199.—*Common Assault.*

## Section 313.

Unlawfully assaulted one E.F.

No. 200.—*Assault with Intent to Commit Unnatural Offence.*

## Section 314.

Assaulted one E.F. with intent to have carnal knowledge of him [or her] against the order of nature.

No. 201.—*Indecent Assault on Males.*

## Section 315.

Unlawfully and indecently assaulted one E.F., a male person.

No. 202.—*Assault on Persons protecting Wrecks.*

## Section 316.

Unlawfully assaulted one E.F. [a justice of the peace], who was then acting in the execution of his duty [as such justice or] as a pilot (or as the case may be) in [or concerning] the preservation of a vessel in distress [or of a vessel (or goods) then lately wrecked (or stranded or cast on shore) (or then lying under water)], and then and there used actual violence to the said E.F.

## CRIMINAL PRACTICE RULES.

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No. 203.—*Assault occasioning Bodily Harm.*

## Section 317.

Unlawfully assaulted one E.F., and thereby did him bodily harm.

No. 204.—*Serious Assaults.*

## Section 318.

(1.) Assaulted one E.F. with intent to do him grievous bodily harm (or as the case may be: state the crime intended to be committed) [or with intent to resist (or prevent) the lawful arrest (or detention) of him the said A.B. (or of one M.N.)].

(2.) Assaulted [or Resisted or Wilfully obstructed] one E.F. [or one G.H., who was then acting in aid of one E.F.], a police officer, while acting in the execution of his duty.

(3.) Unlawfully assaulted [or resisted or obstructed] one E.F. while he was engaged in the lawful execution of process of the Supreme Court (or as the case may be) against certain property [or engaged in making a lawful distress].

(4.) Assaulted [or Resisted or Obstructed] one E.F., who was then engaged in the lawful execution of process of the Supreme Court (or as the case may be) against certain property [or engaged in making a lawful distress], with intent thereby then to rescue certain property lawfully taken under such process [or distress].

(5.) Assaulted one E.F., on account of his having in the execution of his duty as a police officer (or as the case may be) arrested one M.N. (or as the case may be).

(6.) Assaulted one E.F., in pursuance of an unlawful conspiracy respecting the manufacture of sugar [or the trade of bootmakers or the business of carriers or the occupation of shearers (or as the case may be) [or respecting one G.H. (and others) who was (or were) then concerned (or employed) in the manufacture (etc., as above) or respecting the wages of one G.H. (etc., as above)].

## IV.—ASSAULTS ON FEMALES: ABDUCTION.

No. 205.—*Rape.*

## Sections 325 326.

Committed rape upon one E.F.

No. 206.—*Attempt to Commit Rape.*

## Section 327.

Attempted to commit rape upon one E.F.

No. 207.—*Indecent Assaults on Females.*

## Section 328.

Unlawfully and indecently assaulted one E.F.

No. 208.—*Abduction.*

## Section 329.

(1.) Took away [or Detained] one E.F. against her will with intent to marry [or carnally know] her [or with intent to cause her to be married (or carnally known) by one M.N.].

(2.) From motives of gain, and with intent to marry [or carnally know] one E.F., who was then under the age of twenty-one years [or and with intent to cause one E.F., who was then under the age of twenty-one years, to be married (or carnally known), by one G.H.], took [or enticed] her away [or detained her] out of the custody [or protection] of one G.F., her father [or mother] [or one O.P.], who then had the lawful care [or charge] of her, and against the will of the said G.F. [or O.P.]: And that she, the said E.F., then had

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an interest in certain property [or was then a presumptive heiress (or co-heiress) or was then the presumptive next of kin (or one of the presumptive next of kin) to one H.F., who then had an interest in certain property to which the said E.F. might become entitled by succession].

No. 209.—*Abduction of Girl under Sixteen.*

## Section 330.

Unlawfully took one E.F., an unmarried girl under the age of sixteen years, out of the custody [or protection] of one G.F., her father [or mother] [or one O.P.], who then had the lawful care [or charge] of her, and against the will of the said G.F. [or O.P.].

## V.—OFFENCES AGAINST LIBERTY.

No. 210.—*Kidnapping.*

## Section 332.

Forcibly took away [or Forcibly detained] one E.F., with intent to compel the said E.F. to work for the said A.B. against his will.

No. 211.—*Deprivation of Liberty.*

## Section 333.

(1.) Unlawfully confined [or detained] one E.F. in a prison [or in a room (as the case may be)] against his will.

(2.) Unlawfully deprived one E.F. of his personal liberty by carrying him away in a ship [or carriage or boat (or as the case may be)] against his will.

No. 212.—*False Certificates by Officers charged with Duties relating to Liberty.*

## Section 334.

(1.) Being required by law to give a certificate touching the soundness of mind of one E.F. (or as the case may be), by virtue whereof the liberty of the said E.F. might be affected, gave a certificate touching the matter aforesaid which was false in a material particular, namely, in that he, the said A.B., thereby certified that (state the matter falsely certified), whereas in truth (state the truth), as the said A.B. then well knew.

(2.) Gave a certificate touching the soundness of mind of one E.F. (or as the case may be), whereby the liberty of the said E.F. might be affected, and represented himself to be a person authorised by law to give such certificates, whereas he was not a person authorised by law to give the same.

No. 213.—*Concealment of Matters affecting Liberty.*

## Section 335.

(1.) Being the officer in charge of a reception-house duly appointed for the reception and temporary treatment of persons committed upon suspicion of being of unsound mind (or as the case may be), and being in that capacity required by law to keep a record touching the personal and medical history of one E.F., who was then confined as a patient in the said reception-house (or etc.) refused [or neglected] to keep such record [or made in such record an entry which was false in a material particular, namely, in that he the said A.B. therein entered that (state the false entry), whereas in fact (state the truth), as the said A.B. then well knew].

(2.) Being (etc., as in (1)), and being in that capacity required by law to give information to one Q.R., the inspector of asylums for the insane (or as

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*the case may be*) touching the health of one E.F. (or as the case may be) [or to show to one Q.R., the inspector (*etc.*, as above), one E.F.], who was then confined as a patient in the said reception-house (or *etc.*) or to show to one Q.R., the inspector (*etc.*, as above), a room in the said reception-house (or *etc.*) in which one E.F. was then confined as a patient]:

(a.) refused [or neglected] to give such information [or to show the said E.F. (or the said room) to the said Q.R.]:

or (b.) gave to the said Q.R. information touching the health of the said E.F. (or as the case may be) which was false in a material particular, namely, in that the said A.B. informed the said Q.R. that (*state false information*), whereas in fact (*state the truth*), as the said A.B. then well knew.

No. 214.—*Procuring Confinement of Sane Person on False Certificate.*

## Section 336.

By the production of a false certificate (or as the case may be) knowingly and wilfully procured E.F., a person not insane, to be confined in an asylum at upon insufficient [or unreasonable] grounds.

No. 215.—*Unlawful Custody of Insane Persons.*

## Section 337.

Detained [or Assumed the custody of] one E.F., an insane person, for gain, otherwise than for the purpose of his temporary custody during his removal for treatment under the laws relating to insane persons; he the said A.B. not being a person appointed by the Supreme Court in that behalf or otherwise authorised by law to make such detention [or assume such custody].

[or Assumed the custody of one E.F., an insane person, by receiving him into a reception-house without the production of the documents required by law to be produced upon such reception] (or as the case may be, setting out the statutory provision violated).

No. 216.—*Threats.*

## Section 338.

Threatened to assault [or to defame] one E.F. [or to procure the dismissal of one E.F. from his employment] (or as the case may be), with intent thereby to prevent [or hinder] the said E.F. from making a complaint that certain goods had then lately been stolen from him by the said A.B. [or one M.N.] (or as the case may be) [or with intent to compel the said E.F. to attend a meeting of workmen then about to be held (or to march in a procession or to vote at an election for the municipal council of A. (or as the case may be))].

## VI.—OFFENCES RELATING TO MARRIAGE AND PARENTAL RIGHTS AND DUTIES.

No. 217.—*Bigamy.*

## Section 339.

(1.) Being then lawfully married to one C.B., went through the form of marriage with one E.F. during the life of the said C.B.

(2.) Went through the form of marriage with one M.N., who was then the lawful wife [or husband] of one O.N., as the said A.B. then well knew.

No. 218.—*Unlawful Celebration of Marriage.*

## Section 340.

(1.) Not being a person authorised by law to celebrate marriages, as the said A.B. then well knew, celebrated [or professed (or attempted) to celebrate] a marriage between one E.F. and G.H.

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(2.) Celebrated [or Attempted (or Professed) to celebrate] the marriage of one E.F., who was then under the age of twenty-one years and was not a widower [or widow], as the said A.B. then well knew, without the written consent of any person authorised by law to consent to such marriage [or with a written consent purporting to be given by one M.N., who was not authorised by law to give such consent, as the said A.B. then well knew].

(3.) Knowingly and wilfully celebrated [or attempted (or professed) to celebrate] marriage between one E.F. and one G.H. contrary to the provisions of the laws relating to the solemnization of marriage, in this that he the said A.B. was not a minister of religion ordinarily officiating as such [whose name, designation, and usual residence were then duly registered] (or as the case may be, setting out the breach of the law in question).

(4.) Celebrated [or Attempted (or Professed) to celebrate] marriage between one E.F. and one G.H., who had not [nor had either of them] duly made a declaration that there was no impediment or lawful objection to such marriage (or as the case may be, state the provision not complied with).

(5.) Induced [or Attempted to induce] one M.N. to celebrate the marriage of one E.F., who was then (*etc.*, as in (2)) [or to celebrate marriage between one E.F. and one G.H. contrary to the laws relating to the solemnization of marriages, in this that the said M.N. was not a minister of religion (*etc.*, as in (3)), as he the said A.B. then well knew] [or to celebrate marriage between one E.F. and one G.H., who had not (*etc.*, as in (3))].

(6.) Married one E.F., who was then under the age of twenty-one years (*etc.*, as in (2)).

(7.) Issued a certificate required by law to be issued by a district registrar, namely [*describe the certificate*], contrary to the provisions of the law relating to the solemnization of marriages.

No. 219.—*Celebration of Marriage by Minister unregistered by inadvertence.*

## Section 341.

Being a minister of religion whose name, designation, religious denomination, and usual place of residence by accident [or inadvertence] had not been and did not continue to be duly registered as a minister authorised to celebrate marriages, celebrated a marriage between E.F. and G.H.

No. 220.—*Unqualified Persons procuring Registration as Persons qualified to celebrate Marriages.*

## Section 342.

Not being a person who was entitled to be registered under the laws relating to the solemnisation of marriages as a person authorised to celebrate marriages, and knowing that he was not such a person, procured his name to be registered as a person so entitled.

No. 221.—*Child Stealing.*

## Section 343.

(1.) Forcibly [or Fraudulently] took [or enticed] away [or detained] one E.F., a child under the age of fourteen years, with intent to deprive one G.F., the parent [or guardian] [or who then had the lawful care (or charge)] of the said E.F., of the possession of the said child [or with intent to steal certain articles upon (or about) the person of the said E.F.].

(2.) Received [or Harboured] one E.F., a child under the age of fourteen years, with intent (*etc.*, as in (1)): And that he, the said A.B., then knew that the said E.F. had then lately been forcibly [or fraudulently] taken [or enticed] away [or detained] with the intent aforesaid.

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No. 222.—*Desertion of Children.*

## Section 344.

Being the parent of one E.B., a child under the age of sixteen years, and being able to maintain the said E.B., wilfully and without lawful or reasonable cause deserted the said E.B. and left him [or her] without means of support.

## VII.—DEFAMATION

No. 223.—*Unlawful Publication of Defamatory Matter.*

## Section 360.

Unlawfully wrote [or spoke] and published of and concerning one E.F. the defamatory matter following, that is to say (*set out the defamatory matter with such innuendoes, if any, as may be necessary*). [And that the said A.B. then knew that the said defamatory matter was false.]

No. 224.—*Defamation of Members of Parliament by Strangers.*

## Section 361.

Not being a member of either House of the Parliament of Western Australia, unlawfully wrote [or spoke] and published of and concerning one E.F. [and others], a member [or members] of the Legislative Council [or Legislative Assembly] of Western Australia the false [or scandalous] defamatory matter following, that is to say (*set out the defamatory matter with such innuendoes, if any, as may be necessary*).

No. 225.—*Publishing or threatening to publish defamatory matter with intent to extort money.*

## Section 363.

Published [or threatened to publish] (*or as the case may be*) the defamatory matter following, that is to say (*set out as in Form 222*), concerning E.F., with intent (*as the case may be*).

## E.—OFFENCES RELATING TO PROPERTY AND CONTRACTS.

## I.—STEALING.

No. 226.—*Stealing: General Form.*

## Sections 371, 378, 586 (2).

Stole £5 (*or as the case may be*), the property of one E.F.

[And further, that on *etc.*, at *etc.*, the said A.B. also stole £10 (*or etc.*), the property of the said E.F. And further, that on *etc.*, at *etc.*, the said A.B. also stole £7 (*or etc.*), the property of the said E.F.]

No. 227.—*Stealing with circumstances of aggravation.*

## Ibid.

(a.) Stole a will [or codicil] purporting to be the will [or a codicil to the will] of one E.F. (*See s. 563 (10)*).

(b.) Stole a letter (*or as the case may be*), the property of the Postmaster General, which was then in course of transmission by post.

(c.) Stole a horse (*or as the case may be*), the property of one E.F.

(d.) Stole certain gold (*or as the case may be*) in [or about] a mine [or as the case may be], the property of the X.T. Company, Limited [or as the case may be].

(e.) Stole (*etc.*, as in preceding Form) from the person of the said E.F.

(f.) Stole (*etc.*, as in preceding Form), of the value of upwards £5, in the dwelling-house of the said E.F. [or of one G.H.].

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(g.) Stole (*etc.*, as in preceding Form) in a dwelling-house: And that the said A.B. then and there used [or threatened to use] violence to one G.H. then being in the said dwelling-house.

(h.) Stole (*etc.*, as in preceding Form) from a ship [or boat or cart or storeroom (*or as the case may be*)] which was then in use for the conveyance [or custody] of goods in transit from one place to another.

(i.) Stole (*etc.*, as in preceding form) from a vessel which was then in distress [or which had then lately been wrecked (*or stranded*)].

(j.) Stole (*etc.*, as in preceding Form) from a public office in which it was then deposited [or kept].

(k.) Stole (*etc.*, as in preceding Form), and in order to steal the same opened a locked room [or box or cupboard or desk (*or as the case may be*)] by means of a key [or chisel (*or as the case may be*)].

(l.) Being then employed in the Public Service of Western Australia, stole, *etc.*, the property of His Majesty [or which had come into his possession by virtue of his employment].

(m.) Being the clerk [or servant of one E.F.] [and others] stole, *etc.*, the property of the said E.F. [and others] [or which had come into his possession on account of the said E.F. (and others)].

(n.) Being then a director [or an officer] of the said X.Y. Company, Limited, stole *etc.*, the property of the said company.

(o.) Stole (*etc.*, as in preceding Form), which had then lately been received by him the said A.B. with a power of attorney for the disposition thereof.

(p.) Stole (*etc.*, as in preceding Form), which money had then lately been received by the said A.B. with a direction that the same should be applied as a subscription to the B. hospital [or paid to one G.H. (*or as the case may be*)].

(q.) Stole (*etc.*, as in preceding Form), being the proceeds [or part of the proceeds] of a valuable security which had then lately been received by the said A.B. with a direction that such proceeds should be applied (*etc.*, as in (p)).

(r.) Stole (*etc.*, as in preceding Form), being the proceeds [or part of the proceeds] arising from the disposition of certain property which had then lately been received by the said A.B. by virtue of a power of attorney authorising him to make such disposition, and which power of attorney had been received by the said A.B. with a direction that such proceeds should be applied (*etc.*, as in (p)).

(s.) Stole £500 [or a picture of the value of £500 (*or as the case may be*)], the property of one E.F.

(t.) Stole (*etc.*, as in preceding Form), which had been let to the said A.B. to be used by him with a house [or lodging], and which was of the value of £6 (*or as the case may be*).

(u.) Stole (*etc.*, as in preceding Form):

And further that the said A.B. had previously, namely, on *etc.*, at *etc.*, been [summarily] convicted in the Supreme Court of Western Australia (*or as the case may be*) of stealing (*or etc.*, *Set out the previous conviction as in an indictment*).

[And further that the said A.B. had also previously, namely, on *etc.*, at *etc.*, been summarily convicted of (*etc.*, as above)].

## II.—OFFENCES ANALOGOUS TO STEALING.

No. 228.—*Concealing Registers.*

## Section 379.

Concealed [or Took from its lawful place of deposit] a register which was then authorised [or required] by law to be kept for authenticating [or recording] the title to real property [or to certain personal property] [or for recording births (*or baptisms or marriages or*

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deaths or burials)] [or a copy of part of a register which was then (*etc., as above*), which copy was required by law to be sent to the Registrar General (*or as the case may be*)], with intent thereby then to defraud.

No. 229.—*Concealing Wills.*

## Section 380.

Concealed a will [or codicil] purporting to be the will [or a codicil to the will] of one E.F., with intent thereby then to defraud.

No. 230.—*Concealing Deeds.*

## Section 381.

Concealed [part of] a document which was evidence of the title of one E.F. to land [or to an estate in land] at A., with intent thereby then to defraud.

No. 231.—*Killing Animals with Intent to Steal.*

## Section 382.

Killed a cow (*or as the case may be*) with intent to steal [part of the skin or carcass] thereof.

No. 232.—*Severing with Intent to Steal.*

## Section 383.

Severed and made movable a fence [or certain gold-bearing ore or part of a tree (*or as the case may be*)], the property of one E.F., with intent to steal the same.

No. 233.—*Using Registered Brands with Criminal Intention.*

## Section 384.

Branded [or Marked] a horse (*or as the case may be*) with the registered brand [or mark] of one E.F. without the permission of the said E.F., and with intent thereby then to facilitate the commission of a crime.

No. 234.—*Fraudulently Dealing with Minerals in Mines.*

## Section 385.

Took [or Concealed or Sold (*or as the case may be*)] certain gold-bearing ore (*or as the case may be*) in [or about] a mine, the property of the X.Y. Company, Limited, with intent thereby then to defraud.

No. 235.—*Concealing Royalty.*

## Section 386.

(1.) Being the holder of a lease issued under an Act relating to mining, that is to say [naming statute] by a device [or contrivance] that is to say [describing it] defrauded [or attempted to defraud] E.F. of a royalty [or of money] payable under such lease.

(2.) Being the holder, *etc.*, concealed the produce of [or made a false statement as to the produce of] the mine the subject of the said lease with intent to defraud.

No. 236.—*Removing Guano without License.*

## Section 387.

Collected [or removed] guano on [or from] a part of the territorial dominion of Western Australia, that is to say [naming it] without lawful authority.

No. 237.—*Bringing Stolen Goods into Western Australia.*

## Section 388.

Having then lately at S., in the State of New South Wales, obtained a watch (*or as the case may be*) by such means that if he had obtained the same in Western Australia by the like means he would have been guilty of stealing the same, brought the same into [or had the

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same in his possession] Western Australia: And that the obtaining of the said watch (*or etc.*) by the means aforesaid was an offence under the laws in force in New South Wales.

No. 238.—*Fraudulent Disposition of Mortgaged Goods.*

## Section 389.

(a.) Being the mortgagor of certain sheep (*or as the case may be*) which were then mortgaged to one E.F., removed [or disposed of] the said sheep (*or etc.*) without the consent of the said E.F., and with intent thereby then to defraud.

(b.) Being the mortgagor of certain (*as the case may be*) which were then mortgaged to one E.F., destroyed or broke or injured or killed [or otherwise damaged] the said with intent to deprive the said E.F. of his security [or of a part of his security] [or with intent to defeat (*or impair*) the security of the said E.F.].

No. 239.—*Fraudulent Appropriation of Power.*

## Section 390.

Fraudulently abstracted [or diverted to his own use (*or to the use of one M.N.*)] mechanical [or illuminating or electrical] power from a machine [or apparatus or substance] the property of one E.F.

## III.—STEALING WITH VIOLENCE: EXTORTION BY THREATS.

No. 240.—*Robbery.*

## Sections 391, 393.

Stole from one E.F., with actual violence, a watch (*or as the case may be*), the property of the said E.F.

[And that at the time aforesaid the said A.B. was armed with a dangerous (*or offensive*) weapon (*or instrument*), namely, a pistol (*or as the case may be*) (*or was in company with another person (or other persons)*)].

[Or And that the said A.B. then and there wounded (*or used personal violence to*) the said E.F. (*or one G.H.*)].

No. 241.—*Attempted Robbery: Accompanied by Wounding or in Company.*

## Section 394.

Assaulted one E.F. with intent to steal and then and there used [or threatened to use] actual violence in order to obtain the things which he so intended to steal [or with intent to prevent (*or overcome*) resistance to his said intended stealing].

[And that at the time aforesaid the said A.B. was armed with a dangerous (*or offensive*) weapon (*or instrument*), namely, a pistol (*or as the case may be*) (*or was in company with another person (or other persons)*)].

[Or And that at the time aforesaid the said A.B. was armed with loaded arms, and then and there wounded the said E.F. (*or one G.H.*) by discharging such loaded arms].

No. 242.—*Assault with Intent to Steal.*

## Section 395.

Assaulted one E.F. with intent to steal.

No. 243.—*Demanding Property with Menaces with Intent to Steal.*

## Section 396.

Demanded a watch (*or as the case may be*) from one E.F. with intent to steal the same, and then and there threatened the said E.F. that he the said A.B. would

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accuse him of stealing [or would procure his dismissal from his position as clerk to one Q.R. (or as the case may be)] if the said E.F. did not comply with the said demand.

No. 244.—*Demanding Property by Written Threats.*  
Section 397.

Caused one E.F. to receive a writing demanding from him [or from one G.H.] a sum of money (or as the case may be) without reasonable or probable cause, and containing threats that the said E.F. [or G.H.] [or one K.L.] would be assaulted [or defamed] or that he, the said A.B., would procure the dismissal of the said E.F. (or G.H. (or of one K.L.) from his position as clerk to one Q.R. (or as the case may be)], if the said E.F. [or G.H.] did not comply with the said demand, with intent thereby then to extort money [or a written acknowledgment of indebtedness (or as the case may be)] from the said E.F. [or G.H.] (or as the case may be) [or to gain a sum of money from one K.L. (or as the case may be)]: And that the said A.B. then knew the contents of the said writing.

No. 245.—*Attempts at Extortion by Threats.*  
Section 398.

(1.) Accused [or Threatened to accuse] one E.F. of committing an indictable offence, namely, murder [or an indecent assault on one M.N. (or as the case may be)] [or of offering (or making) a solicitation (or threat) to one M.N. as an inducement to him to commit (or permit the commission of) an indictable offence, namely, carnally knowing a man (or as the case may be)], with intent thereby then to extort money (or as the case may be) from the said E.F. [or from one G.H.].

(2.) Threatened to one E.F. that he [or one G.H.] should be accused by one M.N. of committing (etc. as in (1)), with intent thereby then (etc. as in (1)).

(3.) Caused one E.F. to receive a writing containing an accusation against him [or against one G.H.] [or containing a threat that he (or one G.H.) should be accused] of committing (etc. as in (1)), with intent thereby then (etc. as in (1)): And that the said A.B. then knew the contents of the said writing.

No. 246.—*Procuring Execution of Deeds, etc., by Threats.*  
Section 399.

With intent to defraud, and by means of unlawful violence [or unlawful restraint of or threats of violence (or restraint) to be used to] the person of one E.F. [or and by means of accusing (or threatening to accuse) one E.F. of committing an indictable offence, namely (describe it as in preceding Form)] [or of offering (etc., as in preceding Form)], compelled [or induced] the said E.F. [or one G.H.]

(a) to execute [or make or accept or indorse or alter or destroy] a valuable security [or part of a valuable security], namely, a promissory note for £100 [or a bond (or as the case may be)];

or (b) to write [or impress or affix] his name [or seal] [or the name (or seal) of one K.L. or the name of a firm, namely, K.L. and Company (or as the case may be)] or to impress (or affix) the seal of the X.Y. Company, Limited (or as the case may be)] upon [or to] a paper [or parchment] in order that it might afterwards be made [or converted] into [or used as or dealt with as] a valuable security, namely, a bond (or as the case may be).

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## IV.—BURGLARY, HOUSEBREAKING, AND LIKE OFFENCES.

No. 247.—*Housebreaking: Burglary.*  
Section 401.

(1.) Broke and entered the dwelling-house of one E.F. [in the night-time], with intent to commit a crime therein.

(2.) Having entered the dwelling-house of one E.F. with intent to commit a crime therein, [or Stole a watch (or as the case may be: state the crime) in the dwelling-house of one E.F., and then] broke out of the said dwelling-house [in the night-time].

No. 248.—*Entering Dwelling-house with Intent to Commit Crime.*  
Section 402.

Entered [or Was in] the dwelling-house of one E.F. [in the night-time] with intent to commit a crime therein.

No. 249.—*Breaking into Buildings and Committing Crime.*

## Sections 403, 405.

(1.) Broke and entered a schoolhouse [or the shop (or warehouse or counting house) of one E.F. or a building adjacent to the dwelling-house of one E.F. and occupied with it, but not being part of it or a building ordinarily used for religious worship], and therein stole a diamond ring, the property of the said E.F. (or as the case may be: state the crime as in an indictment for the crime).

(2.) Stole (etc., state the crime) in a schoolhouse (or etc. as in (1)), and then broke out of the said schoolhouse (or etc.).

No. 250.—*Breaking into Buildings with Intent to Commit Crime.*

## Sections 404, 406.

Broke and entered a schoolhouse (or etc. as in preceding Form) with intent to commit a crime therein.

No. 251.—*Persons found Armed, etc., with Intent to Commit Crime.*

## Section 407.

(a.) Was found armed with a dangerous [or offensive] weapon [or instrument], namely, a pistol [or crowbar (or as the case may be)]: And that the said A.B. was so armed with intent to break [or enter] a dwelling-house, and to commit a crime therein.

(b.) Was found armed in the night-time with (etc. as above): And that the said A.B. was so armed with intent to break [or enter] a building, and to commit a crime therein.

(c.) Was found having in his possession in the night-time without lawful excuse an instrument of housebreaking, namely, a picklock (or as the case may be).

(d.) Was found having in his possession in the day-time an instrument of housebreaking, namely, etc.: And that the said A.B. had the same in his possession with intent to commit a crime.

(e.) Was found having his face masked [or blackened] [or Was found disguised by a false beard (or as the case may be)]: And that the said A.B. had his face so masked [or blackened] [or was so disguised] with intent to commit a crime.

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(f.) Was found in a warehouse (or as the case may be), the property of one E.F., in the night-time: And that the said A.B. was in the said building with the intent to commit a crime therein.

[And that the said A.B. had previously, namely, on etc. at etc., been convicted (set out conviction as in an indictment.)]

## V.—OBTAINING PROPERTY BY FALSE PRETENCES: CHEATING.

No. 252.—*Obtaining Goods by False Pretences.*

## Section 409.

By falsely pretending to one E.F. that (state substance of false pretence) obtained from the said E.F. [or one G.H.] [or induced the said E.F. (or one G.H.) to deliver to him (or to one M.N.)] a sum of money, namely, £5 (or as the case may be), with intent thereby then to defraud.

No. 253.—*Obtaining Execution for a Security by False Pretences.*

## Section 410.

By falsely pretending (etc. as in preceding Form), and with intent to defraud, induced the said E.F. [or one G.H.] to execute [or make or accept or indorse or alter or destroy] a valuable security [or part of a valuable security], namely, a promissory note for £100 [or a bond or as the case may be] [or to write] (or impress or affix his name (or seal) or the name (or seal) of one K.L. or the name of a firm, namely, K.L. and Company, (or as the case may be)) or to impress (or affix) the seal of the X.Y. Company, Limited, (or as the case may be) upon (or to) a paper (or parchment) in order that it might afterwards be made (or converted) into (or used as or dealt with as a valuable security, namely, a bond (or as the case may be)).

No. 254.—*Cheating.*

## Section 411.

By means of a fraudulent trick [or device]

(a) obtained from one E.F. £5 (or as the case may be);

or (b) induced one E.F. to deliver to him [or to one M.N.] a watch (or as the case may be);

or (c) induced one E.F. to pay (or deliver) to him [or to one M.N.] £5 [or ten pounds of tea (or as the case may be)], being a greater sum of money [or a greater quantity of goods] than the said E.F. would have paid [or delivered] to the said A.B. [or M.N.] but for such fraudulent trick [or device].

No. 255.—*Conspiracy to Defraud.*

## Section 412.

(1.) Conspired together [or with one M.N. (and others)] to affect by deceit [or by fraudulent means] the market price of sheep [or of shares in the X.Y. Gold-mining Company, Limited], being things which were then publicly sold.

(2.) Conspired together [or with one M.N.] to defraud the public by deceitfully [or fraudulently] inducing divers persons to entrust money to them for investment (or as the case may be).

(3.) Conspired together [or with one M.N.] to obtain money from one E.F. by deceit [or by fraudulent means].

## PART I.

No. 256.—*Frauds on Sale or Mortgage of Property.*

## Section 413.

Being then the seller [or mortgagor] of certain freehold [or leasehold] property [or of certain cattle (or as the case may be)] [or Being then the solicitor (or agent) of one M.N., who was the seller (or etc., as above)] did, with intent to induce one E.F., who was the purchaser [or mortgagee] of the said property (or as the case may be), to accept the title to the same which was offered (or produced) to him, and with intent to defraud,

(a) conceal from the said E.F. an instrument material to the title to [or an encumbrance upon] the said property [or cattle (or etc.)];

or (b) falsify a pedigree upon which the title to the said property (or etc.) depended [or might depend].

## VI.—RECEIVING PROPERTY STOLEN OR FRAUDULENTLY OBTAINED, AND LIKE OFFENCES.

No. 257.—*Receiving Stolen Property, etc.*

## Section 414.

Received a horse (or as the case may be), the property of one E.F., which had then lately been stolen [or obtained by a false pretence and with intent to defraud (or as the case may be)] [or obtained in the State of New South Wales by means of an act which, if it had been done in Western Australia, would have constituted the offence of stealing (or of obtaining goods by a false pretence with intent to defraud (or as the case may be))], and which act was an offence under the laws in force in New South Wales].

No. 258.—*Taking Reward for recovery of Property obtained by means of Indictable Offences.*

## Section 416.

Corruptly received [or obtained or agreed to receive (or obtain)] from one E.F. £5 [or an extension of time for the payment of a debt due by him to the said E.F. (or one G.H.) (or as the case may be)] upon an agreement [or understanding] that he, the said A.B., would help the said E.F. [or one G.H.] to recover a horse (or as the case may be) which had then lately been stolen [or obtained by a false pretence with intent to defraud or obtained by means of an act (etc., as in preceding Form)]: And that the said A.B. had not then used all due diligence to cause the offender by whom the offence aforesaid was committed to be brought to trial for the said offence.

## VII.—FRAUDS BY TRUSTEES AND OFFICERS OF COMPANIES AND CORPORATIONS: FALSE ACCOUNTING.

No. 259.—*Trustees fraudulently disposing of Trust Property.*

## Section 417.

Being then a trustee of certain property, namely, furniture [or £100 or 100 shares in the X.Y. Company, Limited, or a piece of land at Perth (or as the case may be)] for the use [or benefit] [in part] of one E.F. [and others] [or for a public (or charitable) purpose, namely, for the purpose of a public hospital at A. (or as the case may be)], destroyed the same, with intent thereby then to defraud [or converted the same to a use not authorised by the trust on which he held the same, with intent thereby then to defraud].



## CRIMINAL PRACTICE RULES.

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## PART I.

No. 260.—*False Statements relating to Companies.*

## Section 418.

Signed a memorandum of association (or as the case may be) required by an Act relating to companies, that is to say [naming Act] containing certain particulars, that is to say (setting out particulars), which particulars were false to the knowledge of the said A.B.

No. 261.—*Directors and Officers of Corporations or Companies fraudulently appropriating Property, or keeping Fraudulent Accounts, or falsifying Books or Accounts.*

## Section 419.

(1.) Being a director [or officer] of the X.Y. Company, Limited [or of the Corporation of the Municipality of A. (or as the case may be)], did, as such director [or officer], receive [or possess himself of] £200 (or as the case may be), the property of the said company [or corporation], otherwise than in payment of a debt justly due to him for a demand justly made by him], and that the said A.B. then omitted either to make or to cause or direct to be made a full and true entry thereof in the books and accounts of the said company [or corporation], with intent thereby then to defraud.

(2.) Being a director [or officer or member] of the X.Y. Company, Limited [or of the Corporation of etc.],

(a) destroyed [or altered or mutilated or falsified or was privy to destroying (or altering or mutilating or falsifying)] a book [or document or valuable security or account or an entry in a book (or document or account)] which belonged to the said company [or corporation], namely, a share register (or as the case may be), with intent thereby then to defraud;

or (b) made [or was privy to making] a false entry in a book [or document or account] belonging to the said company [or corporation], namely, a share register (or as the case may be), with intent thereby then to defraud;

or (c) omitted [or was privy to omitting] from a book [or document or account] belonging (etc., as in (b)), namely, etc., a material particular, namely, an entry of a sum of £7,000 paid by the said company [or corporation] to one M.N. (or as the case may be), with intent thereby then to defraud.

No. 262.—*False Statements of Officials of Companies.*

## Section 420.

Being a promoter of the X.Y. Company, Limited [or of a company then intended to be formed and to be called the X.Y. Company, Limited] [or being a director (or officer or auditor) of the X.Y. Company, Limited, or of the Corporation of etc.], made [or circulated or published] [or concurred in making (or circulating or publishing)] a written statement [or account] which was false in a material particular, namely, in representing the value of the assets of the said [intended] company to be of the value of £100,000, whereas in fact they were of much less value (or as the case may be, describing briefly the false statement), as the said A.B. then well knew,

(a) with intent thereby to deceive [or defraud] members [or shareholders or creditors] of the said company [or corporation];

or (b) with intent thereby to induce persons to become members of the said company [or to entrust (or advance) property to the said company (or corporation)];

or (c) with intent thereby to induce one E.F. to enter into a security for the benefit of the said company [or corporation].

## PART I.

No. 263.—*False Statement by Official of Company with intent to affect the Price of Shares.*

## Section 421.

Being a director [or officer or agent] of the X.Y. Company, Limited, a company having its share capital listed for dealings on the Stock Exchange of Perth, in Western Australia [or of Adelaide, in South Australia] (or as the case may be), wilfully made [or was privy to making] in a certain prospectus [or return, report, certificate, statement of operations, or other document as the case may be] a statement relating to the business of the said company which was false in a material particular, namely, in representing the value of the gold won from the Z. mine, the property of the company, during the month of February, 1914, to be of the value of £10,000, whereas in fact it was of much less [or greater] value (or as the case may be, describing briefly the false statement), as the said A.B. then well knew, with intent to produce [or give] [or such statement having a tendency to produce or give] to the stock [or shares] of the said company a greater [or less] market value than such stock [or shares] possessed.

No. 264.—*Misappropriation by Members of Local Authorities.*

## Section 423.

(1.) Being a member of the Municipal Council (or Road Board) of the Municipality (or Road Board District) of A. (or as the case may be) advisedly applied £10, which formed part of the Municipal (or Road Board) Fund (or as the case may be) then under the control of the said Municipality (or Board) (or etc.), to a purpose to which it could not lawfully be applied, as he the said A.B. then well knew, namely (state the illegal purpose).

(2.) Being a member (etc., as in (1)), advisedly concurred in the application of £10, which (etc., as (1) to the end).

No. 265.—*Fraudulent False Accounting.*

## Section 424.

Being the clerk [or servant] of [or Being employed as a clerk (or servant) by or Being then acting in the capacity of a clerk (or servant)] one E.F. [and others].

(a) destroyed [or altered or mutilated or falsified or was privy to destroying (or altering or mutilating or falsifying)] a book [or document or valuable security or account or an entry in a book (or document or account)] which belonged to [or was in the possession of or had been received by him on account of] the said E.F. [and others], namely, a ledger (or as the case may be), with intent thereby then to defraud;

or (b) made [or was privy to making] a false entry in a book [or document or account] which belonged to (etc., as in (a)), namely, a ledger (or as the case may be), with intent thereby then to defraud;

or (c) omitted [or was privy to omitting] from a book [or document or account] which belonged (etc., as in (a)), namely, etc., a material particular, namely, an entry of a sum of £100 received by him from one Q.R. on account of the said E.F. [and others] (or as the case may be), with intent thereby then to defraud.

No. 266.—*False Accounts by Public Officer.*

## Section 425.

Being an officer of the Public Service of Western Australia, and being charged by virtue of his office with the receipt [or custody or management] of public revenue [or property], knowingly furnished to one Q.R., an officer in the said Public Service, a false statement

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[or return] of moneys [or of property] received by him [or entrusted to his care] as such officer [or of a balance of money (or property) received by him as such officer and remaining in his possession (or under his control) as such officer].

## VIII.—OFFENCES ANALOGOUS TO STEALING PUNISHABLE ON SUMMARY CONVICTION.

No. 267.—*Unlawfully Using Animals.*

## Section 428.

Unlawfully used a horse (or as the case may be), the property of one E.F., without his consent and without the consent of any person in lawful possession thereof;

or unlawfully took a horse (or as the case may be), the property of one E.F., for the purpose of secreting the same;

or obtaining a reward for the restoration (or pretended finding) thereof (or as the case may be).

No. 268.—*Suspicion of Stealing Cattle.*

## Section 429.

On etc. a horse (or as the case may be) was suspected on reasonable grounds to have been stolen, and that at the same time aforesaid at etc. [part of] the skin [or carcass] of the said horse (or etc.) was found in the possession [or custody] of A.B.

No. 269.—*Illegal Branding.*

## Section 430.

Branded [or Marked] a horse (or as the case may be) [or knowingly permitted a horse (or etc.) to be branded (or marked)] with his registered brand, knowing that he was not the owner of the said horse (or etc.).

No. 270.—*Defacing Brands.*

## Section 431.

(1.) Altered [or Defaced or rendered undistinguishable] a registered brand [or registered mark] upon a horse (or as the case may be).

(2.) Knowingly permitted a registered brand [or registered mark] upon a horse (or etc.) to be altered [or defaced or rendered undistinguishable] by one M.N., a person over whom he then had control.

No. 271.—*Unlawful possession of Shipwrecked Goods.*

## Section 434.

On etc., certain goods, namely (describe them), belonging to the ship "Amy" [or a barge (or as the case may be)], which was then in distress [or stranded] [or had then lately been wrecked] were suspected on reasonable grounds to have been unlawfully taken from the said ship (or etc.): And that at the time aforesaid at etc. the said goods were found in the possession [or on the premises] of A.B.

No. 272.—*Offering Shipwrecked Goods for Sale.*

## Section 435.

Offered [or Exposed] for sale a boat (or as the case may be) which was suspected on reasonable grounds to have been unlawfully taken from the ship "Amy" (or as the case may be) which was then in distress [or stranded] [or had then lately been wrecked].

No. 273.—*Unlawfully Dredging for Oysters.*

## Section 436.

Unlawfully, and otherwise than in the course of catching or fishing for floating fish with a net [or instrument] adapted for taking floating fish only—

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(a) used a net [or dredge (or as the case may be)] for the purpose of taking oysters [or oyster-brood] within the limits of an oyster bed [or oyster laying or oyster fishery], the property of one E.F., and which was sufficiently marked out [or was known by general repute] as his property;

or (b) dragged with a net [or dredge (or as the case may be)] upon the ground [or soil] of an oyster bed (or etc.), the property of one E.F. and which (etc., as in (a)).

No. 274.—*Unlawfully taking Fish.*

## Section 437.

Unlawfully took [or destroyed] [or Unlawfully attempted to take (or destroy)] fish in a water which was the private property of one E.F. [or in a water in which one E.F. had a private right of fishery].

## IX.—INJURIES TO PROPERTY.

No. 275.—*Arson.*

## Sections 444, 446, 447.

Wilfully and unlawfully set fire to a dwelling-house (or as the case may be).

No. 276.—*Attempts to Commit Arson.*

## Sections 445, 448.

(1.) Attempted unlawfully to set fire to a dwelling-house (or as the case may be).

(2.) Wilfully and unlawfully set fire to a heap of wood [or standing grass (or as the case may be)] which was so situated that a dwelling-house (or as the case may be) was likely to catch fire from it.

No. 277.—*Casting away Ships.*

## Section 449.

(1.) Wilfully and unlawfully cast away [or destroyed] the ship "Mary" (or as the case may be).

(2.) Wilfully and unlawfully did an act tending to the immediate loss [or destruction] of a vessel in distress, namely, the ship "Mary," that is to say, wilfully and unlawfully cut a towline connecting the said ship with a tug [or cut away an anchor by which the said ship was held (or as the case may be: describe the act done)].

(3.) With intent to bring the vessel into danger extinguished [or concealed or altered or removed (as the case may be)] a light [or beacon or mark or signal] used for the purposes of navigation [or for the guidance of seamen] [or exhibited a false light (or signal)].

No. 278.—*Attempts to cast away Ships.*

## Section 450.

Attempted unlawfully to cast away [or destroy] the ship "Mary" (or as the case may be) [or Attempted unlawfully to do an act tending to the immediate loss (or destruction of) a vessel in distress, namely, the ship "Mary," that is to say, to cut a towline (etc., as in preceding Form: describe the act attempted to be done)].

No. 279.—*Obstructing and Injuring Railways.*

## Section 451.

(1.) Unlawfully, and with intent to obstruct the use of a railway [or to injure property upon a railway], removed [or loosened] a rail (or as the case may be) belonging to the said railway [or placed a log of wood (or as the case may be) upon (or across) the said railway or loosened a large quantity of earth and rock near and above the said railway (or moved (or diverted)

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certain points belonging to the said railway) (or as the case may be: describe the act done)] whereby the free and safe use of the said railway was endangered.

(2.) Unlawfully and with intent (etc., as in (a)), showed a light (or signal) [or extinguished or rendered invisible or removed (or as the case may be) an existing light (or signal)] upon [or near] the said railway.

No. 280.—*Injuring Animals.*

## Section 452.

Wilfully and unlawfully killed [or maimed or wounded] a horse (or as the case may be), the property of one E.F.

No. 281.—*Malicious Injuries: General Form.*

## Section 453.

Wilfully and unlawfully destroyed [or damaged] a steam engine, the property of one E.F. [or his own property, with intent thereby then to defraud].

No. 282.—*The Like with Circumstances of Aggravation.**Ibid.*

(a.) Wilfully and unlawfully destroyed [or damaged] a dwelling-house [or vessel] the property of one E.F., by the explosion of gunpowder (or as the case may be): And that one G.H. was then in the said dwelling-house [or vessel] [or And that the life of one G.H. was thereby actually endangered].

(b.) Wilfully or unlawfully destroyed [or damaged] a bank of the sea (or as the case may be), whereby actual danger of inundation [or damage] was occasioned to land [or a building], the property of one E.F.

(c.) Wilfully and unlawfully destroyed a railway [or a bridge (or viaduct or aqueduct) constructed over a highway (or over a railway or over a canal) or a bridge (or viaduct or aqueduct) over which a highway (or railway or canal) passed].

(d.) Wilfully and unlawfully damaged a railway (or etc., as in (c)), with intent thereby to render [part of] the said railway (or as the case may be) dangerous [or impassable], and that the same was thereby rendered dangerous [or impassable].

(e.) Wilfully and unlawfully destroyed [or damaged] a will [or codicil] purporting to be the will [or a codicil to the will] of one E.F. [or a register which was then authorised (or required) by law to be kept for authenticating (or recording) the title to real property or to certain personal property (or for recording births (or as the case may be))] [or a copy of part of a register which was then (etc., as above), which copy was required by law to be sent to the Registrar General (or as the case may be)].

(f.) Wilfully and unlawfully destroyed [or damaged] a vessel which was then in distress [or stranded] [or which had then lately been wrecked] [or a boat (or as the case may be) belonging to a vessel which (etc., as above)].

(g.) Wilfully and unlawfully destroyed [or damaged] the permanent way [or an embankment (or as the case may be)] of a railway [or a bridge or engine-house or ashpit (or as the case may be) connected with a railway].

(h.) Wilfully and unlawfully destroyed a vessel (etc., as in preceding Form).

(i.) Wilfully and unlawfully damaged (etc., as in preceding Form), [and] with intent thereby to destroy the said vessel [or to render the said vessel useless].

(j.) Wilfully and unlawfully destroyed [or damaged] a light [or beacon or buoy or mark or signal] used for the purposes of navigation [or for the guidance of seamen].

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(k.) Wilfully and unlawfully destroyed [or damaged] a bank of the sea (or as the case may be).

(l.) Wilfully and unlawfully damaged a railway (or etc., as in (c)), with intent thereby (etc., as in (d)).

(m.) Wilfully and unlawfully destroyed certain sugar then in process of manufacture (or as the case may be) (etc., as in preceding Form).

(n.) Wilfully and unlawfully damaged (etc., as in preceding Form) [and] with intent thereby to destroy the said sugar (or as the case may be) [or to render the said sugar (or etc.) useless].

(o.) Wilfully and unlawfully (etc., as in preceding Form) [and] with intent thereby to damage [or obstruct the working of] the said mine.

(p.) Wilfully and unlawfully destroyed [or damaged] a machine (or as the case may be) appertaining to [or used with] a mine, the property of one E.F., (or etc., as in preceding Form).

(q.) Wilfully and unlawfully destroyed a rope [or as the case may be] used in [or used upon a way (or work) appertaining to (or used with)] a mine, the property of one E.F. (or etc., as in preceding Form).

(r.) Wilfully and unlawfully damaged a rope (etc., as in (q)) [and] with intent thereby to destroy the said rope (or etc.) [or to render the said rope (or etc.) useless].

(s.) Wilfully and unlawfully destroyed [or damaged] a well (or etc., as in preceding Form).

(t.) Wilfully and unlawfully destroyed [or damaged] a document, namely, a Commission under the Great Seal of the State (or as the case may be) which was then deposited [or kept] in a public office, namely, the Treasury (or as the case may be) [or a document, namely, a deed (or as the case may be) which was evidence of the title of one E.F. to land (or to an estate in land)].

No. 283.—*Causing Explosion likely to do Serious Injury to Property.*

## Section 454.

Wilfully and unlawfully caused by an explosive substance, namely [naming it], an explosion of a nature likely to cause serious injury to property.

No. 284.—*Attempting to Cause Explosion likely to do Serious Injury to Property.*

## Section 455.

(1.) Wilfully and unlawfully did a certain act, namely [describing it] with intent to cause by an explosive substance [naming it] [or did conspire to cause by etc.] an explosion in Western Australia of a nature likely to cause serious injury to property.

(2.) Wilfully and unlawfully made [or had in his possession or under his control] an explosive substance, namely [describing it] with intent by means thereof to cause serious injury to property in Western Australia [or to enable a certain other person, namely, E.F. (or a person to the said Attorney General (or J.J.K.) unknown) by means thereof to cause serious injury to property in Western Australia].

(3.) Wilfully and unlawfully put an explosive substance, namely [describing it] in a certain place [describing it] with intent to destroy [or damage] property.

No. 285.—*Attempts to Injure Mines.*

## Section 456.

(1.) Unlawfully caused water to run into a mine [or into a subterraneous passage communicating with a mine] [or Unlawfully obstructed a shaft (or passage)

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of a mine], the property of one E.F., [or his own property], with intent thereby to injure [or to obstruct the working of] the said mine [and with intent thereby to defraud].

And that the aforesaid act was not an act done underground in the course of working an adjoining mine.

(2.) Unlawfully obstructed the working of a machine [or an appliance or certain apparatus] appertaining to [or used with] a mine, the property of one E.F., [or his own property], with intent thereby to injure [or to obstruct the working of] the said mine [and with intent thereby them to defraud].

(3.) Unlawfully injured [or unfastened] a rope (or as the case may be) used in a mine [or used upon a way (or work) appertaining to (or used with) a mine], the property of one E.F. [or his own property], with intent thereby (etc. as in (2)).

No. 286.—*Interfering with Marine Signals.*

## Section 457.

(a.) Wilfully and unlawfully removed [or defaced or rendered invisible] a light [or beacon or buoy or mark or signal] used for purposes of navigation [or for the guidance of seamen].

(b.) Unlawfully attempted to remove [or deface or render invisible] a light (or etc. as in (a.)).

No. 287.—*Interfering with Navigation Works.*

## Section 458.

(1.) Wilfully and unlawfully removed [or disturbed a wall [or pile or bank (or as the case may be)] used for securing a bank of the sea (or as the case may be) [or for securing a work appertaining to a port (or as the case may be) or for securing a work which was used for purposes of navigation (or for lading (or unloading) goods)].

(2.) Unlawfully opened a floodgate [or sunk a barge (or as the case may be)] in the River B., being a navigable river [or in a navigable canal], with intent thereby to obstruct the carrying on [or completion or maintenance] of the navigation of the said river [or canal], and thereby obstructed such carrying on (or etc.).

No. 288.—*Communicating Infectious Diseases to Animals.*

## Section 459.

Wilfully and unlawfully caused [or Was wilfully and unlawfully concerned in causing or Wilfully and unlawfully attempted to cause] an infectious disease, namely, scab (or as the case may be), to be communicated to [or among] a flock of sheep, the property of one E.F.

No. 289.—*Travelling with Infected Animals.*

## Section 460.

Caused certain sheep which were infected with an infectious disease, namely, scab (or as the case may be), to travel [or being the owner (or a joint owner) of certain sheep which were infected (etc., as above), permitted them to travel] in contravention of the provisions of the Statutes relating to infected sheep, in this that (set out the breach of the law).

No. 290.—*Removing Boundary Marks.*

## Section 461.

Wilfully and unlawfully removed a pillar [or post] [or defaced a blazed mark upon a tree] (or as the case may be), which had been lawfully erected [or made] as an indication of the boundary of his land [or of the land of one E.F.], with intent thereby then to defraud.

## PART I.

No. 291.—*Obstructing Railways.*

## Section 462.

Unlawfully loosened a rail upon a railway (or as the case may be, *Comp. Form No. 277*) [or intentionally omitted to show upon a railway a signal which it was his duty to show (or as the case may be), and thereby caused an engine [or a carriage or wagon] in use upon the said railway to be obstructed in its passage on the railway.

No. 292.—*Sending Letters Threatening to Burn or Destroy.*

## Section 463.

Caused one E.F. to receive a letter [or writing] threatening that a dwelling-house (or as the case may be) should be burnt [or destroyed]: And that the said A.B. then knew the contents of the said letter [or writing].

X.—*FORGERY AND LIKE OFFENCE.*No. 293.—*Forgery.*

## Sections 470, 471-473.

(a.) Forged a document [or writing] purporting to be a cheque drawn by one E.F. (or as the case may be): (describe the document by its purport, or by any name or designation by which it is usually known. See Code, s. 562.).

(b.) Forged a seal purporting to be the Great Seal of Western Australia (or as the case may be).

No. 294.—*Uttering False Documents and Counterfeit Seals.*

## Section 474.

Knowingly and fraudulently uttered a false document [or a false writing or a counterfeit seal] purporting to be (etc., as directed in preceding Form).

No. 295.—*Uttering Cancelled or Exhausted Documents.*

## Section 476.

Knowingly uttered as and for a subsisting and effective document a document purporting to be an authority by one E.F. for the receipt of money on his behalf (or as the case may be), which document had, by a judgment of the Supreme Court of Western Australia (or as the case may be) been ordered to be revoked [or cancelled or suspended] [or the operation of which document had ceased by effluxion of time (or by the death of the said E.F. or by the insolvency of the said E.F. (or as the case may be))].

No. 296.—*Uttering Cancelled Stamps.*

## Section 476.

Knowingly uttered as and for a valid and uncanceled stamp a stamp [or the impression of a seal used for the purposes of the public revenue of Western Australia (or of New South Wales (or as the case may be))] which had been already used [or had been cancelled].

No. 297.—*Procuring Execution of Documents by False Pretences.*

## Section 477.

By falsely and fraudulently representing to one E.F. that a document then shown to him was a receipt for money, whereas in fact it was a promissory note [or was a bill of mortgage, whereas in fact it was a transfer of land (or as the case may be)], procured the said E.F. to sign [or execute] the said document.

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## PART I.

No. 298.—*Obliterating Crossings on Cheques.*

## Section 478.

(1.) Obliterated [or added to or altered] the crossing on a crossed cheque drawn by one E.F., with intent thereby then to defraud.

(2.) Knowingly uttered a crossed cheque on which the crossing had been obliterated [or added to or altered], with intent thereby then to defraud.

No. 299.—*Making Documents without Authority.*

## Section 479.

(1.) Without lawful authority or excuse made [or signed or executed] for [or in the name of or on account of] one E.F., a document purporting to be a promissory note (or as the case may be) [or a writing purporting to be (etc., as the case may be)], with intent thereby then to defraud.

(2.) Knowingly uttered a document [or writing] purporting to be (etc., as above), which had been made [or signed or executed] by one M.N. for [or in the name of or on account of] one E.F. without lawful authority or excuse, with intent thereby then to defraud.

No. 300.—*Demanding Property upon Forged Testamentary Instruments.*

## Section 480.

Procured the delivery [or payment] to himself [or to one M.N.] of a horse [or £1,000 (or as the case may be)] by virtue of a probate [or letters of administration] which had been granted upon a forged will [or codicil] purporting to be the will of one E.F. [or which had been granted upon a will (or codicil) purporting to be the will of one E.F., and which had been obtained by false evidence], as the said A.B. then well knew.

No. 301.—*Purchasing Forged Bank Notes.*

## Section 481.

Purchased [or received] from one M.N. [or from a person, to the said Attorney General (or J.J.K.) unknown] [or had in his possession] without lawful authority or excuse a forged bank note purporting to be issued by the X.Y. Banking Company, Limited: And that the said A.B. then knew that the same was forged.

No. 302.—*False Certificate of Message received by Telegraph.*

## Section 482.

Knowingly signed upon a document purporting to be a copy of a writ of *capias* (or as the case may be) the contents whereof had been received by telegraph under the provisions of the laws authorising the transmission by telegraph of documents requiring signature or seal a false certificate that it had been received under the provisions of the aforesaid laws, whereas it had not been so received, as the said A.B. then well knew.

No. 303.—*Falsifying Warrants for Money payable under Public Authority.*

## Section 483.

Being then employed in the Public Service of Western Australia, knowingly made out [or delivered to one M.N.] a warrant for the payment to one M.N. [or to him] of the sum of £ , as money payable to the said M.N. by public authority, whereas the sum to which the said M.N. was then entitled was £ , as the said A.B. then well knew, with intent thereby then to defraud.

## PART I.

No. 304.—*Falsification of Registers.*

## Section 484.

Then having the actual custody of a register [or record] of titles to real property [or of bills of sale or of births (or as the case may be)], which was kept by lawful authority, knowingly permitted an entry to be made in the said register [or record] which was false in a material particular, namely, in that it was by the said entry stated that (set out the false statement), whereas in truth (set out the truth), as the said A.B. then well knew.

No. 305.—*Sending False Certificate of Marriage to Registrar.*

## Section 485.

Signed [or transmitted to the Registrar General (or one E.F., a District Registrar), who was then authorised by law to register marriages], a certificate of a marriage [or a document purporting to be a certificate of marriage] between one M.N. and one O.P., which certificate [or document] was false in a material particular, namely, in that it was thereby certified that (set out false statement), whereas in truth no such marriage had been performed (or as the case may be: set out the truth), as the said A.B. then well knew.

No. 306.—*False Statements for the purpose of Register of Births, Deaths, and Marriages.*

## Section 486.

Knowingly made to one E.F. a District Registrar of Births [or deaths or marriages], a false statement touching a matter required by law to be registered in the register of births [or deaths or marriages], namely, that one Q.R., a child then lately born in Western Australia, was born on the first day of June, 1900, whereas in truth he was born on the first day of October, 1900 (or as the case may be), as the said A.B. then well knew, with intent thereby to procure the statement so falsely made by him to be inserted in the said register.

No. 307.—*False Statements relating to the Registration of Birth, Deaths, or Marriages.*

## Section 487.

Being a person required [or permitted] by the law relating to the registration of birth [or deaths or marriages] [or the law relating to cemeteries or burials] to give [or supply] to X.Y., of , a certificate [or particulars or information] (here describe briefly the nature of the certificate, particulars or information, and state the person or persons or matter or matters to which the certificate, particulars, or information relates or relate), wilfully gave [or supplied] to the said X.Y. such certificate [or particulars or information] as aforesaid, which was [or were] false [or misleading or defective] in a material respect, namely, in (here state briefly in what respect the certificate, particulars or information was or were false, misleading or defective).

No. 308.—*Attempts to procure Unauthorised Status.*

## Section 488.

(1.) By falsely representing to the Medical Board of Western Australia (or as the case may be) that he was the person named in a certificate then produced by him and purporting to be (describe it) (or as the case may be: set out the false representation) procured the said Board to issue to him a certificate testifying that he, the said A.B., was entitled to the privilege and status of a legally qualified medical practitioner (or as the case may be).

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(2.) Falsely represented to one E.F. that he had obtained a certificate issued by the Medical Board of Western Australia testifying (*etc., as in (1)*) (*or as the case may be*).

(3.) By falsely representing to the Medical Board of Western Australia (*or as the case may be*) that he was (*etc., state the false representation*) procured himself to be registered as a legally qualified medical practitioner (*or as the case may be*).

No. 309.—*Circulating False Copies of Rules or Lists of Members of Societies or Companies.*

## Section 489.

Knowingly uttered to one E.F. a document purporting to be a copy of the Memorandum [*or Articles*] of Association [*or Deed of Settlement*] of the X.Y. Company, Limited (*or of the rules or by-laws of the X.Y. Society, being a Friendly Society constituted under "The Friendly Societies Act of 1894"*) (*or as the case may be*), but which was not a true copy thereof [*or a document purporting to be a list of the members of the (etc., as above), but which was not a true list of such members*], with intent thereby then to deceive [*or defraud [or enable other persons to deceive (or defraud)]*].

## XI.—FORGERY AND LIKE OFFENCES PUNISHABLE ON SUMMARY CONVICTION.

No. 310.—*Forgery of Seamen's Tickets or Documents under Factories and Shops Act.*

## Section 490.

(1.) Forged a document purporting to be (*etc., as in Form No. 291*), being a document required to be obtained [*or used*] under the provisions of the laws relating to the engagement of seamen (*or as the case may be*).

(2.) Uttered a document required (*etc., as in (1)*), namely, a (*describe it*), which had been issued to one E.F., and then falsely represented himself to be the said E.F.

No. 311.—*Fraudulent Use of Adhesive Stamps.*

## Section 491.

(1.) Fraudulently removed an adhesive stamp [*or caused an adhesive stamp to be removed*] from a document with intent that the said stamp might be used again.

(2.) Fraudulently affixed an adhesive stamp which had been removed from a document to another document, with intent that the said stamp might be used again.

(3.) Knowingly uttered an adhesive stamp which had been fraudulently removed from a document, with intent that it might be used again.

(4.) Knowingly uttered a document having on it an adhesive stamp which had been fraudulently removed from another document, with intent that it might be used again.

No. 312.—*False Warranties or Labels relating to the Sale of Food.*

## Section 492.

(1.) Knowingly gave to one E.F., a purchaser of certain tea (*or as the case may be*) then sold by him, a false warranty in writing with respect thereto.

(2.) Knowingly gave to one E.F., with certain coffee (*or as the case may be*) then sold by him, a label which falsely described the same.

(3.) In the course of proceedings under the laws relating to the sale of food and drugs knowingly applied to certain butter (*or as the case may be*) a certificate [*or warranty*] which had been given by one Q.R. with respect to another article [*or drug*].

## PART I.

## XII.—PREPARATION FOR FORGERY.

No. 313.—*Instruments and Materials for Forgery.*

## Section 494.

(1.) Without lawful authority or excuse made [*or began (or prepared) to make or used or knowingly had in his possession or knowingly disposed of*] paper resembling paper specially provided by the proper authority for the purpose of being used for making

(a) Certain documents acknowledging [*or being evidence of*] the indebtedness of the Government of Western Australia (*or as the case may be*) [*or of the X.Y. Company, a company carrying on the business of banking*] to the holders thereof, namely, debentures [*or bank notes (or as the case may be)*];

or (b) stamps [*or licenses or permits (or as the case may be)*] used for the purpose of the public revenue of Western Australia (*or as the case may be*);

or (c) bank notes.

(2.) Without lawful authority or excuse made [*or began (or prepared) to make or used or knowingly had in his possession or knowingly disposed of*] machinery [*or an instrument or material*] for making paper resembling [*or capable of producing in (or on) paper words (or figures or letters or marks or lines) resembling words (or figures or letters or marks or lines) used in (or on) paper specially provided by the proper authority for (etc., as in (a))*].

(3.) Without lawful authority or excuse impressed [*or made*] upon a plate (*or as the case may be*) certain words [*or figures or letters or marks or lines*] the print whereof resembled [*in part*] the words [*or figures or letters or marks or lines*] used in certain documents *etc., as in (1) (a)*), [*or in stamps (etc., as in (1) (b)) or in bank notes*].

(4.) Without lawful authority or excuse used [*or knowingly had in his possession*] [*or knowingly disposed of*] a plate (*or as the case may be*) upon which were impressed [*or made*] certain words the print whereof resembled [*in part*] (*etc., as in (3)*).

(5.) Without lawful authority or excuse used [*or knowingly had in his possession or knowingly disposed of*] paper on which were [*or was*] written [*or printed*] [*part of*] the usual contents of certain documents (*etc., as in (1) (a)*) [*or of stamps (etc., as in (1) (b)) or of bank notes*].

No. 314.—*Counterfeit Stamps.*

## Section 495.

(1.) Without lawful authority or excuse made [*or mended or began (or prepared) to make (or mend) or used or knowingly had in his possession or knowingly disposed of*] a die [*or plate or instrument*] capable of making an impression resembling that made by a die [*or plate or instrument*] used for the purpose of making an impressed [*or adhesive*] stamp used for the purposes of the public revenue [*or of the Post Office*] of Western Australia (*or as the case may be*) [*or capable of producing in (or on) paper words (or figures or letters or marks or lines) resembling words (or figures or letters or lines) used in (or on) paper specially provided by the proper authority for the purpose of making impressed (or adhesive) stamps used for the purposes (etc., as above)*].

(2.) Without lawful authority or excuse had in his possession [*or disposed of*] paper (*or as the case may be*) having on it the impression of a die [*or plate or instrument*] capable (*etc., as in (1)*) or having on it words (*or etc.*), resembling (*etc., as in (1)*).

(3.) Fraudulently and without lawful authority or excuse, removed from a piece of paper [*or parchment*] an impressed [*or adhesive*] stamp used for the purposes of the public revenue (*or etc., as in (1)*), with intent that use might be made of [*part of*] the said stamp.

## PART I.

(4.) Fraudulently, and without lawful authority or excuse, mutilated an impressed [or adhesive] stamp used (*etc.*, as in (1)), with intent that use might be made of [part of] the said stamp.

(5.) Fraudulently, and without lawful authority or excuse, fixed [or placed] upon a piece of paper [or parchment] [or upon an impressed (or adhesive) stamp used (*etc.*, as in (1))] [part of] an impressed [or adhesive] stamp used (*etc.*, as in (1)) [or (part of) a stamp used for the like purposes] which had been removed from another piece of paper [or parchment] [or which had been removed out of (or from) another stamp].

(6.) Fraudulently, and without lawful authority or excuse, erased [or cut out (*or as the case may be*)] from a piece of paper [or parchment] upon [or to] which an impressed [or adhesive] stamp used (*etc.*, as in (1)) had been impressed [or attached] certain words (*or as the case may be*) written upon it, with intent that use might be made of the said stamp.

(7.) Knowingly and without lawful authority or excuse, had in his possession [or disposed of]

(a) an impressed [or adhesive] stamp, used (*etc.*, as in (1)), which had been fraudulently and without lawful authority or excuse removed from (*etc.*) with intent (*etc.*, as in (3));

or (b) which had been fraudulently and without lawful authority or excuse mutilated with intent (*etc.*, as in (4));

or (c) a piece of paper (*or etc.*) upon which there had been fraudulently and without lawful authority or excuse fixed [or placed] [part of] an impressed [or adhesive] stamp used (*etc.*, as in (1)) [or an impressed (or adhesive) stamp upon which there had been (*etc.*, as above) (part of) a stamp used for the like purposes which had been removed (*etc.*, as in (5))];

or (d) a piece of paper (*or etc.*) which had been impressed with [or to which had been attached] an impressed [or adhesive] stamp used (*etc.*, as in (1)), and from which certain words (*or as the case may be*) had been fraudulently erased (*or as the case may be*) without lawful authority or excuse, and with intent (*etc.*, as in (6)).

## XIII.—COUNTERFEITING TRADE MARKS AND TRADE DESCRIPTIONS.

No. 315.—*Offences as to Trade Marks and Trade Descriptions.*

Section 496.

- (1.) (a.) Forged a trade mark purporting to be the trade mark of one E.F., with intent thereby to defraud.
- (b.) Falsely applied to an axe [or on a packet containing tea, or on a label connected with a bottle containing whisky (*or as the case may be*)] a trade mark [or a mark so nearly resembling the trade mark as to be calculated to deceive] with intent thereby to defraud.
- (c.) Made a die (*or as the case may be*) for the purpose of forging (*or for the purpose of being used for forging*) a trade mark with intent thereby to defraud.
- (d.) Applied to an axe (*or to a packet containing tea (or as the case may be)*) a false trade description with intent thereby to defraud.
- (e.) Disposed of [or had in his possession] a die (*or as the case may be*) for the purpose of forging a trade mark.
- (f.) Caused to be forged, *etc.* (*as the case may be*).

## PART I.

(2.) (a.) Sold [or exposed for sale, or had in his possession for sale, or had in his possession for the purpose of trade, or had in his possession for the purpose of manufacture] certain goods, namely, (*describe the goods*) to which a forged trade mark [or false trade description] was applied.

(b.) Sold [or exposed for sale, or had in his possession for sale, or had in his possession for the purpose of trade, or had in his possession for the purpose of manufacture] certain goods, namely, (*describe the goods*), to which a trade mark [or a mark so nearly resembling a trade mark as to be calculated to deceive] was falsely applied with intent thereby to defraud.

No. 316.—*False Representation as to Royal Warrant, etc.*

Section 509.

Falsely represented that certain goods, namely (*describe the goods*) were made by a person holding a Royal Warrant (*or as the case may be*).

## XIV.—PERSONATION.

No. 317.—*Personation in general.*

Section 510.

(1.) Falsely represented himself to be one E.F. [who was then dead], with intent thereby then to defraud.

(2.) Falsely represented himself to be one E.F., who was then entitled under the will of one G.H. [or by operation of law upon the death of one G.H. (*or as the case may be*)] to certain real [or personal] property, namely (*describe it shortly*), with intent thereby then to defraud and to obtain [possession of] the property aforesaid.

No. 318.—*Personation of Owner of Shares.*

Section 511.

Falsely and deceitfully personated C.D., the owner of certain shares (*or as the case may be*) in a company known as (*or as the case may be*) whereby the said A.B. obtained [or endeavoured to obtain] such shares (*or as the case may be*) as if the said A.B. were the true and lawful owner thereof.

No. 319.—*Falsely acknowledging Deeds, Recognisances, etc.*

Section 512.

Without lawful authority or excuse made, in the name of one E.F., before the Honourable Mr. Justice C. (*or as the case may be*) who was lawfully authorised to take the recognisance [or acknowledgment (*or as the case may be*)] next hereinafter mentioned, a recognisance (*or etc.*) [or an acknowledgment of a deed] purporting to be the recognisance [or deed] of the said E.F.

No. 320.—*Personation of a Person named in a Certificate.*

Section 513.

Uttered a certificate which had been theretofore issued by lawful authority to one E.F., whereby the said E.F. was certified to be a legally qualified medical practitioner [or doctor of medicine of the University of O. (*or as the case may be*)], and then falsely represented himself to be the said E.F.

## PART I.

No. 321.—*Lending Certificate for Personation.*  
Section 514.

Being the holder of a certificate (*or as the case may be*) which had been issued to him by lawful authority, and whereby he was certified to be a Pharmaceutical Chemist (*or as the case may be*), lent the said certificate to one M.N., with intent that the said M.N. might represent himself to be the person named herein as the person to whom the same was issued.

## XV.—FRAUDULENT DEBTORS.

No. 322.—*Abandoning with Property in Contemplation of or Immediately after Bankruptcy.*  
Section 516.

(1.) Being a bankrupt, departed from Western Australia and took with him [*or attempted (or prepared) to depart from Western Australia and to take with him*] part of his property, namely £ (*or as the case may be, describe the property*) [of the value of (upwards of) £20], which ought by law to have been divided amongst his creditors.

(2.) Departed from Western Australia and took with him (*or attempted to depart from Western Australia and to take with him (etc., as in (1)),* which ought by law, in the event of his becoming bankrupt, to have been divided amongst his creditors, and within four months afterwards became a bankrupt.

No. 323.—*Frauds by Bankrupts.*  
Section 517.

(1.) Being bankrupt,

(a) fraudulently removed part of his property of the value of [upwards of] £10, namely (*describe it*);

or (b) fraudulently parted with [*or altered or made an omission in or was privy to fraudulently parting with (or altering or making an omission in)*] a document affecting [*or relating to*] his property [*or affairs*], namely, a statement purporting to be a list of secured creditors (*or as the case may be*).

(2.) Fraudulently (*etc., as in (1) (a) or (b)*); and within four months afterwards became bankrupt.

(3.) Being a bankrupt, attempted to account for part of his property, namely (*describe it*), by alleging fictitious losses [*or expenses*].

(4.) At a meeting of his creditors attempted to account for (*etc., as in (3)*), and within four months afterwards became bankrupt.

(5.) By falsely representing to one E.F. that (*state substance of fraud or false representation*), [*or under the false pretence of carrying on business (or as the case may be)*], obtained certain property, namely (*describe it*), on credit from the said [*or one*] E.F., and did not pay for the same: And that the said A.B. within four months afterwards became bankrupt.

No. 324.—*Other Frauds by Bankrupts.*  
Section 518.

(1.) Being bankrupt,

(a) concealed part of his property of the value of [upwards of] £10, namely (*describe it*);

or (b) concealed a debt due to him by [*or due by him to*] one M.N., and amounting to £

(2.) Concealed (*etc., as in (1) (a) or (b)*) [*or obtained property, namely (describe it), from one E.F. under the false pretence of carrying on business and dealing in the ordinary way of trade, and did not pay for the same [or pawned (or pledged or disposed of otherwise than in the ordinary way of trade) certain property, namely (describe it), which he had obtained on credit and had not paid for]*: And that the said A.B. within four months afterwards became bankrupt.

## PART I.

No. 325.—*Falsification of Books by Bankrupts.*  
Section 519.

(1.) Being a bankrupt, concealed [*or destroyed or altered or mutilated or falsified or was privy to the concealment (or destruction or alteration or mutilation or falsification) of*] [an entry in] a book [*or document or account*] relating to his property [*or affairs*], namely, a ledger (*or as the case may be*).

(2.) Being a bankrupt, made [*or was privy to making*] a false entry in a book (*or etc., as in (1)*).

(3.) Concealed (*or etc., as in (1)*) [*or made (or etc., as in (2))*], and within four months afterwards became a bankrupt.

No. 326.—*Frauds by Bankrupts in Course of Bankruptcy Proceedings.*  
Section 520.

Being a person whose affairs were in course of administration under the provisions of the laws relating to bankrupt debtors,

(a) and knowing [*or believing*] that a false debt had been proved by one M.N. in the course of such administration, failed for a period of a month to give information thereof to one E.F., who was then the trustee of the property of the said A.B.;

or (b) falsely represented to his creditors [*or to one E.F. and one G.H.*] one [*or two*] of his creditors (*or as the case may be*) that (*state substance of false representation or fraud*), for the purpose of obtaining the consent of his said creditors [*or of the said E.F. (and G.H.)*] to an agreement with reference to his affairs [*or with reference to certain proceedings taken under (or by virtue) of such administration.*]

No. 327.—*Failure by Bankrupts to Discover Property.*  
Section 521.

Being a person (*etc., as in preceding Form*),

(a) failed to fully and truly discover to the best of his knowledge and belief to one E.F., who was then the trustee of his property, part of his real [*or personal*] property, namely (*describe it*), and how, and to whom, and for what consideration, and when, he the said A.B. had disposed of it, the same not having been disposed of in the ordinary way of [his] trade or laid out in the ordinary expense of his family;

or (b) failed to deliver to one E.F., who was then the trustee of his property, or as he the said E.F. directed, part of his real [*or personal*] property, namely (*describe it*), which was then in his custody [*or under his control*], and being property which by law he was required to deliver up to the said E.F. as such trustee;

or (c) failed to deliver to one E.F., who was then the trustee of his property, or as he the said E.F. directed, a book [*or document or paper or writing*] which was then in his custody [*or under his control*], and which related to his property [*or affairs*], namely, a ledger (*or as the case may be*);

or (d) omitted [*or was privy to omitting*] from a statement relating to his affairs a material particular, namely, a statement of a debt due to him by one M.N. (*or as the case may be*).

No. 328.—*Failure to keep proper Books.*  
Section 522.

Omitted to keep proper books of account showing the true state of his affairs, and within three years afterwards became a bankrupt.

No. 329.—*Concealing Documents.*  
Section 523.

Being a bankrupt, prevented the production of a book [*or document or paper or writing*] affecting [*or relating to*] his property [*or affairs*], namely, a ledger (*or as the case may be*).



## CRIMINAL PRACTICE RULES.

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## PART I.

No. 330.—*Receiving Bankrupt's Property with intent to defraud.*

## Section 524.

(1.) Received from one M.N., a bankrupt, certain property, namely (*describe it*), with intent to defraud the creditors of the said M.N.

(2.) Failed to deliver to one E.F., the trustee of the property of one M.N., a bankrupt, certain property which then formed part of the estate of the said M.N., namely (*describe it*), with intent thereby to defraud the creditors of the said M.N.

No. 331.—*Making False Claim in Bankruptcy.*

## Section 525.

(1.) Being a creditor of one M.N., a bankrupt [or of one M.N. who had then lately taken proceedings for a composition or assignment or arrangement with or for the benefit of his creditors under the provisions of the laws relating to bankrupt or insolvent debtors], made in the course of the bankruptcy [or of the said proceedings] a proof [or declaration] of debt [or a statement of account] which was false in a material particular, namely, in that it was thereby stated that (*set out false statement*), whereas in truth (*state the truth*), as he, the said A.B., then well knew, with intent thereby then to defraud.

(2.) Not being a creditor (*etc., as in (1)*), made in the course of bankruptcy of the said M.N. [or of the said proceedings] a proof [or declaration of debt] against the said M.N., with intent thereby then to defraud.

No. 332.—*Concealing Property of Bankrupt.*

## Section 526.

Concealed part of the property of M.N., a bankrupt, and did not within forty-two days after the appointment of a trustee of the property of the said M.N. discover the same to said trustee or to the Registrar of the Supreme Court.

No. 333.—*Fraudulent Dealing with Property by Bankrupts.*

## Section 527.

(1.) Made a gift [or delivery or transfer] of [or a charge on] part of his property, namely (*describe it*), to [or in favour of] one M.N., with intent thereby to defraud his creditors [or one E.F., one of his creditors].

(2.) After [or within two months before] the date of an unsatisfied judgment [or order for the payment of money] obtained against him by one E.F. concealed [or removed] part of his property, namely (*describe it*), with intent thereby then to defraud his creditors [or the said E.F. (or one G.H., one of his creditors)].

No. 334.—*Undischarged Bankrupt obtaining Credit to extent of £20.*

## Section 528.

Being an undischarged bankrupt, obtained credit to the extent of £ from C.D. without informing the said C.D., that he, the said A.B., was an undischarged bankrupt.

## XVI—SECRET COMMISSIONS.

No. 335.—*Receipt or Solicitation of Secret Commission by an Agent.*

## Section 529.

(a.) Being an agent of K.S., corruptly received [or solicited] from L.M. for himself, the said A.B. [or for one J.D.], a certain valuable consideration, namely (*here state the nature of the consideration*), as an inducement

## PART I.

[or reward] for [or on account of] doing [or forbearing to do or having done or forborne to do] an act, namely (*here state the act*), in relation to the said K.S.'s affairs or business.

(b.) Being an agent of K.S., corruptly received [or solicited] from L.M. for himself, the said A.B. [or for one J.D.], a certain valuable consideration, namely (*here state the nature of the consideration*), the receipt [or any expectation] of which would tend to influence him, the said A.B., to show [or to forbear to show] favour [or disfavour] to the said L.M. [or to one B.P.] in relation to the affairs or business of the said K.S.

No. 336.—*Gift or offer of Secret Commission to an Agent.*

## Section 530.

(a.) Corruptly gave [or offered] to R.F., an agent of K.S., a certain valuable consideration, namely (*here state the nature of the consideration*), as an inducement [or reward] for [or on account of] doing [or forbearing to do or having done or forborne to do] an act, namely (*here state the act*) in relation to the affairs [or business] of the said K.S.

(b.) Corruptly gave [or offered] to R.F., an agent of K.S., a certain valuable consideration, namely (*here state the nature of the consideration*), the receipt [or any expectation] of which would tend to influence him, the said R.F., to show [or forbear to show] favour [or disfavour] to the said A.B. [or to one B.P.] in relation to the affairs [or business] of the said K.S.

No. 337.—*Giving to or Use by Agent of False or Misleading Receipt or Account.*

## Section 532.

(a.) With intent to deceive [or defraud] K.S., gave to R.F., an agent of the said K.S., a receipt [or invoice or account or document], namely (*here briefly describe the document*), in respect of which [or in relation to a dealing or transaction or matter in which] the said K.S. was interested, and which contained a statement which was false [or erroneous] in an important particular, namely, in representing that the price received by the said A.B. from the said R.F. for certain machinery bought from the said A.B. by the said R.F. as agent for the said K.S. was £578, whereas in fact such price was £525 (*or as the case may be*) [or which was likely to mislead the said K.S. by (*here set out the way in which it was likely to mislead the principal*)] [or which omitted to state explicitly and fully the fact of a commission] [or percentage or bonus or discount or rebate or repayment or gratuity or deduction] of (*here state the amount or nature of the commission, etc.*) having been made [or given or allowed or agreed to be made or given or allowed] to the said R.F. by the said A.B. (*or as the case may be*).

(b.) Being an agent of K.S., with intent to deceive [or defraud] the said K.S., received [or used or gave] to the said K.S. a receipt [or invoice or account or document], namely (*here briefly describe the document*) in respect of which [or in relation to a dealing or transaction or matter in which] the said K.S. was interested, and which contained a statement which was false [or erroneous] in an important particular, namely in (*here state in what particular the document was false or erroneous*) [or which was likely to mislead the said K.S. by (*here set out the way in which it was likely to mislead the principal*)] [or which omitted to state explicitly and fully the fact of a commission] [or percentage or bonus or discount or rebate or repayment or gratuity or deduction] of (*here set out the amount or nature of the commission, etc.*) having been made [or given or allowed or agreed to be made or given or allowed] by one L.M. to the said A.B. (*or as the case may be*).

## PART I.

No. 338.—*Gift or Receipt of Secret Commission in return for Advice given.*

## Section 533.

(a.) Without the assent of one K.S. received from one J.D. a certain valuable consideration (*here set out the nature of the consideration*) in respect of certain advice, namely (*here set out the nature of the advice*) given by the said A.B. to the said K.S., which advice was likely [*or intended*] to induce [*or influence*] the said K.S. to enter into a contract, namely (*here indicate briefly what contract*) with one J.D. [*or to appoint or join with one B.P. in appointing or to vote for or to aid in obtaining the election or appointment or to authorise or to join with one B.P. in authorising the appointment of one J.D. as a trustee of the estate of F.R.C., deceased (or as the case may be)*] the said A.B. not being to the knowledge of the said K.S. the agent of the said J.D.

(b.) Without the assent of one K.S., gave to one R.F. a certain valuable consideration, namely (*here set out nature of consideration*) in respect of certain advice, namely (*here set out the nature of the advice*) given by the said R.F. to the said K.S., which advice was likely [*or intended*] to induce [*or influence*] the said K.S. to enter into a contract, namely (*here indicate briefly what contract*) with the said A.B. [*or to appoint or join with one B.P. in appointing or to vote for or to aid in obtaining the election or appointment or to authorise or join with one B.P. in authorising the appointment of the said A.B. as a trustee of the estate of F.R.C., deceased (or as the case may be)*], the said R.F. not being to the knowledge of the said K.S. the agent of the said A.B.

No. 339.—*Offer or Solicitation of Secret Commission Return for Advice.*

## Section 534.

(a.) Solicited from one J.D. a certain valuable consideration, namely (*here set out the nature of the consideration*) in respect of certain advice, namely (*here set out the nature of the advice*) given [*or to be given*] by the said A.B. to one K.S. with a view to induce [*or influence*] the said K.S. to enter (*here follow 338 (a) down to "deceased"*) (*or as the case may be*), and with intent that the receipt of such valuable consideration should not be made known to the said K.S., the said A.B. not being the agent of the said J.D.

(b.) Offered to one R.F. a certain valuable consideration, namely (*here set out the nature of the consideration*) in respect of certain advice, namely (*here set out the nature of the advice*) given [*or to be given*] by the said R.F. to one K.S., with a view to induce [*or influence*] the said K.S. to enter (*here follow 338 (b) down to "deceased"*) (*or as the case may be*), and with intent that the gift of such valuable consideration should not be made known to the said K.S., the said R.F. not being the agent of the said A.B.

No. 340.—*Secret Commission to Trustee in return for Substituted Appointment.*

## Section 535.

(a.) Offered [*or gave*] to one D.D., a trustee of the estate of R.F.C., deceased, under the will of the said deceased (*or as the case may be*) a certain valuable consideration, namely (*here set out the nature of the consideration*) without the assent of the persons beneficially entitled to the said estate or of a Judge of the Supreme Court as an inducement [*or reward*] for the said D.D. appointing [*or having appointed or for joining or having joined with one B.P. in appointing, or for authorising or having authorised or for join-*

## PART I.

ing or having joined with one B.P. in authorising] one M.S. to be appointed a trustee of the said estate instead of him, the said D.D. [*or instead of the said D.D. and B.P.*].

(b.) Being a trustee of the estate of R.F.C., deceased, under the will of the said deceased (*or as the case may be*) received [*or solicited*] from one L.M. a certain valuable consideration (*copy 340 (a) down to "reward"*) for the said A.B. appointing (*copy 340 (a) down to "instead of him"*) the said A.B. [*or instead of the said A.B. and B.P.*]

No. 341.—*Aiding and Abetting Offences within or outside Western Australia.*

## Section 536.

Aided [*or abetted or counselled or procured or attempted or took part in or was privy to*] the doing on the part of one G.P. of an act [*or thing*] in contravention of Chapter LV. of the Criminal Code [*or which if done in Western Australia would be in contravention of Chapter LV. of the Criminal Code*], the particulars of which act [*or thing*] are as follows:—

*Particulars of the act [or thing].*

(*Here set out the act or thing alleged to have been done by G.P., in accordance as nearly as may be with the foregoing precedents, and state whether it was done within or outside of Western Australia, or partly within and partly outside of Western Australia.*)

## XVII.—OTHER OFFENCES.

No. 342.—*Concealment by Officers of Companies on Reduction of Capital.*

## Section 547.

Being a director [*or the manager (or as the case may be)*] of the X.Y. Company, Limited, the capital whereof it was then proposed to reduce under the provisions of the laws relating to the reduction of the capital of Joint Stock Companies,—

(a) concealed the name of one E.F., a creditor of the said company, who was entitled to object to the said proposed reduction;

or (b) knowingly misrepresented the nature [*or amount*] of the debt [*or claim*] of one E.F., a creditor [*or who claimed to be a creditor*] of the said company;

or (c) was privy to concealing the name (*etc., as in (a)*) [*or to an intentional misrepresentation of the nature (etc., as in (b))*].

No. 343.—*Falsification of Books of Companies.*

## Section 548.

Being a director [*or officer or contributory*] of the X.Y. Company, Limited, which was then in course of being wound up under the provisions of the law relating to Joint Stock Companies,—

(a) concealed [*or destroyed or altered or mutilated or falsified*] [an entry in] a book [*or document or valuable security or account*] relating to the affairs of the said company, namely, a ledger (*or as the case may be*) [*or was privy to concealing or destroying (or etc., as above)*];

or (b) made [*or was privy to making*] a false entry in a book (*or as the case may be*) belonging to the said company, namely, a ledger (*or as the case may be*); with intent thereby then to deceive [*or to defraud or to enable other persons to deceive (or defraud)*].

No. 344.—*Mixing Uncertified with Certified Articles.*

## Section 549.

Mixed with certain butter (*or as the case may be*), to which a mark had been attached [*or with respect to which a certificate had been given*] under the authority of the (*name the Statute by its short title, or by the*

## PART I.

year and number) for the purpose of denoting the quality thereof [or of denoting that the same had been examined (or approved) by (or under the authority of) an inspector appointed by the Government of Western Australia (or as the case may be) in that behalf], other butter (or etc.) which had not been so examined [or approved].

No. 345.—*Intimidation or Annoyance by Violence or otherwise.*

## Section 550.

(1.) Wrongfully and without legal authority used violence to C.D. [or threatened violence to C.D. or threatened violence to E.F., the wife (or child) of C.D., or injured the property of C.D.] with a view to compel C.D. to abstain from doing [or to do] an act which the said C.D. had a legal right to abstain from doing [or to do], that is to say, from [state particulars].

(2.) Wrongfully and without legal authority persistently followed C.D. from place to place (or as the case may be), with the view, etc.

## F.—PREPARATION TO COMMIT OFFENCES: CONSPIRACY: ACCESSORIES AFTER THE FACT.

## I.—ATTEMPTS AND PREPARATIONS TO COMMIT OFFENCES.

No. 346.—*Attempts to Commit Offences (General Form).*

## Section 552.

Attempted to steal (etc., as the case may be, stating the attempted offence as in the appropriate Form).

No. 347.—*Counselling or Procuring Commission of Offences.*

## Section 7.

(1.) Counselling one M.N. to unlawfully wound one E.F. (or as the case may be: state the offence counselled), which the said M.N. thereupon did.

(2.) Procured one M.N. to unlawfully wound one E.F. (or as the case may be).

No. 348.—*Attempts to Procure Commission of Criminal Acts.*

## Section 556.

With intent unlawfully to kill one E.F., attempted to procure one M.N. to cause poison to be taken by the said E.F. [or Attempted to procure one M.N. to cause poison to be taken by one E.F., with intent unlawfully to kill him (or as the case may be)].

No. 349.—*Making or Possession of Explosives under Suspicious Circumstances.*

## Section 557.

Made [or Knowingly had in his possession or under his control] an explosive substance, namely [describing it] under such circumstances as to give rise to a reasonable suspicion that he was not making it [or did not have it in his possession, or under his control] for a lawful object.

## II.—CONSPIRACY.

No. 350.—*Conspiracy to Commit Crime or Misdemeanour.*

## Sections 558, 559.

Conspired together [or with one M.N. or with divers persons to the said Attorney General (or J.J.K.) unknown] to cause poison to be taken by one E.F. with intent unlawfully to kill him (or as the case may be, describing the offence intended to be committed in the appropriate Form).

## PART I.

If the offence is intended to be committed out of Western Australia, insert in the appropriate place a statement of the place of the intended offence as thus: "at S, in the State of New South Wales," and add: which act, if it had been done in pursuance of the said conspiracy, would have been an offence under the laws in force in New South Wales (or as the case may be).

No. 351.—*Other Conspiracies.*

## Section 560.

Conspired together (or, etc., as in preceding Form).

(a) to prevent [or defeat] the execution [or enforcement] of the provisions of the (describe the Act by its short title, if any, or by the year and number) relating to the discovery of infectious diseases in human beings (or as the case may be);

or (b) to cause the health of one E.F. to be injuriously affected by exposing him to danger of disease [or to defame one E.F. or to depreciate the value of certain property of one E.F., namely (describe it), (or as the case may be);

or (c) to prevent [or obstruct] the free and lawful disposition by one E.F. of certain property belonging to him, namely (describe it), for its fair value;

or (d) to injure one E.F. in his profession of a solicitor [or surgeon (or as the case may be)];

or (e) to prevent [or obstruct] by (state the acts done (see Form No. 335)) the free and lawful exercise by the said E.F. [or of one G.H.] of his trade [or profession or occupation] of a carpenter (or as the case may be);

or (f) to procure the arrest of one E.F. as and for one M.N. on a charge of stealing then lately preferred against the said M.N. (or as the case may be);

or (g) to bring about an alteration in the by-laws of the Municipal Council of A. by systematically procuring breaches of the said by-laws in such numbers that the said Municipal Council could not effectively proceed against the offenders (or as the case may be).

## III.—ACCESSORIES AFTER THE FACT.

No. 352.—*Accessories after the Fact to Crime, etc.*

## Sections 10, 562, 563.

State the principal offence in the appropriate Form, and proceed thus:

And that E.F. on etc. at etc., knowing that the said C.D. had committed the said crime [or offence], received [or assisted] him in order to enable him to escape punishment.

## G.—OFFENCES PARTLY COMMITTED OUT OF WESTERN AUSTRALIA.

No. 353.—*When the Initial Element occurs in Western Australia.*

## Section 12.

State the offence in the appropriate Form, as in other cases, but allege the time and place of committing the offence as follows:

On and after the day of by a series of acts begun at A., in the State of Western Australia, and continued in the State of New South Wales (or as the case may be).

No. 354.—*When the Initial Element occurs out of Western Australia.*

## Ibid.

State the time and place of offence, as in preceding Form, and after statement of offence in the appropriate Form, add—

And that afterwards on, etc., the said A.B. came into Western Australia.

## PART I.

No. 355.—*Offences procured or counselled by Persons out of Western Australia.*

## Section 13.

(1.) On *etc.*, at *etc.*, in the State of New South Wales (or as the case may be) fraudulently procured one M.N. to utter at B. in the State of Western Australia a false document purporting to be, *etc.*, which he the said A.B. then knew to be false: And that afterwards, on *etc.*, the said A.B. came into Western Australia.

(2.) On *etc.*, at *etc.*, in the State of New South Wales (or as the case may be) procured one M.N. to steal a horse, the property of one E.F. at S., in Western Australia [or counselled one M.N. to (*etc. as above*) which the said M.N. thereupon did]: And that afterwards, on *etc.*, the said A.B. came into Western Australia.

No. 356.—*Offences procured in Western Australia to be committed out of Western Australia.*

## Section 14.

With intent unlawfully to kill one E.F., procured one M.N. to cause poison to be taken by the said E.F., at S., in the State of New South Wales (or as the case may be) [or Procured one M.N. to cause poison to be taken by one E.F. at S. in the State of New South Wales (or as the case may be), with intent unlawfully to kill him (or as the case may be)], which act, if it had been done by the said A.B. himself would have been [or which act so done by the said M.N. was] an offence under the laws in force in New South Wales (or *etc.*):

And the said Attorney General [or J.J.K.] further informs the Court that this prosecution is instituted against the said A.B. at the request of the Government of New South Wales (or *etc.*)

No. 357.—*Attempts to procure Commission of Criminal Acts out of Western Australia.*

## Section 556.

See Form No. 348, which use, inserting in the appropriate place the words at S. in the State of New South Wales (or as the case may be), and adding at the end the following words, which act, if it had been done by the said A.B. [or M.N.] would have been an offence under the law in force in New South Wales (or *etc.*).

Also add the following statement: And the said Attorney General [or J.J.K.] further informs the Court that this prosecution is instituted against the said A.B. at the request of the Government of New South Wales (or *etc.*).

H.—OFFENCES AGAINST SOME IMPERIAL LAWS.  
I.—OFFENCES AGAINST FOREIGN ENLISTMENT.  
ACT.

33 & 34 Vict., c. 90.

## Section 4.

No. 358.—*Enlistment in Service of Foreign State at War with Friendly State.*

(a.) Being a British subject, accepted without the license of our said Lord the King [or agreed without the license of our said Lord the King to accept] a commission [or engagement] in the military [or naval] service of a foreign State, namely (*name the State*) which was then at war with a foreign State at peace with our said Lord the King, namely (*name the State*).

(b.) Induced one M.N. to [agree to] accept a commission [or engagement] in the military [or naval] service of (*etc. as in (a)*).

## PART I.

No. 359.—*Leaving British Dominions to serve Foreign State.*

## Section 5.

(a.) Being a British subject, quitted the dominions of our said Lord the King without the license of our said Lord the King [or went, without the license of our said Lord the King, on board a ship with a view of quitting the dominions of our said Lord the King] with intent to accept a commission [or engagement] (*etc., as in preceding Form*).

(b.) Without the license of our said Lord the King induced one M.N. to quit [or to go on board a ship with the view of quitting] the dominions of our said Lord the King, with intent (*etc., as in (a)*).

No. 360.—*Embarking Persons under False Representations as to Service.*

## Section 6.

Induced one M.N. to quit the dominions of our said Lord the King [or to embark on a ship at *etc.* within the dominions of our said Lord the King], under a misrepresentation [or false representation] of the service in which the said M.N. was to be engaged, and with the intent [or in order] that the said M.N. might accept [or agree to accept] a commission [or engagement] (*etc., as in Form No. 348*).

No. 361.—*Embarking Illegally Enlisted Persons.*

## Section 7.

Being the master [or owner] of the ship "Thetis," did, without the license of our said Lord the King, knowingly [engage to] take [or knowingly have] on board the said ship one M.N., who, being a British subject, had then lately without the license of our said Lord the King, accepted [or agreed to accept] a commission [or engagement] (*etc., as in preceding Forms*) [or who being a British subject was then about to quit His Majesty's dominions without the license of our said Lord the King with intent to accept a commission [or engagement (*etc., as above*)] [or who had been induced to embark on board the said ship under a misrepresentation [or false representation] of the service in which he was to be engaged, and with the intent (*etc., as in preceding Form*)].

No. 362.—*Illegal Shipbuilding and Equipment.*

## Section 8.

(a.) Without the license of our said Lord the King built [or agreed to build or issued (or delivered) a commission for or equipped or despatched] a ship [or caused a ship to be built or caused (or allowed) a ship to be despatched], with intent that the same should or with knowledge (or having reasonable cause to believe) that the same would] be employed in the military [or naval] service of a foreign State, namely (*name the State*) which was then at war with a foreign State at peace with our said Lord the King, namely (*name the State*).

No. 363.—*Aiding Warlike Equipment of Foreign Ships.*

## Section 10.

Before mentioning the accused person state as follows:—On *etc.* a certain ship, namely the "Alabama," being then in the military [or naval] service of a foreign State (*etc., as in the last preceding Form*) was as B., within the dominions of our said Lord the King; and proceed:—

And that at *etc.* on *etc.* aforesaid A.B. [and C.D.] without the license of our said Lord the King, increased [or augmented or was (or were) knowingly concerned in increasing [or augmenting]] the warlike force of the said ship [or procured the warlike force of the said

## PART I.

ship to be increased (or augmented)] by adding to the number of guns on board [or by changing the guns on board for other guns or by the addition of equipment for war, namely, gunpowder (or as the case may be).

No. 364.—*Fitting out Naval or Military Expedition without License.*

## Section 11.

Without the license of our said Lord the King prepared [or fitted out] a naval [or military] expedition to proceed against the dominions of a foreign State which was then at peace with our said Lord the King, namely (name the State).

## II.—PIRACY.

No. 365.—*Piracy by the Law of Nations.*

## Common Law.

*Describe the place as on the high seas:—*

Piratically assaulted one E.F. and others, mariners, then being on the ship "Thetis," and put them in fear [or Violently and piratically assaulted one E.F. and others, mariners, then being on the ship "Thetis," and then took the said ship [or certain goods then on board of the said ship or part of the tackle (or apparel or furniture) of the said ship] from the possession of the said mariners, and carried the same away against the will of the said mariners.

No. 366.—*Piracy with attempted Murder.*

7 Wm. 4 & 1 Vict., c. 88.

## Section 2.

(a.) *State the piracy as in preceding Form, describing the ship as a British ship, and proceed as follows:—* And that the said A.B. at the time of [or immediately before (or after)] committing the said offence assaulted the said E.F. [or one G.H.], who was then on board of [or then belonged to] the said ship, with intent to murder him [or stabbed (or cut or wounded) the said E.F. (or one G.H.), who was then on board of (or then belonged to) the said ship or unlawfully (state the unlawful act done), whereby the life of the said E.F. (or one G.H.), who was then on board of (or then belonged to) the said ship, was endangered].

(b.) Assaulted one E.F., who was then on board of [or then belonged to] the British ship "Thetis," with intent to murder him [or Stabbed (or Cut or Wounded) one E.F., who was then on board of (or then belonged to) the British ship "Thetis," or Unlawfully (state the unlawful act), whereby the life of one E.F., who was then on board of (or then belonged to) the British ship "Thetis," was endangered]: And that the said A.B. committed the unlawful act aforesaid with intent to commit piracy by piratically assaulting (etc., state the offence intended to be committed, as in preceding Form, using the participle for the indicative).

## III.—OFFENCES AGAINST "PACIFIC ISLANDERS' PROTECTION ACT, 1872."

35 & 36 Vict., c. 19.

No. 367.—*Kidnapping.*

## Section 9.

(a.) Being a British subject, decoyed one E.F., a native of an island in the Pacific Ocean, not in the dominions of our said Lord the King, nor within the jurisdiction of any civilised power, for the purpose of importing [or removing] the said E.F. to an island [or a place] other than that where the said E.F. then was [or Being a British subject, carried away (or confined or detained) one E.F., a native (etc., as above) for the purpose (etc., as above) without his consent.

## PART I.

(b.) Being a British subject, shipped [or embarked or received or detained or confined or assisted in shipping (or embarking or receiving or detaining or confining)] one E.F., a native of (etc., as in (a)), on board the ship "Carl," for the purpose (etc., as in (a)) without the consent of the said E.F.

(c.) Being a British subject, contracted with one M.N. for the shipping [or embarking or receiving or detaining or confining] of one E.F., a native (etc., as in (a)), on board the ship "Carl," for the purpose (etc., as in (a)) without the consent of the said M.N.

(d.) Being a British subject, fitted out [or manned or navigated or equipped or used or employed or let (or took) on freight (or hire) or commanded or served (or was) on board of] the ship "Carl," with intent to [or with intent that persons on board the said ship, being British subjects, should] decoy natives of islands in the Pacific Ocean not in the dominions of our said Lord the King nor within the jurisdiction of any civilised power, for the purpose of importing [or removing] such natives to an island [or a place] other than that in which they then were [or carry away (or confine or detain) natives of (etc., as in (a)) for the purpose of (etc., as above) without their consent] [or ship (or embark or receive or detain or confine or assist in shipping (or embarking or receiving or detaining)) natives (etc. as above) on board a ship for the purpose (etc. as above) without their consent] [or contract for the shipping (or embarking or receiving or detaining or confining) of natives (etc. as above) on board a ship for the purpose (etc. as above) without their consent].

(e.) Being a British subject, shipped [or laded or received or put or contracted for the shipping (or lading or receiving or putting) on board of the ship "Carl" certain money [or goods or articles], namely (describe the thing generally), with the intent that it [or they] should be employed [or knowing that it (or they) would be employed] by British subjects in decoying natives (etc. as in (d)) (or in carrying away (or etc.) natives (etc. as in (d)), or in shipping (or etc.) natives (etc. as in (d)) or in contracting (etc. as in (d)) or in fitting out (or etc.) a ship with intent (etc. as in (d))].

## SECTION III.—PROCESS TO COMPEL APPEARANCE.

No. 1.—*Bench Warrant.*

In the Supreme Court of Western Australia

(or as the case may be)

The King [on the prosecution of Z.Y.]

against

A.B.

To the Sheriff of Western Australia and to all Police Officers in the State of Western Australia:

Whereas an indictment [or information] has been presented in this Court against the above-named A.B., and the said A.B. has not been committed for trial or held to bail to attend [or does not appear] to be tried upon the charge set forth in the said indictment [or information]: These are therefore to command you forthwith to arrest the said A.B., and to bring him before some justice for the said State, to be dealt with according to law.

Given under my hand at etc. this day of , 19 .  
P.A.C., J.

No. 2.—*Warrant of Commitment on Arrest on Bench Warrant.*

To all Police Officers in the State of Western Australia and to the keeper of the gaol at , in the said State:

Whereas by warrant under [my] hand dated the day of , 19 , [I] commanded the principal police officer at , in the State of Western Aus-

## PART I.

tralia, and all other police officers of the said State, in His Majesty's name, forthwith to apprehend the said and to bring [him] before some Justice or Justices for the said State [or etc.]: And whereas the said having been apprehended and brought before [me], it is proved to [me] upon oath that the said is the same person who is charged in the said information: These are therefore to command you, in His Majesty's name, forthwith to convey the said to the gaol at , in the said State, and deliver [him] to the keeper thereof, together with this warrant, and [I] command you, the said keeper, to receive the said into your custody in the said gaol and to keep [him] there until [he] shall be thence delivered by due course of law.

Given under [my] hand at , in the said State, this day of , 19 .

J.P.

## No. 3.—Bail.

(See Part III., Form No. 6.)

## SECTION IV.—FORMS OF PROCEEDINGS AT TRIAL.

## No. 1.—Form of Arraignment.

The Clerk of Arraignment is required to address the accused person as follows:—

A.B. [and C.D.]: You stand charged by that name [or those names] that you on etc. at etc. (the Clerk of Arraignment is to state the charge in the indictment to the accused person, using the second person plural instead of the third person, and repeating the names of each accused person as to anything alleged of him to the exclusion of the other persons accused):

How say you, A.B., are you guilty or not guilty?

[How say you, C.D., are you guilty or not guilty?]

Note.—If the charges of committing an offence after a previous conviction or convictions, the accused person is to be arraigned in the first instance upon so much only of the indictment as charges the subsequent offence (see Code, Section 627).

## No. 2.—Statement to Prisoner of his Right of Challenge on Plea of Not Guilty.

If the accused person says that he is not guilty, the Clerk of Arraignment is required to address him as follows:—

A.B. [and C.D.]: These good men whom you will now hear called are the jurors who are to decide between Our Lord the King and you upon your trial [or (in a capital case) upon your life or death]: If, therefore, you wish to challenge them or any of them you must do so as they come to be sworn, and before they are sworn, and you shall be heard.

## No. 3.—Direction to Jurors to take the Box.

(By the Clerk of Arraignment.)

Gentlemen of the jury, answer to your names and take the box as you are called.

## No. 4.—Form of giving the accused Person in charge to the Jury.

After the names of the jury who have been sworn and called and they have answered, the Clerk of Arraignment is required to address them as follows:—

Gentlemen, A.B. [and C.D.] stands [or stand] charged by that name [or those names] that on etc. at etc. he [or they] (state the offence charged in the words of the indictment): To this charge he says [or they say] that he is [or they are] not guilty: You are the jurors ap-

## PART I.

pointed according to law to say whether he is [or they are] guilty or not guilty of the charge: It is your duty, therefore, to hearken to the evidence, and to say whether he is [or they are] guilty or not guilty: Gentlemen, choose your foreman.

## No. 5.—Form of Addressing Convicted Person before Sentence.

If the plea or verdict is "guilty," the Clerk of Arraignment is required to address the convicted person as follows:—

A.B., you have been convicted (in the case of a plea of guilty say on your own confession) of murder [or stealing or piracy or forgery (or as the case may be, describing the offence by the name by which it is commonly known, or otherwise so as to sufficiently designate it): Have you anything to say why judgment (in a capital case say of death) should not be pronounced upon you according to law?

## SECTION V.—FORMS OF ENTRIES OF PLEAS, ETC.

## No. 1.—Demurrer to Indictment.

And the said A.B. says that the said indictment [or information] is bad in substance on the ground that (state a ground of demurrer), and on other grounds sufficient in law to sustain this demurrer.

## No. 2.—Plea of Guilty.

And the said A.B. says that he is guilty of the said offence.

## No. 3.—Plea of Not Guilty.

And the said A.B. says that he is not guilty of the said alleged offence.

## No. 4.—Plea of Autrefois Acquit.

And the said A.B. says that he has already, namely, on etc., at the Circuit Court at Coolgardie (or as the case may be), been lawfully acquitted of the said offence [or of (state the offence of which he has already been acquitted, so as to show that the acquittal is a bar to a prosecution on the present charge)].

## No. 5.—Plea of Autrefois Convict.

And the said A.B. says that he has already, namely, on etc., at the Circuit Court at Coolgardie (or as the case may be) been convicted of the said offence [or of (etc. as in preceding Form)].

## No. 6.—Plea of Pardon.

And the said A.B. says that on etc. our Lord the King [or the Governor of Western Australia, on behalf of our Lord the King] granted him a free pardon for the said offence.

## No. 7.—Plea of Truth and Public Benefit on Charge of Defamation.

And the said A.B. [further] says that the said alleged defamatory matter is true in substance and in fact, and that it was for the public benefit that the publication thereof now complained of should be made.

## No. 8.—Challenge to Array.

The said A.B. challenges the array of the jury panel, and says (state cause of challenge): And wherefore he says that the said panel may be quashed.

## No. 9.—Challenge of Juror.

The said Attorney General [or J.J.K. or A.B.] challenges O.P., a juror called to try the said charge, and says that he is not fair and indifferent between Our

## PART I.

Lord the King and the said A.B. [and C.D.] [or has no qualification (or is disqualified) to act as a juror] (or as the case may be).

No. 10.—*Demurrer to Challenge.*

And the said Attorney General [or J.J.K. or A.B.] says that the said challenge is bad in substance [wherefore he prays that the panel may be affirmed].

No. 11.—*Plea to Challenge.*

And the said Attorney General [or J.J.K. or A.B.] denies the truth of the matters alleged as cause of challenge [or says that (set out matters relied on in answer to the challenge)].

No. 12.—*Award of Jury for Trial of Charge.*

Therefore let a jury immediately come to say upon their oaths whether the said A.B. [and C.D.] is [or are] guilty or not guilty of the offence so charged against him [or them].

No. 13.—*Award of Jury to say whether an Accused Person is insane.*

Code Section 610.

And thereupon it is suggested to the Court that the said A.B. is incapable of understanding the proceedings at the trial of the said indictment [or information] so as to be able to make a proper defence: Therefore let a jury immediately come to say upon their oaths whether the said A.B. is so incapable or not.

No. 14.—*Entry of Nolle Prosequi.*

And the said Attorney General [or J.J.K.] says that he will not further proceed against the said A.B. upon the said indictment [or information].

## SECTION VI.—FORMS OF ENTRIES OF VERDICT, JUDGMENT, ETC.

No. 1.—*Entry of Verdict.*

And a jury being called came, and upon their oath say that the said A.B. is guilty [of the said offence so charged against him [or is guilty of (state the lesser offence, if any, of which the accused is convicted)] or is not guilty of the offence so charged against him] [or is not guilty of the offence so charged against him, because they say that he was of unsound mind at the time when he did the acts (or made the omission) alleged to constitute the said alleged offence] [or has been already acquitted (or convicted) of the said offence] [or of an offence of which he might be convicted upon the said indictment (or information)] [or is not of sound mind].

No. 2.—*Judgment or Verdict of Not Guilty or Autrefois Acquit or Autrefois Convict or on Demurrer allowed.*

Therefore it is adjudged that the said A.B. do go free from the said charge.

No. 3.—*Order on Verdict of Not Guilty on Account of Insanity.*

Therefore it is ordered that the said A.B. be kept in strict custody in His Majesty's prison at Fremantle (or as the case may be) until His Majesty's pleasure shall be known concerning him.

No. 4.—*Judgment on Plea or Verdict of Guilty.*

And thereupon the said A.B., being asked if he has anything to say why judgment should not be passed upon him, says nothing unless as he had before said: There-

## PART II.

fore it is adjudged that the said A.B. shall for his said offence be hanged by the neck until he be dead [or be imprisoned (and kept to hard labour) in His Majesty's prison at Fremantle for the space of twelve calendar months or do pay to His Majesty a fine of £100 (or as the case may be)].

No. 5.—*Judgment when Demurrer Overruled.*

And upon argument and consideration of the matter the Court is of opinion and doth adjudge that the said indictment [or information] is good in substance: Whereupon the said A.B. says that (etc., as in the Forms in preceding Section).

No. 6.—*Judgment on Motion in Arrest of Judgment.*

After entry of verdict proceed as follows:—And thereupon the said A.B., being asked if he has anything to say why judgment should not be pronounced upon him, moved [or motion was made on his behalf] that judgment might be arrested: And thereupon it is adjudged by the Court that judgment upon the said confession [or verdict] be arrested, and that the said A.B. do go free from the said charge [or that the judgment of the Court shall be pronounced upon the said confession (or verdict): Therefore it is adjudged (etc., as in Form No. 4)].

No. 7.—*Order on Finding that the Accused Person is Insane.*

Code, Section 643.

Therefore it is ordered that the said A.B. be kept in strict custody in His Majesty's prison at Fremantle (or as the case may be) until he can be dealt with under the laws relating to insane persons.

No. 8.—*Entry of Stay on Nolle Prosequi.*

Therefore it is ordered that all further proceedings against the said A.B. upon the said indictment [or information] be stayed.

No. 9.—*Certificate of Clerk of Arraigns after Trial.*

(Title.)

I certify that an indictment charging the abovenamed A.B. with the crime of (or as the case may be) was tried before the Honourable Mr. Justice at with a common jury on the day of 19 .

The jury found (state findings).  
The judge directed judgment to be entered as follows (state direction).

J.M.,  
Clerk of Arraigns.

Dated the day of , 191 .

## PART II.—SPECIAL FORMS INCIDENT TO INFORMATIONS BY PRIVATE PERSONS.

No. 1.—*Notice to Judicial Officer of Application for Leave to Present Information.*

To A.B. [and C.D.], Esquire[s], a Justice [or Justices] of the Peace (or as the case may be).....

Take notice that the Supreme Court of Western Australia will be moved at the Supreme Court, Perth, on etc., or as soon thereafter as counsel can be heard, on behalf of Z.Y. of etc., for an order calling upon you to show cause why an information should not be presented against you for that you [or some or one of you] (state offence intended to be charged as in an indictment).

Dated etc. Z.Y.

## PART II.

No. 2.—*Bond to Prosecute Information.*

Know all men by these presents that we, Z.Y., of *etc.* (the prosecutor), G.H., of *etc.*, and I.J., of *etc.*, hereby acknowledge ourselves to owe to A.B. of *etc.* (the defendant) the several sums following, that is to say, the said Z.Y. the sum of £ , and the said G.H. and I.J. the sum of £ each, for which payment we bind ourselves and each of us, our executors and administrators; upon condition that if the said Z.Y. shall prosecute without delay an information to be presented by him to the said Court against the said A.B., by leave of the said Court granted on *etc.*, for certain offences, and shall pay to the said A.B. such costs incurred by him in respect of his defence to the said charge as the Court may order the said Z.Y. to pay, this obligation shall be void, but otherwise shall remain in full force.

Signed, sealed, and delivered by the said Z.Y., G.H., and I.J., this day of , 19 , in the presence of

Q.R.

No. 3.—*Another Form of Security.*

In the Supreme Court of Western Australia.

In the matter of an information to be presented by leave of the Court by Z.Y. against A.B. pursuant to order dated *etc.*, We, Z.Y. of *etc.*, G.H. of *etc.*, and I.J. of *etc.*, hereby submit ourselves to the jurisdiction of this Honourable Court, and consent that if the above-named Z.Y. fail to prosecute without delay an information to be presented by him to the said Court against A.B. of *etc.*, by leave of the said Court granted on *etc.*, for certain offences, or to pay to the said A.B. such costs incurred by him in respect of his defence to the said charge as the Court may order him, the said Z.Y., to pay, judgment may be signed and execution may be issued against us, our executors and administrators, lands and tenements, goods and chattels, for a sum not exceeding £ .

Signed by the said Z.Y., G.H., and I.J. the day of 19 .

Before me,

Registrar [or Commissioner for Affidavits.]

No. 4.—*Summons to Appear to Information (to be indorsed on Office Copy for Service).*

George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India:

To the within-named A.B.

We command you that within days after the service of this summons upon you, inclusive of the day of such service, you do cause an appearance to the within information to be entered for you in Our Supreme Court of Western Australia, at Perth, and that within the same time you plead to the said information: And take notice that in default of your so doing a plea of not guilty may be filed in your name [in case of a misdemeanour add or judgment of conviction may, by leave of the Court or a Judge, be entered against you for want of a plea].

Witness: Chief Justice of Western Australia, at Perth, the day of , in the year of Our Lord one thousand nine hundred and

B.S., Registrar.

N.B.—Appearance may be entered either personally or by solicitor at the Registry of the Supreme Court at Perth.

## PART II.

No. 5.—*Notice of Prosecutor's Address to be Indorsed on Information by Private Persons.*

This information is presented by Z.Y. of (state address and description), whose address for service is at the same place [or at *etc.*], where any proceedings in this case may be left for him.

No. 6.—*Affidavit of Service of Information.*

In the Supreme Court of Western Australia.

The King on the prosecution of  
Z.Y.  
against  
A.B.

I, O.P., of *etc.*, make oath and say as follows:—

1. I did on *etc.*, at *etc.*, serve the above-named A.B. with an office copy of the information presented against him in this cause on the day of , upon which copy was indorsed a summons under the hand of the Registrar and the seal of this Honourable Court, requiring him to appear and plead to the said information within days after service, and also a statement of the prosecutor's address for service.

2. A copy of the said summons and of the indorsements thereon is hereunto annexed and marked with the letter A.

No. 7.—*Record for Trial.*

In the Supreme Court of Western Australia.

The King on the prosecution of  
Z.Y.  
against  
A.B.

(Copy information and plea verbatim.)

No. 8.—*Notice of Trial.*

Code, Section 692.

In the Supreme Court of Western Australia.

The King on the prosecution of  
Z.Y.  
against  
A.B.

Take notice that the Honourable Mr. Justice C. has appointed that the trial of this information shall be held at the Supreme Court, Perth (or as the case may be), on *etc.*

Dated *etc.*

Z.Y. [or A.B.] or W.X., solicitor for Z.Y. (or A.B.).  
To A.B. [or Z.Y.].

No. 9.—*Notice to Attend for Sentence.*

Section 694.

(Title, *etc.*, as in preceding Form.)

Take notice that judgment of conviction of the offence charged against you in this cause has been entered against you by default for want of a plea, and that the Honourable Mr. Justice C. has appointed that you shall attend to receive the judgment of the Court at the Supreme Court House in Perth (or as the case may be) on *etc.*: You are, therefore, required to attend at the time and place accordingly.

Dated *etc.*

Z.Y. [or W.X., Solicitor for Z.Y.]

To A.B.

No. 10.—*Warrant to Arrest Accused Person who does not attend to receive Sentence on Judgment by Default.*

*Ibid.*

(Title, *etc.*, as in Form No. 8.)

To all police officers in the State of Western Australia.

Whereas judgment of conviction of the offence charged against the above-mentioned A.B. in this cause was on *etc.* entered against him by default for want of a plea:



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And whereas the said A.B., having been duly required in that behalf, failed to attend on *etc.* to receive the judgment of this Honourable Court upon his said conviction for the said offence: These are, therefore, to command you to arrest the said C.D., and bring him before the Court for sentence at a time and place to be appointed by the said Court in that behalf, and in the meantime to keep him in safe custody.

Given under my hand *etc.*

ST., J.P.

No. 11.—*Affidavit of Service of Order and Registrar's Allocatur and Demand and Non-payment of Money to obtain Delivery of Bond or Judgment on Security.*

In the Supreme Court of Western Australia.

The King on the prosecution of

Z.Y.

against

A.B.

I, O.P., of *etc.*, make oath and say as follows:—

1. I did, on the            day of            , personally serve Z.Y., of *etc.*, with the judgment [*or order*] made in this cause on the            day of            , a copy whereof and of the memorandum of taxation thereon is hereunto annexed and marked A, by delivering a true copy of the said judgment [*or order*] to the said Z.Y., at            , and at the same time showing to the said Z.Y. a duplicate of the said judgment [*or order*]. And I did, at the same time, demand of the said Z.Y. the sum of £            , the amount payable to A.B. under the said judgment [*or order*]; but the said Z.Y. did not then pay the same, or any part thereof, to this deponent; nor has he, the said Z.Y., at any time since paid the same, or any part thereof, to the said A.B. or to anyone on his behalf, as I have been informed by the said A.B. and verily believe.

2. I did also, on the            day of            , personally serve G.H., one of the sureties of the said Z.Y. in this cause, with the said judgment [*or order*], by delivering (*etc. as in paragraph (1)*).

3. I did on the            day of            , personally serve I.J., the other surety of the said Z.Y., with the said judgment [*or order*] and allocatur, by delivering (*etc. as in paragraph (1)*).

4. The said sum of £            still remains unpaid.

PART III.—FORMS RELATING TO BAIL AND RECOGNISANCES.

No. 1.—*Summons to admit to Bail on a Criminal Charge or pending an Appeal.*

In the Supreme Court of Western Australia.

(*If an indictment or information has been presented in the Court, insert title of cause; otherwise insert no title.*)

Let all parties concerned attend *etc.*, on the hearing of an application on behalf of A.B. that he may be admitted to bail upon a charge of manslaughter (*or as the case may be*) upon which he was lately committed to take his trial [*or for sentence*] [with sureties in a lesser sum than that directed by the committing justices] [*or upon a charge of*            in respect of which an indictment was lately presented against him in the Supreme Court (*or as the case may be*)] [*or pending an appeal on his part against a conviction in the Supreme Court (*or in the Court of General or Quarter Sessions at Cue*), on the 15th day of February, 1915, on a charge of stealing*].

## PART III.

No. 2.—*Order to admit Prisoner to Bail.*

In the Supreme Court of Western Australia.

(*Title as in Summons.*)

Upon reading *etc.*, and upon hearing *etc.*

I do [*or This Court doth*] order that, upon A.B. giving security by his own recognisance in the sum of £            , with [two] sufficient sureties in the sum of £            each, before one of His Majesty's justices of the peace for the State of Western Australia [*or before a Judge in Chambers (*or as the case may be*)*], that he, the said A.B., will personally appear at the next Circuit Court at M. [*or at the next sittings of the Supreme Court in its Criminal Jurisdiction at Perth (*or the next sittings of the Court of General Sessions of the Peace holden at T.*)*], and will surrender himself into the custody of the superintendent of the prison there, and answer all such charges as on His Majesty's behalf shall be made against him, and take his trial upon the same, and not depart the Court without leave (*or as the case may require, e.g., form 6 infra*) [*or that the said A.B. will personally appear and surrender himself at and before the Court of Criminal Appeal at each and every hearing of his appeal to such Court against his conviction on the 15th day of March, 1915, in the Supreme Court, on a charge of stealing (*or as the case may be*)*], and at the final determination of the said appeal, and abide by the judgment of the said Court of Criminal Appeal, and do not depart or be absent from the said Court at such hearing without the leave of the said Court, and in the meantime do not depart out of the State of Western Australia], he the said A.B. be discharged out of the custody of the superintendent of His Majesty's prison at Fremantle in the said State, as to his commitment for [*or sentence on conviction for*] (*shortly state the offence as in commitment or conviction*). And I do [*or this Court doth*] further order and declare that this order may be revoked at any time by this Court or any Judge thereof and that this order is subject to the provisions of the Criminal Practice Rules, 1914.

Note.—*Twenty-four hours' notice of the names and descriptions of the proposed sureties, and of the time and place at which it is proposed that the recognisances shall be taken, must be given to the Crown Prosecutor and to the police unless the Court or a Judge otherwise orders.*

No. 3.—*Notice of Bail upon Order of Judge without Habeas Corpus.*

Whereas the Honourable Mr. Justice C. has made an order, bearing date *etc.*, that (*recite the order*):

Now take notice that in pursuance of the said order the said A.B. and [two] sufficient sureties will enter into such recognisance as aforesaid before (*as in the order*) at            on            day the            day of            at the hour of            in the            noon, and that the names and descriptions of such securities are (*state them*).

Dated *etc.*

W.X., solicitor for the said A.B.

To. C.P., Esq., Crown Prosecutor, and to the principal officer of police at Fremantle.

No. 4.—*Writ of Habeas Corpus to bring up Prisoner to be Bailed.*

*See post, Part VI., No. 4.*

No. 5.—*Notice of Bail upon Habeas Corpus.*

Whereas the Honourable Mr. Justice C. has granted a writ of *habeas corpus*, directed to the superintendent of His Majesty's prison at Fremantle, commanding him

## PART III.

to have the body of A.B. before the Supreme Court of Western Australia (*or as the case may be, etc., recite writ*):

Now take notice that, by virtue of the said writ, the said A.B. will be brought before the said Court (*or as the case may be*) at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, in order that he, the said A.B., may be admitted to bail personally to appear (*as in the order*): And further take notice that the names and descriptions of the several persons who will offer themselves as bail for the said A.B. are (*state them*).

Dated *etc.*

X.Y., solicitor for the said A.B.  
To C.P., Esq., Crown Prosecutor, and to the principal officer of police at Fremantle.

No. 6.—*Recognisance to Answer Indictment or Information.*

Be it remembered that on *etc.* A.B., of *etc.*, G.H., of *etc.*, and I.J., of *etc.*, personally came before me, the undersigned, one of His Majesty's justices of the peace for the State of Western Australia (*or as the case may be*), and severally acknowledged themselves to owe to our Lord the King the several sums following, that is to say, the said A.B. the sum of £ \_\_\_\_\_, and the said G.H. and the said I.J. the sum of £ \_\_\_\_\_ each, sterling money, to be made and levied of their goods and chattels, lands and tenements, respectively, to the use of our said Lord the King, his heirs and successors; upon condition that if the said A.B. shall personally appear in the Supreme Court of Western Australia, at the Supreme Court House, Perth (*or as the case may be*), at the next sitting of the said Court, and answer an indictment [*or information*] lately presented in the said Court against him for certain crimes [*or misdemeanours*], according to the course of the said Court, and shall personally attend from day to day on the trial of the said indictment [*or information*], and not depart until he shall be discharged by the Court before which such trial shall be held, then this recognisance shall be void, but otherwise shall remain in full force.

Taken *etc.*

No. 7.—*Recognisance to appear at Trial.*

Be it remembered *etc. as in Form No. 6 to "Successors"*: *then proceed*: upon condition that if the said A.B. shall personally appear at the Circuit Court at M. on the \_\_\_\_\_ day of \_\_\_\_\_ next (*or as the case may be*), and surrender himself into the custody of the superintendent of the prison there, and answer all such charges as on His Majesty's behalf shall then and there be made against him, and take his trial upon the same, and not depart that Court without leave, then this recognisance shall be void, but otherwise shall remain in full force.

Taken *etc.*

No. 8.—*Recognisance to appear for Sentence.*

Be it remembered that on *etc.* A.B. (*insert names and descriptions of the defendant and bail, if bail required*) personally came into the Supreme Court of Western Australia at Perth (*or as the case may be*) [*or before me, one of His Majesty's justices of the peace for the State of Western Australia*], and acknowledged to owe to our Lord the King the several sums following, that is to say, the said A.B., the sum of £ \_\_\_\_\_, and the said \_\_\_\_\_ and \_\_\_\_\_ the sum of £ \_\_\_\_\_ each, sterling money, to be levied of their goods and chattels, land, and tenements, respectively, to the use of our said Lord the King, His heirs and successors; upon condition that if he, the said A.B., shall personally appear in the said Supreme Court of Western Australia at Perth (*or as the case may be*) on the \_\_\_\_\_ day of \_\_\_\_\_ next [*or whenever he shall be thereunto required*], in order to receive the sen-

## PART III.

tence of the said Court for certain crimes [*or misdemeanours*] whereof by a jury [*or by his own confession*] he was this day [*or on the day of*] \_\_\_\_\_ convicted, and so from day to day, and not depart from that court without leave, then this recognisance shall be void, but otherwise shall remain in full force.

Taken *etc.*

No. 9.—*Recognisance of First Offender.*

Be it remembered *etc. as in Form No. 8 to "Successors"*: *then proceed*: upon condition that if the said A.B. shall personally appear in the Supreme Court of Western Australia at Perth (*or as the case may be*) whenever he shall be thereunto required within the next ensuing period of twelve months (*or as the case may be*) and in the meantime shall keep the peace towards His Majesty the King and his people and be of good behaviour for the period of twelve months (*or such longer time as may have been ordered*), and shall not during that period do or omit to do any act whereby this recognisance would become liable to be forfeited under the provisions of the Criminal Code relating to the discharge upon recognisance of First Offenders, then this recognisance shall be void, but otherwise shall remain in full force.

Taken *etc.*

No. 10.—*Notice to Defendant on Recognisance to appear for Sentence.*

In the Supreme Court of Western Australia.  
(*or as the case may be.*)

The King against A.B.

Take notice, that this Honourable Court will be moved on \_\_\_\_\_ day the \_\_\_\_\_ day of \_\_\_\_\_, or so soon thereafter as counsel can be heard, for the judgment of the said Court against the above-named A.B. for certain crimes [*or misdemeanours*] whereof by a jury [*or by his own confession*] he was convicted on the \_\_\_\_\_ day of \_\_\_\_\_: And that he, the said A.B., is hereby required personally to attend the said Court in order to receive judgment as aforesaid: And that, in case the said A.B. does not then attend, the said Court will be moved that his default may be recorded, and that the recognisance of the said A.B. and of his bail, entered into on *etc.*, may be estreated.

Dated *etc.*

X.Y.,

Crown Prosecutor [*or Solicitor for the Prosecutor*].  
To the above-named A.B.; and also to G.H. and I.J., his bail.

No. 11.—*Recognisance of Bail of Appellant.*

Be it remembered that whereas \_\_\_\_\_ was convicted of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ (and was thereupon sentenced to \_\_\_\_\_), and now is in lawful custody in His Majesty's Prison at \_\_\_\_\_ and has duly appealed against his conviction (and sentence) to the Court of Criminal Appeal, and has applied to the said Court for bail pending the determination of his appeal, and the said Court has granted him bail on entering into his own recognisances in the sum of £ \_\_\_\_\_ (and with \_\_\_\_\_ sureties each in the sum of £ \_\_\_\_\_), the said \_\_\_\_\_ personally cometh before me the undersigned being one of His Majesty's Justices of the Peace (*or as the case may be*) and acknowledges himself to owe to our said Lord the King the said sum of £ \_\_\_\_\_, to be made and levied of his goods and chattels, land and tenements to the use of our said Lord the King, his heirs and successors, if he the said \_\_\_\_\_ fail in the condition endorsed.

Taken and acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the Prison at \_\_\_\_\_, before me,

Justice of the Peace  
(*or as the case may be.*)

## PART III

*Condition.*

The condition of the within written recognisance is such that if he the said shall personally appear and surrender himself at and before the Court of Criminal Appeal at each and every hearing of his appeal to such Court and at the final determination thereof and shall abide by the Judgment of the said Court and shall not depart or be absent from such Court at any such hearing without the leave of the said Court, and in the meantime shall not depart out of Western Australia, then this recognisance is to be void or else is to stand in full force and effect.

*The following is to be filled up by the Appellant and signed by him:—*

When released on bail my residence, to which any Notices, etc., are to be addressed, will be as follows:—

(Signed)

Appellant.

No. 12.—*Recognisance of Appellant's Sureties.*

Be it remembered that on this day of 19 of (occupation) and of (occupation) personally came before us the undersigned being (two) of His Majesty's Justices of the Peace sitting at a Petty Sessional Court at in the of and severally acknowledged themselves to owe to our Lord the King the several sums following, that is to say, the said the sum of £ and the said the sum of £, to be made and levied of their goods and chattels, lands and tenements, respectively, to the use of our said Lord the King, his heirs and successors, if now in lawful custody in His Majesty's Prison at fail in the condition hereon endorsed.

Taken and acknowledged before (us) the undersigned, the day and year first above mentioned.

Justices of the Peace.

*Condition.*

The condition of the within written Recognisance is such that whereas the said having been convicted of and now in such lawful custody as before-mentioned (under a sentence of for such offence), has duly appealed to the Court of Criminal Appeal against his said conviction (and sentence), and having applied to the said Court for bail, pending the determination of his said appeal, has been granted bail on his entering into recognisance in the sum of £, with sureties each in the sum of £, if the said shall personally appear and surrender himself at and before the said Court at each and every hearing of his said appeal to such Court and at the final determination thereof, and shall abide by the Judgment of the said Court, and shall not depart or be absent from the said Court at any such hearing without the leave of the Court, and in the meantime shall not depart out of Western Australia, then this recognisance is to be void or else is to stand in full force and effect.

No. 13.—*Recognisance of Appellant sentenced to Payment of a Fine.*

Be it remembered that whereas of was on the day of A.D. 19, convicted of (to wit) and was thereupon sentenced to pay the sum of £ as a fine for his said offence by the (here fill in the Court of

## PART III.

trial) and has intimated to the said Court that he desires to appeal against his said conviction on a question of law alone (or upon a certificate of the Judge of the said Court that his is a fit case for appeal). And whereas the said Court considers that the said Appellant may in lieu of payment at and upon his said conviction of the said sum, be ordered to enter into recognisance of bail himself in the sum of £ and with sureties, each in the sum of £ to prosecute his said appeal before the Court of Criminal Appeal.

The said doth hereby acknowledge himself to owe to our Lord the King the said sum of £, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Lord the King, his heirs and successors, if he the said fail in the condition indorsed.

Taken and acknowledged this day of at the said Court, at and before the Judge of the said Court.

(Signed)

Clerk of the Peace

or

Clerk of Assize

(as the case may be).

*Condition.*

The Condition of the within written recognisance is such that if the said of shall personally appear and be present at and before the Court of Criminal Appeal at each and every hearing of his appeal to such Court, and at the final determination thereof and shall prosecute his said appeal and abide by the Judgment of the said Court, and not depart or be absent from such Court at any such hearing without leave of the said Court, and shall pay the sum of £, or such sum as the said Court may order to the Registrar thereof, then this recognisance shall be void, but otherwise shall remain in force and effect.

No. 14.—*Recognisance of Sureties for Appellant Sentenced to a Fine.*

Be it remembered that on the day of 19 of (occupation) and of (occupation) personally came before the Court of (to wit, here fill in name of Court of Trial) and severally acknowledged themselves to owe to our Lord the King the several sums following, that is to say, the said the sum of £ and the said the sum of £, to be made and levied of their goods and chattels, lands and tenements, respectively, to the use of our said Lord the King, his heirs and successors, if now before the said Court fail in the condition hereon endorsed.

Taken and acknowledged before the said Court of on the day and year first above mentioned.

(Signed)

Justice of the Peace.

(as the case may be).

*Condition.*

The condition of the within written recognisance is such that whereas the said having been convicted of and having been sentenced to pay a fine of £ for his said offence, and having now intimated his desire to appeal on question of law alone (or with the certificate on the Judge of this Court) to the Court of Criminal Appeal against the said conviction, and having, in lieu of payment at and upon his said conviction of the said sum of £, been ordered to enter into recognisance of bail himself in

## PART III.

the sum of £            and with            sureties in the sum of £            if the said            shall personally appear and be present at and before the Court of Criminal Appeal at each and every hearing of his appeal to such Court and at the final determination thereof, and shall prosecute his said appeal and abide by the judgment of the said Court, and not depart or be absent from such Court at any such hearing without the leave of the said Court, and shall pay the sum of £            or such sum as the Court may order to the Registrar thereof, then this recognisance is to be void, or else is to stand in full force and effect.

No. 15.—*Recognisance to appear and receive Judgment.*

Be it remembered (as in Part III. Form 6, to "successors"; then proceed) upon condition that if the said A.B. shall personally appear in the Supreme Court of Western Australia at the Supreme Court House, Perth (or as the case may be), at the next sittings of the said Court [or on the day of 191 (or as the case may be)] pursuant to the order of the Court of Criminal Appeal dated the day of 191, to receive such judgment as the Judge of the Supreme Court then and there present shall see fit to pronounce and shall not depart thence except pursuant to the order of the said Court, then this recognisance shall be void, but otherwise shall remain in full force and virtue.

Taken etc.

No. 16.—*Recognisance to Secure Presence at Trial.*

Be it remembered (as in Part III Form 6, to "successors"; then proceed) upon condition that if the said A.B. shall personally appear in the Supreme Court of Western Australia at the Supreme Court House, Perth (or as the case may be) pursuant to an order and direction of the Court of Criminal Appeal dated the day of 191, and answer an indictment lately presented against him in the said Court for according to the course of the said Court and shall personally attend from day to day on the trial of the said indictment and not depart until he shall be discharged by the said Court, then this recognisance shall be void, but otherwise shall remain in full force and virtue.

No. 17.—*Notice to Superintendent to Release Person in Custody.*

R. v.

To the Superintendent of His Majesty's Prison at

Whereas            was lately committed for trial on a charge of stealing (or as the case may be) [or has duly appealed to the Court of Criminal Appeal against his conviction for (and sentence of )], and having duly applied to the said Court has been granted bail by this Court [or a Judge of this Court] on the said charge of stealing [or pending the determination of his said appeal] on entering into recognisances himself in the sum of £           , (and with            sureties each in the sum of £           ), in the forms provided under the Criminal Code: And whereas I, the Registrar of the said Court, have been given to understand that the said            is now in your lawful custody in the said prison under the said committal [or conviction and sentence]. And whereas I have received a recognisance of the said            (and recognisances from            sureties for the said           ), and the said recognisances are in due form and in compliance with the order, admitting the said            to bail.

Now I do give you notice that if the said            do remain in your custody under the said committal [or conviction (and sentence)], and for no other cause,

## PART III.

you shall on receipt of this notice suffer him to go at large. And this notice shall be your authority in that behalf.

Registrar of the Supreme Court.  
Dated the            day of           , 191 .

No. 18.—*Notice to Surety for Appellant of Estreat of Recognisance.*

R. v.

To (fill in here surety's name and address) of

Whereas you, the above named, became duly bound in recognisances as surety, for that the said            having been convicted of            and for his said offence fined the sum of £           , should duly prosecute an appeal in relation to his said conviction before the Court of Criminal Appeal, and whereas the said            has not so prosecuted his appeal, now I hereby give you notice that at the sitting of the Court of Criminal Appeal on            next your recognisances may be ordered to be estreated, unless you then show good cause to the contrary.

(Signed)

Registrar of the Court of Criminal Appeal.

No. 19.—*Notice to Appellant sentenced to Fine, of Breach of his Recognisances.*

R. v.

To the above-named Appellant.

Whereas you were convicted on the            day of           , 19           , of the offence of            and were sentenced to the payment of £           , and in default of such payment to imprisonment, and that under the Criminal Practice Rules, 1914, you entered into recognisances in the sum of £           , with sureties in the sum of £            each to prosecute your Appeal, and whereas 10 days have elapsed since your said conviction, and no notice of appeal has been served by you, Now I hereby give you notice that unless you attend at the sitting of the Court of Criminal Appeal to be holden on            day, the            day of           , and then show good cause to the contrary, the Court may order an estreat of your recognisances and those of your sureties, or may otherwise deal with you according to law.

(Signed)

Registrar of the Court of Criminal Appeal.

No. 20.—*Warrant for Arrest of Person on Bail.*

R. v.

To the Commissioner of Police and all Police Officers of the State of Western Australia, and to the Superintendent of His Majesty's Prison at

Whereas            a person committed for trial on a charge of stealing (or as the case may be) [or an Appellant in the Court of Criminal Appeal] has been released by this Court [or a Judge of this Court] on bail, and it has now been ordered by this Court [or a Judge of this Court] that a Warrant be issued for the apprehension of the said

These are therefore to command you the said Commissioner and Officers forthwith to apprehend the said            and to bring him to the Superintendent of the said Prison, and there deliver him with this Warrant into the custody of the said Superintendent and you the said Superintendent are hereby required to receive the said            into your custody in the said prison and there safely to keep him until further order of the said Court.

(Signed)

Registrar of the Supreme Court.  
Dated this            day of           , 19

## CRIMINAL PRACTICE RULES.

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## PART IV.

No. 21.—*Warrant of Apprehension in aid of Sureties.*

R. v.

To the Commissioner of Police and all Police Officers of the State of Western Australia and to the Superintendent of His Majesty's Prison at \_\_\_\_\_, and to all whom it may concern.

Whereas \_\_\_\_\_ a person committed for trial on a charge of stealing (or as the case may be) [or an Appellant in the Court of Criminal Appeal] was released on bail on entering into a recognisance with two (or as the case may be) sureties:

And whereas the said sureties [or one of the said sureties] desire [or desires] to surrender the said

These are therefore to command you to permit W.V., of \_\_\_\_\_, and H.J., of \_\_\_\_\_, and each of them (or as the case may be) to apprehend the said \_\_\_\_\_ and to render him to His Majesty's Prison at \_\_\_\_\_

And you the said Commissioner and Officers are hereby required upon sight of this warrant and upon being so required by the said W.V. or H.J. to be aiding and assisting him in and about the premises.

And you the said Superintendent are hereby required to receive the said \_\_\_\_\_ into the said Prison and him safely to keep until he be delivered in due course of law.

Registrar of Supreme Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

No. 22.—*Notice by Superintendent of Prison that person allowed free on bail has been lodged in Gaol.*

To the Registrar of the Supreme Court.

R. v.

I hereby give you notice that \_\_\_\_\_ who was in my custody under committal for trial on a charge of \_\_\_\_\_ [or under a conviction in the \_\_\_\_\_ Court on a charge of \_\_\_\_\_] and was released therefrom on bail on the \_\_\_\_\_ day of \_\_\_\_\_ 191 \_\_\_\_\_ under an order of Mr. Justice (or as the case may be) has been apprehended and lodged in this Prison by or at the instance of his sureties [or one of them] [or under an order of Mr. Justice \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_, 191 \_\_\_\_\_] (or as the case may be).

Superintendent of His Majesty's Prison at \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 191 \_\_\_\_\_.

## PART IV.—FORMS RELATING TO APPEALS.

No. 1.—*Notice of Appeal.**Question of Law only.*

To the Registrar of the Court of Criminal Appeal.

I, \_\_\_\_\_, having been convicted of the offence of (here state the offence, e.g., stealing, wilful murder, forgery, etc.), and being now a prisoner in His Majesty's prison at \_\_\_\_\_ [or (where appellant for any reason not in custody) now living at \_\_\_\_\_] do hereby give you notice of appeal against my conviction (particulars of which hereinafter appear) to the Court of Criminal Appeal on questions of law, that is to say (here state as clearly as you are able the question or questions of law on which you desire to appeal).

(or Mark) (Signed)

Appellant.

Signature and address  
of Witness attesting  
Mark.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 190 \_\_\_\_\_.

## PART IV.

*Particulars of Trial and Conviction.*

(Fill in all these particulars):

1. Date of trial.
2. In what Court tried.
3. Sentence.

4. Whether above questions of law were raised at the trial?

You are required to answer the following questions:—

1. Do you desire to apply to the Court of Criminal Appeal to assign you legal aid on your appeal? If so, state your position in life, and amount of wages, or salary, etc., and any other facts which you submit show reasons for legal aid being assigned to you.

2. Do you desire to be present on the hearing of your appeal by the Court of Criminal Appeal? If you do so desire, state the reasons upon which you submit the said Court should give you leave to be present.

3. Do you desire the Court of Criminal Appeal to consider your case and argument as put into writing by you or on your behalf, instead of your case and argument being presented orally? If you desire to present your case and argument in writing, set out here as fully as you think right your case and argument in support of your appeal.

No. 2.—*Notice of Appeal upon Certificate of the Judge of the Court of Trial.*

To the Registrar of the Court of Criminal Appeal.

I, \_\_\_\_\_, having been convicted of the offence of (here state the offence, e.g., stealing, wilful murder, forgery, etc.), and being now a prisoner in His Majesty's prison at \_\_\_\_\_ [or (where appellant for any reason not in custody) now living at \_\_\_\_\_], and having duly obtained a certificate which is hereto annexed from the Judge before whom I was tried for the said offence, that it is a fit case for appeal, do hereby give you notice of appeal against my said conviction (particulars of which hereinafter appear) to the Court of Criminal Appeal.

(or Mark) (Signed)

Appellant.

Signature and address of  
Witness attesting Mark.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

*Particulars of Trial and Conviction.*

(Fill in all these particulars.)

1. Date of Trial.
2. In what Court tried.
3. Sentence.

You are required to answer the following questions:—

1. Do you desire to apply to the Court of Criminal Appeal to assign you legal aid on your appeal? If so, state your position in life, amount of wages, or salary, etc., and any other facts which you submit show reasons for legal aid being assigned to you.

2. Do you desire to be present on the hearing of your appeal by the Court of Criminal Appeal?

3. Do you desire the Court of Criminal Appeal to consider your case and argument as put into writing by you or on your behalf instead of your case and argument being presented orally? If you desire to present your case and argument in writing, set out here as fully as you think right your case and argument in support of your appeal.

You must send with this Notice to the Registrar the Certificate of the Judge who tried you.

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No. 3.—*Notice of Application for Leave to Appeal against a Conviction, under s. 688 (1) (b).*

To the Registrar of the Court of Criminal Appeal.

I, \_\_\_\_\_, having been convicted of the offence of (*here state the offence, e.g., stealing, wilful murder, forgery, etc.*) and [being now a prisoner in His Majesty's prison at \_\_\_\_\_] [*or (where applicant for any reason not in custody) now living at \_\_\_\_\_*], and being desirous of appealing against my said conviction do hereby give you notice that I hereby apply to the Court of Criminal Appeal for leave to appeal against my said conviction on the grounds hereinafter set forth.

(or Mark) (Signed)

Applicant.

Signature and address of witness attesting Mark.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Particulars of Trial and Conviction:—

1. Date of trial.
2. In what Court tried.
3. Sentence.

(*Fill in all these particulars.*)

Grounds for Application.

(*Here state as clearly and concisely as possible the grounds on which you desire to appeal against your conviction.*)

You are required to answer the following questions:—

1. Do you desire to apply to the Court of Criminal Appeal to assign you legal aid on your appeal? If so, state your position in life, amount of wages or salary, etc., and any other facts which you submit show reasons for legal aid being assigned to you.

2. Do you desire to be present when the Court of Criminal Appeal considers your present application for leave to appeal? If so, state the grounds on which you submit that the Court of Criminal Appeal should give you leave to be present thereat.

3. Do you desire the Court of Criminal Appeal to consider your case and argument as put into writing by you or on your behalf, instead of your case and argument being presented orally? If you desire to present your case and argument in writing set out here as fully as you think right your case and argument in support of your appeal.

Do you desire to be present at the final hearing of your appeal?

No. 4.—*Notice of Application for Leave to Appeal against Sentence.*

To the Registrar of the Court of Criminal Appeal.

I, \_\_\_\_\_, having been convicted of the offence of (*here state the offence, e.g., stealing, forgery, etc.*), and being now a prisoner in His Majesty's prison at \_\_\_\_\_ [*or (where appellant for any reason not in custody) now living at \_\_\_\_\_*], do hereby give you notice that I desire to apply to the Court of Criminal Appeal for leave to appeal to the said Court against the sentence of \_\_\_\_\_, passed upon me for the said offence, on the following grounds:—(*Here set forth the grounds on which you desire to question the sentence.*)

(or Mark) (Signed)

Appellant.

Signature and address of witness attesting Mark.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 191 \_\_\_\_\_.

Particulars of Trial and Conviction:—

1. Date when sentence passed.
2. In what Court tried.

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(*Fill in all these particulars.*)

You are required to answer the following questions:—

1. Do you desire to apply to the Court of Criminal Appeal to assign you legal aid on your appeal? If so, state your position in life, wages, salary, etc., and any other facts which you submit show reason for legal aid being assigned to you.

2. Do you desire to be present when the Court of Criminal Appeal considers your present application for leave to appeal? If so, state the grounds on which you submit that the Court of Criminal Appeal should give you leave to be present thereat.

Do you desire to be present at the final hearing of your appeal?

3. Do you desire the Court of Criminal Appeal to consider your case and argument as put into writing by you or on your behalf instead of your case and argument being presented orally? If you desire to present your case and argument in writing, set out here as fully as you think right your case and argument in support of your appeal.

No. 5.—*Notice of Application for Extension of Time within which to Appeal.*

To the Registrar of the Court of Criminal Appeal.

I, \_\_\_\_\_, having been convicted of the offence of (*here state the offence, e.g., stealing, murder, forgery, etc.*) at the Court of \_\_\_\_\_ held at \_\_\_\_\_ in this \_\_\_\_\_ of \_\_\_\_\_, 19 \_\_\_\_\_, and being now a prisoner in His Majesty's Prison at \_\_\_\_\_ [*or, where Appellant for any reason not in custody, now living at \_\_\_\_\_*] give you notice, that I hereby apply to the Court of Criminal Appeal for an extension of the time within which I may give Notice of Appeal [*or Notice of Application for leave to appeal*], on the grounds following:—(*Here set out clearly and concisely the reasons for the delay in giving such notice, and the grounds on which you submit the Court should extend the time.*)

(Signed)  
(or Mark)

Appellant

Signature and address of witness attesting mark.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

You are required to send to the Registrar of the Court of Criminal Appeal, duly filled up, and with the questions appearing thereon properly answered, Form 1 if your proposed appeal involves a question of law alone; or Form 2 if you have obtained the Certificate of the Judge of the Court of Trial; or Form 3 if you have not obtained such Certificate; or Form 4 if you desire to appeal against your sentence only, together with this notice.

No. 6.—*Particulars of Trial.*

R. v.

1. Where tried?
2. When tried?
3. Name of Judge, Chairman, or Commissioner who tried?
4. Verdict of Jury?
5. Sentence, and any orders made consequent thereon?
  - (a.) Restitution of property.
  - (b.) Compensation.
  - (c.) Orders referred to in Section 703 of the Code or in Order XV.
6. Copy of the list of exhibits directed by these Rules to be kept by the proper officer of the Court of Trial.

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7. Whether a Certificate under Section 688 (1) (b) was given.

8. Name and address of the Prosecutor? State names of Counsel and/or Solicitor for prosecution, and address of Solicitor.

9. Whether Appellant was defended by Counsel and/or Solicitor? Give names of Counsel and/or Solicitor for Appellant and address of Solicitor.

10. Name and address of Shorthand Writer (if any)?

11. Whether Appellant bailed before trial, if so in what amount, and whether with sureties, if so in what amount?

(To be signed by Clerk of Arraigns).

Dated this day of 19 .

N.B.—Particulars from Judge’s copy of the Calendar, referring to the above-named person should be inserted here, or the Calendar forwarded with this form to the Registrar.

No. 7.—Notice of Abandonment.

R. v.

I, having been convicted of at the Supreme Court at Perth [at the Quarter Sessions for the ] and having been desirous of appealing and having duly sent notice to that effect to the Court of Criminal Appeal against my said conviction [or the sentence of ] passed upon me on my said conviction] do hereby give you notice that I do not intend further to prosecute my appeal, but that I hereby abandon all further proceedings in regard thereto as from the date hereof.

(Signed)

(Witness)

Dated this day of 19  
To the Registrar of the Court of Criminal Appeal.

No. 8.—Notice of Appeal by the Prosecution.

In the Supreme Court of Western Australia.  
Court of Criminal Appeal.

The King against A.B.

To A.B.

Take notice that on the day of 191 , at o'clock in the noon (or so soon thereafter as counsel can be heard) counsel on the part of the prosecution [or the prosecutor] will move the Court of Criminal Appeal to make the following orders:—

1. That the decision of Mr. Justice X. given on the day of 191 , in this Court allowing a demurrer to an indictment for against you [or arresting judgment on your conviction, on an indictment, etc., or quashing an indictment, etc.] be reversed.
2. That the verdict of acquittal found by the jury by direction of Mr. Justice X. in this Court on your trial on an indictment, etc., on the day of 191 , and the judgment founded thereon be reversed and set aside.
3. That the judgment of the Court of General or Quarter Sessions at B. deciding that such Court had no jurisdiction to try you on an indictment, etc. [and the verdict of the jury on which the judgment was founded] be reversed and set aside.
4. That you be called upon to plead to the said indictment and to stand your trial thereon.
5. That there be a new trial of the said indictment [or that you do stand your trial on the said indictment].

And the Court will further be moved to give such directions and make such orders in the premises as may be necessary.

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Dated the day of , 191 .  
Crown Prosecutor.  
(or as the case may be.)

This form may be used with such omissions, additions, or modifications as the nature of the case may require.

No. 9.—Declaration verifying Transcript of Shorthand Notes.

I, of , do solemnly and sincerely declare that, having been required by the Registrar of the Court of Criminal Appeal to furnish to him a transcript of the shorthand note relating to the trial [or other proceeding] in relation to , which shorthand note is now produced and shown to me marked , and purporting to have been signed and certified by [or signed and certified by me], I have made a correct and complete transcript thereof to the best of my skill and ability in pursuance of the said requirement, which said transcript is now shown to me marked “B.” And I make this solemn declaration by virtue of the provisions of section one hundred and six of “The Evidence Act, 1906.”  
(Signed)

Declared at this day of ,  
19 , before me,

Justice of the Peace.

No. 10.—Judge’s Certificate.

In the Court of

R. v.

Whereas the said was tried and convicted before me, the undersigned, in the said Court on the day of , on an indictment charging him with (state shortly the offence, e.g., stealing, wilful murder, forgery, etc.), and was thereupon sentenced by me to

I do hereby certify that the case is a fit case for an appeal by the said to the Court of Criminal Appeal under Section 688 (1) (b) of the Criminal Code, upon the following grounds:—(Here specify in general terms the grounds on which certificate granted.)  
(Signed)

Judge (or as the case may be).

Dated this day , 191 ,

No. 11.—Notification to Appellant of Judge’s decision under s. 702.

R. v.

I hereby give you notice that a Judge of the Court of Criminal Appeal having considered your application for—

- (a) leave to appeal;
  - (b) for extension of time within which notice of appeal or of application for leave to appeal may be given;
  - (c) legal aid to be assigned to you;
  - (d) permission to you to be present at the hearing of any proceedings in relation to your appeal;
- has refused the applications marked (and has granted your applications marked ).  
(Strike out any of them which have not been made or have been granted.)

If you desire to have the above-mentioned applications which have been refused determined by the Court of Criminal Appeal, you are required to fill up the enclosed form and return it to me forthwith.

Dated this day of , 191  
(Signed) Registrar.

To the above-named

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No. 12.—*Notice of Appeal by Appellant from Judge under s. 702.*

R. v.

I, \_\_\_\_\_, having received your notification that my application for—

- (a) leave to appeal;
- (b) for extension of the time within which Notice of appeal or application for leave to appeal may be given;
- (c) legal aid to be assigned to me;
- (d) permission to me to be present at the hearing of any proceedings in relation to my appeal;

have been refused; do hereby give you notice that I desire that the said applications shall be considered and determined by the Court of Criminal Appeal [*(strike out this if you do not desire to be present)*] and that as I am not legally represented I desire to be present at the determination of my said applications]

(Signed) \_\_\_\_\_ Appellant.

Witness attesting Mark.

To the Registrar of the Court of Criminal Appeal.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 191 \_\_\_\_\_.

*If you desire to state any reasons in addition to those set out by you in your original notice upon which you submit that the Court of Criminal Appeal should grant your said applications, you may do so in the space below.*

No. 13.—*List of Exhibits.*

R. v.

Number or other identifying mark on Exhibit.	Short description of Exhibit.	Produced by Prosecution or Defence.	Directions of the Judge of the Court of Trial, with name and address of person retaining Exhibit.

*(To be signed by the proper officer, see Or. XIV., v. 2.)*

No. 14.—*Appellant's Application for further Witnesses.*

R. v.

I, \_\_\_\_\_, having appealed to the Court of Criminal Appeal hereby request you to take notice that I desire that the said Court shall order the witness(es) hereinafter specified to attend the Court and be examined on my behalf.

(Signed)

(or Mark) \_\_\_\_\_ Appellant.

*(Signature of witness attesting mark.)*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 191 \_\_\_\_\_.

You are required to fill up the following form and sign the same:—

1. Name and address of witness.
2. Whether such witness has been examined at trial.
3. If not, state the reason why he was not so examined.
4. On what matters do you wish him to be examined on the appeal.

State shortly the evidence you think he can give.

No. 15.—*Order to Witness to Attend Court for Examination.*

R. v.

To \_\_\_\_\_ of \_\_\_\_\_ (name, etc., of witness).

Whereas on good cause shown to the Court of Criminal Appeal you have been ordered to attend and be examined as a witness before such Court upon the appeal

PART IV.

of the above-named \_\_\_\_\_ This is to give you notice to attend before the said Court on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 191 \_\_\_\_\_, at the Supreme Court, Perth, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon. You are also required to have with you at the said time and place any books, papers, or other things relating to the said appeal which you may have had notice so to produce.

Registrar.

Dated \_\_\_\_\_ day of \_\_\_\_\_, 191 \_\_\_\_\_.

No. 16.—*Notice to Witness to attend before Examiner.*

R. v.

To \_\_\_\_\_ of \_\_\_\_\_ (Name, etc., of witness).

Whereas on good cause shown to the Court of Criminal Appeal you have been ordered to be examined as a witness upon the appeal of the above-named, and your deposition to be taken for the use of the said Court: This is to give you notice to attend at (*Specify place of examination*) on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, before (*Fill in examiner's name*) at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon.

You are also required to have with you at the said time and place any books, papers or other things under your control or in your possession in any manner relating to the said appeal of which you may have had notice so to produce.

Registrar.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

No. 17.—*Caption for Deposition of Witness examined before Examiner.*

R. v.

The depositions (on oath) taken before me the undersigned, being an Examiner duly appointed by the Court of Criminal Appeal in that behalf, of \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ witnesses, examined before me under an order of the said Court dated \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, in the presence of the said \_\_\_\_\_ Appellant (or of his Counsel and Solicitor) and the Respondent (or his Counsel and Solicitor) at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ which said Appellant and Respondent (personally, or by their Counsel and Solicitors respectively) had full opportunity of asking questions of the said witnesses, to whom the depositions following were read by me before being signed by them the said witnesses respectively.

The deposition of \_\_\_\_\_ of \_\_\_\_\_ who (upon oath duly administered by me) saith as follows:—  
*(Here follows deposition).*

(Signed)

Witness.

Taken before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ Examiner.

No. 18.—*Notification to Appellant of Result of Application under s. 702.*

R. v.

To the above-named Appellant.

This is to give you notice that the Court of Criminal Appeal have considered the matter of your Application for—

- (a) leave to appeal to the said Court;
- (b) leave to extend the time within which you may give Notice of Appeal or of Application for leave to appeal;
- (c) legal aid to be assigned to you;
- (d) permission to be present during the proceedings in your appeal;
- (e) your admission to bail;



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and have finally determined the same and have this day given judgment to the effect following [here set out decision of Court of Appeal, e.g., that you have days from the day of within which you may give Notice of Appeal, (or) that you may be admitted to bail in your own recognisances in the sum of £ with two sufficient sureties in the sum of £ each, or as the case may be].

(Signed)  
Registrar of the Court of Criminal Appeal.  
Dated this day of , A.D., 19 .

No. 19.—*Notice to Attorney General, etc., of determination of Court on Applications under s. 702.*

R. v.

To the Hon. Attorney General and to the Superintendent of His Majesty's Prison at  
This is to give you notice that the above-mentioned having applied for—

- (a) leave to appeal to the said Court;
- (b) leave to extend the time within which he may give Notice of Appeal or of an Application for leave to appeal;
- (c) legal aid to be assigned to him;
- (d) permission to be present during the proceedings in his appeal;
- (e) his admission to bail;

under Chapter LXIX. of the Criminal Code, the Court of Criminal Appeal has this day finally determined his said Applications and has given judgment to the effect following [here set out the decision of the Court].

(Signed)

Registrar of the Court of Criminal Appeal.  
Dated this day of , A.D. 19 .

No. 20.—*Notification to Appellant of Result of his Appeal.*

R. v.

To the above-named appellant.

This is to give you notice that the Court of Criminal Appeal, having considered the matter of your appeal, have finally determined the same, and have this day given judgment to the effect following [here shortly state the judgment of the Court, e.g., that your appeal be dismissed or that the sentence against which you appealed be altered from to or as the case may be].

(Signed)

Registrar of the Court of Criminal Appeal.  
Dated this day of , 191 .

No. 21.—*Notification to Attorney General, etc., of result of Appeal.*

R. v.

To the Hon. Attorney General  
and

To the Superintendent of His Majesty's prison at  
This is to give you notice that the above-named having appealed against his conviction of the offence of at the Court of for the of [or the sentence of passed upon him for the offence of at the Court of for the of ] the Court of Criminal Appeal has finally determined the said appeal and has this day given judgment therein to the effect following (here set out the decision of the Court).

(Signed)

Registrar of the Court of Criminal Appeal.  
Dated this day of , 191 .

## PART IV.

No. 22.—*General Form of Warrant for Apprehension of Appellant.*

R. v.

To the Commissioner of Police and the other Police Officers of Western Australia,  
and

To the Superintendent of His Majesty's prison at

Whereas A.B. was on the (recitals to be according to facts of particular case) day of 191 , convicted in the Supreme Court at Perth of stealing, and was thereupon sentenced to two years' imprisonment with hard labour; and whereas the said A.B. was released by this Court on bail pending an appeal against the said conviction; and whereas the said appeal has been dismissed and it has been found necessary to arrest the said A.B., and this Court has ordered that a warrant for his arrest and detention do issue accordingly: These are therefore to command you, the said Commissioner and police officers, forthwith to apprehend the said A.B. and to bring him to the Superintendent of the said prison and deliver him with this warrant into the custody of the said Superintendent, and you the said Superintendent are hereby required to receive the said A.B. into your custody in the said prison and there safely to imprison him, and keep him to hard labour in accordance with the said sentence and the Criminal Code.

Dated this day of , 191 .  
Registrar.

No. 23.—*Warrant for Apprehension of Respondent.*

To the Commissioner of Police, etc. (as in preceding form).

Whereas on the day of , 191 , in the Supreme Court, at Perth, A.B. was convicted of stealing, and before sentence moved that judgment be arrested and on hearing the motion the Court arrested judgment; and whereas an appeal against the decision of such Court was brought to the Court of Criminal Appeal, and that Court reversed the order arresting judgment and directed that judgment be pronounced upon the said A.B. and order that he should appear at the Criminal Sittings of the Supreme Court, at Perth, on the day of , 191 , to receive judgment; and whereas it is necessary to secure the appearance of the said A.B.: These are therefore to command you (proceed as in preceding form down to "safely") keep him until the day of , 191 , when I require you to have him at the Criminal Sittings of the Supreme Court, in Perth, to receive such judgment as the said Court shall see fit to pronounce and to be further dealt with according to law.

Dated the day of , 191 .  
Registrar, Court of Criminal Appeal.  
[or J.P.]

No. 24.—*Warrant of Arrest to secure Presence at Trial.*

To (as in form).

Whereas on the day of , 191 , the Court of Criminal Appeal ordered a new trial of one A.B. on a charge of stealing, and that such trial should take place at the Criminal Sittings of the Supreme Court to be commenced in Perth on the day of , 191 [or ordered that the said A.B. should at the Criminal Sittings as aforesaid] stand his trial on an indictment or should be called upon to plead to an indictment for stealing: And whereas it is necessary to secure the appearance of the said A.B. at such Criminal Sittings: These are therefore to command you (proceed as in preceding form down to

## PART V.

“Perth”) there to answer and be tried on the said indictment according to the course of the Supreme Court (or as the case may be) and to undergo such other things as may be required by law.

Dated the            day of            , 191    .  
    Registrar of Court of Criminal Appeal.  
    [or J.P.]

## PART V.—FORMS RELATING TO CERTIORARI TO INFERIOR COURTS.

No. 1.—*Notice to Chairman of Court of General Sessions of the Peace or Justice or other Authority exercising Jurisdiction in any other Inferior Court or Jurisdiction, of Application for Certiorari to remove Judgment, Order, Conviction, or other Proceeding pursuant to Order XXII., Rule 4.*

To G.W.P., Esquire, Chairman of the Court of General Sessions of the peace, holden at            , in the State of Western Australia (or as the case may be).

Take notice that the Supreme Court of Western Australia will be moved on the            day of            , or so soon thereafter as counsel can be heard [or that application will be made to the Honourable Mr. Justice C. in Chambers on the            day of            , at the hour of            in the            noon], on behalf of A.B., of etc.            , for a writ of certiorari to remove into the said Court a certain judgment [or order or conviction (or as the case may be)] (state the name of the Judge or other authority by whom the judgment, order, conviction, or other proceeding intended to be removed, was made, and when and where it was made, concisely describing it).

Dated etc.

(To be signed by the intending applicant or his solicitor, stating himself to be such solicitor.)

No. 2.—*Affidavit of Service of Notice of Application for Certiorari for Judgment, Order, Conviction, or other Proceeding.*

In the Supreme Court of Western Australia.

I, O.P., of etc., make oath and say as follows:—

1. I did, on the            day of            , serve Mr. A.C., the Registrar or Clerk of the Court of General Sessions of the Peace, holden at T. [or S.T., Esquire, justice of the peace (or other inferior authority, as the case may be)], with a notice a copy whereof is hereunto annexed marked A., by delivering the said notice to him at            , in the said State [or, when the service is not personal, by delivering the said notice to and leaving the same with Q.R., his clerk (or servant, or as the case may be) at his office (or residence) at            , in the said State].

[In the case of justices or other inferior authority.

2. The said S.T. was present when the proceedings on which the judgment (or order or conviction (or as the case may be)) mentioned in the said notice was founded were heard, and was the justice (or one of the justices (or as the case may be)) by and before whom the said judgment (or order or conviction (or as the case may be)) mentioned in the said notice was made.]

No. 3.—*Order for Certiorari.*

In the Supreme Court of Western Australia.

The King [on the prosecution of A.B.] against the Chairman of the Court of General Sessions of the Peace at T. [or the Justices at B (or as the case may be)].

Upon hearing Mr. X., of counsel for A.B., and upon reading etc., I do order that a writ of certiorari issue to remove into this Court an indictment presented in the said Court on etc., against the said A.B. for certain crimes [or misdemeanours] [or a certain judgment (or etc., as in Form No. 1)].

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No. 4.—*Recognisance for Costs on Removal of Indictment.*

Be it remembered (etc., as in Part III., Form No. 6, to “Successors”); then proceed: upon condition that if, on the return of a writ of certiorari now about to be issued out of the Supreme Court of Western Australia, directed to the Chairman of the Court of General Sessions of the Peace holden at T., to bring up an indictment lately presented in that Court against the said A.B., he the said A.B. shall personally appear in open Court to the said indictment at the next Criminal Sitings of the Supreme Court at Perth (or            or            ), or at the sittings of such other Court, and at such time and place as the said Supreme Court or a Judge thereof may direct, and there and then answer the said indictment, and shall personally attend from day to day on the trial of the said indictment, and not depart until he shall be discharged by the Court, and shall pay the costs of the prosecution subsequent to the removal of the said indictment, if he shall be convicted, then this recognisance shall be void, but otherwise shall remain in full force.

Taken, etc.

No. 5.—*Security to Prosecute Certiorari for Judgment, Order, Conviction, or other Proceeding.*

(Title as in Form No. 3.)

We, M.N. of etc., and O.P. of etc., hereby submit ourselves to the jurisdiction of this Honourable Court, and consent that if the abovenamed A.B. shall not prosecute with effect, without delay, and at his own proper costs and charges, a writ of certiorari to be issued out of this Honourable Court to remove into the said Court (insert description of proceedings as in order for certiorari), or shall fail to pay to C.D. (the person in whose favour the judgment, conviction, or order, was given or made) within ten days in the event of the said judgment [or conviction or order] being confirmed in the said Court, such costs, if any, as the said Court shall order him to pay, judgment may be signed, and execution may be issued, against us, our executors and administrators, lands and tenements, goods and chattels, for a sum not exceeding £50.

(Signatures of sureties.)

(To be signed before the Registrar or a Commissioner for Affidavits.)

No. 6.—*Security by Recognisance in Like Case.*

Be it remembered etc. as in Part III. Form No. 6 to “Successors”: then proceed: upon condition that if the said A.B. shall prosecute with effect, without delay, and at his own proper costs and charges, a writ of certiorari (etc. as in preceding Form), and shall pay to C.D. (etc. as in preceding Form to “as the said Court shall order him to pay”), then this obligation shall be void, but otherwise shall remain in full force.

No. 7.—*Writ of Certiorari to Chairman of Court of General Sessions of the Peace.*

In the Supreme Court of Western Australia.

The King [on the prosecution of A.B.]

against

The Judge of the District Court

holden at T.

GEORGE, etc.

To the Chairman of the Court of General Sessions of the Peace holden at T.

Greeting:

We, willing for certain causes to be certified of the proceedings upon an indictment lately presented in the Court of General Sessions of the Peace holden at T. before you against A.B., for that he (state charge as in

## PART V.

*indictment*), command you that you send to Us forthwith in Our Supreme Court of Western Australia, under your hand and seal, the said indictment with all things touching the same, as fully and entirely as the same remain in the said Court before you, by whatsoever names the parties may be called therein, together with this writ, that We may cause further to be done thereupon what of right We shall see fit to be done.

Witness, *etc.*

This writ was issued by (*etc., as in the case of a writ of summons*).

(*To be indorsed.*) . .

By order of the Court [*or of the Honourable Mr. Justice C.*].

No. 8.—*Writ of Certiorari to Justices in Petty Sessions.*

(*Title, etc., as in Form No. 3.*)

GEORGE, *etc.*

To S.T., [U.V., and W.X., and to every of them] Esquire[s], a Justice [*or Justices*] of the Peace for our State of Western Australia (*or district of* in the said State):

Greeting:

We, being willing for certain reasons to be certified of a conviction [*or an order (or as the case may be)*] lately made by you in the Court of Petty Sessions (*or as the case may be*) at B. in our said State, upon the complaint of one C.D. against A.B., command you and every of you that you or one of you do send to Us forthwith in Our Supreme Court of Western Australia at Perth [*or* *or* ] under your hands and seals, or the hand and seal of one of you, the said conviction [*or order (or as the case may be)*], with all things touching the same, as fully and entirely as the same remain in the said Court before you, together with this writ, that We may cause further to be done thereupon what of right We shall see fit to be done.

Witness, *etc.*

This writ was issued (*etc., as in Form No. 7.*)

No. 9.—*Praecepte for Writ of Certiorari.*

(*Title, etc., as in writ.*)

Seal, in pursuance of order dated, *etc.*, a writ of *certiorari* directed to *etc.*, to bring up (*describe proceedings to be brought up*).

Dated, *etc.*

(*To be signed by the prosecutor or his solicitor.*)

No. 10.—*Return to Writ of Certiorari.*

Indorse the writ thus:

The execution of this writ appears by the Schedule hereunto annexed.

The answer of G.W.P., Esquire, the Chairman of the Court of General Sessions of the Peace [*or one of the Justices*] within-mentioned.

(*To be signed and sealed by the person or persons to whom the writ is addressed or one of them.*)

## THE SCHEDULE.

(*The documents to be returned are to be annexed.*)

No. 11.—*Memorandum pursuant to Order XXII., Rule 8, that Security not required.*

The Court having ordered that the within-mentioned conviction [*or order*] be quashed when returned, no security is required.

B.S., Registrar.

## PART VI.

No. 12.—*Writ of Supersedeas to Certiorari and Pro- cedendo to carry back Indictment.*

(*Title, etc., as in Writ of Certiorari.*)

GEORGE, *etc.*

To (*the same as in the certiorari*).

Greeting:

Whereas by our writ We lately commanded you, for certain reasons, that you should forthwith send under your hand and seal [*or the hand and seal of one of you*] before Us in Our Supreme Court of Western Australia, at Perth [*or* *or* ] (*etc., recite the certiorari*): We now, for certain reasons, command you that you do wholly supersede whatever is to be done concerning the execution of that Our said writ: And that you proceed to the determination of the matters referred to in Our said writ with that expediion which to you shall seem right, notwithstanding Our writ so sent to you as aforesaid.

Witness, *etc.*

This writ was issued *etc.* (*as in Form No. 7.*)

(*To be indorsed as in Form No. 7.*)

No. 13.—*Praecepte for Writ of Supersedeas and Pro- cedendo.*

(*Title, etc., as in Writ of Certiorari.*)

Seal, in pursuance of order dated *etc.*, a writ of *supersedeas* and *procedendo* directed to *etc.*, to proceed notwithstanding writ of *certiorari*, dated *etc.*

Dated, *etc.*

(*To be signed by the successful party below or his solicitor.*)

## PART VI.—FORMS RELATING TO HABEAS CORPUS IN CRIMINAL CASES.

No. 1.—*Affidavit to found Application for Writ of Habeas Corpus to bring up a Person under Commitment.*

In the Supreme Court of Western Australia.

(*Title of cause if the order is made in a cause: If not made in a cause entitle the order "Ex parte A.B."*)

I, O.P., of, *etc.*, make oath and say as follows:—

1. I was present at His Majesty's prison at B., in the State of Western Australia, on the day of , and there saw S.T., the superintendent [*or officer in charge*] of the said prison, sign the certificate written at the foot of the copy of the commitment of A.B., hereunto annexed, marked A.; and the name S.T., set and subscribed thereto, is of the proper handwriting of the said S.T.

No. 2.—*Superintendent's Certificate of Copy of Commitment.*

I certify that the above is a true copy of the warrant by virtue of which A.B. is detained in my custody [*and that the said A.B. is not detained for any other cause*].

S. T.,

Superintendent [*or Officer in Charge*] of H.M. prison at B.

No. 3.—*Order for Writ of Habeas Corpus.*

(*Title as in preceding Form.*)

In the Supreme Court of Western Australia.

Upon hearing, *etc.*, and upon reading, *etc.*, I do order that a writ of *habeas corpus* be issued, directed to S.T., to have the body of A.B. before the Court [*or before the Honourable Mr. Justice C. (or a Judge) in Chambers*], at the Supreme Court House, Perth [*or* *or* ], forthwith [*or on* day the day of at o'clock in the noon], to undergo and receive (*etc., as the case may be*).

## PART VI.

No. 4.—*Writ of Habeas Corpus ad Subjiciendum.*

In the Supreme Court of Western Australia.

[Name of Judge.]

(Title of cause, if any.)

GEORGE, etc.

To

Greeting:

We command you that you have before Our Supreme Court of Western Australia [or before the Honourable Mr. Justice C. (or a Judge) in Chambers], at the Supreme Court House, Perth [or or ], immediately after the receipt of this Our writ [or on day the day of at o'clock in the noon], the body of A.B., being taken and detained under your custody, as is said, together with the day and cause of his being taken and detained, by whatsoever name he may be called therein, to undergo and receive all and singular such matter and things as Our said Court [or Judge] shall then and there consider of and concerning him in this behalf: and have you there then this writ.

Witness, etc.

This writ was issued by (etc., as in the case of a writ of summons).

(To be indorsed.)

By order of the Court [or of Mr. Justice C.].

No. 5.—*Notice to be Served with Writ of Habeas Corpus and Subjiciendum.*

In the Supreme Court of Western Australia.

(Title as in Writ, if any.)

Whereas this Court [or the Honourable Mr. Justice C.] has granted a writ of *habeas corpus* directed to [or other person having the custody of A.B.], commanding him to have the body of A.B. before the said Court [or before Mr. Justice C. (or a Judge) in Chambers] at the Supreme Court House, Perth [or or ], immediately [or on day the day of at o'clock in the noon], to undergo (etc., as in writ):

Now take notice that you are hereby required to have the body of the said A.B. before the said Court [or before the said Judge as aforesaid] forthwith [or on the day at the hour of in the noon], and then and there to make a return to the said writ; or in default thereof, the said Court will then, or so soon after as counsel can be heard, be moved for an attachment against you for your contempt in not obeying the said writ.

Dated, etc.

(To be signed by the solicitor for the person applying for the writ.)

To (the persons to whom the writ is directed, and any other person upon whom it may be deemed necessary to serve the writ.)

No. 6.—*Notice of having obtained Writ of Habeas Corpus ad Subjiciendum on an Informal or Illegal Commitment.*

In the Supreme Court of Western Australia.

(Recite the granting of the writ as in Form No. 5, then say:—)

Now take notice, that by virtue of the said writ, the said A.B. will be brought before the said Court [or before a Judge in Chambers], at the Supreme Court, Perth [or or ], on the day of at o'clock in the noon, in order that he, the said A.B., may be discharged out of

## PART VI.

custody as to the commitment by which he is now detained in the custody of the said gaoler.

Dated, etc.

(To be signed by the solicitor for the prisoner.)

To S.T. and U.V., Esquires, the committing magistrates, and to C.D., the complainant.

No. 7.—*Affidavit of Service of Writ of Habeas Corpus ad Subjiciendum.*

(Title as in writ, if any.)

I, G.H., of etc., make oath and say as follows:—

1. I did on the day of at in the State of Western Australia, serve C.D. with a writ of *habeas corpus* issued out of and under the seal of this Honourable Court, directed to the said C.D., by delivering such writ of *habeas corpus* to the said C.D., personally (or as the case may be).

2. The paper writing annexed to this my affidavit, and marked A, is a true copy of the said writ.

3. I did at the same time serve the said C.D. with a notice, a copy whereof is hereunto annexed marked B, by, etc.

No. 8.—*Return to Writ of Habeas Corpus ad Subjiciendum.*

Indorse the Writ thus:—

In obedience to the within writ I have the body of the within named A.B. here in Court to be further dealt with according to law.

If the person brought up is in custody, add:

The said A.B. was received into my custody on, etc., by virtue of a warrant (or as the case may be), a copy whereof is hereunto annexed, marked A.

The answer of S.T., superintendent of His Majesty's prison at B., within mentioned.

(To be signed and sealed by the person to whom the writ is addressed.)

(Memorandum and Indorsements as in Form No. 4.)

No. 9.—*Affidavit of No Return to Writ of Habeas Corpus.*

(Title as in Writ, if any.)

I, O.P., of, etc., make oath and say as follows:—

1. I did on the day of search in the Registry of this Honourable Court for a return to a writ of *habeas corpus*, lately issued out of and under the seal of the Court, directed to commanding him to have the body of before this Court immediately, to undergo (etc., as the case may be), but no return was then filed or made to the same

2. The said has not in any manner obeyed the said writ, as I verily believe.

No. 10.—*Writ of Habeas Corpus to Deliver.*

In the Supreme Court of Western Australia.

GEORGE, etc.

To the Superintendent or Gaoler of Our prison at R.

Greeting:

We command you that you deliver the body of A.B., committed and detained in Our prison under your custody, to the Superintendent or Gaoler of Our prison at B., and that you certify to Our said last-mentioned Superintendent the cause of his taking and detainer, that Our said last-mentioned Superintendent or Gaoler may cause him to be detained in Our prison at B., according to the tenor of Our writ directed to him for that purpose, to remain in the same last-mentioned prison until he shall be from thence delivered by due course of law.

Witness, etc.

(Memorandum and Indorsements as in Form No. 4.)

## PART VI.

No. 11.—*Writ of Habeas Corpus to Receive.*

In the Supreme Court of Western Australia.

GEORGE, *etc.*

To the Superintendent or Gaoler of Our prison at B.:

Greeting:

Whereas We, being willing that the body of A.B., now in Our prison under the custody of the Superintendent of Our prison at R., should, for certain reasons, be forthwith conveyed from thence to you, have lately commanded by Our writ the said Superintendent of Our prison at R., that he should without delay deliver the said A.B. into your custody, and certify to you the cause of his taking and detainer: We therefore command you that you receive the said A.B. from the said Superintendent of Our said prison at R., and cause him to be detained in Our said prison at B., under safe custody, until he shall be from thence delivered by due course of law.

Witness, *etc.*

(*Memorandum and Indorsements as in Form No. 4.*)

No. 12.—*Writ of Habeas Corpus to bring a Prisoner before Justices to answer a Charge.*

In the Supreme Court of Western Australia.

GEORGE, *etc.*

To the Superintendent of Our prison at B.:

Greeting:

We command you that you have before some one or more of Our Justices of the Peace for Our State of Western Australia, who may be in attendance on day, the        day of       , at the hour of        in the        noon, at        the body of A.B., being committed and detained in Our prison under your custody, as is said, by whatsoever name

## PART VI.

he might be called, then and there to answer to a charge of (*state the charge briefly*) to be then and there made against him, and so from day to day until he shall have answered the said charge, and to be dealt with according to law: and have you then there this writ.

Witness, *etc.*

(*Memorandum and Indorsement as in Form No. 4.*)

No. 13.—*Writ of Habeas Corpus to bring up a prisoner to plead to an Indictment or Information, or for Trial.*

In the Supreme Court of Western Australia.

GEORGE, *etc.*

To Superintendent of Our prison, at B.:

Greeting:

We command you that you have before (*describe the Court*) at       , on        day, the        day of       , at the hour of        in the        noon, the body of A.B., being committed and detained in Our Prison under your custody, as is said, by whatsoever name he may be called, then and there to answer to [*or to take his trial upon*] an indictment [*or information*] [*to be*] presented against him in the said Court for *etc.*, and so from day to day until he shall have answered as aforesaid [*or taken his trial as aforesaid*] and to be further dealt with according to law: and have you then there this writ.

Witness, *etc.*

R. F. McMILLAN, C.J.

R. B. BURNSIDE, J.

JOHN ROUTH, J.