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OF

WESTERN AUSTRALIA.

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[1905.]

THE LOCAL COURTS ACT, 1904.

*Crown Law Department,
Perth, 19th July, 1905.*

HIS Excellency the Governor in Executive Council has been pleased to make the following Rules of Court under "The Local Courts Act, 1904," and to prescribe the following Court Fees and Bailiffs' Fees to be payable in respect of every proceeding in a Local Court, to take effect at the expiration of one month from the publication thereof in the *Government Gazette*.

H. G. HAMPTON,
Under Secretary for Law.

LOCAL COURT RULES, 1905.

SHORT TITLE AND AMENDMENT OF PRIOR RULES.

The following Orders and Rules may be cited as the "Local Court Rules, 1905," and shall apply, so far as may be practicable, to all proceedings taken, and in all actions and matters pending on the day on which these Rules come into force.

All Local Court Rules, scales of Court fees, bailiffs' fees, costs, and witnesses' allowances now in force are hereby revoked, and the following Orders and Rules, and the appendix thereto, shall stand in lieu thereof:—

ORDER I.—INTERPRETATION.

In the construction of these rules, words importing the singular number include the plural, and words importing the plural number include the singular, and words importing the masculine gender include females, and unless there is anything in the subject or context repugnant thereto, words have the same meaning as in the Act, and the several words hereinafter mentioned or referred to have the meanings following:—

"The Act" means "The Local Courts Act, 1904;"

"Bailiff" includes deputy and assistant bailiff and police officer when acting as a bailiff;

"Clear days" means that in all cases in which any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusive both of the first and of the last day;

"Court" means the local court having jurisdiction in the action or matter, and includes a magistrate exercising the powers of the court in chambers as well as in open court;

"Default summons" means a summons under section forty-one of the Act;

"Foreign court" means the court into which process is issued from another court;

"Home court" means the court from which process is originally issued;

"Month" means a calendar month;

"Oath" and "affidavit," in the case of persons allowed by law to affirm or declare instead of swearing, include affirmation and declaration, and "swear," in the like case, includes "affirm" and "declare";



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