



Western Australia.

ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

\*\*\*\*\*

No. XXVIII.

AN ACT for the holding of Courts at places distant from the Court House of the Supreme Court.

[Assented to, 23rd December, 1897.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Circuit Courts Act, 1897.

Short title.

2. THE Governor may, from time to time, by proclamation published in the *Government Gazette*, declare that such portions of the Colony of Western Australia as he thinks fit shall form Circuit Districts, and shall assign a name to each of such districts, and define the boundaries of the same respectively; and may, in like manner, increase or decrease the number of such districts, and may alter the name and boundaries of any Circuit District; and a sitting of the

Governor may proclaim Circuit Districts and place and time for holding sittings of the Supreme Court there.

# 61° VICTORIÆ, No. 28.

## *Circuit Courts.*

Supreme Court shall be held in every such district once at least every three months at a time and place to be appointed by the Governor by the like or any subsequent proclamation.

Governor may commission Judge to hold Circuit Court.

**3.** THE Governor may from time to time issue a commission under section twelve of the Supreme Court Act, 1880, authorising a Judge of the Supreme Court or a Commissioner to hold a sitting of the Supreme Court in a Circuit District at a time and place to be named in the commission.

Adjournment if no Judge attends.

**4.** IF on the day and at the place appointed a Judge of the Supreme Court or a Commissioner does not attend, then the sitting of the Court shall be deemed to be adjourned to the next business day, and so on from day to day until a Judge of the Supreme Court or a Commissioner shall attend.

Judge or Commissioner may require jury to be summoned.

**5.** THE Resident Magistrate of the district within which the sitting of the Supreme Court is to be holden shall, whenever required by the Judge or Commissioner, issue a precept under his hand, directed to the bailiff or other officer of the Magistrate's Court, to summon for the trial of all treasons, felonies and misdemeanours to be heard and determined before the said Court, not more than forty and not less than twenty jurors, and for the trial of any issue in a civil cause such number and class of jurors as the Judge or Commissioner may in his requisition direct.

Juries not to be struck under this Act.

**6.** THE provisions of section twenty-eight of the Jury Act, 1871, and of section five of the Jury Act Amendment, 1880, relating to the striking of juries, shall not apply to any issue in a civil cause to be tried in a Circuit Court.

Summoning officer, on receipt of precept, to summon jurors.

**7.** UPON the receipt of any such precept, and not less than five clear days before the day appointed for holding the Court, the summoning officer shall summon the persons by means of a summons signed by him, to the following effect:—

To

You are hereby required to serve as a juror at the sitting of the Supreme Court to be holden at the Court House at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the forenoon, and therein to attend from day to day until you shall be discharged by the Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18

Summoning Officer.

# 61° VICTORIÆ, No. 28.

## *Circuit Courts.*

8. EVERY person attending as aforesaid in obedience to a summons as a juror shall receive payment for his attendance and his journeys on the same scale as is provided for jurors attending the Supreme Court at Perth.

Jurors to be paid as for attendance at Supreme Court at Perth.

9. EVERY person who shall be committed by any Magistrate, Justice or Justices sitting within any Circuit District to be tried for any offence shall be committed to be tried at the first sitting of the Supreme Court to be thereafter holden within the said district.

Prisoners to be committed for trial at Supreme Court in Circuit Districts.

10. WHENEVER a person is committed to be tried at the Criminal Sessions of the Supreme Court at Perth or in some Circuit District, the Supreme Court, or a Judge thereof, may, if it appears desirable in the interests of justice, and upon notice to the Attorney General, if such application be not made at his instance, order that the trial shall be had at some other place; and upon a witness being served with a copy of the order, the recognisance for his appearance shall be effectual to compel him to attend the place mentioned in such order as the place of trial.

Supreme Court or Judge may order place of trial of accused person to be changed, and witnesses being served with copy of order must attend.

11. IF any person ordered to be tried at a place other than that at which he has been committed to take his trial has been admitted to bail, any Justice of the Peace may, at the instance of the Attorney General or other counsel for the Crown duly authorised in that behalf, cause such person to be brought before such Justice, and require such person to find sureties for his due appearance at the place named in such order, and in default of his finding sureties may commit him to gaol, and from and after the appearance before such Justice of such person, he and his sureties shall be discharged from the recognisances theretofore entered into for his appearance for trial at the place therein named.

If defendant, whose place of trial is changed, is out on bail, he may be required to give fresh bail or go to prison.

12. IF any person committed for trial is in gaol, the Sheriff, on being served with a duplicate of the order, shall cause such person to be conveyed to the place and at the time mentioned in the order for his trial.

Sheriff to convey to Circuit Court prisoners who are to be tried there.

13. THE Resident Magistrate of every district in which a Circuit Court is appointed to be held shall provide, out of moneys to be set apart for that purpose by Parliament, a proper private lodging and attendance for the Judge or Commissioner who is to preside at such Court.

Judge's lodgings.

14. THE expression "Circuit Court" shall mean any sitting of the Supreme Court in a Circuit District.

Interpretation.

# 61° VICTORIÆ, No. 28.

---

## *Circuit Courts.*

---

Appeals against convictions of Justices.

**15.** WITHIN such Circuit District all appeals against convictions or orders of the Justices of the Peace, and all other appeals directed to be heard before Justices of the Peace in Session, shall be heard and determined before the said Circuit Court.

In the name and on behalf of the Queen I hereby assent  
to this Act.

GERARD SMITH, Governor.