

Western Australia

# **The Criminal Practice Rules**

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# The Criminal Practice Rules

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**NOTES**

Western Australia

Crown Law Department,  
Perth, 15th August, 1969.

THE undermentioned Rules made under the provisions of the *Criminal Code Act 1913*, and amended from time to time up to and including the 1st May, 1969 are reprinted as so amended pursuant to the *Reprinting of Regulations Act 1954* by authority of the Minister for Justice.

W. J. ROBINSON,  
Under Secretary for Law.

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CRIMINAL CODE ACT 1913

## **The Criminal Practice Rules**

### RULES OF COURT

*The Criminal Practice Rules of 1902* are hereby repealed.

The following Rules may be cited as “The Criminal Practice Rules.”  
They shall come into operation on the publication thereof in the *Gazette*.<sup>1</sup>

## Order I

### Interpretation: title of proceedings

#### 1. Interpretation

(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, and the District Court;

The expression “**Court of Trial**” means the Court by or which a person has been tried for an offence;

The expression “**District Court**” means The District Court of Western Australia established under the *District Court of Western Australia Act 1969*;

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 “**Respondent**” includes all persons entitled to appear other than the appellant;

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 of 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, 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.

- (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 1918*,<sup>2</sup> and its amendments shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

*[Rule 1 amended by Gazettes 11 August 1922 p.1462;  
9 July 1954 p.1215; 1 December 1972 p.4565;  
17 December 1976 p.4975.]*

## **2. Title of proceedings**

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.

Every proceeding in the District Court shall be instituted in the name of the District Court.

*[Rule 2 amended by Gazettes 11 August 1922 p.1462;  
1 December 1972 p.4565.]*

## **Order II**

### **Complaints and indictments**

**1. Title of indictments**

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 the District Court, “Western Australia: In the District Court holden at B.”

*[Rule 1 amended by Gazettes 9 July 1954 p.1215;  
1 December 1972 p.4565.]*

**2. Form of statement of offences in indictments**

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.

**3. Complaints**

Similar Forms may be used in complaints before Justices.



## Order IIA

### Practitioners acting to notify Court

*[Heading inserted by Gazette 30 November 1993 p.6413.]*

#### 1. Interpretation

In this Order —

“**Accused Person**” means a person charged with an indictable offence who has been committed to the Court for trial or sentence;

“**Practitioner**” means a certificated practitioner as defined in the *Legal Practitioners Act 1893* and includes a firm of practitioners.

*[Rule 1 inserted by Gazette 30 November 1993 p.6413.]*

#### 2. Duty to notify Court when acting for an accused person

- (1) A practitioner instructed to act, whether as Solicitor or counsel or both, for an accused person must comply with subrule (3) —
  - (a) at least 28 days before the accused person’s first appearance after the practitioner’s appointment; or
  - (b) if that appearance is less than 28 days after the practitioner’s appointment, as soon as practicable after the appointment.
- (2) Subrule (1) applies —
  - (a) to a practitioner even if another practitioner acts for an accused person in another capacity; and
  - (b) to a practitioner when instructed to act for an accused person in a different capacity.
- (3) To comply with this subrule, a practitioner must —
  - (a) file in the court a notice in the form of Form 1 of Part IA of the Schedule; and

**r. 3**

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- (b) serve the notice on the Director of Public Prosecutions for the State or for the Commonwealth, as the case requires.

*[Rule 2 inserted by Gazette 30 November 1993 p.6414.]*

**3. Duty to notify Court when ceasing to act for an accused person**

- (1) A practitioner who has complied with rule 2 and who ceases to be instructed to act for an accused person, whether as solicitor or counsel or both, must comply with rule 2 (3) at least 14 days before the accused person's first appearance after the cessation.
- (2) Where it is not possible to comply with subrule (1) the practitioner must apply to the Court for leave to cease to act.
- (3) With the leave of the Court, an application under subrule (2) may be made orally.
- (4) Unless the Court orders otherwise, any notice of motion for leave under subrule (2) must be served on —
  - (a) the accused person; and
  - (b) the Director of Public Prosecutions for the State or for the Commonwealth, as the case requires.

*[Rule 3 inserted by Gazette 30 November 1993 p.6414.]*

**4. Practitioner on the record presumed to be acting**

The practitioner named in a notice filed under rule 2 shall be taken to be acting for the accused person in the capacity shown by the notice until —

- (a) the practitioner files another notice under rule 2 or a notice under rule 3;
- (b) a notice is filed under rule 2 by another practitioner acting in the same capacity; or
- (c) the Court gives leave under rule 3.

*[Rule 4 inserted by Gazette 30 November 1993 p.6414.]*

## **Order III**

### **Proceedings at trial on indictment**

**1. Subsequent pleadings to be oral**

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.

**2. Challenges**

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**

### **Information by private persons**

**1. Application for leave**

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.

**2. Charges against judicial officers**

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.

**3. Prosecutor's address for service**

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.

**4. Appearance**

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. In this Rule the word "appearance," subject to the context, includes "defence."

*[Rule 4 amended by Gazette 9 July 1954 p.1215.]*

**5. Plea**

The defendant may plead by counsel or solicitor. The copy of the plea shall be delivered to the prosecutor at his address for service.

*[Rule 5 amended by Gazette 9 July 1954 p.1215.]*

**6. Service of notices, etc., on defendant**

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 in this Rule, the expression “memorandum of appearance” includes “defence.”

*[Rule 6 amended by Gazette 9 July 1954 p.1215.]*

## **Order V**

### **Bench warrants**

**1. Application for Bench warrant**

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.

**2. On information by leave**

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.

## Order VI

### Recognisances

*[Heading amended by Gazette 30 December 1988 p.5081.]*

*[1, 2, 3. Rules 1, 2 and 3 repealed by Gazette 30 December 1988 p.5081.]*

#### **4. Form recognisance**

Every recognisance 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.

*[Rule 4 amended by Gazette 30 December 1988 p.5081.]*

*[5, 6. Repealed by Gazette 30 December 1988 p.5081.]*

*[7, 8. Repealed by Gazette 1 December 1972 p.4565.]*

*[9-16. Rules 9 to 16 repealed by Gazette 30 December 1988 p.5081.]*

## **Order VII**

### **Trial at bar**

**1. To be by order of Full Court**

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.

**2. Application how made**

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.

**3. Terms may be imposed**

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.

**4. Copy pleadings for Judges**

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.

**5. Trial**

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.



## Order VIII

### Judgments

**1. Minute book**

The Clerk of Arraignment shall, in respect of each indictment, enter in a minute book to be kept by him details of the indictment, the plea, the names of counsel, jurors, and witnesses, the verdict, the sentence, and the times of proceedings, details of any order made under section 16 or 17 of the *Offenders, Probation and Parole Act 1963*, details of any conviction and sentence under section 656A of the Code, and details of any other special order or directions given by the Court.

*[Rule 1 inserted by Gazette 1 December 1972 p.4565; amended by Gazette 30 December 1988 p.5086.]*

**2. Calendar**

A list or calendar of persons tried at any sittings of the Court, or dealt with by the Court under section 16 or 17 of the *Offenders Probation and Parole Act 1963* shall be made out in duplicate according to Form 10 of Section VI of Part I of the Schedule and shall be signed by the Judge and the Clerk of Arraignment and thereupon one list shall be sent to the Registrar of the Court of Trial and shall be the formal record of the proceedings, the other list shall be sent to the Director of the Department of Corrections, an office copy of the list shall be sent to the Parole Board; and another office copy of the list shall be sent to the Commissioner of Police.

*[Rule 2 inserted by Gazette 1 December 1972 p.4565.]*

**3. Authority for execution**

Both the list or calendar and the certificate in accordance with Form 9, Form 9A, or Form 9B, as the case requires, shall be sufficient authority for the execution of the sentence.

*[Rule 3 inserted by Gazette 1 December 1972 p.4566.]*

**4. Certificate of result of trial**

After the conclusion of any trial a certificate of the findings of the Jury and of the judgment directed by the Judge may be drawn up according to Form 9 in Section VI. of Part I. of the Schedule hereto and signed by the Clerk of Arraignment and by him delivered to the Comptroller General of Prisons or handed to the Gaoler in attendance at the Court.

*[Rule 4 inserted by Gazette 3 March 1922; amended by Gazette 11 August 1922 p.1462.]*

## Order IX

### Appeals and references to the Court of Criminal Appeal

*[Heading inserted by Gazette 17 December 1976 p.4976.]*

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

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

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 either by the Appellant or Applicant or by his Solicitor.

*[Rule 2 amended by Gazette 1 December 1972 p.4566.]*

**3. Where Appellant unable to write**

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. *Repealed by Gazette 1 December 1992 p.4566.*]

[5. *Repealed by Gazette 1 December 1972 p.4566.*]

**6. Time for appealing against conviction to run from verdict**

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

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.

**8. Time for appealing against order for restitution**

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.

**9. Registrar to obtain particulars from Clerk of Arraignment**

Where the Registrar receives a notice of appeal, a notice of application for leave to appeal, or a notice of application for extension of the time within which such a notice may be given, or where the Attorney General exercises his powers under section 21 of the Code, the Registrar shall obtain from the Clerk of Arraignment —

- (a) the indictment, the depositions taken at the committal proceedings, and the transcript of proceedings at the trial;
- (b) where the appeal is against conviction, or acquittal by direction, the exhibits; and
- (c) such further documents or information as the Registrar considers necessary for the hearing of the appeal or application, or as the Court of Criminal Appeal directs him to obtain.

*[Rule 9 inserted by Gazette 1 December 1972 p.4566.]*

*[10. Repealed by Gazette 1 December 1972 p.4566.]*

**11. Prosecutor at trial to be ascertained**

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.

**12. Notice of application for leave to appeal**

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.

**13. Abandonment of appeal**

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.

**14. Notice of application for extension of time for appealing**

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.

**15. Appeals by prosecution**

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

**16. Mode of instituting appeal by prosecution**

- (1) An appeal by the prosecution shall be instituted by filing a notice of motion in the Registry and producing two copies of the notice.
- (2) Subject to subrule (3) of this Rule, the notice of motion may be in Form No. 8 in Part IV, of the Schedule of Forms to these Rules.
- (3) The notice of motion shall state briefly but specifically the grounds relied upon in support of the appeal, and what decision, verdict, judgment, punishment, or order the appellant seeks in lieu of that appealed from.
- (4) The Registrar shall ascertain the date of the sitting of the Court of Criminal Appeal at which the appeal may be heard, being a date not less than 21 clear days after the institution of the appeal.
- (5) The Registrar shall indorse the date of hearing on two copies of the notice and shall return them to the appellant.

- (6) The appellant shall, not less than fourteen clear days before the day of hearing, serve one copy of the notice upon the accused.
- (7) Where the date of hearing has been amended under Rule 18 of this Order, the copy of the notice of motion to be served upon the accused shall show the amended date of hearing.
- (8) The appellant shall notify the Registrar in writing of the date and manner of service.

*[Rule 16 inserted by Gazette 17 December 1976 p.4976.]*

**17. Application for extension of time to appeal**

- (1) An application for an extension of time for an appeal by the prosecution shall be made to a Judge by summons or to the Court of Criminal Appeal by motion on notice.
- (2) Where an extension of time to appeal is refused by a Judge, the application may be referred to the Court of Criminal Appeal by motion on notice.
- (3) An application for an extension of time (whether by summons or motion) shall be served upon the accused not less than 2 clear days before the return day.

*[Rule 17 inserted by Gazette 17 December 1976 p.4976.]*

**18. Amendment of hearing date**

Where the appellant notifies the Registrar that the accused has not been served as required by subrule (6) of Rule 16 of this Order, the Registrar shall amend the return day of the notice of motion to a sitting of the Court not less than 21 clear days ahead and inform the appellant accordingly.

*[Rule 18 inserted by Gazette 17 December 1976 p.4976.]*

**19. Substituted service**

Where it is not practicable, after reasonable inquiry, to serve upon the accused personally a notice of motion by way of

appeal, an application for an extension of time to appeal or any other notice (other than a document of the kind referred to in Rules 23 to 28 of this Order), the document may be served in such manner as a Judge may direct.

*[Rule 19 inserted by Gazette 17 December 1976 p.4976.]*

**20. Abandonment of appeal**

An appeal or application for an extension of time for an appeal by the prosecution may be abandoned at any time by filing notice thereof in the Registry.

*[Rule 20 inserted by Gazette 17 December 1976 p.4976.]*

**21. Signature of notice**

A notice by the prosecution shall be signed by or on behalf of the appellant or applicant, or his solicitor.

*[Rule 21 inserted by Gazette 17 December 1976 p.4976.]*

**22. Appeal books to be lodged**

- (1) Not less than 7 clear days before the day appointed for the commencement of the sitting of the Court at which the appeal is to be heard, the appellant shall lodge in the Registry 5 copies of an appeal book containing all documents relevant to the matters to be determined on the appeal and serve two copies of the appeal book upon the accused or his solicitor.
- (2) Where any doubt or difficulty arises regarding the documents to be included in the appeal book, the appellant may apply to a judge for directions and give notice of the application to the respondent.

*[Rule 22 inserted by Gazette 17 December 1976 p.4976.]*

**23. Reference under s.693A**

- (1) In Rules 24 to 30 of this Order —



**“reference”** means a reference of a question of law under section 693A of the Code;

**“respondent”** in relation to a reference means the person charged at the trial or affected by the decision out of which the reference arose, and, in relation to a proposed reference, means the person who would be the respondent if the question were referred.

- (2) A reference shall be entitled, “Reference under section 693A of the Criminal Code” and shall be distinguished by the year and a number; and all documents relating to the reference shall be entitled in a like manner.

*[Rule 23 inserted by Gazette 17 December 1976 p.4976.]*

**24. Request to be made by summons**

A request by the Attorney General to have a question of law referred to the Court of Criminal Appeal under section 693A of the Code shall be made to the trial Judge by summons which shall also seek directions regarding the matters mentioned in Rule 27 of this Order.

*[Rule 24 inserted by Gazette 17 December 1976 p.4977.]*

**25. Affidavits in support of summons**

The summons shall be supported by —

- (a) an affidavit (in this Order called “the jurisdictional affidavit”) deposing to the trial being had, the findings of the jury and the judgment directed by the Judge, and the date or dates of the findings and judgment; and
- (b) a further affidavit (in this Order called “the affidavit of circumstances”) which shall —
  - (i) depose to the circumstances out of which the question of law arises but, as far as practicable, without stating the name of the accused person or identifying him as being the respondent named in the jurisdictional affidavit;

- (ii) formulate the question of law proposed to be referred;
- (iii) identify the evidence to which it will be necessary to refer to enable the Court of Criminal Appeal to give its opinion on the question;
- (iv) summarise the arguments intended to be put to the Court of Criminal Appeal; and
- (v) specify the authorities intended to be cited.

*[Rule 25 inserted by Gazette 17 December 1976 p.4977.]*

**26. Service of summons etc. on respondent**

Not less than 14 days before the return day of the summons, the Attorney General shall cause the respondent to be served with —

- (a) copy of the summons;
- (b) copy of the affidavit of circumstances;
- (c) a notice which shall —
  - (i) inform the respondent that the determination by the Court of Criminal Appeal of the question proposed to be referred to it shall not in any way affect or invalidate any verdict or decision given at the trial at which the question arose;
  - (ii) inform the respondent that he is entitled to be heard upon the return of the summons and before the Court of Criminal Appeal upon the proposed reference and that, if he wishes to be heard by counsel before the Court of Criminal Appeal, the reasonable costs of his representation will be paid by the Crown; and
  - (iii) request the respondent to inform the Attorney General whether the respondent wishes to be represented upon the proposed reference, and, if so, of the name of his solicitor or counsel.

*[Rule 26 inserted by Gazette 17 December 1976 p.4977.]*

**27. Directions regarding reference**

Upon the return of the summons, the Judge may give directions as to all or any of the following matters: —

- (a) formulation of the reference and of any statement of the circumstances out of which the question arose;
- (b) the documents to be included in the transcript to be used upon the reference;
- (c) service on the respondent or, should the respondent not propose to be represented upon the determination, of the question, then upon such counsel as the Attorney General may instruct to argue the question, of copy of the transcript and of notice of the entry for hearing;
- (d) the filing and serving by the respondent of a summary of any submissions that he proposes to make upon the reference and a statement of any authorities on which he proposes to rely;
- (e) should the respondent not appear upon the return of the summons, then as to the serving of the summons and the affidavit of circumstances upon the counsel instructed by the Attorney General to argue the question; and
- (f) any other relevant matters.

*[Rule 27 inserted by Gazette 17 December 1976 p.4977.]*

**28. Entry for hearing and lodging of transcript**

Unless a Judge otherwise orders —

- (a) a reference must be entered for hearing not less than 14 days before the day appointed for the commencement of the sittings; and

- (b) a reference shall not be entered for hearing unless the directions given upon the return of the summons mentioned in the preceding rule have been complied with and unless 5 copies of the transcript to be used at the hearing have been lodged at the Registry.

*[Rule 28 inserted by Gazette 17 December 1976 p.4977.]*

**29. Mode of service**

Service of a document for the purposes of Rules 23 to 28 of this Order may be effected in accordance with the provisions of section 31 of the *Interpretation Act 1918*.

*[Rule 29 inserted by Gazette 17 December 1976 p.4978.]*

**30. Directions where procedure not prescribed**

Where a party to an appeal, application or reference under Chapter LXIX of the Code wishes to take a step in the proceedings and the manner or form of procedure is not prescribed, application may be made to a Judge for directions; and any step taken in accordance with any directions so given shall be deemed to be regular and sufficient.

*[Rule 30 inserted by Gazette 17 December 1976 p.4978.]*

## Order X

### Shorthand writers and transcript of notes

*[Order X to be repealed when Recording of Proceedings Act 1980 comes into operation (To be proc.) see 17 December 1976.]*

**1. Shorthand writers, how appointed**

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

*[Rule 1 amended by Gazette 1 August 1962 p.2071.]*

**2. Shorthand note to be certified by the writer**

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. Transcript to be furnished on application of Registrar**

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. Party interested may obtain transcript from shorthand writer**

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. Party interested may obtain transcript from Registrar**

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. Definition of “Party interested”**

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

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. Verification of transcript for use of Court of Criminal Appeal**

A transcript of the whole or of 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 XA**

### **Mechanical recording of proceedings and transcripts of recordings**

*[Order XA inserted by Gazette 1 August 1962 pp.2072-5.]*

*[Order XA to be repealed when Recording of Proceedings Act 1980 comes into operation (To be proc.) see Gazette 17 December 1976.]*

#### **1. System of mechanical recording**

- (1) The Attorney General may, on the recommendation of the Chief Justice, approve of any system of mechanical recording, for the purpose of recording and transcribing the proceedings of the Criminal Court and of the District Court.
- (2) A system of mechanical recording established pursuant to this Order may be operated by officers in the employ of the Crown or by some person under contract with the Crown or partly by one and partly by the other of those means.

*[Rule 1 amended by Gazette 1 December 1972 pp.4565-6.]*

#### **2. Control of system**

- (1) The Attorney General may, on the recommendation of the Chief Justice, from time to time, appoint officers to control any system of recording and transcribing, established pursuant to this Order.
- (2) A system of recording and transcribing shall not be approved under this Order, until a person has been appointed to be responsible for the controlling and overseeing of the operation of all recording machines and the transcribing, by every person concerned, of the matter recorded.
- (3) A sufficient number of monitors and typists shall be appointed to be responsible for the recording of proceedings and for the transcribing of matter recorded.



- (4) Every person appointed pursuant to this Rule shall, before commencing his duties, and whether in the employ of the Crown or of some person under contract to the Crown, make a declaration in the form of Form 1 of Part IIIA of the Schedule of Forms to these Rules.

**3.      Reproduction of record**

Upon the establishment, under this Order, of a system of mechanical recording for any Court, the whole of every proceeding in that Court shall be recorded and the recording shall be supervised and transcribed by the respective persons employed for that purpose.

**4.      Duties of monitors**

- (1) Every monitor supervising a recording shall note in a register —
- (a) in respect of each section of the recording, the time of commencement and the time of completion of that section;
  - (b) in respect of each section of the recording, the number on the recording machine corresponding with the position on the recording medium of the commencement and the completion of that section;
  - (c) the respective times of the commencement and the completion of addresses and submissions of counsel, with the corresponding numbers on the recording machine;
  - (d) in respect of each witness, the time and corresponding number on the recording machine, of —
    - (i) the commencement of his evidence-in-chief;
    - (ii) the commencement of his cross-examination (if any);
    - (iii) the commencement of his re-examination (if any); and
    - (iv) the completion of his evidence; and

- (e) the respective times of the commencement and the completion, with the corresponding numbers on the recording machine, of the reasons for judgment (if delivered immediately following the close of the case) or, where the trial is had before a jury, the directions and summing-up of the trial judge.
- (2) Every monitor supervising a recording shall give a distinctive number to the reel or other device holding the recording medium, so that the number affixed affords a ready indication of the order in the sequence of the proceedings in which the medium is to be played back; and reels shall be numbered consecutively in the order in which the recording is made on them.
- (3) Where a recording medium is used, the monitor supervising the recording is responsible for ensuring that all other material has been erased from the medium and that the record commences at the commencement of the tape, wire or recording medium used.
- (4) The commencement of a tape, wire or other recording medium shall be marked by a green introductory tape or string and the end by a red tape or string.

**5. Duties of persons transcribing recordings**

Every person transcribing any matter recorded shall —

- (a) record his initials on every page transcribed by him;
- (b) record on the transcript such of those particulars noted in the register by the monitor, pursuant to subrule (1) of Rule 4 of this Order, as relate to the matter transcribed by him;
- (c) record on the transcript the time of commencement and the time of completion of that section of the transcript; and

- (d) forthwith after the completion of the transcript, complete and subscribe a certificate in respect of the pages transcribed by him, in the form of Form 2 of Part IIIA of the Schedule of Forms to these Rules.

**6. Transcript to constitute notes of evidence**

Where recorded matter has been transcribed and certified in accordance with Rule 5 of this Order, the transcript so made shall, subject to Rule 8 of this Order, constitute the notes of evidence and record of the proceeding.

**7. Progress copies of transcript to be made available to Judge and parties**

The officer controlling that part of the system whereby a record and transcript is made shall deliver, free of charge, to the trial judge, to the prisoner or his counsel or solicitor and to counsel for the Crown, a progress copy of each section of the transcript, as soon as it becomes available.

**8. Copies of transcript to be again certified for purposes of appeal**

Whenever a transcript or part of a transcript is required for the purposes of an appeal or of a proceeding other than that in which it was transcribed, the transcript or part of the transcript so required shall be checked by the officer controlling that part of the system whereby the record and transcript was made and when correct shall be so certified by that officer.

*[Rule 8 amended by Gazette 12 October 1967 p.2864.]*

**8A. Presumption of accuracy of transcript**

Where a transcript or part of a transcript is certified in accordance with Rules 5 and 8 of this Order, it is, for the purpose of any other proceeding, —

- (a) presumed to be a true and accurate account of the proceeding or part of the proceeding to which it relates; and
- (b) *prima facie* evidence that a statement therein attributed to a person was, in fact, made by that person.

*[Rule 8A inserted by Gazette 12 October 1967 p.2864.]*

**9. Register and keeping of records**

- (1) An officer, appointed pursuant to Rule 2 of this Order, shall be appointed to keep a register of all recordings made under this Order and the register shall be in the form of Form 3 of Part IIIA of the Schedule of Forms to these Rules.
- (2) The officer keeping the register of recordings shall be responsible for the orderly filing, and safe custody, of all recordings which shall be stored in a fire-proof safe or strongroom.
- (3) A person other than the officer responsible for the safe custody of recordings shall not be permitted or suffered to have access to the safe or strongroom wherein recordings are stored.

**10. Erasure of recordings**

- (1) A recording shall not be erased until three months after the expiration of the time limited for giving notice of appeal or notice of application for leave to appeal, in respect of the proceeding of which the recording is a record or, where notice of appeal is given or leave to appeal is granted, until the appeal has been disposed of, whichever is the later; and may then be erased on the written authority of the judge who presided at that proceeding or, in case of his death, retirement or absence, on the written authority of the Chief Justice.

*[(2) Deleted]*

- (3) Before a recording is erased under this Rule, the certified copy of the whole of the transcript shall be checked as provided by Rule 8 of this Order.
- (4) The fact and date of erasure and the authority therefor shall be entered in the register of recordings by the proper officer.

*[Rule 10 amended by Gazette 1 December 1972 p.4566.]*

**11. Failure of recorder to be reported forthwith**

Whenever any mechanical failure occurs in a recording system, that event shall immediately be reported to the trial judge, by the officer then having control of the recording and that officer shall, as soon as practicable after the cause of failure becomes known, furnish the judge with a written report of that cause.

*[Rule 11 amended by Gazette 1 December 1972 p.4566.]*

## **Order XI**

### **Certificate of Judge of trial**

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

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

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 XII

### Applications which may be dealt with under section 702

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

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 be 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.

**2. Certain matter to be referred to Judge**

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.

**3. Procedure where Judge refuses application**

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

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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.

**4. Sittings of a Judge under s.702.**

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**

### **Appeals where fine only is inflicted**

**1. Where fine imposed on conviction to be retained pending appeal**

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.

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

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.

**3. Person fined may in certain cases intimate appeal, and not pay fine.**

**Power of Court of Trial in such cases to impose recognisances**

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

**4. Fine to be repaid on success of appeal**

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

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 21 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.

*[Rule 5 amended by Gazette 17 December 1976 p.4978.]*

## Order XIV

### Custody of exhibits used at trial

**1. Judge's directions as to custody of exhibits**

*[Repealed]*

*[Rule 1 amended by Gazette 9 July 1954 p.1215.]*

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

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. The exhibits appearing on such list shall be marked for the purpose of readily identifying the same.

*[Rule 2 amended by Gazettes 9 July 1954 p.1215;  
1 December 1972 p.4566.]*

**2A. Marking and listing of exhibits**

The Clerk of Arraignment shall mark each exhibit, and make a list of all the exhibits, put in at a trial.

*[Rule 2A inserted by Gazette 1 December 1972 p.4566.]*

**3. Retention and return of exhibits**

- (1) Subject to this Rule and to Rule 9 of Order IX, exhibits shall be retained in the custody of the Clerk of Arraignment —
- (a) during the trial;
  - (b) after the trial has concluded for a period of 21 days pending the lodging of an appeal or an application for leave to appeal; and

- (c) where an appeal or an application for leave to appeal has been lodged, until the appeal or application or any appeal consequent upon leave being given has been disposed of.
- (2) Where there is no appeal or application for leave to appeal within the time mentioned in subrule (1), the Clerk of Arraignment shall return the exhibits or cause them to be returned to the person who originally produced them, but —
  - (a) documents that are usually kept by an officer of the Court of Trial shall not be returned without a special order; and
  - (b) exhibits to which section 694 of the Code relates shall not be returned except pursuant to the direction of the Court of Trial or of the Court of Criminal Appeal.
- (3) The Court of Criminal Appeal may give such directions as it thinks fit regarding the custody or disposal of any exhibits in the custody of the Registrar of that Court and the Court of Trial may give like directions regarding any exhibits in the custody of the Clerk of Arraignment.

*[Rule 3 inserted by Gazette 1 December 1972 p.4566; amended by Gazette 17 December 1976 p.4978.]*

## Order XV

### Suspension of consequential orders pending appeal

**1. Annulling or varying order of restitution of property  
Persons affected may appear on appeal**

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, 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.

**2. Nonsuspension of orders for restitution, etc., to be subject to property or a sample, etc., being necessary for purposes of appeal**

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.

**3. Temporary suspension or orders made on conviction as to money, costs, etc.**

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 21 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 21 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.

*[Rule 3 amended by Gazette 17 December 1976 p.4978.]*

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

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 in 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 21 days; or in the event of an appeal, until the determination thereof by the Court of Criminal Appeal.

*[Rule 4 amended by Gazette 17 December 1976 p.4978.]*

**5. Suspension of disqualification consequent on conviction**

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 21 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.

*[Rule 5 amended by Gazette 17 December 1976 p.4978.]*

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

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.

**7. Suspension of order of destruction or forfeiture of property**

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 21 days from and after the date on which the verdict on such indictment was returned, and in the event of an appeal shall be further suspended until the determination thereof by the Court of Criminal Appeal.

*[Rule 7 amended by Gazette 17 December 1976 p.4978.]*

**8. Suspension of proceedings or claims consequent on conviction**

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 21 days from the date on which the verdict against on such person was returned, nor in the event of an appeal to the Court of Criminal Appeal until the determination thereof.

*[Rule 8 amended by Gazette 17 December 1976 p.4978.]*

**9. Hearing on final determination of appeal**

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. Period of suspension of orders under s.6 of Act**

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 21 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.

*[Rule 10 amended by gazette 17 December 1976 p.4978.]*



**11. Certificate of conviction not to issue for 10 days after conviction**

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 21 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 21 days that a Notice of Appeal or if Application for leave to appeal to that Court has been given, until the determination thereof.

*[Rule 11 amended by Gazette 17 December 1976 p.4978.]*

**12. After 10 days from conviction, Clerk to be satisfied no appeal pending before issuing certificate of conviction**

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 21 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.

For the purposes of this Rule the expression “conviction” shall mean the verdict or plea of guilty and any final judgment passed thereon.

*[Rule 12 amended by Gazette 17 December 1976 p.4978.]*

**13. Appeal by person convicted against order of restitution or compensation to be made on appeal against conviction**

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. Conditions may be imposed on appeal against order of restitution**

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.

## Order XVI

### Notes and report of Judge of trial

**1. Judge's note to be furnished to the Registrar on request**

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

**2. Report of Judge of Court of Trial**

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 (not being notices to which in his opinion Section 701, Subsection (2) of the Code applies) or when the Attorney General shall exercise his powers under Section 21 of the Code, 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.

*[Rule 2 amended by Gazette 9 July 1954 p.1215.]*

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

The report of the Judge shall be made to the Court of Criminal Appeal, and except by leave of the Court or a Judge of the

Supreme Court specifying what is to be furnished the Registrar shall not furnish to any person any part thereof.

*[Rule 3 amended by Gazette 9 July 1954 p.1215.]*

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

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**

### **Defence of appeals**

**1. Registrar's duties as to ascertaining Respondent**

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.

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

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.

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

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.

**4. When Crown or Prosecutor is appellant**

- (i) The foregoing Rules of this Order do not apply in any case where the Crown or the Prosecutor is the appellant. In any such case the Registrar shall —
  - (a) notify the accused or his counsel or solicitor of the appeal; and
  - (b) where the appellant is a private prosecutor, notify the Crown Prosecutor of the appeal.
- (ii) Where the appellant is a private prosecutor, the Court of Criminal Appeal may, at any stage of the proceedings, order that the Crown Prosecutor shall take over the defence of the appeal.

*[Rule 4 inserted by Gazette 9 July 1954 p.1215.]*

## Order XVIII

### Documents required for purposes of appeal

- 1. 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**

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 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.

- 1A. Judge may allow affidavits to be filed re grounds etc.**

If it appears necessary or expedient for the proper determination of an appeal or application to the Court of Criminal Appeal, a Judge of the Supreme Court on application by any Appellant or Respondent prior to the hearing and after notice of such application to other parties concerned, may, by special order, grant leave to all or any parties to file affidavits relating to any ground of the appeal or application, and may direct what persons shall be competent to make any such affidavit or affidavits and within what time or times any such affidavit shall be filed.

*[Rule 1A inserted by Gazette 9 July 1954 p.1215.]*

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

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.

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

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 1935*.<sup>3</sup>

*[Rule 3 amended by Gazette 9 July 1954 p.1215.]*

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

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.



**5. Transcript of short-hand notes not to be supplied free except on order of Judge of Court**

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.

**6. Appellant not legally represented may obtain copy of documents or exhibits free**

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.

## **Order XIX**

### **Procedure as to witnesses before Court of Criminal Appeal, and their examination before examiner**

**1. Attendance of witness before Court of Appeal**

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.

**2. Application to Court to hear witnesses**

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.

**3. Order appointing Examiner**

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.

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

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.

**5. Notification of date of examination**

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.

**6. Evidence to be given on oath**

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.

**7. Deposition of witness, how to be taken**

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 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. Travelling expenses of witnesses before Examiner**

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. Service of notices and orders, under Rule**

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. Presence of parties at examination of witnesses**

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

When an order of Reference is made by the Court of Criminal 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.

*[Rule 11 amended by Gazette 9 July 1954 p.1215.]*

## **Order XX**

### **Notifying result of appeals**

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

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

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

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.

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

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 XXA**

*[Repealed by Gazette 17 December 1976 p.4978.]*



## Order XXB

### Proceedings under the *Offenders Probation and Parole Act 1963*

#### 1. Proceedings pursuant to ss.16, 17.

Where pursuant to section 16 or 17 of the *Offenders Probation and Parole Act 1963* a probationer or a person in whose case a probation order has been made is brought or appears before the Court and is dealt with pursuant to either of those sections, the Clerk of Arraignment shall make out a certificate in the Form 9A of Section VI of Part I of the Schedule setting out the judgment directed by the Court with respect to the probationer or such person, and the certificate shall be delivered, where the probationer or such person is sentenced to imprisonment or released from custody, to the Director of the Department of Corrections or handed to the gaoler in attendance at the Court.

*[Rule 1 inserted by Gazette 1 December 1972 p.4567.]*

#### 2. Applications pursuant to s.40(2)

An application pursuant to subsection (2) of section 40 of the *Offenders Probation and Parole Act 1963* —

- (a) shall be made —
  - (i) where it is to the Court of Criminal Appeal, by motion; or
  - (ii) where it is to the Supreme Court, by summons to a Judge in Chambers or, if a Judge so directs, by motion in open court;
- (b) shall be supported by an affidavit of the facts on which the Director relies.

*[Rule 2 inserted by Gazette 1 December 1972 p.4567.]*

#### 3. Service

A copy of the application shall be served, with a copy of the supporting affidavit, on the convicted person not less than five

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clear days before the return day unless he states that he does not wish to be heard on the application or accepts short notice of it.

*[Rule 3 inserted by Gazette 1 December 1972 p.4567.]*

**4. Notice to sentencing Court**

Where, on hearing the application, the Court fixes a minimum term of imprisonment with respect to a person sentenced by a court other than the Supreme Court, the Registrar shall give notice thereof to the registrar or other proper officer of that other court.

*[Rule 4 inserted by Gazette 1 December 1972 p.4567.]*

## Order XXC

### Application pursuant to section 4 or 6 of the *Criminal Injuries (Compensation) Act 1970*

#### 1. Manner of application

An application pursuant to section 4 or 6 of the *Criminal Injuries (Compensation) Act 1970*—

- (a) may be made orally to the trial Judge, forthwith after the conviction of the person against whom an order is sought and in his presence, or forthwith after the acquittal of the accused person, as the case may be; or
- (b) may be later made by notice of motion to the Court to be heard in open court.

*[Rule 1 inserted by Gazette 1 December 1972 p.4568.]*

#### 2. Service of notice of motion on person convicted

Where an application pursuant to that section 4 is made by notice of motion, the notice of motion shall be served on the person against whom the order is sought not less than fourteen clear days before the return day.

*[Rule 2 inserted by Gazette 1 December 1972 p.4568.]*

#### 3. Evidence

- (1) Where the person against whom the order is sought has been convicted after trial, the applicant may rely on the evidence given at the trial but that evidence may be supplemented by further oral evidence or, by leave of the Court, by affidavit.
- (2) Where the person against whom the order is sought has been convicted on his own confession, the Court in determining the application may have regard to the depositions of witnesses taken at any preliminary hearing and also may, as the particular circumstances of the case may require, hear such further or other evidence as the Court determines.

*[Rule 3 inserted by Gazette 1 December 1972 p.4568.]*

**4. Adjournments**

The application, whether made orally or by motion, may be adjourned from time to time until an order is made or refused.

*[Rule 4 inserted by Gazette 1 December 1972 p.4568.]*

**5. Final determination**

The application shall not be finally determined until the time for appeal against the conviction or acquittal, as the case may be, has expired.

*[Rule inserted by Gazette 1 December 1972 p.4568.]*

## **Order XXI**

### **Passing of accounts by curator of prisoner's estate**

**1. Accounts to be filed**

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 to parties**

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. Notice of objections**

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. Service on persons interested**

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. Attendance of persons interested**

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

**6. Registrar's certificate**

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. Certificate when binding**

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 XXII

### Certiorari to Inferior Courts

**1. Title of Affidavits**

Affidavits intended to be used on an application for a writ of *certiorari* to remove an indictment from the District Court 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 District Court at B. (or other Court, naming it) against C.D.”

*[Rule 1 amended by Gazettes 9 July 1954 p.1216;  
1 December 1972 p.4565.]*

**2. Grounds for removal**

A writ of *certiorari* for the removal of an indictment from the District Court 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.

*[Rule 2 amended by Gazettes 9 July 1954 p.1216;  
1 December 1972 p.4565.]*

**3. Security for costs of prosecution**

A writ of *certiorari* for the removal of an indictment from the District Court or other Inferior Court into the Supreme Court shall not be issued except on the application of the Attorney General acting 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

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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.

*[Rule 3 amended by Gazette 1 December 1972 p.4565.]*

**4. Time and notice**

An order *nisi* for a writ of *certiorari* to remove a judgment, conviction, order, or other proceeding, of the District Court other than an indictment presented therein, or a judgment, conviction, order, or other proceeding of any other Inferior Court or Tribunal, 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 District Court, 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.

*[Rule 4 amended by Gazettes 9 July 1954 p.1216;  
1 December 1972 p.4565 and p.4568.]*

**5. Objections to be stated in order**

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 *nisi*; otherwise an objection on account of such omission or mistake shall not be allowed.

*[6. Repealed by Gazette 1 December 1972 p.4568.]*



**7. Security for costs on *certiorari* to bring up convictions or orders of Justices**

A writ of *certiorari* to remove a judgment, conviction, or order of the District Court or of any other Inferior Court or Tribunal shall not be issued, except upon the application of the Attorney General, until the applicant has given security in the sum of one hundred dollars, 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.

*[Rule 7 amended by Gazettes 9 July 1954 p.1216;  
1 December 1972 p.4565 and 4568.]*

*[8. Repealed by Gazette 1 December 1972 p.4568.]*

*[9. Repealed by Gazette 1 December 1972 p.4568.]*

## **Order XXIII**

### **Miscellaneous provisions**

**1. Application not specially provided for, how made**

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.

**2. Notice by Registrar to Appellant of results of all applications**

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.

**3. Legal aid**

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.

The Registrar shall thereupon, subject to any special order of the Court of Criminal Appeal select a Counsel and Solicitor or Counsel only for the purpose of affording legal 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.

*[Rule 3 amended by Gazette 9 July 1954 p.1216.]*

**4. Enforcing duties under Rules**

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.

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

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.

**6. Sittings during long vacation**

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

**7. Reference to Court under s.21 (b)**

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.

**8. Warrants**

- (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.

- (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. Notices to Court**

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.”

**10. Notices to be in writing. Service**

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 31 of the *Interpretation Act 1918*<sup>2</sup> shall apply to the service thereof.

*[Rule 10 amended by Gazette 9 July 1954 p.1216.]*

**11. Applications to Court, how made**

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

**12. Notice of motion to be served two days before hearing**

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.

**13. Applications in Chambers**

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.

**14. Solicitor to represent client**

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.

**15. Schedule of Forms**

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.

**16. Power of Court or Judge to enlarge or abridge time**

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.

**17. Effect of non-compliance**

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.

**18. Certificate or warrant evidencing sentence to be forwarded to Court**

- (1) When a Notice of Appeal or Notice of Application for leave to appeal has been given by a convicted person, the Comptroller General of Prisons or the Superintendent or officer in charge of the prison in which the appellant then is, or from which he has been released on bail, shall, on being requested by the Registrar so to do, forward to the Registrar the certificate of the clerk of arraigns, or other warrant evidencing the sentence passed on the appellant by the court of trial, with a memorandum thereon stating the date on which the appellant has been admitted to bail, or the time during which he has been treated as an unconvicted prisoner, as the case may be.
- (2) Such certificate or warrant shall be placed before the Court of Criminal Appeal on the hearing of the appeal or application for leave to appeal, and on the final determination of the appeal or application the associate to the presiding Judge shall endorse on the said certificate or warrant a further certificate according to Form 25 in Part IV. of the Schedule of Forms hereto showing the time which is not to count as part of the term of imprisonment to be served by the appellant or applicant or any direction thereon given by the Court of Criminal Appeal in accordance with the provisions of section 20 of the Code and the Registrar shall return the certificate with such endorsement to the Superintendent or officer in charge of the prison when notifying the determination of the appeal or application.

*[Rule 18 inserted by Gazette 8 April 1949 p.777.]*

**19. Section 656A — transmission of documents**

For the purpose of enabling the Court to deal with a simple offence under section 656A of the Code, a clerk of petty

sessions shall, upon a request being made by the Registrar, transmit to the Registrar any summons, warrant, complaint, or document of any sort that is filed in the court of petty sessions concerned, or is in the custody of that court, and relates to that offence.

*[Rule 19 inserted by Gazette 30 December 1988 p.5086.]*

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## 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 the District Court.

Western Australia.

In the District Court

holden at

.....  
.....  
.....

The King against A.B.

##### *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*).

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(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*).

(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 attempting 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 attempting 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 attempting 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.

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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.

(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 direction 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));

(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;

(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];

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*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 ill-will 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.

(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*).

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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 \$200 [*or certain shares in a Joint-Stock Company called the X.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 C.P. (or as the case may be)] for himself [or for the 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 the 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, \$200 (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

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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 with intent to carry out a common purpose; namely: (here set out the purpose) assembled together to the number of three [and more] in such a manner [*or* And other persons with intent to carry out a common purpose; namely: (here set out the purpose) 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].

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.K.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.*].

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 Terror.

Section 68.

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

[*Form 24 amended by Gazette 22 July 1921 p.1286.*]

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 fire-arms *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*)].

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, \$1,000 (*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 \$1,000 (*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.

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), (e), (f), (g), and proceed;*

And that the said 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

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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), (e), (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.

## 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))*].

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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 \$10 [*or* a promise to pay him \$10 (*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*).

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 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*)

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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 offences, 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)*].

III. — CORRUPT AND IMPROPER PRACTICES AT ELECTION.

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:*

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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*].

*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, \$10 [*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*

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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, \$10 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, \$10*] to one M.N. for the 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, \$10*], 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 in making payments contrary to the provisions of Section 103 of the Criminal Code (or as the case may be)*]:

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*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.

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.

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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.

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 posts: 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.

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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, \$10 (*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. (*as the case may be*)], on account of the said A.B. having recommended him the said M.N. [*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, \$200 (*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 detention (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*).

No. 76. — Corrupting or threatening Jurors.

Section 123.

(1) Attempted by threats [*or by intimidation or by a gift of money, namely, \$10, to one E.F., or by promising to give a sum of money, namely, \$10, 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*]

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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, \$10 [*or a certain benefit, namely (a promise of) a loan of \$200 (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 Session 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*].

(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 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 play be*): And that A.B. on *etc.*, at *etc.*, with intent to effect 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)*], he the said A.B. then knowing that the said E.F.

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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 \$20 (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, 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.

No. 97. — Escape of Criminal Prisoner

Section 146.

Being in lawful custody under sentence of imprisonment after conviction of 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. — Harboursing 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.

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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*).

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.

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No. 106. — Possession of Clippings.

Section 156.

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

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*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.

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 at 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.

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.

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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 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 thirteen [*or sixteen*] years, to resort to [*or to be in (or upon)*] the said premises for the purpose of being unlawfully carnally known by a man.

Form No. 136. — Abusing Girls under Sixteen.

Section 187.

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A.B. (being a person over the age of twenty-one years) had (*or attempted to have*) unlawful carnal knowledge of one E.F., a girl under the age of sixteen years.

Form No. 137. — Defilement of Idiots.

Section 188.

A.B. had (*or attempted to have*) unlawful carnal knowledge of a woman (*or girl*), namely, one E.F., an idiot (*or imbecile*): And that the said A.B. then knew the said E.F. to be an idiot (*or imbecile*).

Form No. 138. — Indecent Treatment of Women and Girls and Idiots.

Section 189.

(1) A.B. (being over the age of twenty-one years) unlawfully and indecently dealt with one E.F., a girl (*or woman*) under the age of sixteen years.

(2) A.B. (being over the age of twenty-one years) unlawfully and indecently dealt with a woman (*or girl*), namely, one E.F., an idiot (*or imbecile*): And that the said A.B. then knew the aforesaid E.F. to be an idiot (*or imbecile*).

(3) A.B. (being over the age of twenty-one years) unlawfully and indecently dealt with a girl (*or woman*) under the age of seventeen years, namely, one E.F., of whom the said A.B. was the guardian (*or employer or teacher or school-master*).

(4) A.B. unlawfully and indecently dealt with one E.F., a girl under the age of thirteen years.

Form No. 139 — Defilement by Guardians, Employers,  
Teachers, and School-masters.

Section 190.

A.B., being the guardian (*or employer or teacher or school-master*) of one E.F., a girl under the age of seventeen years. did unlawfully and carnally know (*or attempted to have unlawful 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.

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.

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(3) Being the keeper of a brothel suffered one E.F., a girl [or woman] under the age of twenty-one years, to be therein.

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 eighteen, 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.

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*].

(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 or 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.

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

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*(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 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.

No. 174. — Aiding Suicide.

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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; *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*

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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 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*

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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*].

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 gun 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 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.

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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.

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.

Assault on 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.

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 the one M.N.)*].

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(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 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.

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(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 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.
- (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 solemnization 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.

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 \$10 (*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 \$20 (*or etc.*), the property of the said E.F.]

And further, that on *etc.*, at *etc.*, the said A.B. also stole \$14 (*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.

(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 \$10, in the dwelling-house of the said E.F. [*or of one G.H.*].

(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 preceding Form*) from a vessel which was then 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*].

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(k) Stole (*etc., as in preceding Form*), and in order to steal the same opened a locked room [*or box or cupboard or desk (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 than 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 he applied (*etc., as in (p)*).

(s) Stole \$1,000 [*or a picture of the value of \$1,000 (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 \$12 (*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 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.

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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 (*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 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*].

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[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 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 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 to [*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 \$200 [*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*).

IV. — BURGLARY, HOUSEBREAKING, AND LIKE OFFENCES.

No. 247. — Housebreaking: Burglary.

Section 401.

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(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 daytime 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.
- (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 \$10 (or as the case may be), with intent thereby then to defraud.*

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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 \$200 [*or a bond or as the case may be*] [*or 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. \$10 (*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.*] \$10 [*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. Goldmining 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 defraud one E.F. (*or as the case may be*) by deceitfully (*or fraudulently*) (here set out the nature of the deceit or fraud).

(4) Conspired together (*or with one M.N.*) to extort money (*or as the case may be*) from one E.F.

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 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*] then well knowing the same to have been so stolen (*or obtained*) as aforesaid.

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. \$10 [*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*

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*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 \$200 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*].

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*] \$400 (*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 \$14,000 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 \$200,000, 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*].

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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 the value of \$20,000, 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 \$20, 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 \$20, 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 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 \$200 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 [*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 Animal.

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.

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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 for 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 —

- (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.

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(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*] (*or 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 to 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*) 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*].

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(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].

(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) 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 then 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

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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.

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. 583.*).

(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.

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 \$2,000 (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.

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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.

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 Births, Deaths or Marriages.

Section 487.

Being a person required [*or permitted*] by the law relating to the registration of births [*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*).

(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.

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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*].

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 for 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*

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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.

(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.

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- (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*).
- (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 acknowledgement (or as the case may be)*] next hereinafter mentioned, a recognisance (*or etc.*) [*or an acknowledgement 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.

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 therein as the person to whom the same was issued:

XV. — FRAUDULENT DEBTORS.

No. 322. — Absconding with Property in Contemplation of or Immediately after Bankruptcy.

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Section 516.

(1) Being a bankrupt, departed from Western Australia and took with him [*or attempted (or prepared) to depart from Western Australia and take with him*] part of his property, namely \$ (or as the case may be, describe the property) [of the value of (upwards of) \$40], 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] \$20, 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] \$20, 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.

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.]

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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*).

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)*].

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No. 334. — Undischarged Bankrupt obtaining Credit to extent of \$40.

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 [*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 \$1,156, whereas in fact such price was \$1,050 (*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.*).

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*

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*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 in 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 joining 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

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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 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*)].

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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*).

*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.

#### 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*).

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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.

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)*).

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)*).

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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 at 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 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

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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 indicitive*).

III. — OFFENCES AGAINST “PACIFIC ISLANDERS’  
PROTECTION ACT, 1872.”

35 and 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., a above) for the purpose (etc., as above) without his consent.*

(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 intent that it [*or they*] should be employed [*or knowingly 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                      .

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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 Australia, 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 appointed 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*

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*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. — FORM 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 prays 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 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.

**Sch.**

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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: Therefore 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 \$200 (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 Arraignment after Trial  
(Title.)

I certify that an Indictment dated the ..... day of ..... , 19 .., was presented to this Court at its sittings commencing at ..... on the ..... day of ..... , 19 .., and which said Indictment charged ..... with the offence ..... and was tried before ..... and the Jury on the ..... day of ..... , 19 ..

The Accused was found or pleaded Guilty and sentenced to a term of

**Sch.**

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..... imprisonment with hard labour (*as the case may be*).  
Under section 656A of the Code the accused was also convicted on his plea  
of guilty of the offence of ..... and was sentenced to .....  
Dates this ..... day of ..... 19 .....  
.....  
Clerk of Arraigns.

No. 9A — Certificate of Clerk of Arraigns with respect to person dealt with under  
*Offenders Probation and Parole Act 1963*.  
(Title.)

WHEREAS on the ..... day of ..... 19 .....  
who had been convicted of the offence of .....  
..... appeared before .....  
and was admitted to probation in accordance with the *Offenders Probation and  
Parole Act 1963* for a period of ..... years.

NOW I HEREBY CERTIFY that on the .....day of .....  
19 ..... the said ..... appeared or was brought before the  
Court pursuant to \*section 16 or 17 of the *Offenders Probation and Parole  
Act 1963* at its sittings commencing at ..... on the .....  
day of ..... 19 ..... \*he having failed to comply with a requirement  
of a probation order namely ..... \* or he having been convicted of  
and dealt with in respect of an offence namely ..... committed  
during the probation period and the Court on the ..... day of .....  
19 ..... directed that for the offence in respect of which the probation order was  
made he be released from custody \*or sentenced to imprisonment \*with/without  
hard labour for a term of .....  
.....  
.....  
.....  
.....  
.....

Dated this ..... day of ..... 19 .....  
CLERK OF ARRAIGNS.

\*Strike out whichever is not applicable.

No. 9B — Certificate of Clerk of Arraigns with respect to a person convicted in a  
Court of Summary Jurisdiction and committed to the Supreme Court or to the

District Court for sentence.

(Title)

WHEREAS on the ..... day of ..... 19 .....  
.....  
was convicted in the Court of Petty Sessions at\*/Children's Court at .....  
.....of the offence of ..... and was committed to the  
sittings of this Court at ..... for sentence.

NOW I HEREBY CERTIFY THAT the said .....  
appeared in this Court on the .....  
day of ..... 19 ..... before .....  
and was sentenced to .....

Under section 656A of the Code the accused was also convicted on his plea of  
guilty of the offence of ..... and was sentenced to .....  
Dated this ..... day ..... 19 .....

CLERK OF ARRAIGNS.

\*Strike out whichever is not applicable.

No. 10 — Calendar or List of Prisoners.

Calendar of Prisoners tried at the Supreme Court of Western Australia  
holden ..... or at a Circuit Court holden at .....  
or at the District Court holden ..... on the ..... day  
of ..... , 19 , before

| No. | Name | Offence | Date of<br>Com-<br>mittal | Date of<br>Trial | Plea | Verdict | Sentence | Remarks |
|-----|------|---------|---------------------------|------------------|------|---------|----------|---------|
|-----|------|---------|---------------------------|------------------|------|---------|----------|---------|

Dated this ..... day of ..... , 19 .

.....  
Judge or Chairman

.....  
Clerk of Arraigns

PART IA. — FORMS TO BE FILED BY PRACTITIONERS ACTING

**Sch.**

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FOR ACCUSED PERSONS

No. 1. — Notice to Court when acting or not acting

[Ord. IIA]

[Heading as per Part I, Section I, Division A, Form No. 1.]

TO: The Registrar

AND TO: Director of Public Prosecutions (WA)/(Cwlth)\*

AND TO:

Name of accused person: .....

Charge/Indictment No(s): .....

Take notice that [name of practitioner]/the firm of\* .....

Address .....

Telephone ..... Facsimile .....

(a)\* has been instructed to act for the accused person as solicitor/counsel/both solicitor and counsel\*.

(b)\* has ceased to be instructed to act for the accused person as solicitor/counsel/both solicitor and counsel\*.

Dated

Signed

[\*Delete that which is inapplicable.]

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

No. 2. — Bond to Prosecute Information.

Know all men by these presents that we, ZY., 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. fall 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:

**Sch.**

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To the within-named AB.

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 personally or by solicitor at the Registry of the Supreme Court at Perth.

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.S.)] 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.

**Sch.**

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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: 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 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  
RECOGNISANCES.

*[Heading amended in Gazette 30 December 1988 p.5082.]*

*[Forms No. 1, 2 and 3 deleted in Gazette 30 December 1988 p.5082.]*

*[Heading and note to form 4 deleted in Gazette 30 December 1988 p.5082.]*

*[Form 5 deleted in Gazette 1 December 1972 p.4569.]*

*[Forms 6 and 7 deleted in Gazette 30 December 1988 p.5082.]*

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 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 to Perth (*or as the case may be*) on the \_\_\_\_\_ day of \_\_\_\_\_ next [or whenever he shall be thereunto required], in order to receive the sentence of the said Court for certain crimes [or misdemeanours] whereof by a jury [or by his own confession] he was this day

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[*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. 8A. — Recognisance for Good Behaviour.  
Western Australia.

In the Court at .....

Recognisance for Good Behaviour.

BE it remembered that on the ..... day of ..... 19 .....  
and .....  
and .....  
personally came into the Court at .....  
and before the undersigned Clerk of Arraignment severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following, that is to say: ..... the said ..... the sum of ..... and the said ..... and ..... the sum of ..... each; to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen her heirs and successors.

Upon condition that if the said ..... shall keep the peace and be of good behaviour for the term of ..... years from the ..... day of ..... , 19 ..... , then this recognisance shall be void; but otherwise shall remain in full force.

Taken and acknowledged before me the day and year first above mentioned at ..... in the said State.

.....  
Clerk of Arraignment.

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 there-after 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 ball.

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 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.

**Sch.**

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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 endorsed.

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).*

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*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 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. 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 \$                    ,

**Sch.**

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and in default of such payment to imprisonment, and that under the Criminal Practice Rules, 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 and 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.

**PART IIIA — FORMS RELATING TO MECHANICAL RECORDING OF PROCEEDINGS AND TRANSCRIPTS OF RECORDINGS.**

*[Part IIIA inserted by Gazette 1 August 1962 pp.2075-7.]*

**No. 1. — Declaration by Persons Employed on Mechanical Recording and Transcribing Recordings.**

I, ..... of ..... in the State of Western Australia, ..... do solemnly and sincerely declare —

- (a) that I will truly and faithfully, to the best of my skill and ability, carry out the duties entrusted to me for the purpose of producing a true record of the proceedings of every trial or other proceeding held in the Criminal Court or the District Court of the State in respect of which I may at any time be engaged in the capacity of ..... ; and
- \* (b) that I will carefully supervise, as monitor, the operation of any mechanical recording device entrusted to my care and operation and will ensure that the device is so operated as to record the whole of the proceedings of any trial or other proceeding in respect of which I may be engaged to supervise, as monitor, the operation of the recording.
- \* (b) that I will carefully type and transcribe all such mechanically recorded matter as may be entrusted to me for that purpose and I will not subscribe or certify as correct any notes of any proceedings transcribed by me, without first ensuring that those notes are a true and accurate reproduction of the recorded matter entrusted to me for transcription.



And I make this solemn declaration under and by virtue of the provisions of section 106 of the *Evidence Act 1906*.

DECLARED at )  
in the State of Western )  
Australia this day )  
of , 19 ; )  
before me: )

\*Either one or both of these paragraphs should be struck out, according to the capacity in which the declarant is employed.

No. 2. — Certificate of Typist Verifying Transcript.

I, ..... of .....  
in the State of Western Australia, .....  
....., do hereby certify that I am the person responsible  
for transcribing the sheets bearing the initials .....  
and numbered ..... in the proceedings of .....  
v. .... held in the ..... on the ..... day(s)  
of ..... 19 ; and I further certify that I have  
checked the said sheets with the mechanical recording of which they purport to  
be a transcript and am satisfied that they are in every respect a true and accurate  
transcription.

Dated at this day of  
, 19 .

Signed by: .....

No. 3. — Register of Mechanical Recordings.

No. of Criminal Cause .....  
Name of Accused .....  
Dates of Trial .....  
Before Whom Tried .....  
Result of Trial .....  
When Typed Record of Proceedings Completed .....  
Date Mechanical Record Stored .....

**Sch.**

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Date Mechanical Record Erased .....

By Whose Authority Erased .....

**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 or (*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 \_\_\_\_\_, 19 \_\_\_\_\_.

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

**Sch.**

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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.

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 arguments 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 \_\_\_\_\_, 19 \_\_\_\_.

Particulars of Trial and Conviction: —

1. Date when sentence passed.
2. In what Court tried.

*(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.

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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 \_\_\_\_\_ on the day 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. 7. — Notice of Abandonment.

R. v.

I,

having been convicted

of \_\_\_\_\_ at the Supreme Court at  
Perth [at the Court of Session 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 \_\_\_\_\_, 19 \_\_\_\_,  
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 \_\_\_\_\_, 19 \_\_\_\_, 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 \_\_\_\_\_, 19 \_\_\_\_, and the judgment founded thereon be reversed and set  
aside.

3. That the judgment of the Court of Session 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].

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And the Court will further be moved to give such directions and make such orders in the premises as may be necessary.

Dated the                    day of                    , 19           .

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 of            , 19    .

No. 11. — Notification to Appellant of Judges 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            , 19    .

(Signed)

Registrar.

To the above-named

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) 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



the                    day of                    , 19    , 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 this            day of                    , 19    .

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            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*).

**Sch.**

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(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;

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 abovementioned 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                    , 19                    .

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

**Sch.**

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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                    , 19                    .

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 19                    , 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                    , 19                    .

Registrar.

No. 23. — Warrant for Apprehension of Respondent.

To the Commissioner of Police, etc. (*as in preceding form*).

Whereas on the                    day of                    , 19                    , 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            , 19    , 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            , 19    , 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            , 19    .

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            , 19    , 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            , 19    , [*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 "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            , 19    .

Registrar of Court of Criminal Appeal.  
[or J.P.]

No. 25. — Certificate of Time not to Count as Part of Imprisonment under Sentence pursuant to Section 20.

R. v.

I hereby certify that the abovenamed Appellant having been, pending the hearing of his appeal (*or application for leave to appeal*), admitted to bail on the            day of            (*or specially treated as an unconvicted prisoner as from the            day of*) the time which, pursuant to section 20 of the Criminal Code, is not to count as part of any term of imprisonment under his

**Sch.**

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sentence is                    days, being the equivalent of the time between the date aforesaid and the date of determination of his appeal.

Dated

.....  
Associate to His Honour.

[Form 25 inserted by Gazette 8 April 1949 p.777.]

**PART V. — FORMS RELATING TO CERTIORARI TO  
INFERIOR COURTS.**

No. 1. — Notice to Chairman of Court of Session 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 Session, 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 Session, 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 Session 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)*].

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 Session 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 Sittings 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,

**Sch.**

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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 \$100.

*(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 Session.

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 Session holden at T.

Greeting:

We, willing for certain causes to be certified of the proceedings upon an indictment lately presented in the Court of Session holden at T. before you against A.B., for that he (*state charge as in 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*            ] 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. — Praeceptum 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.*)

**Sch.**

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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 Session [*or* one of the Justices] withinmentioned.

*(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.

No. 12. — Writ of Supersedeas to Certiorari and Procedendo 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 expedition 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. — Praecipe for Writ of Supersedeas and Procedendo.

*(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.)*

*[Schedule amended by 22 July 1921 p.1286; 11 August 1922 pp.1462-3; 8 April 1949 p.777; 9 July 1954 p.1216; 1 August 1962 pp.2075-7; 1 December 1972 pp.4568-9; 30 December 1988 pp.5082, 5086-7; 30 November 1993 p.6415.]*

**Notes**

- <sup>1</sup> This is a compilation of *The Criminal Practice Rules* and includes the amendments referred to in the following Table.

**Table of Rules**

**Compilation table**

| <b>Citation</b>                    | <b>Gazettal</b>   | <b>Commencement</b> |
|------------------------------------|---|---------------------|
| <i>The Criminal Practice Rules</i> | 29 Apr 1914<br>1 Dec 1972<br>p.4565-9<br>17 Dec 1976<br>pp.4975-8<br>6 Mar 1981<br>p.894<br>30 Dec 1988<br>pp.5086-87<br>30 Dec 1988<br>pp.5081-82<br>30 Nov 1993<br>pp.6413-15 | 29 Apr 1914         |

- <sup>2</sup> Now see *Interpretation Act 1918*.

- <sup>3</sup> Now *Supreme Court Act 1935*.