

New South Wales.



ANNO SECUNDO

GEORGII V REGIS.

Act No. 9, 1912.

An Act to amend the Supreme Court and Circuit Courts Act, 1900; and for purposes consequent thereon or incidental thereto. [Assented to, 4th April, 1912.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

1. This Act may be cited as the "Supreme Court and Circuit Courts (Amendment) Act, 1912." Short title and commencement.

This Act shall commence and come into force on the first day of July, one thousand nine hundred and twelve.

The

Supreme Court and Circuit Courts (Amendment).

The Judges.

Repeal of ss. 6, 7,
and 8 of Act of 1900.

2. Sections six, seven, and eight of the Supreme Court and Circuit Courts Act, 1900, are hereby repealed, and the following section is substituted therefor:—

Appointment of
judges.

6. Whenever the office of Chief Judge in Equity, Judge exercising the Matrimonial Causes Jurisdiction of the Court, Probate Judge, or Judge in Bankruptcy becomes vacant, the Governor may appoint one of the judges to such office.

Repeal of s. 9 (1).

Ibid.

Puisne judges.

3. (1) Subsection one of section nine of the same Act is repealed, and the following is inserted in its place:—

“(1) The Governor may from time to time, by commission under the great seal, in His Majesty’s name, appoint fit and proper persons to be puisne judges of the Supreme Court”: Provided that when the number of puisne judges amounts to seven or more the Governor may exercise the power conferred by this section only on resolutions of both Houses of Parliament that the state of business requires that one or more additional puisne judges should be appointed.

(2) Subsection two of the same section is amended by omitting “person” and inserting the word “persons,” by omitting “his” and inserting the word “their,” and by omitting “a judge” and inserting the word “judges.”

(3) Subsection three of the same section is amended by omitting “such” and inserting the words “any such,” and by omitting all the words after the words “five years standing.”

New section.

Ibid.

Acting Chief
Justice.

4. The following section is inserted next before section thirteen of the Supreme Court and Circuit Courts Act, 1900:—

12A. The Governor may appoint any puisne judge to be Acting Chief Justice during such period as the Chief Justice may be absent from his duties upon leave of absence or from illness or other cause.

During such period the Acting Chief Justice shall have the powers, authorities, immunities, and privileges, and shall fulfil the duties of the Chief Justice, and shall receive a salary at the rate herein provided for a Chief Justice.

Acting judges.

5. In the same Act section fourteen is repealed and section fifteen is amended by omitting paragraphs (a), (b), and (c).

Circuit Towns.

Repeal of Part IV
of Supreme Court
and Circuit Courts
Act.

6. (1) Part IV of the Supreme Court and Circuit Courts Act, 1900, is repealed; and any civil cause which, at the commencement of this Act is pending in a circuit court directed to be holden at any town or place, may be heard at a sitting of the Supreme Court holden at such town or place. (2)

Supreme Court and Circuit Courts (Amendment).

(2) All proclamations made under the repealed sections twenty-two or twenty-three of the said Act and in force at the commencement of this Act are rescinded.

(3) The Supreme Court and Circuit Courts Act, 1900, is amended by omitting the words "or of any circuit court" in section two, paragraph (a) of section thirteen, the words "at Sydney" in paragraph (b) of the same section, and the words "or in any circuit court" in section thirty-four; by inserting after the word "judges" in section thirty-nine the words "or any three of them"; by omitting the words "of Part IV" in paragraph (b), the words "and in the circuit courts" in paragraph (d), and the words "and of the circuit courts" in paragraph (e) of the same section.

7. The following sections are inserted next after section twenty-one as Part IV of the same Act:— New sections.

22. The Governor, by proclamation in the Gazette, may notify cities, towns, and places as circuit towns at which the court or a judge may sit for the hearing of civil and criminal causes and matters, and may amend or rescind any such proclamation. Proclamation of towns and places.

23. The Governor, by proclamation in the Gazette, may direct that sittings of the court or a judge for the hearing of civil and criminal causes and matters be holden in or at such of the circuit towns, and at such times as he thinks fit to appoint, and may amend or rescind any such direction. Sittings of court at places and times proclaimed.

24. The court may be holden and any judge may sit or exercise jurisdiction in any place in New South Wales. Venue in civil actions.

25. Any reference in any Act, rules, orders, or regulations to a circuit court shall be deemed to refer to the court holden at a circuit town. Reference to circuit court.

Courts of gaol delivery.

8. The gaoler at each gaol shall, at the times prescribed by rules of court, make returns in writing to the Supreme Court, Sydney, as to all persons detained in such gaol, otherwise than in pursuance of a sentence, giving the particulars required by such rules. If he fails to make such returns, he may be ordered by the Court to pay a fine not exceeding five hundred pounds. Supreme Court, Sydney, to be court of gaol delivery.

The court shall, after the receipt of such returns with respect to a gaol, deliver such gaol.

For the purpose aforesaid, the court may be constituted by one judge sitting in open court in the exercise of the criminal jurisdiction of the court.

Except as aforesaid, it shall not be obligatory on the court or a judge to deliver any gaol, or for a gaoler, unless so directed by the court or a judge, to make any such returns.

Chamber

Supreme Court and Circuit Courts (Amendment)

Chamber work.

New section to Act
of 1900.

Rules giving
authority to
Prothonotary to sit
in chambers.

9. The following new section is inserted next after section thirty-nine of the Supreme Court and Circuit Courts Act, 1900 :—

39A. The judges may make rules—

- (a) for empowering the Prothonotary or Deputy Prothonotary of the court to do such things and transact such business and to exercise any such authority and jurisdiction in the same as by virtue of any statute or custom or by the rules and practice of the court, or any of them respectively, are now done, transacted, or exercised by a judge sitting at chambers and as may be specified in any such rule, except in respect of matters relating to the liberty of the subject.
- (b) for regulating the attendance of the said Prothonotary or Deputy Prothonotary at chambers, the course of practice to be there pursued, and the scale of costs to be there adopted, and for fixing the scale of fees in respect of business transacted before the said Prothonotary, or abolishing or altering any scale of fees so fixed.

By Authority : WILLIAM APPLGATE GULLICK, Government Printer, Sydney, 1912.

[3d.]

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 27 March, 1912. }*

*RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.*

New South Wales.



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GEORGI V REGIS.

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An Act to amend the Supreme Court and Circuit Courts Act, 1900; and for purposes consequent thereon or incidental thereto. [Assented to, 4th April, 1912.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

1. This Act may be cited as the "Supreme Court and Circuit Courts (Amendment) Act, 1912." Short title and commencement.

This Act shall commence and come into force on the first day of July, one thousand nine hundred and twelve. *The*

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

*R. D. MEAGHER,
Chairman of Committees of the Legislative Assembly.*

Supreme Court and Circuit Courts (Amendment).

The Judges.

Repeal of ss. 6, 7,
and 8 of Act of 1900.

2. Sections six, seven, and eight of the Supreme Court and Circuit Courts Act, 1900, are hereby repealed, and the following section is substituted therefor:—

Appointment of
judges.

6. Whenever the office of Chief Judge in Equity, Judge exercising the Matrimonial Causes Jurisdiction of the Court, Probate Judge, or Judge in Bankruptcy becomes vacant, the Governor may appoint one of the judges to such office.

Repeal of s. 9 (1).
Ibid.

3. (1) Subsection one of section nine of the same Act is repealed, and the following is inserted in its place:—

Puisne judges.

“(1) The Governor may from time to time, by commission under the great seal, in His Majesty’s name, appoint fit and proper persons to be puisne judges of the Supreme Court”: Provided that when the number of puisne judges amounts to seven or more the Governor may exercise the power conferred by this section only on resolutions of both Houses of Parliament that the state of business requires that one or more additional puisne judges should be appointed.

(2) Subsection two of the same section is amended by omitting “person” and inserting the word “persons,” by omitting “his” and inserting the word “their,” and by omitting “a judge” and inserting the word “judges.”

(3) Subsection three of the same section is amended by omitting “such” and inserting the words “any such,” and by omitting all the words after the words “five years standing.”

New section.
Ibid.

4. The following section is inserted next before section thirteen of the Supreme Court and Circuit Courts Act, 1900:—

Acting Chief
Justice.

12A. The Governor may appoint any puisne judge to be Acting Chief Justice during such period as the Chief Justice may be absent from his duties upon leave of absence or from illness or other cause.

During such period the Acting Chief Justice shall have the powers, authorities, immunities, and privileges, and shall fulfil the duties of the Chief Justice, and shall receive a salary at the rate herein provided for a Chief Justice.

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5. In the same Act section fourteen is repealed and section fifteen is amended by omitting paragraphs (a), (b), and (c).

Circuit Towns.

Repeal of Part IV
of Supreme Court
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Act.

6. (1) Part IV of the Supreme Court and Circuit Courts Act, 1900, is repealed; and any civil cause which, at the commencement of this Act is pending in a circuit court directed to be holden at any town or place, may be heard at a sitting of the Supreme Court holden at such town or place. (2)

Supreme Court and Circuit Courts (Amendment).

(2) All proclamations made under the repealed sections twenty-two or twenty-three of the said Act and in force at the commencement of this Act are rescinded.

(3) The Supreme Court and Circuit Courts Act, 1900, is amended by omitting the words "or of any circuit court" in section two, paragraph (a) of section thirteen, the words "at Sydney" in paragraph (b) of the same section, and the words "or in any circuit court" in section thirty-four; by inserting after the word "judges" in section thirty-nine the words "or any three of them"; by omitting the words "of Part IV" in paragraph (b), the words "and in the circuit courts" in paragraph (d), and the words "and of the circuit courts" in paragraph (e) of the same section.

7. The following sections are inserted next after section twenty-one as Part IV of the same Act:— New sections.

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23. The Governor, by proclamation in the Gazette, may direct that sittings of the court or a judge for the hearing of civil and criminal causes and matters be holden in or at such of the circuit towns, and at such times as he thinks fit to appoint, and may amend or rescind any such direction. Sittings of court at places and times proclaimed.

24. The court may be holden and any judge may sit or exercise jurisdiction in any place in New South Wales. Venue in civil actions.

25. Any reference in any Act, rules, orders, or regulations to a circuit court shall be deemed to refer to the court holden at a circuit town. Reference to circuit court.

Courts of gaol delivery.

8. The gaoler at each gaol shall, at the times prescribed by rules of court, make returns in writing to the Supreme Court, Sydney, as to all persons detained in such gaol, otherwise than in pursuance of a sentence, giving the particulars required by such rules. If he fails to make such returns, he may be ordered by the Court to pay a fine not exceeding five hundred pounds. Supreme Court, Sydney, to be court of gaol delivery.

The court shall, after the receipt of such returns with respect to a gaol, deliver such gaol.

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Except as aforesaid, it shall not be obligatory on the court or a judge to deliver any gaol, or for a gaoler, unless so directed by the court or a judge, to make any such returns.

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Supreme Court and Circuit Courts (Amendment).

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New section to Act
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9. The following new section is inserted next after section thirty-nine of the Supreme Court and Circuit Courts Act, 1900 :—

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- (b) for regulating the attendance of the said Prothonotary or Deputy Prothonotary at chambers, the course of practice to be there pursued, and the scale of costs to be there adopted, and for fixing the scale of fees in respect of business transacted before the said Prothonotary, or abolishing or altering any scale of fees so fixed.

In the name and on behalf of His Majesty I assent to this Act.

*State Government House,
Sydney, 4th April, 1912.*

CHELMSFORD,
Governor.

SUPREME COURT AND CIRCUIT COURTS (AMENDMENT) BILL.

SCHEDULE showing the Legislative Council's insistence on its Amendment disagreed to by the Assembly, with a proposed Amendment in such Amendment, referred to in Message of 27th March, 1912.

E. A. GARLAND,
For the Clerk of the Parliaments.

Page 2, clause 3. At end of subclause (1) *add* “ **Provided that when the number of puisne judges amounts to ~~six~~ seven or more, the Governor may exercise the power conferred by this section only on resolutions of both Houses of Parliament that the state of business requires that one or more additional puisne judges should be appointed** ”

SUPREME COURT AND CIRCUIT COURTS (AMENDMENT) BILL.

SCHEDULE showing the Legislative Assembly's Disagreement from the Legislative Council's Amendments, referred to in Message of 20 March, 1912, A.M.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

Page 2, clause 3, subclause (1), lines 14 to 18. *Omit* "Provided that when the
"number of puisne judges amounts to six or more the Governor may
"exercise the power conferred by this section only on resolutions of both
"Houses of Parliament that the state of business requires that one or
"more additional puisne judges should be appointed"

THE STATE OF TEXAS, COUNTY OF [illegible]

[illegible text]

[illegible text]

SUPREME COURT AND CIRCUIT COURTS (AMENDMENT) BILL.

SCHEDULE of the Amendments referred to in Message of 18th March, 1912.

Page 1, Title. *Omit* "and the Crimes Act, 1900 "

Page 2, clause 3. At end of subsection (1) *add* proviso.

Page 2, clause 4, lines 28 and 29. *Omit* "or barrister of seven years standing "

Page 3. *Omit* clause 8 *insert* new clause 8.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,)
Sydney, 23 February, 1912, A.M. }

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Legislative Council Chamber,)
Sydney, 18th March, 1912. }

E. A. GARLAND,
For the Clerk of the Parliaments.

New South Wales.



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GEORGII V REGIS.

Act No. , 1912.

An Act to amend the Supreme Court and Circuit Courts Act, 1900, and the Crimes Act, 1900; and for purposes consequent thereon or incidental thereto.

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94243

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The

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

*Supreme Court and Circuit Courts (Amendment).**The Judges.*

2. Sections six, seven, and eight of the Supreme Court and Circuit Courts Act, 1900, are hereby repealed, and the following section is substituted therefor:—

Repeal of ss. 6, 7,
and 8 of Act of 1900.

5 **6.** Whenever the office of Chief Judge in Equity, Judge exercising the Matrimonial Causes Jurisdiction of the Court, Probate Judge, or Judge in Bankruptcy becomes vacant, the Governor may appoint one of the judges to such office.

Appointment of
judges.

3. (1) Subsection one of section nine of the same Act is repealed, and the following is inserted in its place:—

Repeal of s. 9 (1).
Ibid.

10 “(1) The Governor may from time to time, by commission under the great seal, in His Majesty’s name, appoint fit and proper persons to be puisne judges of the Supreme Court”:
15 **Provided that when the number of puisne judges amounts to six or more the Governor may exercise the power conferred by this section only on resolutions of both Houses of Parliament that the state of business requires that one or more additional puisne judges should be appointed.**

Puisne judges.

20 (2) Subsection two of the same section is amended by omitting “person” and inserting the word “persons,” by omitting “his” and inserting the word “their,” and by omitting “a judge” and inserting the word “judges.”

25 (3) Subsection three of the same section is amended by omitting “such” and inserting the words “any such,” and by omitting all the words after the words “five years standing.”

4. The following section is inserted next before section thirteen of the Supreme Court and Circuit Courts Act, 1900:—

New section.
Ibid.

30 **12A.** The Governor may appoint any puisne judge or barrister—of—seven—years—standing to be Acting Chief Justice during such period as the Chief Justice may be absent from his duties upon leave of absence or from illness or other cause.

Acting Chief
Justice.

35 During such period the Acting Chief Justice shall have the powers, authorities, immunities, and privileges, and shall fulfil the duties of the Chief Justice, and shall receive a salary at the rate herein provided for a Chief Justice.

5. In the same Act section fourteen is repealed and section fifteen is amended by omitting paragraphs (a), (b), and (c).

Acting judges.

Circuit Towns.

40 **6.** (1) Part IV of the Supreme Court and Circuit Courts Act, 1900, is repealed; and any civil cause which, at the commencement of this Act is pending in a circuit court directed to be holden at any town or place, may be heard at a sitting of the Supreme Court holden at such town or place.

Repeal of Part IV
of Supreme Court
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Supreme Court and Circuit Courts (Amendment).

(2) All proclamations made under the repealed sections twenty-two or twenty-three of the said Act and in force at the commencement of this Act are rescinded.

(3) The Supreme Court and Circuit Courts Act, 1900, is amended by omitting the words "or of any circuit court" in section two, paragraph (a) of section thirteen, the words "at Sydney" in paragraph (b) of the same section, and the words "or in any circuit court" in section thirty-four; by inserting after the word "judges" in section thirty-nine the words "or any three of them"; by omitting the words "of Part IV" in paragraph (b), the words "and in the circuit courts" in paragraph (d), and the words "and of the circuit courts" in paragraph (e) of the same section.

7. The following sections are inserted next after section twenty-one as Part IV of the same Act:—

22. The Governor, by proclamation in the Gazette, may notify cities, towns, and places as circuit towns at which the court or a judge may sit for the hearing of civil and criminal causes and matters, and may amend or rescind any such proclamation.

23. The Governor, by proclamation in the Gazette, may direct that sittings of the court or a judge for the hearing of civil and criminal causes and matters be holden in or at such of the circuit towns, and at such times as he thinks fit to appoint, and may amend or rescind any such direction.

24. The court may be holden and any judge may sit or exercise jurisdiction in any place in New South Wales.

25. Any reference in any Act, rules, orders, or regulations to a circuit court shall be deemed to refer to the court holden at a circuit town.

Courts of quarter-sessions gaol delivery.

8. Section five hundred and sixty-eight of the Crimes Act, 1900, is amended by adding the following new subsection:—

(5) Any court of quarter sessions held out of Sydney shall be a court of gaol delivery for the district in which the court of quarter sessions is held, and for the purpose of the exercise of the jurisdiction hereby conferred, shall have the same powers as courts of gaol delivery in England had at the time of the passing of the Act fourth Victoria number twenty-two.

8. The gaoler at each gaol shall, at the times prescribed by rules of court, make returns in writing to the Supreme Court, Sydney, as to all persons detained in such gaol, otherwise than in pursuance of a sentence, giving the particulars required by such rules. If he fails to make such returns he may be ordered by the court to pay a fine not exceeding five hundred pounds.

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For the purpose aforesaid, the Court may be constituted by one judge sitting in open court in the exercise of the criminal jurisdiction of the court.

Except as aforesaid, it shall not be obligatory on the court or a judge to deliver any gaol, or for a gaoler, unless so directed by the court or a judge, to make any such return.

Chamber work.

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New section to Act of 1900.

Rules giving authority to Prothonotary to sit in chambers.

SUPREME COURT AND CIRCUIT COURTS (AMENDMENT) BILL.

SCHEDULE of the Amendments referred to in Message of 18th March, 1912.

Page 1, Title. *Omit* "and the Crimes Act, 1900 "

Page 2, clause 3. At end of subsection (1) *add* proviso.

Page 2, clause 4, lines 28 and 29. *Omit* "or barrister of seven years standing "

Page 3. *Omit* clause 8 *insert* new clause 8.

SUPREME COURT AND CHIEF JUSTICE (AMENDMENT) BILL

REVISION OF THE PROVISIONS OF THE SUPREME COURT ACT, 1950

Page 1. This Bill is to give effect to the recommendations of the Commission on the Structure of the Judiciary, 1978.

Page 2. The Commission recommended that the number of Justices of the Supreme Court should be increased from 7 to 10.

Page 3. The Commission also recommended that the Chief Justice of India should be elected by a majority of the members of the Council of States and the House of the People.

Page 4. (Amendment) Bill, 1978.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 23 February, 1912, A.M. }

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Legislative Council Chamber,
Sydney, 18th March, 1912. }

E. A. GARLAND,
For the Clerk of the Parliaments.

New South Wales.



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3. (1) Subsection one of section nine of the same Act is repealed, and the following is inserted in its place:—

10 “(1) The Governor may from time to time, by commission under the great seal, in His Majesty’s name, appoint fit and proper persons to be puisne judges of the Supreme Court” :
 15 **Provided that when the number of puisne judges amounts to six or more the Governor may exercise the power conferred by this section only on resolutions of both Houses of Parliament that the state of business requires that one or more additional puisne judges should be appointed.**

20 (2) Subsection two of the same section is amended by omitting “person” and inserting the word “persons,” by omitting “his” and inserting the word “their,” and by omitting “a judge” and inserting the word “judges.”

25 (3) Subsection three of the same section is amended by omitting “such” and inserting the words “any such,” and by omitting all the words after the words “five years standing.”

4. The following section is inserted next before section thirteen of the Supreme Court and Circuit Courts Act, 1900:—

30 **12A.** The Governor may appoint any puisne judge or barrister of seven years standing to be Acting Chief Justice during such period as the Chief Justice may be absent from his duties upon leave of absence or from illness or other cause.

35 During such period the Acting Chief Justice shall have the powers, authorities, immunities, and privileges, and shall fulfil the duties of the Chief Justice, and shall receive a salary at the rate herein provided for a Chief Justice.

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Circuit Towns.

40 **6.** (1) Part IV of the Supreme Court and Circuit Courts Act, 1900, is repealed; and any civil cause which, at the commencement of this Act is pending in a circuit court directed to be holden at any town or place, may be heard at a sitting of the Supreme Court holden at such town or place.

(2)

Supreme Court and Circuit Courts (Amendment).

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Proclamation of towns and places.

23. The Governor, by proclamation in the Gazette, may direct that sittings of the court or a judge for the hearing of civil and criminal causes and matters be holden in or at such of the circuit towns, and at such times as he thinks fit to appoint, and may amend or rescind any such direction.

Sittings of court at places and times proclaimed.

24. The court may be holden and any judge may sit or exercise jurisdiction in any place in New South Wales.

Venue in civil actions.

25. Any reference in any Act, rules, orders, or regulations to a circuit court shall be deemed to refer to the court holden at a circuit town.

Reference to circuit court.

Courts of quarter-sessions gaol delivery.

8. Section five hundred and sixty-eight of the Crimes Act, 1900, is amended by adding the following new subsection:—

Amendment of s. 568 of Crimes Act, 1900.

(5) Any court of quarter sessions held out of Sydney shall be a court of gaol delivery for the district in which the court of quarter sessions is held, and for the purpose of the exercise of the jurisdiction hereby conferred, shall have the same powers as courts of gaol delivery in England had at the time of the passing of the Act fourth Victoria number twenty-two.

Courts of quarter sessions to be courts of gaol delivery.

8. The gaoler at each gaol shall, at the times prescribed by rules of court, make returns in writing to the Supreme Court, Sydney, as to all persons detained in such gaol, otherwise than in pursuance of a sentence, giving the particulars required by such rules. If he fails to make such returns he may be ordered by the court to pay a fine not exceeding five hundred pounds.

Supreme Court, Sydney, to be court of gaol delivery.

The

Supreme Court and Circuit Courts (Amendment).

The court shall, after the receipt of such returns with respect to a gaol, deliver such gaol.

For the purpose aforesaid, the Court may be constituted by one judge sitting in open court in the exercise of the criminal jurisdiction of the court.

Except as aforesaid, it shall not be obligatory on the court or a judge to deliver any gaol, or for a gaoler, unless so directed by the court or a judge, to make any such return.

Chamber work.

10 **9.** The following new section is inserted next after section thirty-nine of the Supreme Court and Circuit Courts Act, 1900 :—

New section to Act of 1900.

39A. The judges may make rules—

Rules giving authority to Prothonotary to sit in chambers.

15 (a) for empowering the Prothonotary or Deputy Prothonotary of the court to do such things and transact such business and to exercise any such authority and jurisdiction in the same as by virtue of any statute or custom or by the rules and practice of the court, or any of them respectively, are now done, transacted, or exercised by

20 a judge sitting at chambers and as may be specified in any such rule, except in respect of matters relating to the liberty of the subject.

25 (b) for regulating the attendance of the said Prothonotary or Deputy Prothonotary at chambers, the course of practice to be there pursued, and the scale of costs to be there adopted, and for fixing the scale of fees in respect of business transacted before the said Prothonotary, or abolishing or altering any scale of fees so fixed.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 23 February, 1912, A.M. }*

*RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, March, 1912. }*

For the Clerk of the Parliaments.

New South Wales.



ANNO SECUNDO

GEORGI V REGIS.

Act No. , 1912.

An Act to amend the Supreme Court and Circuit Courts Act, 1900, and the Crimes Act, 1900; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5

Preliminary.

1. This Act may be cited as the "Supreme Court and Circuit Courts (Amendment) Act, 1912." Short title and commencement.

This Act shall commence and come into force on the first day of July, one thousand nine hundred and twelve.

94243

67—

The

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

*Supreme Court and Circuit Courts (Amendment).**The Judges.*

2. Sections six, seven, and eight of the Supreme Court and Circuit Courts Act, 1900, are hereby repealed, and the following section is substituted therefor:—

5 6. Whenever the office of Chief Judge in Equity, Judge exercising the Matrimonial Causes Jurisdiction of the Court, Probate Judge, or Judge in Bankruptcy becomes vacant, the Governor may appoint one of the judges to such office.

10 3. (1) Subsection one of section nine of the same Act is repealed, and the following is inserted in its place:—

“ (1) The Governor may from time to time, by commission under the great seal, in His Majesty’s name, appoint fit and proper persons to be puisne judges of the Supreme Court ” :
 15 **Provided that when the number of puisne judges amount to six or more the Governor may exercise the power conferred by this section only on resolutions of both Houses of Parliament that the state of business requires that one or more additional puisne judges should be appointed.**

20 (2) Subsection two of the same section is amended by omitting “ person ” and inserting the word “ persons, ” by omitting “ his ” and inserting the word “ their, ” and by omitting “ a judge ” and inserting the word “ judges. ”

25 (3) Subsection three of the same section is amended by omitting “ such ” and inserting the words “ any such, ” and by omitting all the words after the words “ five years standing. ”

4. The following section is inserted next before section thirteen of the Supreme Court and Circuit Courts Act, 1900:—

12A. The Governor may appoint any puisne judge or barrister of seven years standing to be Acting Chief Justice during such period as the Chief Justice may be absent from his duties upon leave of absence or from illness or other cause.

30 During such period the Acting Chief Justice shall have the powers, authorities, immunities, and privileges, and shall fulfil the duties of the Chief Justice, and shall receive a salary at the rate herein provided for a Chief Justice.

35 5. In the same Act section fourteen is repealed and section fifteen is amended by omitting paragraphs (a), (b), and (c).

Circuit Towns.

6. (1) Part IV of the Supreme Court and Circuit Courts Act, 1900, is repealed; and any civil cause which, at the commencement of this Act is pending in a circuit court directed to be holden at any town or place, may be heard at a sitting of the Supreme Court holden at such town or place.

(2)

Supreme Court and Circuit Courts (Amendment).

(2) All proclamations made under the repealed sections twenty-two or twenty-three of the said Act and in force at the commencement of this Act are rescinded.

(3) The Supreme Court and Circuit Courts Act, 1900, is amended by omitting the words "or of any circuit court" in section two, paragraph (a) of section thirteen, the words "at Sydney" in paragraph (b) of the same section, and the words "or in any circuit court" in section thirty-four; by inserting after the word "judges" in section thirty-nine the words "or any three of them"; by omitting the words "of Part IV" in paragraph (b), the words "and in the circuit courts" in paragraph (d), and the words "and of the circuit courts" in paragraph (e) of the same section.

7. The following sections are inserted next after section twenty-one as Part IV of the same Act:—

22. The Governor, by proclamation in the Gazette, may notify cities, towns, and places as circuit towns at which the court or a judge may sit for the hearing of civil and criminal causes and matters, and may amend or rescind any such proclamation.

New sections.
Proclamation of towns and places.

23. The Governor, by proclamation in the Gazette, may direct that sittings of the court or a judge for the hearing of civil and criminal causes and matters be holden in or at such of the circuit towns, and at such times as he thinks fit to appoint, and may amend or rescind any such direction.

Sittings of court at places and times proclaimed.

24. The court may be holden and any judge may sit or exercise jurisdiction in any place in New South Wales.

Venue in civil actions.

25. Any reference in any Act, rules, orders, or regulations to a circuit court shall be deemed to refer to the court holden at a circuit town.

Reference to circuit court.

Courts of quarter sessions.

8. Section five hundred and sixty-eight of the Crimes Act, 1900, is amended by adding the following new subsection:—

Amendment of s. 568 of Crimes Act, 1900.

(5) Any court of quarter sessions held out of Sydney shall be a court of gaol delivery for the district in which the court of quarter sessions is held, and for the purpose of the exercise of the jurisdiction hereby conferred, shall have the same powers as courts of gaol delivery in England had at the time of the passing of the Act fourth Victoria number twenty-two.

Courts of quarter sessions to be courts of gaol delivery.

8. The gaoler at each gaol shall, at the times prescribed by rules of court, make returns in writing to the Supreme Court, Sydney, as to all persons detained in such gaol, otherwise than in pursuance of a sentence, giving the particulars required by such rules. If he fails to make such returns he may be ordered by the court to pay a fine not exceeding five hundred pounds.

Supreme Court, Sydney, to be court of gaol delivery.

The

Supreme Court and Circuit Courts (Amendment).

The court shall, after the receipt of such returns with respect to a gaol, deliver such gaol.

For the purpose aforesaid, the Court may be constituted by one judge sitting in open court in the exercise of the criminal jurisdiction of the court.

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Chamber work.

10 **9.** The following new section is inserted next after section thirty-nine of the Supreme Court and Circuit Courts Act, 1900 :—

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39A. The judges may make rules—

Rules giving authority to Prothonotary to sit in chambers.

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20 any such rule, except in respect of matters relating to the liberty of the subject.

25 (b) for regulating the attendance of the said Prothonotary or Deputy Prothonotary at chambers, the course of practice to be there pursued, and the scale of costs to be there adopted, and for fixing the scale of fees in respect of business transacted before the said Prothonotary, or abolishing or altering any scale of fees so fixed.

1911-12.

Legislative Council.

SUPREME COURT AND CIRCUIT COURTS (AMENDMENT)
BILL.

(Amendment to be proposed in Committee of the Whole by
THE HON. F. FLOWERS).

Page 3. Omit clause 8, insert the following new clause:—

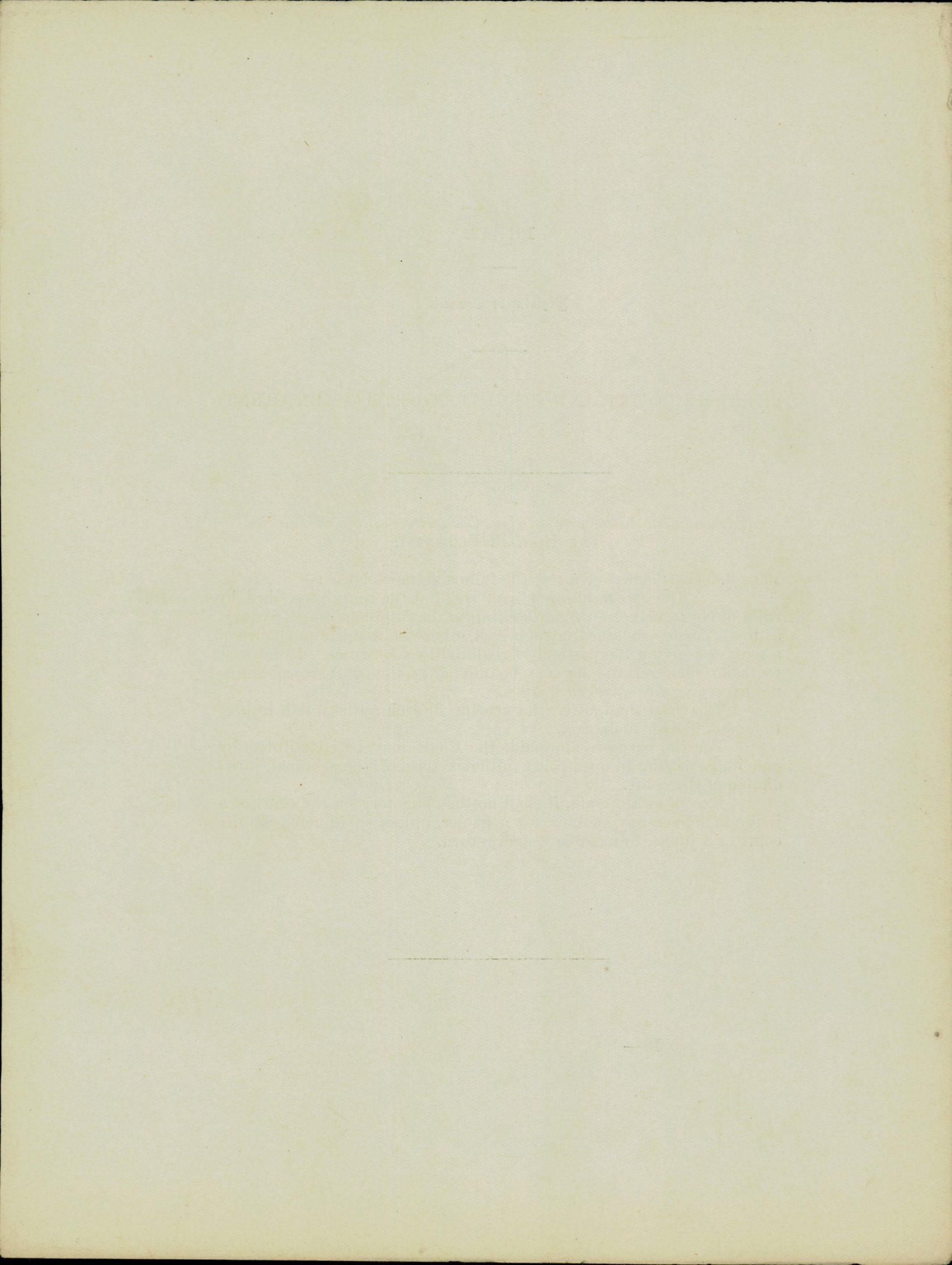
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Supreme Court,
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Clerk of the Legislative Assembly.

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*Supreme Court and Circuit Courts (Amendment).**The Judges.*

2. Sections six, seven, and eight of the Supreme Court and Circuit Courts Act, 1900, are hereby repealed, and the following section is substituted therefor :—

Repeal of ss. 6, 7,
and 8 of Act of 1900.

5 **6.** Whenever the office of Chief Judge in Equity, Judge exercising the Matrimonial Causes Jurisdiction of the Court, Probate Judge, or Judge in Bankruptcy becomes vacant, the Governor may appoint one of the judges to such office.

Appointment of
judges.

10 **3.** (1) Subsection one of section nine of the same Act is repealed, and the following is inserted in its place :—

Repeal of s. 9 (1).

Ibid.

“(1) The Governor may from time to time, by commission under the great seal, in His Majesty’s name, appoint fit and proper persons to be puisne judges of the Supreme Court.”

Puisne judges.

15 (2) Subsection two of the same section is amended by omitting “person” and inserting the word “persons,” by omitting “his” and inserting the word “their,” and by omitting “a judge” and inserting the word “judges.”

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4. The following section is inserted next before section thirteen of the Supreme Court and Circuit Courts Act, 1900 :—

New section.

Ibid.

25 **12A.** The Governor may appoint any puisne judge or barrister of seven years’ standing to be Acting Chief Justice during such period as the Chief Justice may be absent from his duties upon leave of absence or from illness or other cause.

Acting Chief
Justice.

30 During such period the Acting Chief Justice shall have the powers, authorities, immunities, and privileges, and shall fulfil the duties of the Chief Justice, and shall receive a salary at the rate herein provided for a Chief Justice.

5. In the same Act section fourteen is repealed and section fifteen is amended by omitting paragraphs (a), (b), and (c).

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Circuit Towns.

35 **6.** (1) Part IV of the Supreme Court and Circuit Courts Act, 1900, is repealed ; and any civil cause which, at the commencement of this Act is pending in a circuit court directed to be holden at any town or place, may be heard at a sitting of the Supreme Court holden at such town or place.

Repeal of Part IV
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and Circuit Courts
Act.

40 (2) All proclamations made under the repealed sections twenty-two or twenty-three of the said Act and in force at the commencement of this Act are rescinded.

Supreme Court and Circuit Courts (Amendment).

(3) The Supreme Court and Circuit Courts Act, 1900, is amended by omitting the words "or of any circuit court" in section two, paragraph (a) of section thirteen, the words "at Sydney" in paragraph (b) of the same section, and the words "or in any circuit court" in section thirty-four; by inserting after the word "judges" in section thirty-nine the words "or any three of them;" by omitting the words "of Part IV" in paragraph (b), the words "and in the circuit courts" in paragraph (d), and the words "and of the circuit courts" in paragraph (e) of the same section.

7. The following sections are inserted next after section twenty-one as Part IV of the same Act:— New sections.

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23. The Governor, by proclamation in the Gazette, may direct that sittings of the court or a judge for the hearing of civil and criminal causes and matters be holden in or at such of the circuit towns, and at such times as he thinks fit to appoint, and may amend or rescind any such direction. Sittings of court at places and times proclaimed.

24. The court may be holden and any judge may sit or exercise jurisdiction in any place in New South Wales. Venue in civil actions.

25. Any reference in any Act, rules, orders, or regulations to a circuit court shall be deemed to refer to the court holden at a circuit town. Reference to circuit court.

Courts of quarter sessions.

8. Section five hundred and sixty-eight of the Crimes Act, 1900, is amended by adding the following new subsection:— Amendment of s. 568 of Crimes Act, 1900.

(5) Any court of quarter sessions held out of Sydney shall be a court of gaol delivery for the district court district in which the court of quarter sessions is held, and for the purpose of the exercise of the jurisdiction hereby conferred, shall have the same powers as courts of gaol delivery in England had at the time of the passing of the Act fourth Victoria number twenty-two. Courts of quarter sessions to be courts of gaol delivery.

Chamber work.

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Supreme Court and Circuit Courts (Amendment.)

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