

*Supreme Court and Circuit Courts (Amendment).*

## Act No. 9, 1912.

SUPREME COURT  
AND CIRCUIT COURTS  
(AMENDMENT).

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

Short title and commencement.

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

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

*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**2.** Sections six, seven, and eight of the Supreme Court and Circuit Courts Act, 1900, are hereby repealed, and the following section is substituted therefor:—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**3.** (1) Subsection one of section nine of the same Act is repealed, and the following is inserted in its place:—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)

*Supreme Court and Circuit Courts (Amendment).*

(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 to Act of 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. Acting Chief Justice.

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.*

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 and Circuit Court Act.

(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.

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*Supreme Court and Circuit Courts (Amendment).*


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Venue in civil actions.

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

Reference to circuit court.

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 gaol delivery.*

Supreme Court, Sydney, to be court 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.

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 work.*

New section to Act of 1900.

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

Rules giving authority to Prothonotary to sit in chambers.

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.