

Attorney-General's Department,
Melbourne, 15th October, 1903.

THE following Rules, made by their Honours the Justices of the High Court of Australia, are published for general information.

JAMES G. DRAKE,
Attorney-General.

HIGH COURT OF AUSTRALIA.

RULES OF COURT.

As of Monday the twelfth day of October A.D. 1903. It is ordered as follows :—

1. The following Rule shall stand as part of Order IX of the RULES OF COURT (Original Jurisdiction) in the Schedule to the *High Court Procedure Act 1903* :—

Appearance at
Principal
Registry to be
notified by
telegraph to
District
Registry in
certain cases.

8A. If a defendant, being entitled to enter his appearance either at a District Registry or at the Principal Registry, elects to enter it at the Principal Registry, the Principal Registrar shall on the same day, at the cost of the defendant, notify to the District Registrar by telegraph that the appearance has been entered.

2. The APPEAL RULES in the Schedule to the said Act shall be amended as follows :—

(1) The following Rule shall stand as part of Section I of the said Appeal Rules :—

Place for hear-
ing appeals.

1A. Unless otherwise directed by the Court or a Justice, appeals shall be heard at the seat of government of the State in a Registry whereof the cause is pending. The Court or a Justice may direct that any appeal shall be heard at the seat of government of some other State.

(2) In Rule 6 of the said Section I the words "within four days if the application was made at the Principal Seat of the Court and in any other case" shall be omitted.

(3) Rule 13 of the said Section I shall be repealed, and the following Rule shall be substituted for it:—

13. When the appeal is directed to be heard at a place other than that in which the Registry in which the cause is pending is situated the Registrar of the last-mentioned Registry shall transmit to the Registrar of the Registry situated at the place at which the appeal is to be heard all such documents as may be necessary for the hearing of the appeal. After the appeal has been disposed of, they shall be returned to the Registry in which the cause is pending.

Transmission of documents.

(4) The following Rule shall stand as part of Section II of the said Appeal Rules:—

1A. Unless otherwise directed by the Court or a Justice such appeals and applications shall be heard at the seat of government of the State. The Court or a Justice may direct that any such appeal or application shall be heard at the seat of government of some other State.

Place for hearing appeals.

(5) Rules 2 and 3 of the said Section II shall be repealed, and the following Rules shall be substituted for them:—

[2. A copy of the notice of appeal, or notice of motion for a new trial, or to set aside the verdict, finding, or judgment, shall be filed in the Supreme Court, and a copy shall also be filed in the Registry of the High Court situated at the seat of government of the State; and the appeal shall not be deemed to be duly instituted until these copies have been filed.

Notice of appeal to be filed in Supreme and High Court.

3. The proper officer of the Supreme Court shall deliver to the Registrar of the last-mentioned Registry of the High Court such documents as are necessary for the hearing of the appeal; and that Registrar, if the appeal is not to be heard in the State, shall transmit them to the Registrar of the Registry of the High Court situated at the place where the appeal is to be heard.

Delivery and transmission of documents.

After the appeal or motion has been disposed of, the documents shall be returned to the proper officer of the Supreme Court by or through the Registrar of the Registry in the State, as the case may be.

(6) The following Rules shall stand as part of Section IV of the said Appeal Rules:—

1A. Unless otherwise directed by the Court or a Justice, appeals shall be heard at the seat of government of the State from a Court whereof the appeal is brought. The Court or a Justice may direct that any appeal shall be heard at the seat of government of some other State.

Place for hearing appeals.

10B. Security may be given either by payment of money into Court or by bond with sureties to the satisfaction of the Prothonotary, Master, Registrar, or other proper officer of the Supreme Court.

Form of security.

(7) Rule 11 of the said Section IV shall be repealed, and the following Rule shall be substituted for it:—

11. If the security is given within the prescribed time, the proper officer of the Court from which the appeal is brought shall forthwith transmit to the Registrar of the Registry of the High Court at the seat of government of the State a certified copy of all such documents as are required for the hearing of the appeal; and, if the appeal is directed to be heard elsewhere than in the State, the Registrar shall transmit them to the Registrar of the Registry situated in the place where the appeal is to be heard.

Transmission of documents.

A statement of the reasons of the Court for the decision shall, if practicable, be included in the documents so transmitted.

After the appeal has been disposed of they shall, if they have been received from another Registry, be returned to the Registry from which they were so received.

(8) Rule 12 of the said Section IV shall be repealed, and the following Rule shall be substituted for it:—

Setting down
appeal for hear-
ing.

12. The appeal shall be set down for hearing at a sitting of the High Court appointed for hearing appeals at the place at which it is to be heard. It shall be set down for the first such sitting appointed to be held after the expiration of two months from the due institution of the appeal, unless the respondent consents to its being heard at an earlier sitting.

If the appellant does not set down the appeal for hearing at that sitting, and, three weeks at least before the day appointed for holding the sitting, give notice to the respondent that he has done so, unless the respondent consents to take shorter notice, the respondent, or any respondent if more than one, may apply to a Full Court, at any place at which it may be sitting, by motion upon notice for an order dismissing the appeal for want of prosecution.

Amount of costs.

3. The fees payable to barristers and solicitors in respect of business transacted by them in the High Court or the offices thereof shall, unless otherwise ordered, be taxed, allowed, and certified by the Registrar or a Deputy Registrar or some other officer duly appointed for the purpose, and shall be allowed in accordance, as nearly as may be, with the scale of costs applicable, under the practice of the Supreme Court of the State in which the business is transacted, to business of an analogous nature transacted in that Supreme Court or the offices thereof.

Review of
taxation.

4. Every taxation of costs shall be subject to review by a Justice.

Commissioners'
fees.

5. Registrars and Commissioners for Affidavits shall be entitled to receive and retain for their own use fees at the rates following, that is to say:—

	£	s.	d.
For each oath or affirmation	0	1	6
If not at Registry or Commissioner's office ..	0	5	0
Or, if above 1 mile from Registry or Commis- sioner's office, over and above travelling expenses	1	1	0
For marking each sheet of an affidavit or affirmation or of an annexure	0	1	0
For signing each certificate to an exhibit ..	0	1	0
For attesting instrument of security, for each surety ..	0	5	0

L.S.

S. W. GRIFFITH, C.J.
EDMUND BARTON, J.
R. E. O'CONNOR, J.

GORDON H. CASTLE, Principal Registrar.

HIGH COURT OF AUSTRALIA.

RULE OF COURT.

As of Monday the twelfth day of October A.D. 1903. It is ordered as follows:—

Sittings of the High Court for the transaction of all such business as may be brought before it shall be held at the places and on the days hereunder mentioned, that is to say:—

BRISBANE, Monday, 26th October, 1903.

L.S.

S. W. GRIFFITH, C.J.
EDMUND BARTON, J.
R. E. O'CONNOR, J.

GORDON H. CASTLE, Principal Registrar.