

VICTORIA GOVERNMENT GAZETTE

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WEDNESDAY, DECEMBER 29.

[1915.]

RULES UNDER THE JUSTICES ACT 1915.

At the Executive Council Chamber, Melbourne, the twenty-third day of December, 1915.

Present :

HIS EXCELLENCY THE GOVERNOR OF VICTORIA.

Sir A. J. Peacock
Mr. Lawson
Mr. McLeod

Mr. Hagelthorn
Mr. Livingston.

UNDER and by virtue of the powers and authorities conferred by the *Justices Act 1915*, herein referred to as "the Act," and the *Acts Interpretation Act 1915*, 1, the Governor in Council, do hereby rescind the Rules heretofore made under the *Justices Act 1890* and do hereby make the following rules (that is to say) :—

1. Where, on an information being laid, a warrant is issued in the first instance for the apprehension of any person, and where such person being apprehended is brought before a justice, and either by warrant committed to gaol or discharged on recognisance until the hearing of such information, the member of the police force who has executed such warrant shall forthwith transmit the original warrant of apprehension to the clerk of the court of petty sessions to which such person has been remanded or at which he has been bound by recognisance to appear. Warrant of apprehension to be transmitted.

2. Where a recognisance has been entered into before a justice conditioned for the appearance of a person before a court of petty sessions, or for the doing some other matter or thing in, to, or before a court of petty sessions, or in a proceeding in a court of petty sessions, such justice shall forthwith transmit the said recognisance to the clerk of such court of petty sessions. Recognisance to be transmitted.

3. Where a recognisance conditioned to keep the peace, or be of good behaviour, or to observe some forbearance has been entered into before a justice, a superintendent, inspector, sub-inspector of police, or keeper of a prison, such recognisance shall, if the same was directed by a court of petty sessions to be entered into, be forthwith transmitted by the person taking the same to the clerk of such court of petty sessions, and shall in all other cases be forthwith transmitted to the clerk of the nearest court of petty sessions in the bailiwick wherein the same was entered into. Recognisance to keep the peace to be transmitted.

4. Where on an information being laid or complaint made, a summons is issued for the attendance of any person at a court of petty sessions, the member of the police force or other person who serves such summons, whether the same be served personally or by substituted service or otherwise, shall forthwith, after service has been effected, transmit such information and summons to the clerk of the court of petty sessions at which such summons is returnable. Summons to be transmitted.

5. Summonses shall be issued only on the application of the complainant or informant in person, or of a person in his sole employ, or of his solicitor, or of the clerk of such solicitor. Provided that in cases where the clerk of petty sessions does not reside at or near the place where the Court is held, summonses shall also be issued on the written application of the complainant or informant or some person in his sole employ, or his solicitor, or the clerk of such solicitor. On whose application summons to be issued.

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6. Where any person has been summoned to appear before a court of petty sessions as a defendant to answer a charge or information for an offence, and it appears to such Court, either before or during the hearing of such charge or information, that the said defendant is a child within the meaning of the *Children's Court Act 1915*, the said court of petty sessions shall abstain from adjudicating, or from further adjudication in the case, and shall adjourn the hearing, or further hearing, of the case to the next or most convenient Children's Court nearest to the place where the offence in respect of which the said child has been summoned is alleged to have been committed, and in the meantime it may suffer such defendant to go at large, or admit him to bail, with or without surety or sureties, to appear at the said Children's Court at the time and place to which the said hearing or further hearing of the case has been so adjourned as aforesaid.

7. Where, on an information being laid or a complaint being made, a summons is issued as aforesaid, and an order for substituted service, or for the substitution for service of notice by advertisement, or otherwise, is made, such order shall be indorsed on or annexed to the original summons, and shall be signed by the justice or one of the justices making the same.

8. Where any document requiring a fee-stamp is issued by or acknowledged before a justice, such justice shall satisfy himself that the proper fee-stamp is affixed thereto, and shall cancel such stamp unless the same has been already cancelled by some proper officer.

9. Every clerk of petty sessions shall keep the Register required by the Act to be kept by him in the form and with the particulars set out in the Schedule hereto; and the Register kept by each particular clerk shall be distinguished by the name of the place at which such Court is appointed to be held, as in the said form prescribed.

10. The clerk of every court of petty sessions shall before each sitting of such Court cause to be entered in such register the various informations and complaints to be heard at such sitting, in the order in which the summonses or warrants issued on such informations or complaints have reached his hands, and the said informations and complaints shall be called on for hearing in the order in which they stand in the list; but the justices may if they think fit, hear first in order the cases which may, in their opinion, be more conveniently so disposed of.

11. Every clerk of petty sessions shall keep a Suitors' Cash Book in the form prescribed in the Schedule hereto, in which he shall enter all moneys received from or on behalf of complainants or defendants, and all moneys paid to or on behalf of complainants or defendants; and such book shall be kept in such a manner that at the end of each month the balance of such moneys in Court shall clearly appear.

12. Every clerk of petty sessions shall keep a Security Book, which shall be in the form in the Schedule hereto, and shall enter therein with respect to each security given in relation to any proceeding before the Court the name and address of each person bound, showing whether he is bound as principal or surety, the sum in which each person is bound, the undertaking or condition by which he is bound, the date of the security, and the person before whom it is taken. The Security Book, and any certified extract therefrom, shall be evidence of the several matters hereby required to be entered therein, in like manner as if the Security Book were the Register.

13. Every clerk of petty sessions shall keep an Instalment Book in the form prescribed in the Schedule hereto, in which he shall enter the register number and date of every order or conviction by which a sum of money is adjudged to be paid by instalments, the name of the person against whom the order or conviction is made, the manner of payment ordered, and each instalment as soon as it is paid.

14. Where a court of petty sessions by whose conviction or order any sum is adjudged to be paid allows time for payment of the said sum, or directs payment to be made by instalments, the clerk of petty sessions to whom the said sum or instalments shall have been paid shall account for the same in the usual manner.

15. The clerk of petty sessions or the justice before whom a complaint is made shall in all cases where particulars are given by the complainant under the Act or these Rules stamp or initial such particulars, and likewise the copy of the defendant's particulars of set-off (if any).

16. Moneys may be paid into Court, and the moneys to which complainants and defendants are respectively entitled shall be paid out on demand on every day on which the office is open between the hours of ten in the forenoon and three in the afternoon, except on Saturdays, when such payments may be made between the hours of ten and eleven in the forenoon.

17. Whenever money is paid into Court by or on behalf of the defendant or complainant, the clerk of petty sessions shall give to the person paying the money a receipt for same from the proper Receipt Book; and where money is paid out of Court to or on behalf of the complainant or defendant, the person receiving such money shall sign in the Suitors' Cash Book an acknowledgment thereof.

18. Any erasure or interlineation in a summons at the time of the issue thereof shall be stamped or initialed by the clerk of petty sessions who issues the same, if such summons is issued by a clerk of petty sessions; and, if such summons is issued by a justice, shall be initialed by him, but failure to stamp or initial shall not invalidate the summons.

19. A complaint may be made or an information laid, and a summons may be issued thereon, against two or more persons liable or chargeable, whether jointly, severally, or in the alternative; and orders or convictions may be made against such one or more of such persons as the justice may find to be liable.

20. Where on the hearing of any such complaint as in the preceding rule mentioned an order is made against two or more defendants jointly, such order may be enforced by distress or otherwise against any one of the defendants affected thereby in the same manner as if the order had been made against him separately. Provided that, after the order is satisfied by performance or payment by, or distress on the goods of, any of such defendants, no further steps shall be taken to enforce the same against the other defendant or defendants. Provided also that nothing herein contained shall affect any right to contribution or other relief which may exist as between the defendants themselves.

21. Any two or more persons claiming or being liable as co-partners may join in making a complaint, or may be joined as defendants in a summons, in the names of their respective firms (if any) and any person carrying on business in the name of a firm apparently consisting of more than one person may be sued in the name of such firm.

22. Where an order is made by a Court of Petty Sessions against any firm such order may be enforced against such firm or any person or persons carrying on business in the name of such firm. Order against a firm, how enforced.
23. Trustees, executors, and administrators may sue and be sued on behalf of or as representing the property or estate of which they are trustees or representatives; but the court of petty sessions may at any stage of the proceedings for the purpose of protecting the interest of the persons possessing the equitable right to the property, the legal estate of which is vested in such trustees, executors, or administrators, or any of them, and either upon the application of any party or any person possessing the equitable right not a party, or without any application order any of such persons to be made parties to the complaint either in addition to or in lieu of such trustees, executors, or administrators, or any of them. Trustees, &c., may sue and be sued.
24. Where an order is made by a court of petty sessions against any person as an executor, administrator, trustee, or assignee, such order shall be that the debt or damage and costs or costs only (as the case may be) shall be levied of the goods of the testator's, intestate's, or insolvent's estate (as the case may be.) Distress to be levied on goods of testator, &c.
25. The time for hearing any summons issued under the Act shall not be extended unless application to have such time extended be made before or on the date upon which such summons is returnable or within one month thereafter and the time for hearing any summons shall not be extended more than once. Where the time for hearing any summons is extended the Justice or one of the Justices extending such time for hearing shall alter the date on which such summons is made returnable and shall write his initials and the date of making such alteration in the margin of the summons in a line with that on which the alteration is so made. Extension of return date of summons.
26. Where by the Act it is required that particulars shall be indorsed on or annexed to the summons, such particulars shall be indorsed on or annexed to the same before it is served, and a copy of such particulars shall form a part of the copy of the summons which is delivered to the defendant; and where the demand exceeds the amount in which a court of petty sessions has jurisdiction but the complainant desires to abandon the excess or admit a set-off, the abandonment of the excess or admission of a set-off shall be entered at the end of such particulars. Indorsement of particulars.
27. Where on any complaint for a civil debt recoverable summarily the defendant intends to rely upon any of the grounds of defence following, namely, set-off, infancy, coverture, Statute of Limitations, discharge under any Act relating to bankrupts or insolvent debtors, tender, payment into Court, he shall forward to the complainant and to the clerk of petty sessions a notice stating therein his name and address, together with a concise statement of such grounds. Such notice shall be delivered to the complainant and to the clerk of petty sessions respectively, or if sent by post shall be posted in such time and manner that it may in the ordinary course reach the hands of the complainant and the clerk of petty sessions respectively twenty-four hours at least before the time at which the summons is returnable. Provided that in case of non-compliance with this rule, and the complainant not consenting at the hearing to permit the defendant to avail himself of such defence, the justices may, on such terms as they think fit, adjourn the hearing to enable the defendant to give such notice. Special defences.
28. Where the defendant intends to rely upon a set-off of any debt or demand recoverable as such before a court of petty sessions by him from the complainant, his notice shall contain particulars of the account, including dates and items, upon which he contends that the set-off is due. Set-off.
29. Where a defendant intends to rely on the defence of infancy he shall in his notice set forth, so far as he is able, the place and date of his birth. Infancy.
30. Where a female defendant intends to rely upon the defence of coverture, she shall in her statement set forth, so far as she is able, the place and date of her marriage, together with the name and surname of her husband, and his address and occupation, so far as known. Coverture.
31. Where a defendant intends to rely upon the defence of any Statute of Limitations, he shall in his notice state the date from which he contends that the Statute began to run. Statute of Limitations.
32. Where a defendant intends to rely on the defence of a release under any Act relating to bankrupts or insolvent debtors, he shall in his notice set forth the date of the order of sequestration and of his certificate of discharge or final order and the Court by which such order of sequestration, certificate of discharge, or final order was granted or made. Insolvency.
33. Subject to these rules, money may be paid into Court, and such payment or tender of a sum of money may be relied upon as a defence to any complaint under the Act for an assault or sum of money due or to any claim of set-off. Payment into Court.
34. Where the defendant wishes to pay money into Court he shall pay the same twenty-four hours before the time fixed for the return of the summons, together with the cost of issuing and serving the summons, and if the summons has been prepared and obtained by a counsel or attorney together with a further sum of Ten shillings for professional costs; and the defendant shall forthwith after such payment send to the complainant notice thereof in the form prescribed in the Schedule hereto. But when the complainant does not receive notice of such payment having been made before the sitting of the Court at which the summons is made returnable, it shall be lawful for the justices to order the defendant to pay such additional costs as the complainant shall have in their opinion properly incurred in preparing for the hearing and in attending the Court. Provided that no defendant shall be liable to pay the sum of Ten shillings for professional costs unless the name and address of the legal practitioner who has prepared and obtained the summons are written or printed on the summons served on the defendant. Notice of payment into Court.
35. Where the defence to a complaint or claim of set-off is a tender, such defence shall not be available unless before the hearing, or by permission of the Court at the hearing, the defendant pays into Court (which may be without costs) the amount alleged to have been tendered. Tender, when an available defence.
36. Where money has been paid into court by the defendant with a defence of tender, or without a denial of liability, the money so paid in shall be paid out to the complainant at his request, unless the court of petty sessions otherwise order. Payment out of Court when defence tender.
37. Where a defendant desires to pay money into Court with a denial of his liability on the complaint, he shall lodge with the clerk of petty sessions, at the time of payment into Court, a written notice in the form prescribed in the Schedule hereto, and shall, in the notice which he sends to complainant, state in that case that such payment is made with a denial of any liability. Notice of payment into Court with denial of liability. Form 6.

Acceptance of money paid in. Form 7.

38. If the complainant elect to accept in full satisfaction of his claim, including costs, such money as shall have been paid into Court by the defendant under the last preceding rule, he shall send or deliver to the clerk of petty sessions and to the defendant a written notice stating such acceptance, such reasonable time before the return of the summons as the time of payment by the defendant has permitted, and upon his doing so no further proceedings in the said complaint shall be taken, and the complainant shall not be liable for any further costs. But in default of such notices the complaint may go on for hearing, and the defendant shall be entitled to an order for such costs as, in the opinion of the justices, he shall have properly incurred after such payment into Court, unless the complainant recover a sum larger than the amount paid into Court.

Money accepted to be paid out of Court.

39. Where under the last preceding rules money has been paid into Court with a denial of liability, and the complainant has accepted the same in full satisfaction of his claim and has sent the notices required under the preceding rule, he shall be entitled to have the money paid out to him on request. Provided that such money shall not be paid out unless the clerk of petty sessions has satisfied himself that notice of acceptance has been duly sent or delivered to the defendant.

Memorandum of adjournment. Form 8.

To be transmitted.

40. Where under the provisions of section eighty-six of the Act a court of petty sessions adjourns the hearing of any information, complaint, or application to another Court, the justices constituting such Court, or any one of them, shall sign a memorandum in the form in the Schedule hereto; and the clerk of petty sessions at such first-mentioned Court shall transmit such information, complaint, or application, if in writing, together with such memorandum, to the clerk of petty sessions at the Court to which the same is adjourned.

Order of dismissal. Form 9.

41. Where a court of petty sessions has power under any Act of Parliament to deal with an indictable offence summarily, and has so dealt with it and dismissed the information, the order of dismissal shall be in the form in the Schedule hereto or to the like effect.

Application for summons to debtor. Form 10.

42. Where an application is made for a summons under section twenty-two of the *Imprisonment of Fraudulent Debtors Act 1915*, the applicant or his attorney shall sign an application in the form in the Schedule hereto, and shall state therein the ground or grounds on which he relies to obtain the committal of the person making default, and shall lodge the same with the clerk of petty sessions.

Affidavit in support.

43. Every application for a summons under section twenty-two of the *Imprisonment of Fraudulent Debtors Act 1915* shall be supported by an affidavit verifying the same; and such affidavit may be made in the manner prescribed for making affidavits in proof of the service of summonses under section twenty-three of the Act.

Certificate of payment. Form 11.

44. The certificate of payment or satisfaction signed by the clerk of petty sessions, under section twenty-five of the *Imprisonment of Fraudulent Debtors Act 1915*, shall be in the form in the Schedule hereto.

Security for payment. Form 12.

45. Any security given under the Act for the payment of any sum of money under any conviction or order shall be in the form of an undertaking, and may be in the form in the Schedule hereto, or in any other form to the like effect.

Return of security.

46. Where any such security is not entered into before the Court but before some person specified by the Court, the principal in such security shall make a return of it showing the particulars required by Rule 13 to be entered in the Security Book to the clerk of petty sessions of the Court at which the order directing security to be taken was made.

Notice of forfeiture. Form 13.

47. Not less than two clear days before a warrant of distress is issued for a sum due by a principal, in pursuance of a forfeited security under the Act, the clerk of the court of petty sessions issuing the warrant shall cause notice of the forfeiture to be served on the principal. Service of the notice may be effected either personally or by letter sent to the address mentioned in the security.

Application for order, s. 126. Form 14.

48. Every application under section one hundred and twenty-six of the Act for an order *ex parte* for attachment of debt, shall be supported by an affidavit in the form in the Schedule hereto, or to the like effect.

Examination of person against whom order is made.

49. When an order is made for the recovery or payment of money, or when by any conviction any party is ordered to pay any money, the court of petty sessions at the time of making such order or conviction may forthwith, on the application of the party entitled to enforce such order or to receive the money, examine or cause to be examined on oath the person against whom such order is made or by whom the money is ordered to be paid as to whether any and what debts are owing to such person, and whether such person has any and what other property or means of satisfying the said order or conviction.

Professional costs.

50. In undefended default summonses under section 99 of the Act if a legal practitioner is employed the following professional costs shall be allowed:—

| | £ | s. | d. |
|--|---|----|----|
| Where the amount recovered does not exceed £10 | 0 | 10 | 6 |
| When the amount recovered exceeds £10 | 1 | 1 | 0 |

Non-compliance with rules not to invalidate proceedings.

51. Non-compliance with any of these rules or departure from the forms hereto shall not render any proceeding void unless the court of petty sessions before whom the same shall come shall so direct, but such proceedings may in the discretion of such Court be amended or otherwise dealt with in such manner as to postponement, adjournment, or otherwise, and upon such terms as such Court may think fit.

FORM 1.

ORDER FOR SUBSTITUTED SERVICE.

In the Court of Petty Sessions at

Between A.B., Informant [or Complainant],
and
C.D., Defendant.

Upon the application of

It is ordered that service of a copy of this order and of a copy of the summons in this information [or complaint] by [describe mode of substituted service] shall be good and sufficient service of the said summons.

Dated the day of 19

(Signed)

J.P.

Register of Convictions, Orders, and other Proceedings in the Court of Petty Sessions at _____ the _____ day
of _____ 19____

[illegible]

DR. SUITORS' CASH BOOK. CR.

[illegible]

| No. in Register. | Date of Order or Conviction. | Date of Security. | Principal. | Amount. | Surety or (Sureties). | Amount. | Undertaking or Condition by which Principal is bound. | Before whom taken. |
|------------------|------------------------------|-------------------|------------|---------|-----------------------|---------|---|--------------------|
| | | | | £ s. d. | | £ s. d. | | |

[illegible]

NOTICE OF PAYMENT OF MONEY INTO COURT.

Between A.B., Complainant,
and
C.D., Defendant.

Dated this day of 19

(Signed) C.D.

To

FORM 7.

NOTICE OF ACCEPTANCE OF MONEY PAID INTO COURT.

In the Court of Petty Sessions at

Between A.B., Complainant,

and

C.D., Defendant.

Take notice that I accept in full satisfaction of my demand in this complaint, including costs, the sum of money paid into Court.

To

A.B.

FORM 8.

MEMORANDUM OF ADJOURNMENT TO ANOTHER COURT OF PETTY SESSIONS.

In the Court of Petty Sessions at

Between A.B., Informant [or Complainant],

and

C.D., Defendant.

Date of information [or complaint]

19

Nature of information [or complaint] [state shortly].

The hearing of the information [complaint or application as the case may be] of A.B., wherein one C.D. is the defendant [or person opposing the application, as the case may be], is, by virtue of section 86 of the *Justices Act* 1915, now adjourned by me [or us] the undersigned until the day of 19, at the hour of , to the Court of Petty Sessions at , where the said parties and their respective witnesses (if any) are required again to appear.

Dated at

the

day of

19

M.N., a Justice of the Peace sitting in a Court of Petty Sessions at

FORM 9.

ORDER OF DISMISSAL UNDER SECTION 100, SUB-SECTION (4).

In the Court of Petty Sessions at

Be it remembered that on the day of , in the year of Our Lord One thousand nine hundred and , an information was laid before , a Justice of the Peace in and for the bailiwick of the State of Victoria, by of , for that one of did, on the day of in the year aforesaid, commit an indictable offence, that is to say, that he the said did [describe the offence], and now, on this day of , [two, the undersigned] Justices of the Peace in and for the said bailiwick, sitting in a Court of Petty Sessions, having determined that the case is one properly to be dealt with summarily, and, having heard the matter of the said information, do hereby dismiss the same.

Dated the

day of

19

J.P. [or Clerk of Petty Sessions, as the case may be].

FORM 10.

APPLICATION FOR SUMMONS FOR COMMITMENT.

In the Court of Petty Sessions at

the

Bailiwick.

in }

Between A.B., Informant [or Complainant],

and

C.D., Defendant.

I apply for the issue of a summons for commitment against the said defendant, and I state that I rely upon the following grounds for obtaining an order of committal of the defendant, that is to say :—[set forth the ground or grounds].

Complainant [or solicitor for Complainant].

FORM 11.

CERTIFICATE FOR DISCHARGE.

Whereas by virtue of a warrant issued out of the Court of Petty Sessions at , and dated the day of 19 , was committed to the gaol at , to be there kept by you according to the exigency of the said warrant: This is therefore to certify that the said has paid the moneys mentioned in the said warrant [or has made satisfaction, as the case may be], and has paid all subsequent costs, and is now entitled to be discharged out of custody.

Dated the

day of

19

Clerk of Petty Sessions at

To the Keeper of the Gaol at

FORM 12.

SECURITY FOR SUM ADJUDGED TO BE PAID, ETC.

In the Court of Petty Sessions at

, hereinafter called the defendant, was this day [or on the day of] by a certain conviction [or order] before the Court of Petty Sessions at , adjudged to pay the sum of [by instalments of] for every days, the first instalment to be paid] forthwith [or on the day of], and to give security for the due payment thereof:

Now therefore the defendant and his sureties, of and of , hereby undertake that the defendant will pay the sum adjudged at the time and in the manner thereby directed, and hereby severally acknowledge themselves severally bound to forfeit and pay to the sum of in case the defendant fails to perform this undertaking.

(Signed)

Defendant.
Sureties.

Taken before me the

day of

19

FORM 13.

NOTICE TO PRINCIPAL OF FORFEITED SECURITY.

In the Court of Petty Sessions at

Between A.B., Complainant [or Informant],

and

C.D., Defendant.

Take notice that the sum of
security entered into by you with
the said sum be paid to me, on or before the
for the same without further notice.

due by you the said , as principal under a
as surties, is unpaid, and that the said security is forfeited, and unless
day of 19 , a warrant of distress may issue

Dated the day of 19
To

Clerk of Petty Sessions.

FORM 14.

In the Court of Petty Sessions at

Between A.B., Complainant [or Informant],

and

C.D., Defendant.

I, of , the above-named complainant [or solicitor for the above-named
complainant], make oath and say as follows:—

1. By an order of the Court of Petty Sessions at , and dated the day of
19 , it was ordered that I, [or the above-named complainant] should recover against the above-named
defendant the sum of £

2. The said still remains unsatisfied to the extent of £
3. is indebted to the defendant in the sum of £ or thereabouts.
4. The said is within Victoria.

Sworn at the day of before me

FEES IN COURTS OF GENERAL SESSIONS.

| | £ | s. | d. |
|--|---|----|----|
| For entering every appeal | 1 | 0 | 0 |
| For every special case stated | 1 | 0 | 0 |
| For every application to review, vary, or alter order of maintenance | 0 | 10 | 0 |
| For every subpoena | 0 | 1 | 0 |
| For every copy thereof | 0 | 0 | 6 |
| For every copy of proceedings not exceeding three folios, the fee for which is not otherwise provided for | 0 | 2 | 0 |
| For every additional folio | 0 | 0 | 6 |
| For every rule, order, or certificate, the fee for which is not otherwise provided for | 0 | 2 | 6 |
| For every taxing costs not exceeding three folios | 0 | 2 | 0 |
| For every additional folio | 0 | 0 | 6 |
| For every search | 0 | 1 | 0 |
| For every service by a member of the police force of an order made under Part III. of <i>Imprisonment of Fraudulent Debtors Act 1915</i> , if the distance from the constable's residence does not exceed five miles | 0 | 2 | 6 |
| If beyond that distance, for every additional mile for each defendant | 0 | 1 | 0 |

FEES IN COURTS OF PETTY SESSIONS, AND IN PROCEEDINGS BEFORE A JUSTICE OR JUSTICES.

PRELIMINARY COSTS.

Civil Cases.

| | £ | s. | d. |
|---|---|----|----|
| For every summons, including copy but not service | 0 | 2 | 6 |
| Additional when such summons is prepared by the Clerk of Petty Sessions | 0 | 1 | 0 |
| For every copy beyond one prepared by the Clerk of Petty Sessions | 0 | 1 | 0 |
| For every Order under Part IV., Subdivision 6, of the <i>Justices Act 1915</i> , except that under section 128 of the Act | 0 | 1 | 0 |
| For service or attempted service on each defendant or other person to be served of any summons or order, including any summons or order under the <i>Imprisonment of Fraudulent Debtors Act 1915</i> , if the distance from the serving constable's residence does not exceed 5 miles | 0 | 2 | 6 |
| If the place of service be beyond 5 miles from the serving constable's residence, for every additional mile for each defendant or other person to be served | 0 | 1 | 0 |
| For this service fee the serving constable will, if necessary, pay two visits to the defendant's place of abode or business (according to the address supplied on the complainant's behalf) to effect service; if more than two visits are desired then for each defendant or other person to be served a further fee of 2s. 6d. and 1s. for each additional mile beyond 5 from the serving constable's place of residence for each such further visit must be paid | 0 | 2 | 6 |
| Application under section 93 of the <i>Landlord and Tenant Act 1915</i> | 0 | 2 | 6 |
| For every warrant to apprehend, or warrant to constable or peace officer to take and give possession | 0 | 2 | 6 |
| For executing or attempting to execute any such warrant, if the distance to be travelled does not exceed 5 miles from the executing constable's residence, for each defendant | 0 | 2 | 6 |
| If beyond that distance, for every additional mile for each defendant | 0 | 1 | 0 |
| For every payment of money into Court before or at the hearing | 0 | 1 | 0 |
| For every notice of special defence lodged with the Clerk of Petty Sessions | 0 | 1 | 0 |
| For every security for sum adjudged to be paid | 0 | 2 | 6 |

Criminal Cases.

| | £ | s. | d. |
|---|---|----|----|
| For every summons for any offence punishable summarily, except under sections 72 and 74 of the <i>Crimes Act 1915</i> , including copy and service | 0 | 2 | 6 |
| Additional when such summons is prepared by the Clerk of Petty Sessions | 0 | 1 | 0 |
| For every copy beyond one, prepared by the Clerk of Petty Sessions, including service | 0 | 1 | 0 |
| For every warrant of apprehension for any offence punishable summarily, except under sections 72 and 74 of the <i>Crimes Act 1915</i> including execution thereof | 0 | 2 | 6 |
| Additional when such warrant is prepared by the Clerk of Petty Sessions | 0 | 1 | 0 |

Civil and Criminal Cases.

| | | | |
|--|---|----|----|
| For every summons to witnesses in any case in which there is summary jurisdiction, except under sections 72 and 74 of the <i>Crimes Act</i> 1915 (subject to the provisions of section 485 of that Act), including any number of names | £ | s. | d. |
| Additional when such summons is prepared by the Clerk of Petty Sessions | 0 | 1 | 0 |
| For every copy thereof prepared by the Clerk of Petty Sessions | 0 | 1 | 0 |
| For service or attempted service thereof, if required to be served by a constable, on each witness, if the distance from such constable's residence does not exceed 5 miles | 0 | 0 | 6 |
| If the place of service be beyond 5 miles from the serving constable's residence for every additional mile for each witness to be served | 0 | 2 | 6 |
| For this service fee the serving constable will, if necessary, pay two visits to the witness' place of abode or business to effect service; if more than two visits are desired, then for each witness to be served a further fee of 2s. 6d. and 1s. for each additional mile beyond 5 from the serving constable's place of residence for each such further visit must be paid. | 0 | 1 | 0 |
| For every certified copy of an extract from the register of a Court of Petty Sessions | 0 | 1 | 0 |

COSTS AND CHARGES OF "DISTRESS" OR OF "TAKING AND KEEPING A DISTRESS."

Civil Cases.

| | | | |
|---|---|----|----|
| For every warrant of distress | £ | s. | d. |
| Additional when such warrant is prepared by the Clerk of Petty Sessions | 0 | 2 | 6 |
| For executing or attempting to execute any such warrant, not including the expenses of removal, possession, or sale, if the distance does not exceed 5 miles from the executing constable's residence, for each defendant | 0 | 1 | 0 |
| If beyond that distance, for every additional mile for each defendant | 0 | 2 | 6 |

Civil and Criminal Cases.

| | | | |
|--|---|----|----|
| For expenses of possession under a warrant of distress, not exceeding per day | £ | s. | d. |
| For expense of removal (including storage) of goods, not exceeding | 0 | 5 | 0 |
| Expenses of sale, for every Twenty shillings or fraction of Twenty shillings of the price realized | 1 | 10 | 0 |
| | 0 | 0 | 6 |

Costs of Commitment.

| | | | |
|---|---|----|----|
| For warrant of commitment under Part III. of the <i>Imprisonment of Fraudulent Debtors Act</i> 1915 | £ | s. | d. |
| Additional when such warrant is prepared by the Clerk of Petty Sessions | 0 | 2 | 6 |
| | 0 | 1 | 0 |

MISCELLANEOUS FEES.

Civil and Criminal Cases.

| | | | |
|---|---|----|----|
| Fee on certificate for Supreme Court (section 124 of the Act) | £ | s. | d. |
| For every copy of any complaint, information, summons, warrant, deposition, order, or conviction obtained after any hearing or examination, and not exceeding one common law folio, not otherwise provided for, prepared by the Clerk of Petty Sessions | 0 | 5 | 0 |
| For every folio or fraction beyond the first folio | 0 | 1 | 0 |
| | 0 | 1 | 0 |

ALLOWANCE TO WITNESSES IN CIVIL CASES AND IN CRIMINAL CASES OTHER THAN THOSE ON A PROSECUTION BY AN OFFICER ON BEHALF OF THE CROWN.

For Travelling.

1. To every witness the *sum actually paid*, but not exceeding One shilling for every mile he may reside from the Court at which he may be required to attend.
2. To every witness who may travel by ship, coach, railway, or tram, the sum actually and properly paid for fares both in going to and returning from the Court at which he may be required to attend.
3. No allowance under clause 1 will be made to any witness residing within three miles of the Court which he may be required to attend.
4. In all cases where practicable witnesses must travel by ship, coach, railway, or tram, and in such part of the vessel vehicle, or train as may be suitable to their station in life.
5. *For Attendance—subject to Qualification as below and for each day necessarily absent from home in travelling to and from Court.*

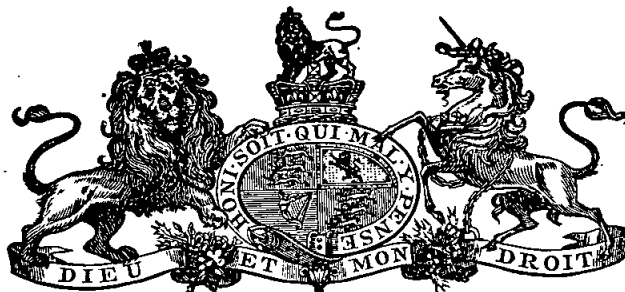
| To every— | Allowance per Day not to exceed— |
|--|--|
| Professional man | £ s. d. 1 0 0 |
| Bank manager, merchant, auctioneer | 1 0 0 |
| Accountant, as defined below | 1 0 0 |
| Interpreter or expert | 0 15 0 |
| Master tradesman, artisan, mechanic, farmer, hotelkeeper, shopkeeper, commission or estate agent, contractor, clerk | 0 15 0 |
| Labourer or other ordinary witness | 0 10 0 |
| Member of the police force | Amount of pay lost, and if stationed out of the place where Court is held 5s. extra |

6. Witnesses who attend in more than one cause or matter will be entitled to a proportionate payment only in each cause or matter.

7. "Accountant" shall mean and include a member or associate of any recognised society or association of accountants or actuaries in Great Britain or Ireland, a member of the "Australasian Corporation of Public Accountants," of the "Federal Institute of Accountants (Incorporated)" of the "Incorporated Institute of Accountants, Victoria," of the "Australian Institute of Incorporated Accountants," a public accountant or actuary actually practising as such, or a Government auditor of municipal accounts, or any person holding a licence of the Companies Auditors' Board.

And the Honorable Harry Sutherland Wightman Lawson, His Majesty's Solicitor-General for the State of Victoria, shall give the necessary directions herein accordingly.

F. W. MABBOTT,
Clerk of the Executive Council.



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

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No. 211.] WEDNESDAY, DECEMBER 29. [1915.

STATE FORESTS DEPARTMENT.

NOTICE OF INTENTION TO DEDICATE AREAS OF CROWN LANDS AS PERMANENT FORESTS AND TIMBER RESERVES.

NOTICE is hereby given that, after the expiration of one (1) month following the first publication of this notice in the *Victoria Government Gazette*, in pursuance of Section 20 of the *Forests Act 1915*, it is intended to move His Excellency the Governor in Council to dedicate as Permanent Forests and Timber Reserves the areas of Crown lands described in the accompanying Schedule (No. 20).

T. LIVINGSTON,
Minister of Forests.

W. HUTCHINSON,
Minister of Lands.

State Forests Department,
Melbourne, 13th December, 1915.

SCHEDULE No. 20.

NOTE.—The areas given in the columns and on the diagrams are approximate.

| Diagram. | Correspondence Numbers. | | Parish. | Plan. | County. | Area in Acres. | |
|----------|-------------------------|------|------------------|----------------|-----------------|-------------------|-----------------|
| | | | | | | Permanent Forest. | Timber Reserve. |
| 211 | 796 | 1839 | Granton | 215 | Anglesey | 2,426 | |
| 213 | 70626 | 2291 | Berringa | 43A | Benambra | .. | 1,980 |
| 214 | 70343 | 136 | Lyell | 287 | Bendigo | 58 | |
| 215 | 70343 | 136 | Kimbolton | 255 | " | 57 | |
| 218 | 77345 | 607 | Nayook | N ² | Buln Buln | 700 | 815 |
| 216-7 | 77412 | 1146 | Drajurk | 165 | Follett | .. | 460 |
| 219-20 | 70523 | 1747 | Tarnagulla | 428 | Gladstone | 728 | |
| 221 | 62318 | 6589 | Moliagul | 311 | " | 1,670 | |
| 222 | 70544 | 1748 | Glenalbyn | 197 | " | 870 | |
| 222 | 70544 | 1748 | " | 197 | " | (2,660) | |
| 223-4 | 70704 | 2785 | Yarrowee | 526 | Grenville | 590 | |
| 225 | 392 | 259 | Moirra | 309 | Moirra | 299 | |
| 226 | 63908 | 4326 | Kaarimba | 240 | " | 150 | |

SCHEDULE No. 20—continued.

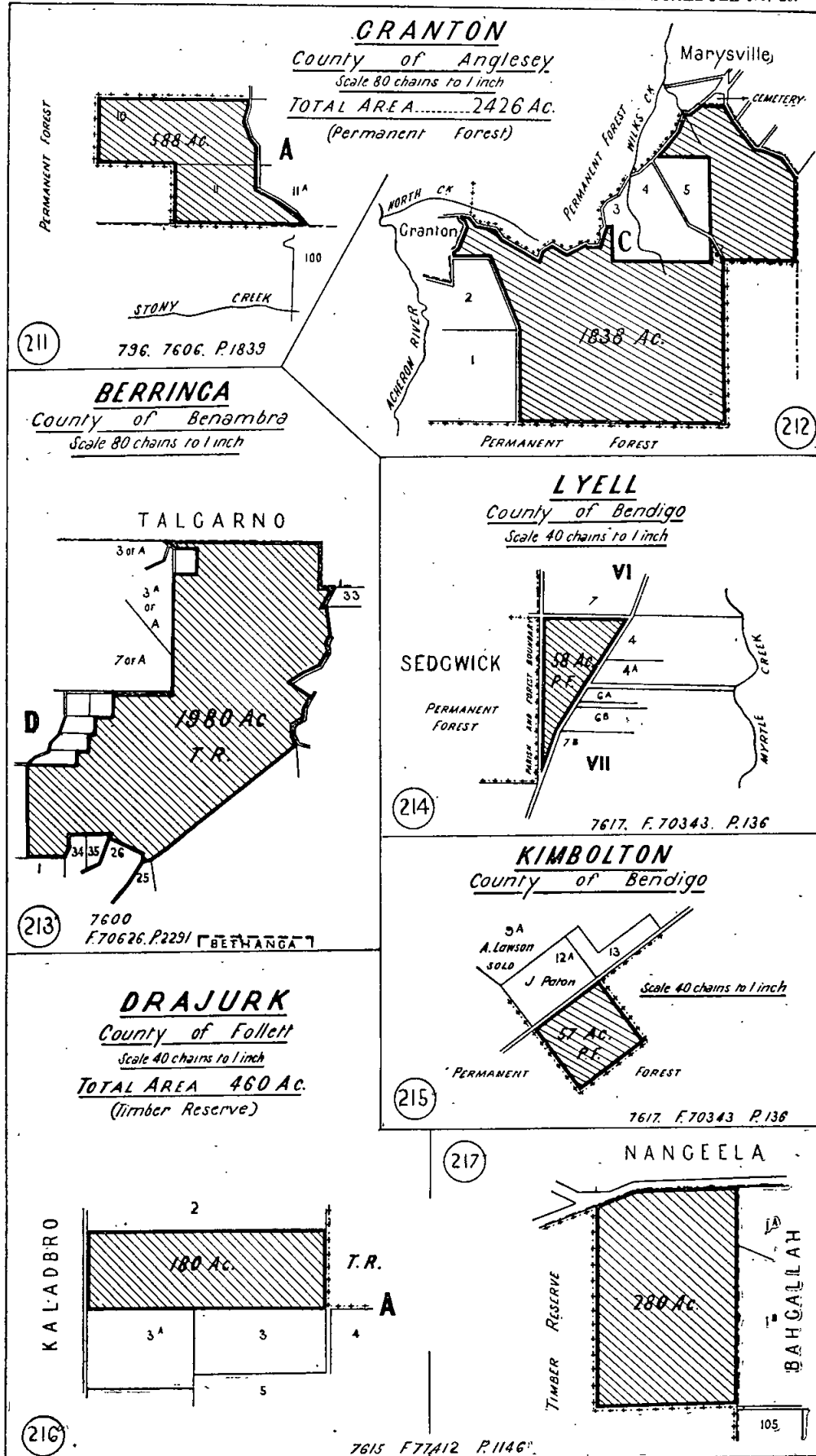
| Diagram. | Correspondence Numbers. | | Parish. | Plan. | County. | Area in Acres. | |
|----------|-------------------------|------|-------------------------|----------------|----------------|-------------------|-----------------|
| | | | | | | Permanent Forest. | Timber Reserve. |
| 227 | 70736 | 2925 | Gerangamete | 194 | Polwarth | .. | 250 |
| 228 | 70654 | 2458 | Barwon Downs | 34 | " | 502 | |
| 229-30 | 408 | 6697 | Kanyapella | 244 | Rodney | 290 | 127 |
| 229-30 | 408 | 6697 | " | 244 | " | (1,570) | |
| 231 | 7613 | 526 | Redcastle | 395 | " | 12 | |
| 232 | 70407 | 527 | Crosbie | 150 | " | 12 | |
| 232 | 70407 | 527 | " | 150 | " | (5,035) | |
| 233 | 6425 | 3381 | Nekeeya | 354 | Ripon | 835 | |
| 234-5 | 77076 | 4871 | Tarngower | 430 | Talbot | 50 | |
| 237 | 77076 | 4871 | Sandon | 403 | " | 88 | |
| 238 | 70479 | 1311 | Eglinton | 176 | " | .. | 160 |
| 236 | 70344 | 165 | Wareek | 475 | " | 925 | |
| 240 | 77146 | 4869 | Maneroo | T ^s | Tambo | 9,100 | |
| | 77146 | 4869 | Tildesley East | T ^s | " | 860 | |
| | 77146 | 4869 | Buchan | 78 | " | 9,000 | |
| | 77146 | 4869 | Bete Bolong North | T ^s | " | 7,730 | |
| 241 | 7598 | 5127 | Bundowra | B ^s | Tanjil | 4,245 | |
| | | | | | | 49,762 | 3,792 |

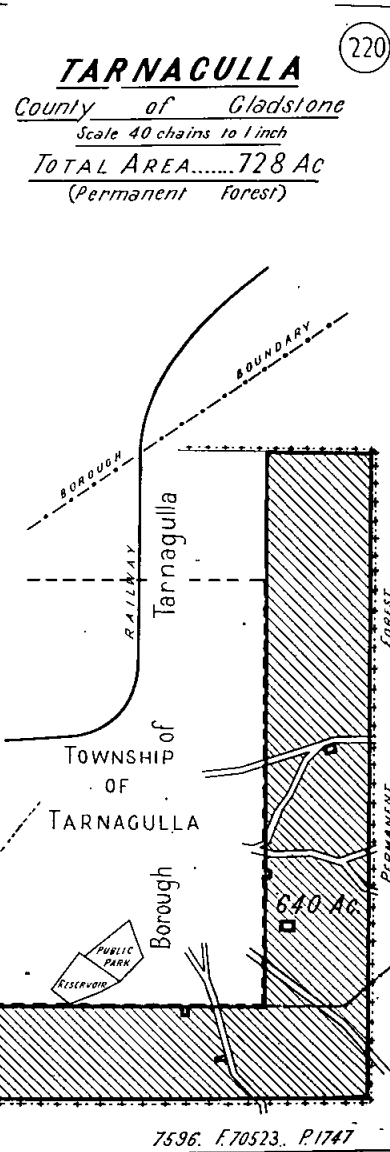
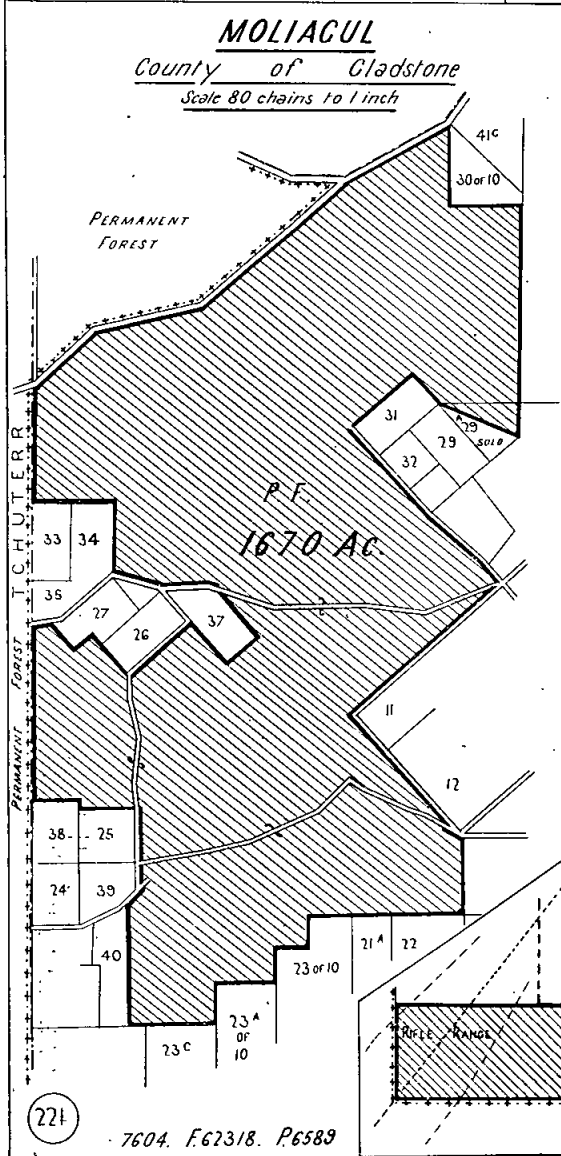
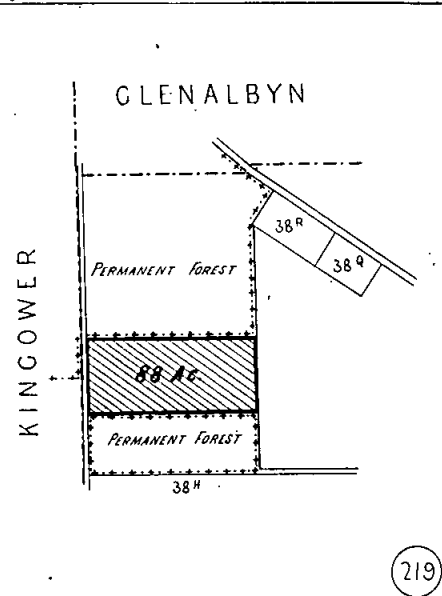
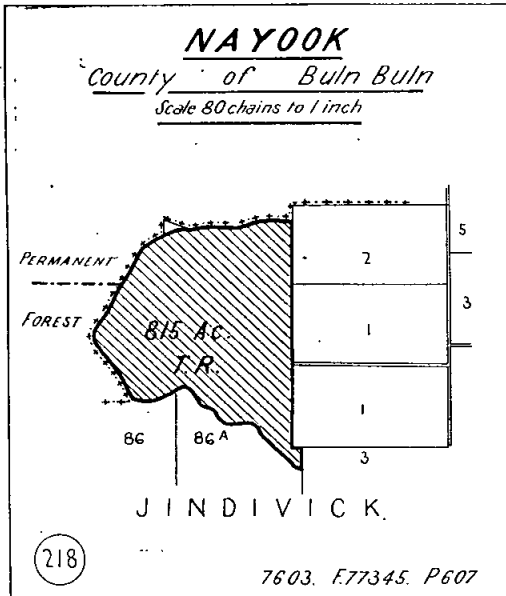
NOTE.—Areas in brackets indicate conversions from existing Timber Reserves to Permanent Forests.

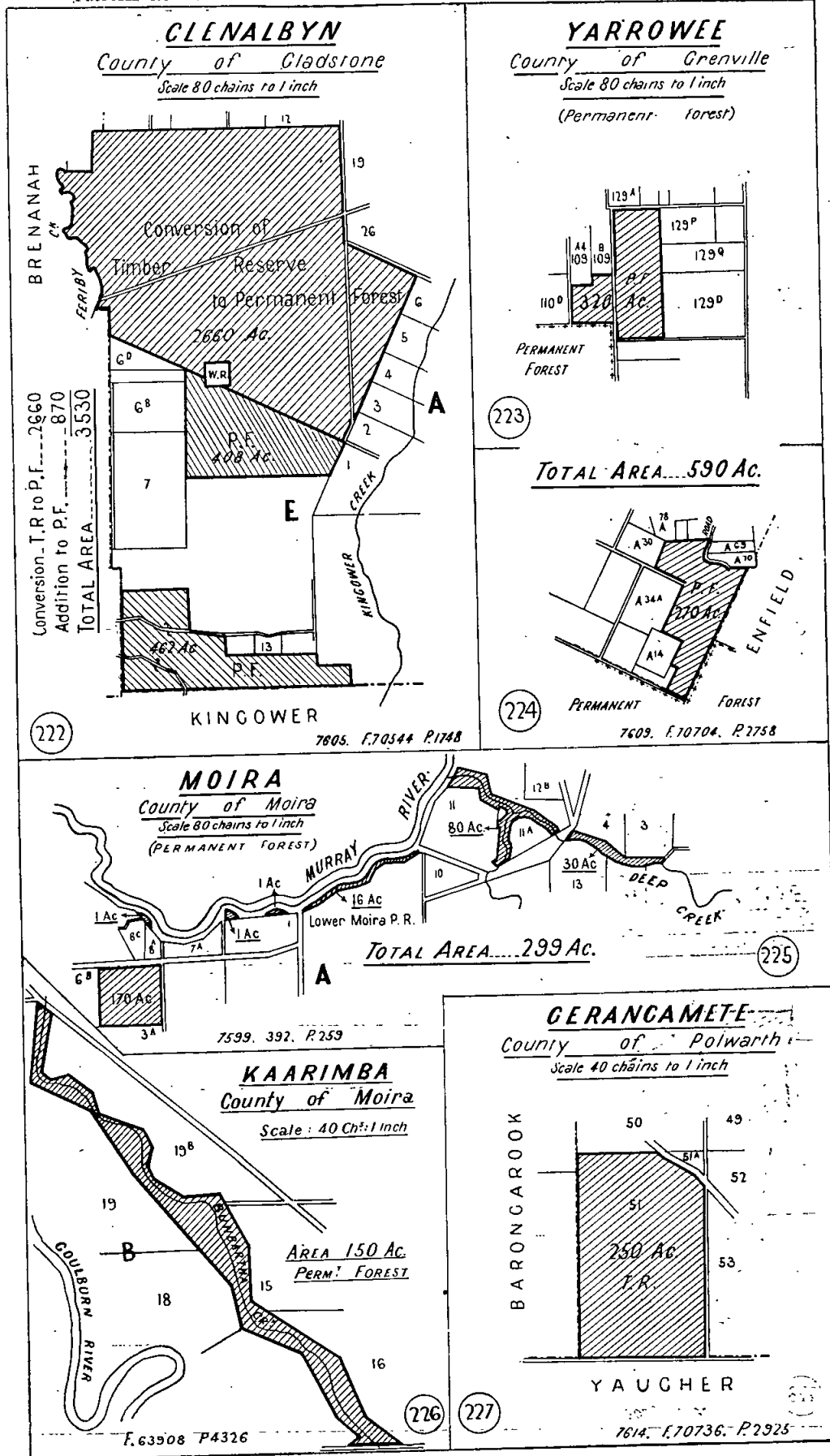
| | | | |
|------------------|----|----|--------|
| | | | Ares. |
| Permanent Forest | .. | .. | 49,762 |
| Timber Reserve | .. | .. | 5,792 |
| Total Area | .. | .. | 55,554 |
| Less Conversions | .. | .. | 9,265 |
| New Reserves | .. | .. | 44,289 |

First published 21st December, 1915.

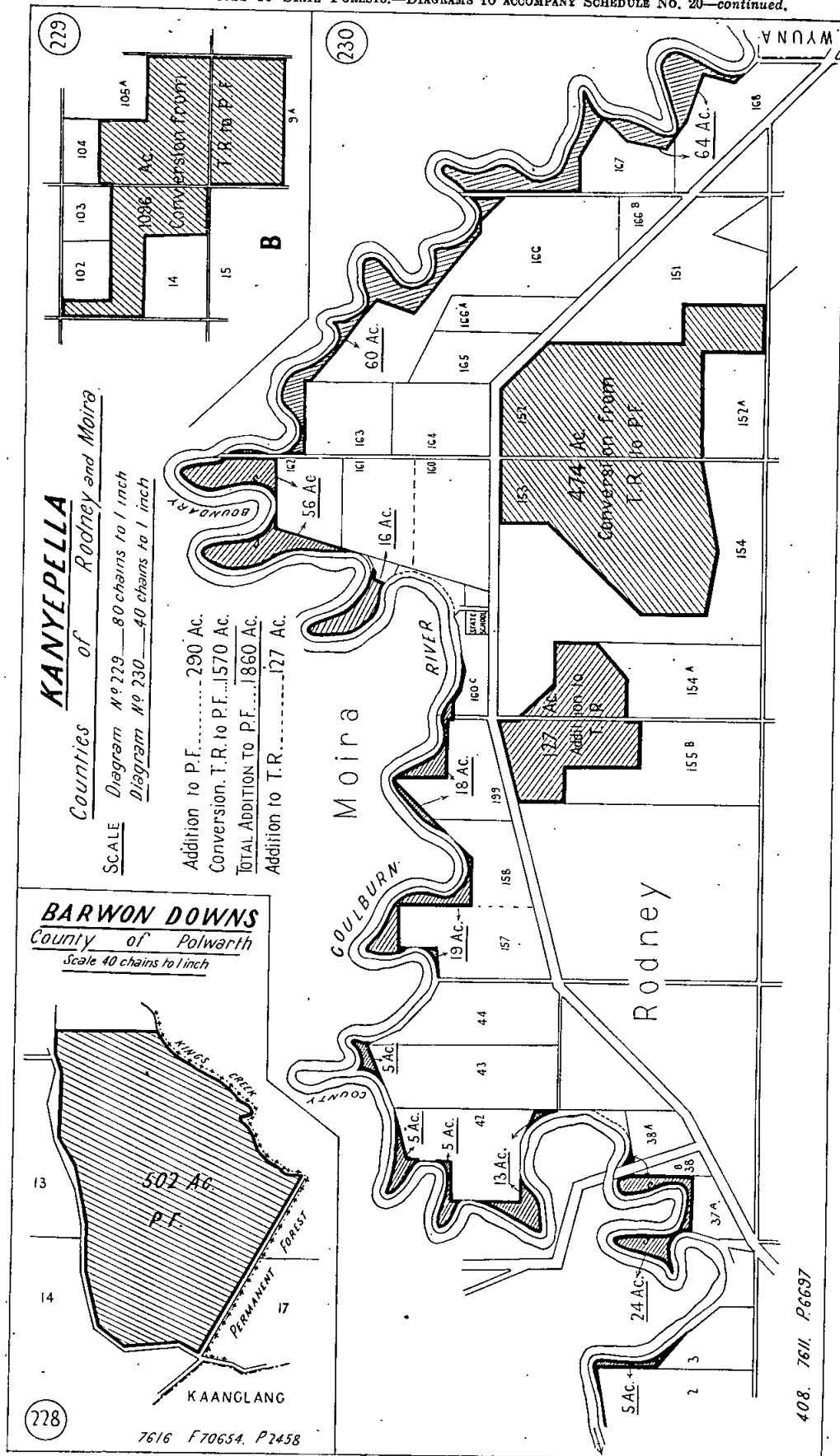
PROPOSED ADDITIONS TO STATE FORESTS.—DIAGRAMS TO ACCOMPANY SCHEDULE No. 20.

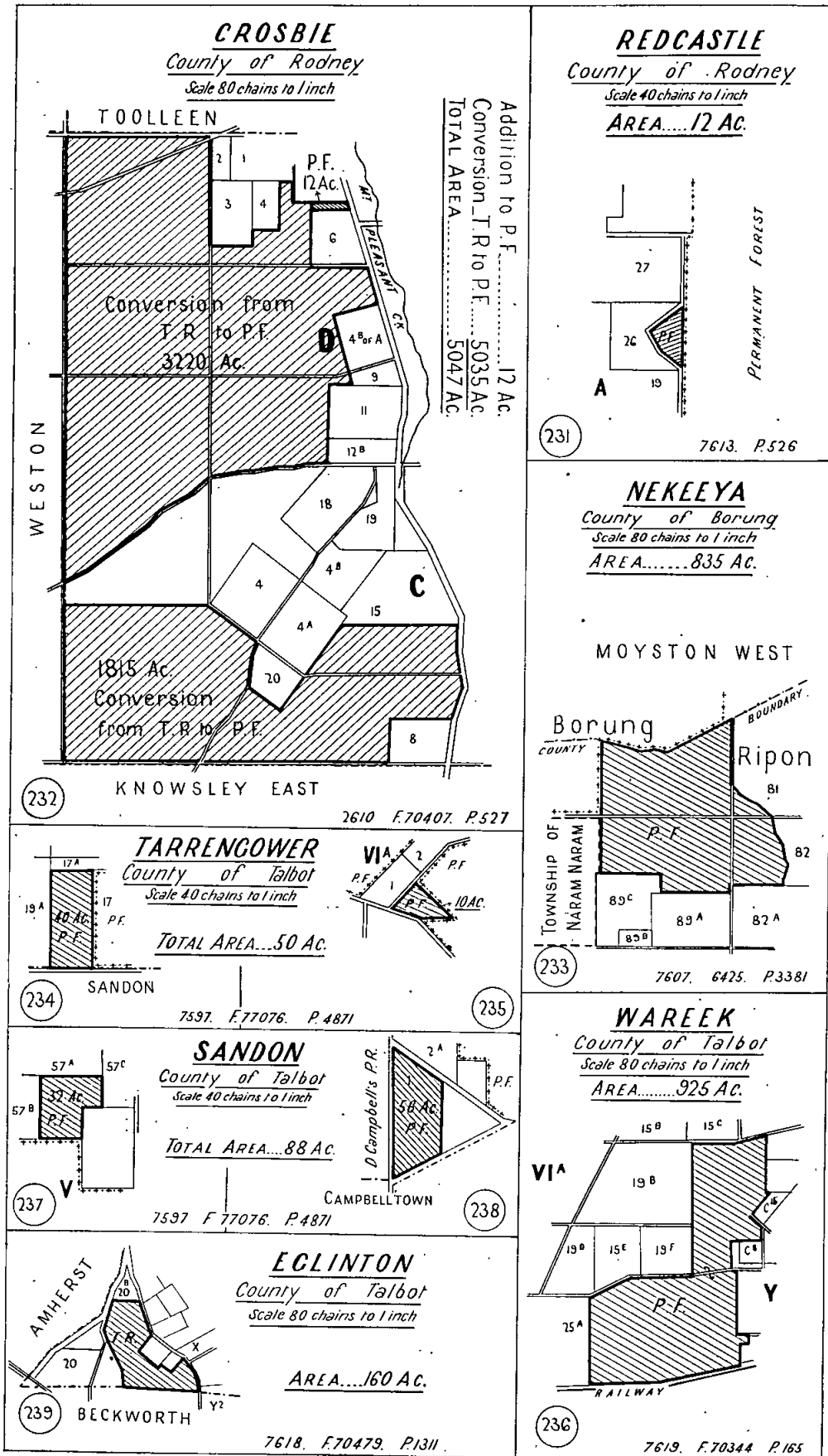






PROPOSED ADDITIONS TO STATE FORESTS.—DIAGRAMS TO ACCOMPANY SCHEDULE No. 20—continued.



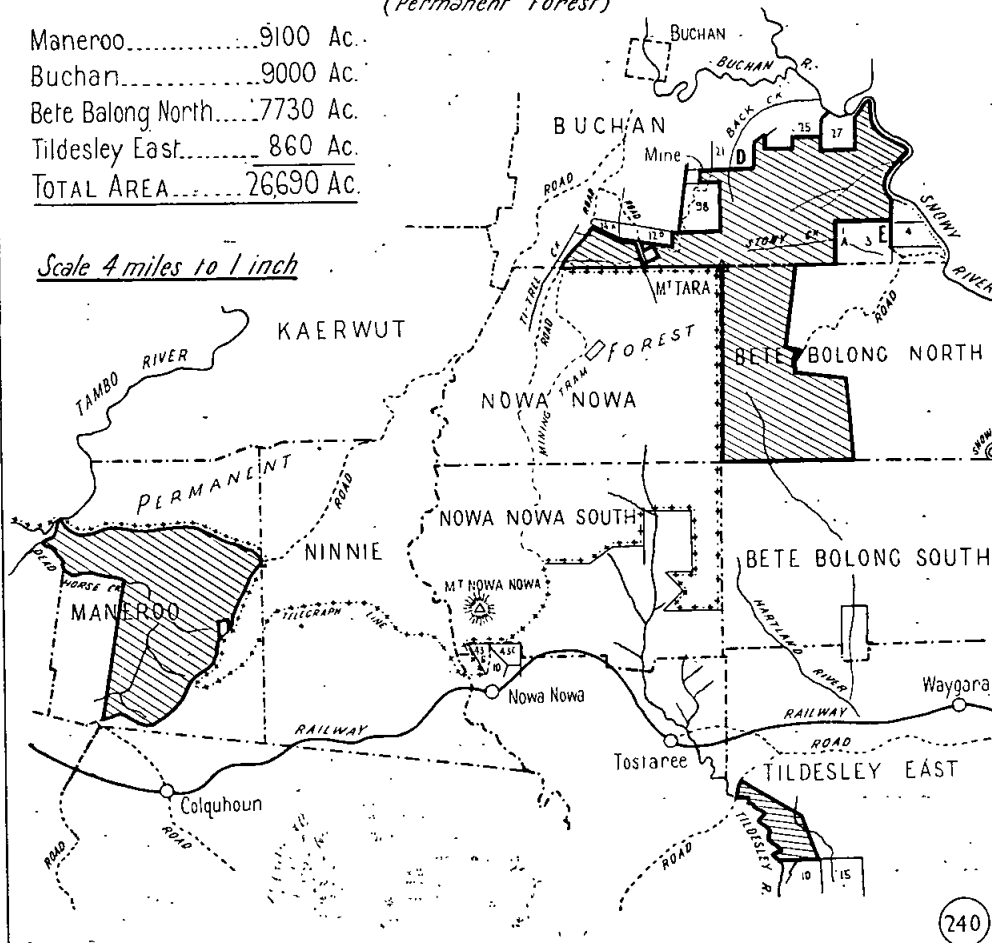


PROPOSED ADDITIONS TO STATE FORESTS.—DIAGRAMS TO ACCOMPANY SCHEDULE NO. 20—continued.

MANEROO, BUCHAN, BETE BOLONG NORTH, TILDESLEY EAST,County of Tambo

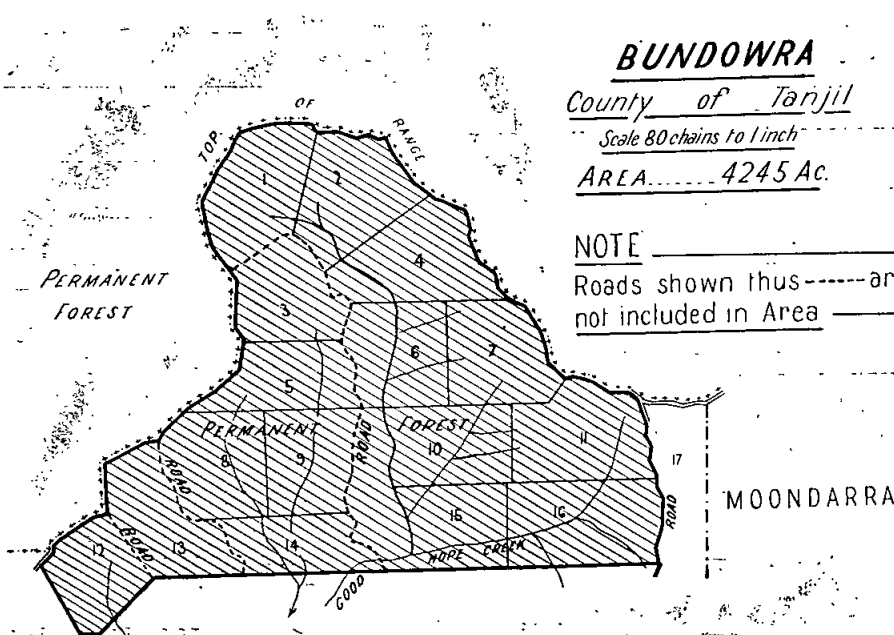
(Permanent Forest)

| | |
|------------------------|------------------|
| Maneroo..... | 9100 Ac. |
| Buchan..... | 9000 Ac. |
| Bete Bolong North..... | 7730 Ac. |
| Tildesley East..... | 860 Ac. |
| TOTAL AREA..... | 26690 Ac. |

Scale 4 miles to 1 inch

7601. F77146. P4869

(240)

BUNDOWRACounty of TanjilScale 80 chains to 1 inchAREA.....4245 Ac.**NOTE**Roads shown thus-----are
not included in Area

7598 P5127

(241)