



# SUPREME COURT OF WESTERN AUSTRALIA

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18 June 2021

## 160<sup>th</sup> Anniversary of the Supreme Court of Western Australia

Today marks the 160<sup>th</sup> anniversary of the creation of the Supreme Court of Western Australia.

On 18 June, 1861, the Supreme Court Ordinance received royal assent and the Court of Quarter Sessions and the Civil Court were amalgamated to form the Supreme Court of Western Australia.

On Tuesday last a Special number of the "Government Gazette," was issued for the purpose of proclaiming the Supreme Court Ordinance which passed its third reading in Legislative Council on the previous day. Mr Burt, Mr G. F. Stone, and Mr A. H. Stone, will be the Chief Justice, Attorney General, and Master, &c., of the new Court.


1861 "General Intelligence", *Perth Gazette and Independent Journal of Politics and News* (WA: 1848 - 1864), 21 June, p. 2 <https://trove.nla.gov.au/newspaper/article/2933213?searchTerm=supreme%20court#>

Sir Archibald Paull Burt, who had moved to Perth with his family from the Caribbean earlier that year, was named the State's first Chief Justice. As Commissioner of the Civil Court, it was his ruling that the Civil Court had no jurisdiction in criminal cases that prompted the establishment of the Supreme Court.

As reported in the Government Gazette on June 25, 1861, the Supreme Court was to sit on the first Wednesday of each month and criminal and civil jury trials were to take precedence over other court business.

The Court sat at the Perth Gaol until 1863 before moving to the Reveley building, which is now known as the Old Court House Law Museum. In 1879, a fortnight before Chief Justice Burt died, the Supreme Court moved to the adjacent Commissariat Store on the bank of the Swan River.

It was not until 1903 that the purpose-built courthouse was opened in Stirling Gardens. The courthouse was designed to house four judges. The building remains the home of the Court of Appeal and jury trials continue to be heard in the building to this day. The Court also sits in the David Malcolm Justice Centre, the District Court building and regional courthouses throughout Western Australia.

 <p><b>GOVERNMENT GAZETTE.</b> TUESDAY, JUNE 25, 1861.</p> <p>The appointments of Archibald Paull Burt, Esquire, to be Chief Justice; and George Frederick Stone, Esquire, to be Attorney General for the Colony of Western Australia; and Alfred Hawes Stone, Esquire, to be Registrar, Master, and Keeper of Records of the Supreme Court of Western Australia are gazetted.</p> <p>The following General Orders and Rules of the Supreme Court, issued by His Honor Chief Justice Burt, on the 21st instant are published:—His Hon. Archibald Burt, Chief Justice of Western Australia, doth hereby, in pursuance and execution of the powers and authorities in this behalf vested in him by the Ordinance passed by the Legislative Council of the said Colony in the 24th year of the reign of Her present Majesty, No. 15, of 1861, intituled, "The Supreme Court Ordinance, 1861" and in exercise of all other powers enabling him in that behalf, Order and Direct:—That all and every the rules, orders and directions herein-after set forth shall henceforth be, and for all purposes be deemed and taken to be, General Rules and Orders of the Supreme Court.</p>	<p><b>SITTINGS OF THE COURT.</b></p> <p>1.—The Court will sit, until further ordered, on the first Wednesday in each month, and will continue its sittings by adjournments until the business before the Court shall be fully disposed of. For the convenience of Jurors in attendance, the business of the Court will be taken in the following order, except when under special circumstances it be moved and ordered otherwise: Criminal Trials will be first proceeded with; after which, the Trials by Jury of Causes on the Civil List; and on the termination of all such Trials by Jury, the Court will hear and adjudge such causes on the List as may be set down to be heard and determined without the intervention of Juries, and all such motions, rules, orders, and matters of Law as may be moved or set down for hearing.</p> <p><b>AFFIDAVITS.</b></p> <p>2.—Affidavits to be used in any cause or proceeding in the said Court or before the Judge at Chambers, may be sworn before a Justice of the Peace, agreeably to the provisions of the proviso contained in the Ordinance passed by the Legislative Council of the said Colony, in the 18th year of the reign of Her present Majesty, No. 12, of 1855.</p> <p><b>ARCHIBALD PAULL BURT.</b></p>
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1861 *Perth Gazette and Independent Journal of Politics and News* (WA: 1848 - 1864), Friday 28 June, p. 2  
<https://trove.nla.gov.au/newspaper/article/2933236?searchTerm=supreme%20court%20western%20australia>

When the Supreme Court was constituted in 1861, it had only one Judge – the Chief Justice – and one Registrar/Master. Today there are 21 Judges, one Master and 10 Registrars.

This year, the Supreme Court will hear almost 50 criminal trials and approximately 40 civil trials. The Court also determines more than 7,500 applications relating to deceased estates each year.