



ANNO DECIMO

GEORGII V REGIS.

A.D. 1919.

No. 1358.

An Act to authorise an Increase in the Number of Judges of the Supreme Court, and for purposes incidental thereto, including an amendment of the Supreme Court Act, 1878.

[Assented to, August 28th, 1919.]

WHEREAS it is expedient, in order to further the administration of justice in the Supreme Court, to provide for an increase in the number of Judges of the said Court: Be it therefore Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Preamble.

1. This Act may be cited as the "Fourth Judge Act, 1919."

Short title.

2. This Act is incorporated with—

Incorporation.

(a) the Act entitled "An Act to consolidate the several Ordinances relating to the establishment of the Supreme Court of the Province of South Australia," being the Act No. 31 of 1855-6, and

(b) the Third Judge and District Courts Act,

No. 13 of 1858.

and those Acts and this Act shall be read as one Act.

3. The Governor may appoint a fit and proper person to be a Judge of the Supreme Court, in addition to the Judges of the said Court provided for by any Acts now in force.

Governor may appoint Fourth Judge.

4. Every person appointed under this Act shall have, possess, and exercise all the powers and authorities conferred upon Judges of the Supreme Court by the Acts with which this Act is incorporated, or by any other Act or law.

Jurisdiction.

5. (1) Every

Fourth Judge Act.—1919.

Salary.

5. (1) Every person appointed under this Act shall receive the same salary as is by law payable to the Judges of the Supreme Court other than the Chief Justice.

(2) Such salary shall be paid to such person by the Treasurer out of the General Revenue on the warrant of the Governor, which warrant the Governor is hereby authorised and required to issue from time to time.

Fourth Judge may sit as member of Full Court.

6. In any case where, according to any law or practice existing at the time of the passing of this Act, the Full Court of the Supreme Court is required to be constituted of the three Judges of the Supreme Court, the said Full Court may, after the first appointment of a person to be a Judge under this Act, lawfully be constituted in manner defined in section 7 of this Act.

Amendment of Act 116 of 1878, s. 39—
Definition of Full Court.

7. Section 39 of the Supreme Court Act, 1878, is amended by striking out the definition of “Full Court” therein and substituting the following definition:—

“Full Court” shall mean the Supreme Court consisting of not less than three of the Judges thereof, or if any of the Judges be absent from the said State, or unable to attend from illness, from being engaged in presiding in the Court in any other branch of its jurisdiction, or from any other unavoidable cause, or shall be or declare himself or themselves to be interested in the matter in question, or shall declare that he or they cannot give a decision from having acted as counsel or attorney or otherwise in connection with the subject matter, the Full Court shall mean the other Judges or Judge thereof.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.