



ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

A.D. 1868-9.

See 33-4 V, c 20, s

No. 8.

An Act to amend the law relating to the Costs of Practitioners of the Supreme Court.

[Assented to, 30th January, 1869.]

WHEREAS it is expedient to amend the law relating to the costs of practitioners of the Supreme Court—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province in this present Parliament assembled, as follows:

Preamble.

1. Practitioners of the Supreme Court shall be entitled to receive from the party liable to pay the same, the costs and charges set forth in Schedule Q of Act No. 22 of 1861, intituled "An Act to amend the Real Property Act of 1860," for the matters respectively mentioned therein, and shall not be entitled to receive any costs and charges for such matters otherwise than is provided by the said Schedule, and such costs and charges shall include all attendances, letters, searches, abstracts of title, and all other solicitors' charges in respect of such matters.

Practitioner of the Supreme Court to charge the same as land broker.

2. The charges in the said Schedule shall not be deemed to include any work done or costs and charges incurred in consequence of any dispute or litigation in respect of any matters mentioned in the said Schedule.

Charges in Schedule not to include costs incurred in consequence of dispute or litigation.

3. This Act shall not apply to any work done or costs incurred in consequence of any instructions given before the passing of this Act.

This Act not to affect matters pending.

4. Upon

N.B. ~~liable or chargeable~~ you can't distribute return. cost ~~frank's~~ chargeable see
Mery & Davies Chanc 32^o VICTORIAE, No. 8. 1331

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Supreme Court or a Judge to refer bills of costs to be taxed.

L3 QBD 726

4. Upon the application of any party ^Xliable to pay, or who has paid, or chargeable with any bill of costs for any work done by a practitioner, the Supreme Court, or a Judge thereof, shall refer such bill and the demand of such practitioner, or the executor, administrator, or assignee of such practitioner, to be taxed and settled by the Master of the Supreme Court, without any money being brought into Court; and the Court or Judge making such reference, shall restrain such practitioner, or the executor, administrator, or assignee of such practitioner, from commencing any action or suit touching such demand pending such reference, and shall order the costs of such reference and of the taxation to be taxed: Provided always that no such bill shall be referred to be taxed if more than twelve months have elapsed from the delivery of a bill of costs, signed by a practitioner in the manner provided by Act No. 6, of 1845, except upon special circumstances to be proved to the satisfaction of the Court or Judge to whom the application for such reference shall be made.

Proviso in case signed bill has been delivered more than twelve months before application for taxation.

Proceedings in reference. Cost of reference and taxation to abide the event.

5. Upon any such reference, if either the practitioner, or the executor, administrator, or assignee of such practitioner, or the party obtaining such order of reference having due notice, shall refuse or neglect to attend such taxation, the Master shall proceed to tax such bill *ex parte*; and the costs of such reference and taxation shall be borne according to the event of such taxation—that is to say, if such bill when taxed shall be less by a tenth part than the bill delivered, then the practitioner, or the executor, administrator, or assignee of such practitioner, shall pay such costs; and if such bill when taxed shall not be less by a tenth part than the bill delivered, then the party making such application shall pay such costs.

Master shall certify on reference the amount due to or from the practitioner, and either deducting or adding as the case may be, costs of reference and taxation.

6. The Master shall certify what upon such reference shall be found to be due to or from such practitioner, or the executor, administrator, or assignee of such practitioner (either deducting or adding as the case may be, the taxed costs of the reference and taxation), in respect of such bill and demand, and the costs of such reference if payable.

Master's certificate to be final unless set aside by the Court or a Judge.

7. Such certificate shall be final and conclusive, unless set aside or altered by an order, decree, or rule of the Supreme Court, or of the Primary Judge.

Contract to be binding.

L3 CP4 26
-1 QBD 724
33-4V, C. 28, S. 4.

8. It shall and may be lawful for any practitioner of the Supreme Court to make and enter into any contract, bargain, or agreement for the payment of any sum of money for the performance, conduct, or management of any work or business by such practitioner; and any contract so made, shall be valid, and effectual and binding, to all intents and purposes whatsoever, upon the persons who may be parties to such contract: Provided that such contract shall be in writing, to be signed by the party to be charged thereby, or his agent duly authorized to sign such contract, and shall be for the payment of a certain amount, whether such work or business shall be brought to a successful issue or not.

SR 30 C 114

9. Under

Costs of Practitioners of Supreme Court Act.—1868-9.

9. Under the term "Practitioner," shall be included any person admitted or enrolled in the Supreme Court as a barrister, attorney, solicitor, or proctor.

Definition of the
term "Practitioner."

In the name and on behalf of the Queen I hereby assent to
this Act.

F. G. HAMLEY, Governor.