

T A S M A N I A.

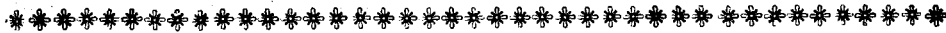


1886.

ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ,

No. 36.



AN ACT to make provision for the Ap- <sup>A.D. 1886.</sup>  
pointment of an additional Judge of the  
Supreme Court, and for other purposes.

[Reserved, 8 December, 1886; Royal Assent proclaimed, 7 February, 1887.]

**W**HEREAS it is expedient to increase the number of Judges of the **PREAMBLE.**  
Supreme Court constituting the Full Court, so as to provide a more  
satisfactory Court of Appeal, to enable Sittings of the said Court to be  
held from time to time on Circuit in other places in *Tasmania* than the  
places where Sittings of the said Court are now held, and to provide  
facilities for the despatch of the business of the Court in Chambers in  
the Town of *Launceston*; and it is therefore desirable to make provision  
for the appointment of One additional Judge of the said Supreme  
Court.

Be it therefore enacted by His Excellency the Governor of *Tasmania*,  
by and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows :—

**1** The term "Barrister" used in this Act and every Act and Charter **The term**  
relating to the appointment of the Judges of the Supreme Court means **"Barrister"**  
any person duly admitted under "The Barristers and Attorneys Act, **defined.**  
1874", or any Act thereby repealed, to act in the said Court as a  
Barrister, Attorney, Solicitor, and Proctor, or as a Barrister only.

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Appointment of  
additional Puisne  
Judge.

**2** In addition to the Chief Justice and the Puisne Judge of the Supreme Court, it shall be lawful for the Governor in Council from time to time to nominate and appoint a Barrister of the said Court, being duly qualified in that behalf, to be an additional Puisne Judge of the said Court, and after the nomination and appointment of such additional Puisne Judge the said Court shall consist of Three Judges.

In case of the death, resignation, absence, or incapacity of any Judge of the said Court, all powers by law vested in the Full Court may be exercised by any Two of such Judges until the appointment of another person to fill the vacancy created by such death, resignation, absence, or incapacity ; but nothing herein contained shall be held to deprive any Judge sitting singly and alone of any powers which by any law now or hereafter to be in force he may lawfully exercise and enjoy.

Salary of  
additional Puisne  
Judge.  
44 Vict. No. 28.

**3** There shall be payable out of the Consolidated Revenue Fund as the salary of such additional Puisne Judge the annual sum of One thousand and two hundred Pounds ; and all the provisions of "The Supreme Court Judges Retiring Allowances Act" shall apply to every person who shall be appointed an additional Puisne Judge of the said Court.

Office of Judge  
may be held by  
Barrister of a  
certain age and  
standing at Bar.

**4** Notwithstanding anything to the contrary contained in any former Act, the office of any Judge of the Supreme Court may be held by a Barrister of the said Court who is of the age of Thirty-five years and upwards, and of not less than Ten years' standing at the Bar of the said Court ; and notwithstanding anything to the contrary contained in the Charter of Justice, or in any former Act, no Barrister in *England* or *Ireland* shall be eligible for the office of Judge of the said Court who is not of the age of Thirty-five years and upwards, and of Ten years' standing at the Bar in *England* or *Ireland* : Provided, that where any person duly admitted under "The Barristers and Attorneys Act, 1874," to act in the said Court as a Barrister, Attorney, Solicitor, and Proctor, has been or shall be struck off the Roll of the said Court for the purpose of being called to the English Bar, and shall be duly admitted a Barrister-at-Law in *England*, and shall thereafter be duly admitted to act in the said Court as a Barrister, Attorney, Solicitor, and Proctor, or as a Barrister only, the period during which such person shall have been enrolled prior to the date of his being struck off the Roll, and also the period during which he shall have been absent from *Tasmania* for the purpose of being called to the English Bar, shall be included, in computing for the purposes of this Section, his length of standing at the Bar of the said Court.

Judges to be  
appointed by  
Letters Patent  
under Public  
Seal of Colony.

**5** After the commencement of this Act the nomination and appointment from time to time of the Judges of the Supreme Court by virtue of any power in that behalf enabling, shall be by the Governor in Council by Letters Patent under the Public Seal of the Colony, any Law, Statute, Charter, or usage to the contrary notwithstanding.

Powers of Puisne  
Judges.

**6** Each of the Puisne Judges of the said Court shall have, hold, exercise, and enjoy all the powers, privileges, and immunities which by the *Charter of Justice* and any Law, Statute, or usage are conferred upon or made exerciseable by "the Puisne Judge of the Supreme Court of *Tasmania*," or any Judge of the said Court, to and for all intents and purposes whatsoever, as fully and effectually as if each of

*Supreme Court.*

the said Puisne Judges had been respectively mentioned or referred to in the said *Charter* and every Law or Statute relating to the said Court or the practice or procedure thereof in any jurisdiction whatsoever. A.D. 1886.

Where in the said *Charter* or any former Act reference is made to Two Judges of the said Court the same shall, after the appointment of an additional Puisne Judge under this Act, be deemed to refer to the said Chief Justice and the Puisne Judges hereinbefore mentioned. References in former Acts.

**7** The Governor may from time to time appoint some fit and proper person to be a Deputy Registrar of the said Court. Appointment of Deputy Registrar.

**8** The Judges of the said Court are hereby empowered from time to time, by any General Rule or Order, to direct what matters, not being of a judicial character, which by the practice of the Court are disposed of by a Judge of the Court shall be disposed of by the Deputy Registrar, who shall perform and exercise such duties, powers, and functions at such place as may be assigned to him by any such General Rule or Order. Judges may direct what matters shall be disposed of by Deputy Registrar.

**9** Notwithstanding anything to the contrary contained in any former Act, it shall be lawful for a Judge of the Supreme Court to exercise all the powers, duties, and functions which by any former Act are made exercisable by the Commissioner in Bankruptcy at *Launceston*; and where in any such Act the expressions "the Court" and "Judge" are used with reference to the said Commissioner in Bankruptcy, the same shall be deemed to include a Judge of the Supreme Court when exercising such powers, duties, and functions as are hereinbefore mentioned; and any matter begun and depending by and before the Commissioner in Bankruptcy at *Launceston* or his Substitute may be continued and concluded by a Judge of the Supreme Court. Sittings in Bankruptcy.

**10** Sittings of the Supreme Court shall be held at such times and places, other than *Hobart* and *Launceston*, as the Court may appoint, for hearing and determining cases in accordance with the provisions of "The Small Debts Act" and every Amendment thereof for the recovery of debts and demands to an amount exceeding Ten Pounds and not exceeding One Hundred Pounds; and in every such case all the provisions of the said Act and every Amendment thereof which apply to the recovery in the Supreme Court of debts and demands at *Hobart* and *Launceston* respectively shall apply to the recovery of debts and demands as aforesaid at such places as the Court may appoint. Sittings under "The Small Debts Act" at certain places.

Every person acting as Registrar or Bailiff of any Court held for the recovery of debts and demands under the said Act at any place appointed as aforesaid, shall be deemed to be and to have been duly appointed the Registrar and Bailiff of the Supreme Court in respect of the jurisdiction conferred upon the Supreme Court by this Act for the recovery of debts and demands under the said Act.

**11** Sittings of the said Court for the trial of Civil or Criminal Issues and Assessment of Damages, and for the exercise of any other jurisdiction conferred upon the said Court by any Law now or hereafter to be passed, may be held at such time or times, and at such place or places, as the said Court may by any Rule or Order from time to time appoint. Sittings of the Court.  
18 Vict. No. 9,  
s. 198.  
41 Vict. No. 2,  
s. 1.

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*Supreme Court.*

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A.D. 1886.  
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And it shall be incumbent upon a Judge of the said Court to attend and preside over such Sittings, and to attend to the due despatch of business in Chambers, in the Town of *Launceston*, as circumstances may from time to time require.

Repeal.

**12** The Act of Parliament, 44 *Victoria*, No. 27, is hereby repealed, but such repeal shall not affect anything lawfully done thereunder before the commencement of this Act.