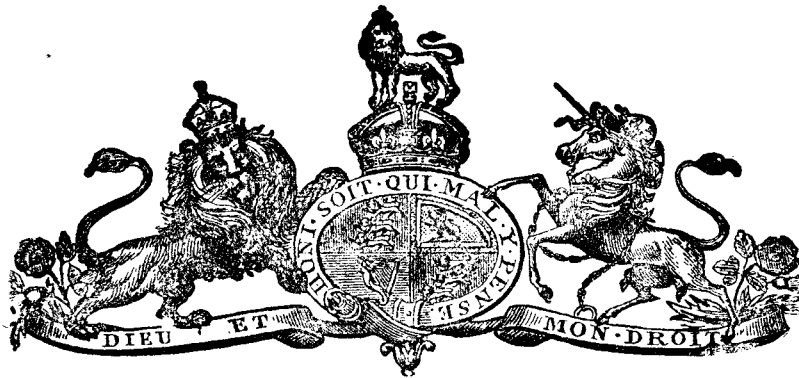


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1915.

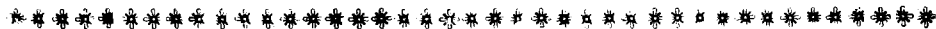
ANNO SEXTO

GEORGII V. REGIS.

No. 7.

ANALYSIS.

- | | | |
|---|---|--|
| <ul style="list-style-type: none"> 1. Short title. 2. Powers of court or judge on appeal. 3. Amendments may be made in the proceedings. 4. Order as to costs. | } | <ul style="list-style-type: none"> 5. Order vesting jurisdiction. 6. Powers conferred by Act to be in addition, &c. 7. Act to be construed with object of having real issues tried. |
|---|---|--|



AN ACT to amend the Law relating to Appeals. A.D. 1915.
—
[28 October, 1915.]

BE it 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 This Act may be cited for all purposes as “The Appeals Amendment Act, 1915.” Short title.

Appeals Amendment.

A.D. 1915.

Powers of Court
or judge on
appeal.

2 On any appeal to the Supreme Court or a judge thereof from any decision of justices of the peace sitting in any capacity, the Supreme court or a judge thereof may—

- I. Uphold the decision of the justices : or
- II. Reverse such decision : or
- III. Vary such decision : or
- IV. Order that the case or matter or any issue be retried by a judge, or by the same or any other stipendiary magistrate, or other person named by the court.

Amendments may
be made in the
proceedings.

3 On any such appeal the Supreme Court or judge thereof may cause to be made any amendments in the proceedings in either court which shall seem to the Supreme Court or judge to be desirable in order to provide for trying the real issue, and doing justice on the merits in the case or matter.

Order as to costs.

4 The Supreme Court or judge thereof may make such order as to the costs of the appeal and of the proceedings appealed from as to such court or judge shall seem proper.

Order vesting
jurisdiction.

5 When any order shall be made by the Supreme Court or a judge thereof for the retrial of any case or matter by a judge or other person, such order shall, *ipso facto*, give such judge or other person jurisdiction to exercise all powers which might have been exercised by justices of the peace having full jurisdiction over the case or matter, subject to any reservations made in such order by the Supreme Court or judge.

Powers conferred
by Act to be in
addition, &c.

6 The powers by this Act conferred upon the Supreme Court and the judges thereof are in addition to all powers at present possessed by them.

Act to be
construed with
object of having
real issues tried.

7 This Act shall be construed throughout with reference to, and so as to effectuate, its main intention, which is that whenever proceedings commenced before justices of the peace are brought by way of appeal before the Supreme Court or a judge, power shall exist to cause the real issues to be tried, and to correct all errors in commencing, prosecuting, defending, deciding, or conducting the case or matter, or anything incidental to it, and to do final justice in the whole case or matter on the merits.