

T A S M A N I A

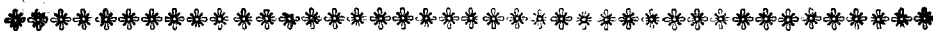


1880.

ANNO QUADRAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 28.



AN ACT to provide Retiring Allowances for A.D. 1880.
Judges of the Supreme Court of *Tasmania*.
[1 November, 1880.]

WHEREAS doubts have been raised whether the provisions of the Act of Council of the 17th *Victoria*, No. 24, have been in anywise affected by "The Abolition of Pensions Act:"

PREAMBLE.
17 Vict. No. 24.
27 Vict. No. 4.

And whereas it is desirable to remove such doubts, and to make better provision for the Retiring Allowances of the Judges of the 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 It shall be lawful for the Governor in Council to grant unto any person who shall have executed the office of a Judge of the Supreme Court of *Tasmania*, and who shall have retired from such office, a Retiring Allowance as hereinafter provided:—

Retiring Allowances may be granted to Judges upon retirement.

1. If such person shall have continued in the office of a Judge of the said Court for the period of Fifteen years, and have attained the age of Sixty years, and at the time of his retirement be the Chief Justice of the said Court, a Retiring Allowance of Seven hundred and fifty Pounds per annum; and if such person shall continue to execute such office after he shall have become entitled to such Retiring Allowance as aforesaid, an additional annual sum of One Thirtieth of the annual salary of his office at the time of his retirement.
2. If such person shall have continued in the office of a Puisne Judge of the said Court for the period of Fifteen years, and have attained the age of Sixty years, a Retiring Allowance of Six hundred Pounds per annum; and if such person shall

Judges Retiring Allowances.

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continue to execute such office after he shall have become entitled to such Retiring Allowance as aforesaid, an additional annual sum of One Thirtieth of the annual salary of his office at the time of his retirement.

Provided always, that no such additional annual sum shall be granted in respect of the service of any such person after he shall have attained the age of Seventy years.

If Judge disabled from executing his office by infirmity of body he may receive Allowance.

2 Where any such person shall be afflicted with some permanent infirmity of body disabling him from the due execution of his office of Judge, and his retirement from such office shall be caused by such infirmity, before such person shall have executed such office for the said period of Fifteen years, or before such person shall have attained the age of Sixty years, it shall be lawful for the Governor in Council to grant to such person the yearly sum of Five hundred Pounds.

Commencement of Allowance; to be charged upon Consolidated Revenue Fund.

3 Every such Retiring Allowance shall commence on the day when the person to whom the same shall be granted as aforesaid shall retire from his office, and shall continue thenceforth during the life of such person; and every such Retiring Allowance as aforesaid shall be chargeable and charged upon and be payable and issued out of the Consolidated Revenue Fund, and the same shall from time to time be payable and paid quarterly free and clear from all taxes and deductions whatsoever.

Colonial Treasurer to pay Allowance upon the warrant of the Governor.

4 The Governor shall issue his warrant to the Colonial Treasurer for the payment of any such Retiring Allowance which shall be so granted as aforesaid, and the same shall thereupon be paid by the said Treasurer to the grantee thereof, or to such person as such grantee shall from time to time, by writing under his hand, appoint to receive the same.

In case of death proportionate part of Allowance to be paid to personal representative.

5 In case of the death of any such grantee as aforesaid during the currency of any quarter of a year, it shall be lawful for the Governor by warrant under his hand to direct payment to be made to the personal representative of such grantee so dying as aforesaid of a proportionate part of such Retiring Allowance as aforesaid up to the day of the death of such grantee.

Repeal of 17 Vict., No. 24. Rights saved.

6 The Act of Council, intituled "An Act to provide retiring Pensions for Judges of the Supreme Court of *Van Diemen's Land*," is hereby repealed, but such repeal shall not in any wise affect any annuity or yearly sum granted and payable to any person thereunder before or upon the commencement of this Act; nor shall anything in this Act affect or apply to the Honorable Sir *Francis Smith*, Knight, the present Chief Justice of the said Court, or the Honorable *William Lambert Dobson*, the present Puisne Judge of the said Court, whose pensions shall be respectively regulated and paid in accordance with the provisions of the said Act: Provided nevertheless, that if either of the present Judges of the Supreme Court shall remain in office after attaining the age of Sixty-five years, either of the said Judges may, if he thinks fit, claim to retire under the provisions of this Act.

Short title.

7 This Act may be cited as "The Supreme Court Judges Retiring Allowances Act."