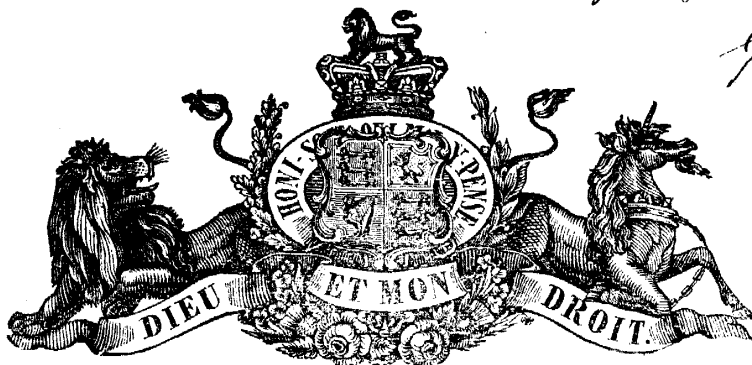


in force in the Province from

July 5th 1871

Gazette 6/7/71



ANNO TRICESIMO TERTIO ET TRICESIMO QUARTO

VICTORIÆ REGINÆ.

A.D. 1870-71.

No. 23.

*An Act to fix the Tenure of Office of the Primary Judge in Equity,
and to provide for the Performance of the Duties of the Office
of Primary Judge in Equity in certain Cases.*

[Reserved, 13th January, 1871.]

WHEREAS it is expedient to fix the tenure of office of Primary Judge under the Equity Act, 1866, and to make provision for the performance of the duties of the said office of Primary Judge in certain cases—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:

1. When any Judge of the Supreme Court shall, under the provisions of the Equity Act, 1866, be by the Governor, with the advice and consent of the Executive Council, nominated and appointed Primary Judge, the Judge so appointed shall accept such office, and hold the same, and, from the date of such appointment, have all the powers, and perform all the duties of Primary Judge under the said Equity Act, 1866, so long as he shall continue a Judge of the said Supreme Court, or until the Governor, with the advice and consent of the Executive Council, shall accept his resignation of the said office of Primary Judge.

Judge appointed as Primary Judge shall accept office and perform the duties.

2. The power by the 10th clause of the said Equity Act, 1866, conferred upon either of the other Judges of the said Court to sit for the Primary Judge shall be extended to all cases or proceedings wherein the said Primary Judge shall be unable to act by reason of absence from the said Province, or on circuit, or from illness,

Sitting of other Judges in place of Primary Judge.

Primary Judge in Equity Act.—1870-71.

illness, and to all cases and proceedings in which the said Primary Judge shall be or declare himself to be interested in any matter or proceeding, or unable to give a judicial decision thereon from having acted as counsel or attorney in the suit or proceeding in which such matter or question arises, or otherwise in connexion with the subject matter of such suit or proceeding, and any Judge so acting for the Primary Judge shall, in every matter in which he shall so act, have all the powers and authorities which, by the said Equity Act, are conferred upon the Primary Judge; and any decree, order, or other act of any Judge of the said Court acting as aforesaid for the Primary Judge may be appealed from in the same manner as though the said decree, order, or other Act had been pronounced, made, or done by the Primary Judge.

This Act and Equity Act, 1866, incorporated.

3. This Act and the Equity Act, 1866, shall be read together as one Act.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

JAMES FERGUSSON, Governor.