

No. XII.

An Act to empower the Chief Commissioner of Insolvent Estates to sit and act as a Judge of the Supreme Court on the hearing of certain New Trial Motions and Appeals. [13th July, 1887.]

Preamble.

WHEREAS it is enacted by the Act forty-eighth Victoria number thirteen that no Judge of the Supreme Court shall sit on the hearing of an appeal from or on a motion to set aside any judgment order decree ruling or decision made by him and in consequence of such enactment and of the fact that one of the Judges of the Supreme Court is at the present time absent from the Colony as well as of the fact that two of such Judges having been engaged as Counsel in connection with certain cases now set down for appeal are unable to sit on the hearing of such cases on appeal And whereas by the temporary appointment of the Chief Commissioner of Insolvent Estates as a Judge of the Supreme Court for the purpose of hearing and disposing of such cases the Supreme Court would be enabled to take such appeals without further delay to the great relief of the parties thereto Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Short title &c.

1. This Act may be cited as the "Supreme Court Appeals Act of 1887" and for its purposes the expression "Appeals" means the New Trial Motions and Appeals enumerated in the Schedule to this Act.

Temporary appointment of Chief Commissioner of Insolvent Estates as a Judge of Supreme Court for certain purposes.

2. It shall be lawful for the Governor with the advice of the Executive Council by commission to appoint the present Chief Commissioner of Insolvent Estates a Judge of the Supreme Court for the purpose of hearing and disposing of the Appeals enumerated in the Schedule hereto but for no other purposes And such Commissioner whilst sitting in the hearing of any such appeal or for the purpose of disposing of any application in connection therewith (interlocutory executory or otherwise) which a Judge of the Supreme Court would have jurisdiction to hear and dispose of shall have and may exercise the jurisdiction and powers together with the protection of a Judge of the Supreme Court and shall during the time he shall so sit as a Judge of such Court be entitled to the salary of a Judge thereof Provided always that during such time his own salary as Chief Commissioner of Insolvent Estates shall for the time being merge in the higher salary hereby authorized to be paid to him.

Assignees of Fire Insurance Policies Enabling.

3. No appointment made pursuant to this Act shall be deemed ~~Provisoæ~~ to affect or interfere in any way whatever with the existing Commission of the said Chief Commissioner of Insolvent Estates or with his jurisdiction powers duties and obligations as the same subsisted at the passing of this Act. Provided always that the appointment of such Commissioner as a Judge of the Supreme Court pursuant to this Act shall during its continuance be deemed to operate as an "absence" for all purposes of the third section of the Act twenty-fourth Victoria number twenty.

SCHEDULE.

(a) *New Trial Motions.*

| Plaintiff. | Defendant | When set down. | Judge. | Appellant. |
|--------------------------|--------------------------|----------------|---------------------|------------|
| Stokes | Harte and others | 7 Nov. 1885 | Manning | Defendants |
| Bank of New South Wales | Hood | 16 Nov. 1885 | Innes | Defendant. |
| MacMillan and wife | Finlay and others | 30 April 1886 | Innes | Defendants |
| Strickland | McCulloch | 4 May 1886 | Late Chief Justice | Defendant. |
| Stewart | Doherty | 29 July 1886 | Innes | Defendant. |
| Mackay | Try | 28 Oct. 1886 | Faucett | Plaintiff. |
| Hanslow | Bichler | 30 Oct. 1886 | Late Chief Justice | Plaintiff. |
| Shaw | Sneddon | 15 Nov. 1886 | Stephen (acting)... | Defendant. |
| Mann | Smith | 14 Feb. 1887 | Faucett | Defendant. |
| McWhinnie | U. S. Co. of N. Z. | 15 Feb. 1887 | Faucett | Defendants |
| Blair | Borough of Camperdown | 15 Feb. 1887 | Faucett | Plaintiff. |
| Proudfoot | Proctor | 16 Feb. 1887 | Faucett | Defendant. |

(b) *Equity Appeals.*

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|--|---------------------------|--------------|--|--|
| Green | Fletcher and others | 25 May 1886 | | |
| <i>Re Blandford Proprietary School</i> | | 21 Sep. 1886 | | |
| Stockton Coal Company ... | Fletcher and others | 30 Dec. 1886 | | |
| Puddicombe | Rossi and others | | | |