



ANNO VICESIMO QUINTO ET VICESIMO SEXTO  
**VICTORIÆ REGINÆ.**

A.D. 1862.

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No. 18.

*An Act further to amend the practice and proceedings on the Equitable Side of the Supreme Court.*

[Assented to, 21st October, 1862.]

**W**HEREAS it is desirable further to amend the practice and course of proceeding in the Equitable Jurisdiction of the Supreme Court of South Australia—Be it therefore Enacted, by the Governor-in-Chief 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: Preamble.

1. The Supreme Court, or any Judge thereof, may, in any suit on the equitable side of the Court, order that any issue joined in such suit, or any question of fact arising out of such issue, or out of any equitable proceeding in the Court, shall be heard and determined in open Court before one or more of the Judges of such Court, with or without a common or special jury; and such issues or questions shall be tried at the ordinary sittings of the Court for the trial of issues in civil cases. Judge may order question to be tried before a Judge with or without a jury.

2. When any such question shall be ordered to be so heard and determined, the same shall be reduced into writing, in such form as the said Court or Judge shall direct. Such question to be reduced to writing.

3. Upon the trial of any such issue or question before a Jury, the proceedings shall in all respects, as far as applicable, be the same as upon the trial of any cause before a Jury on the civil side of the Court in its common law jurisdiction; and upon the trial Proceedings on trial to be same as on Common Law side of Supreme Court.

of any such question or issue before one or more of the Judges, the proceedings shall, as far as applicable, be the same as upon the trial of any such cause before a Judge by virtue of the Supreme Court Procedure Act, 1855.

Judge may make a decree.

4. The Judge who shall preside at the trial of any joined issue, may make a decree in the suit, or may remit the evidence taken before him, or the verdict of the jury to the full Court.

Decree made by a Judge to have same effect as a decree of the full Court.

5. Any decree made under the provisions of this Act shall have the same force and effect as a decree made by the Court now has, and shall be final, unless the Court shall vary or set aside the same, or order a rehearing, upon motion or other proceeding for that purpose, to be made or commenced within eight days after the making of the decree.

Judges may make rules.

6. The Judges of the Court shall have the like powers for making rules and orders for the carrying of this Act into effect as they have for the carrying into effect of an Act No. 14, of 1853, intituled "An Act to amend the practice and proceeding in the Equitable Jurisdiction of the Supreme Court of South Australia."

Short title of Act.

7. This Act may be cited as "The Equitable Procedure Amendment Act, 1862."

In the name and on behalf of the Queen I hereby assent to this Act.

D. DALY, Governor.