



ANNO OCTAVO

# GEORGII V REGIS.

A.D. 1917.

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No. 1298.

An Act to further amend the Lands Clauses Consolidation Act.

[Assented to, November 15th, 1917.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited alone as the "Lands Clauses Consolidation Further Amendment Act, 1917." Short titles.

(2) The Lands Clauses Consolidation Acts, 1847 to 1914, and this Act, may be cited together as the "Lands Clauses Consolidation Acts, 1847 to 1917."

2. This Act is incorporated with the Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

3. Section 51 of the Lands Clauses Consolidation Act is hereby repealed and the following provision is hereby enacted and substituted therefor, namely:— Substitution of new provision for s. 51 of Lands Clauses Consolidation Act—

51. (1) That all the costs of and incidental to any such inquiry before a jury and the verdict and judgment thereon shall be in the discretion of the presiding Judge, Commissioner, or Sheriff, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid, or any part thereof, and may award costs to be paid as between solicitor and client: Provided that, where a Judge presides on such inquiry, any order, award, or direction made by him under this section Costs to be in discretion of presiding Judge, etc.

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section shall be final, but where a Commissioner or Sheriff presides there shall be an appeal from any order, award, or direction of such Commissioner or Sheriff under this section. Such appeal shall be to a Judge of the Supreme Court in Chambers upon a Judge's summons.

(2) Instead of taxing or settling the amount of such costs, the presiding Judge, Commissioner, or Sheriff may, or, if either party so requires, shall, refer such costs to the Master of the Supreme Court to be taxed in the manner in which costs in an action in the Supreme Court are taxed, and such Judge, Commissioner, or Sheriff may certify as to what time has been reasonably occupied on such inquiry, and such certificate shall be final.

Substitution of new provision for section 67 of Lands Clauses Consolidation Act—

Costs to be in discretion of arbitrator.

**4.** Section 67 of the Lands Clauses Consolidation Act is hereby repealed and the following provision is hereby enacted and substituted therefor, namely:—

67. That the costs of the reference and award shall be in the discretion of the arbitrators or arbitrator or umpire, who may direct to and by whom, and in what manner, the costs, or any part thereof, shall be paid, and may tax or settle the amount of costs to be so paid, or any part thereof, and may award costs to be paid as between solicitor and client: Provided that there shall be an appeal from any direction or award of the arbitrators or arbitrator or umpire under this section. Such appeal shall be to a Judge of the Supreme Court in Chambers upon a Judge's summons.

To apply to certain cases retrospectively.

**5.** (1) This Act shall have the same effect as if it had been passed and had come into operation on the first day of January, nineteen hundred and seventeen.

(2) The power to award or to direct the payment of the costs of and incidental to any inquiry or arbitration commenced before the passing of this Act may be exercised at any time upon application to the Judge, Commissioner, or Sheriff, or arbitrator or umpire, who presided at such inquiry or arbitration, notwithstanding that such inquiry or arbitration may have been concluded before such passing.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.