



ANNO TRICESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1869-70.

No. 9.

An Act to confer Jurisdiction upon and for the Protection of Justices of the Peace in certain cases.

[Assented to, 9th February, 1870.]

WHEREAS it was intended by the Act of the Province of South Preamble.
Australia, No. 9 of 1853, entitled "An Act to regulate the occupation of Crown Lands in South Australia," to confer jurisdiction upon Justices of the Peace of the said Province, to adjudicate in all proceedings had and taken under the said Act, in respect of any offences committed against the provisions of the said Act, and for the imposition and recovery of any penalties, fines forfeitures, and sums of money incurred or payable thereunder; but doubts have been raised as to the powers of such Justices in respect of certain of the matters aforesaid. And whereas it is expedient to settle such doubts, and to protect all such Justices, and all persons acting under their authority, from all actions, suits, or other proceedings that may have been, and, but for this Act, might hereafter be commenced against them for any act, matter, or thing done or authorized to be done by any such Justice or Justices of the Peace, or persons aforesaid in the exercise of the said supposed powers—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. All proceedings under the said Act, No. 9 of 1853, may be had and taken, and all penalties, fines, forfeitures, and sums of money incurred, imposed, and payable under the said Act, may be recovered Jurisdiction of Justices to adjudicate in respect of proceedings under Act No. 9 of 1853.
before

Jurisdiction and Protection of Justices Act.—1869-70.

before any two or more Justices of the Peace for the said Province who shall hear and determine the matters aforesaid, in a summary way under the provisions of an Ordinance of the Governor and Legislative Council of the said Province, No. 6 of 1850, or of any law in force in the said Province for the time being relating to the duties of Justices of the Peace with respect to summary convictions and orders; and all summonses to parties and witnesses, and warrants, where necessary, for enforcing the same, and all convictions and orders may be issued, served, executed, and enforced, and appeal may be made from any decision of such Justices as in the said Ordinance is mentioned: Provided that all such proceedings, in respect of matters arising beyond the limits of any District Council, may be instituted by any Commissioner of Crown Lands appointed under the provisions of the said Act, or such other officer as the Governor may from time to time appoint under the last-mentioned provisions; and all such proceedings in respect of matters arising within the limits of any District Council, which such District Council shall have authority to regulate by any by-law, may be instituted by the Chairman of such District Council: Provided also, that no such Commissioner or Chairman shall adjudicate as a Justice of the Peace upon the hearing of any case where any such Commissioner or Chairman shall be a party to the proceeding.

Proviso.

Further proviso.

No action maintainable against Justices and others acting in exercise of powers supposed to be conferred by Act No. 9 of 1853.

2. No action, suit, or other proceeding shall be commenced or prosecuted against any Special Magistrate or Justice of the Peace for the said Province, or any person or persons acting under them, or by virtue of any warrant of commitment or otherwise issued by them or any of them, for any act, matter, or thing heretofore done or authorized to be done by any such Special Magistrate, Justice of the Peace, or person or persons acting under them in the exercise of the jurisdiction and powers intended to have been conferred by the said Act No. 9 of 1853, by reason only that such powers have not been legally conferred.

Judge may order action to be stayed.

3. If any such action shall have been commenced before the passing of this Act, the same shall on the application of the defendant, by summons to a Judge of the Supreme Court of the said Province, at chambers, be ordered to be discontinued, without costs.

Defendant may plead this Act.

4. In any such action which has been commenced or which may hereafter be commenced the defendant may plead the general issue, and give this Act and the special matter in evidence; and if, on the trial no cause of action shall be proved other than the exercise by the defendant of any of the powers aforesaid, the plaintiff shall be nonsuited, or a verdict shall be entered for the defendant, in either of which events the defendant shall be entitled to his costs in full, as between attorney and client.

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

JAMES FERGUSSON, Governor.