



ANNO VICESIMO OCTAVO ET VICESIMO NONO.

VICTORIÆ REGINÆ.

A.D. 1865.

No. 14.

An Act to protect Special Magistrates and Justices of the Peace, and persons acting under them, from actions in consequence of the exercise by them of the powers conferred upon Local Courts by the "Local Court Act, 1861," Part VIII.

[Assented to, 4th August, 1865.]

WHEREAS the "Local Court Act, 1861," Part VIII., intended Preamble.
to confer certain powers upon the Local Courts therein mentioned, and whereas questions have been raised as to the validity of Part VIII. of the said Act: And whereas it is expedient to protect all Special Magistrates and Justices of the Peace, and all persons acting under their authority, or under the authority of any Local Court, 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 such Special Magistrates, Justices of the Peace, or Local Courts, in the exercise of the said supposed powers—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:

1. This Act may be cited for all purposes as "The Protection to Short Title.
Justices Act, 1865."

2. No action, suit, or other proceeding shall be commenced, or prosecuted against any Special Magistrate or Justice of the Peace of the said Province, or any person or persons acting under them, or No action to be brought against Special Magistrates, &c., for anything done in exercise of powers by

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conferred by Part VIII. of the Local Court Act, 1861.

by virtue of any warrant of commitment or otherwise, issued by them or any of them, or by any Local Court, for any act, matter, or thing heretofore done or authorized to be done by any such Special Magistrate, Justice of the Peace, or Local Court, in the exercise of the powers conferred upon Local Courts and Justices of the Peace, by Part VIII. of the "Local Court Act, 1861," by reason only that such powers have not been legally conferred.

If any such action has been brought, same to be discontinued.

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 at Chambers, be ordered to be discontinued without costs.

General issue may be pleaded, and Act given in evidence. Defendant to be entitled to costs as between attorney and client.

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 as between attorney and client.

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

D. DALY, Governor.