



ANNO TRICESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1869-70.

No. 5.

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 Jurisdiction supposed to have been conferred upon Local Courts by the "Local Court Act, 1861," Part VIII.

[Assented to, 9th February, 1870.]

WHEREAS the "Local Court Act, 1861," Part VIII., intended Preamble. to confer certain powers upon Local Courts as in the said Act mentioned; and whereas questions have been raised as to the validity of Part VIII. of the said Act, and as to the nature and extent of the powers conferred thereby: 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, or supposed 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 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, 1869."

2. No action, suit, or other proceeding shall be commenced or prosecuted against any Special Magistrate or Justice of the Peace of No action maintainable against Justices acting as a Local the

Protection to Justices Act.—1869-70.

Court in exercise of
supposed criminal
jurisdiction.

the said Province, or any person or persons acting under them, or by virtue of any conviction, 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.

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 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.