

W E S T E R N A U S T R A L I A

ANNO QUADRAGESIMO TERTIO

VICTORIÆ REGINÆ

No. 24

An Act to amend ‘The Absconding Debtors Act, 41st Victoria, No. 17.’ [Assented to 1st October, 1879.

**W**HHEREAS it is possible that persons may be injuriously or oppressively apprehended by virtue of the provisions of the Act, 41st Victoria, No. 17, upon the application of persons as therein is provided, and it is highly desirable that persons who shall so abuse the process of the law should be punished: Be it therefore enacted by the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. In all cases where a person shall be arrested under the provisions of the said Act, the person making the affidavit upon which the warrant of apprehension issues shall, if the said warrant be unlawfully or maliciously, injuriously or oppressively, or by abuse of process obtained, be liable to a fine or penalty not exceeding Fifty pounds on a summary conviction before any two or more Justices of the Peace.

Persons unlawfully or maliciously arresting, to be liable to fine

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Penalty payable  
to person  
aggrieved

2. The whole of the said penalty shall be payable to the person aggrieved.

Conviction no  
bar to civil  
remedy

3. Such conviction shall be in addition to any civil remedy which the person aggrieved and so arrested might but for such conviction have against the person so convicted or any other person in respect of the matter complained of.

Shortening Or-  
dinance

4. Sections B and I of the Shortening Ordinance shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth herein.

H. ST. GEORGE ORD,  
GOVERNOR.