

WESTERN AUSTRALIA

ANNO OCTAVO DECIMO

VICTORIÆ REGINÆ

No. 10

An Ordinance to remove doubts as to the service or execution of Common Law Process on the Sea within the Harbours of Western Australia.

*[Assented to 17th April, 1855.]*

WHEREAS it is expedient to obviate possible conflicts between the Common Law and Admiralty Jurisdiction in this Colony, and to legalise by express enactment the service and execution of

*Administration of Justice (Civil)*

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common law process, civil or criminal, in certain portions of the sea adjacent to the coast of this Colony: Be it therefore enacted, by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof:

1. That from and after the passing of this Ordinance, all such portions of the main sea or ocean as lie within the limits of any port or harbour of the said Colony, now or hereafter to be proclaimed as such with prescribed limits, by proclamation published in the 'Government Gazette' of the said Colony, by authority of the Governor thereof for the time being, shall be deemed and taken, for the purposes of this Ordinance, to lie within the body of the said Colony.

2. That it shall be lawful for any Justice of the Peace, sheriff, coroner, bailiff, constable, police officer, or other officer or minister of civil or criminal justice, to serve, execute, and enforce any summons, notice, rule, order, attachment, search warrant, warrant, or writ of arrest, distress warrant, writ of execution, or other legal process, civil or criminal, and generally to perform and discharge any function, act, deed, or matter appertaining by law to his respective office, in, upon or against any ship or vessel being on the sea within the limits of any such port or harbour as aforesaid, and upon or against any person or property being in or upon any such ship or vessel, as legally and effectually as if the same respectively had been served or executed, performed or done on shore within the said Colony.

CHARLES FITZGERALD,  
GOVERNOR AND COMMANDER-IN-CHIEF.

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