



Western Australia.

ANNO QUINQUAGESIMO NONO

VICTORIÆ REGINÆ.

No. XI.

AN ACT to amend the Law as to the Appointment of Justices of the Peace.

[Assented to, 28th August, 1895.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as "The Justices Appointment Act, 1895." Short Title.

2. IN this Act the word "District" means a magisterial district Interpretation. within "The Magisterial Districts Act, 1886."

3. EVERY Justice of the Peace appointed before the passing of this Act shall continue to have and exercise jurisdiction throughout the Colony, subject to the provisions of this Act. Justices already appointed to be Justices for the whole Colony.

4. FROM and after the passing of this Act, Justices of the Peace shall be appointed and assigned to keep the peace in each district, and may be so assigned by a commission under the seal of Appointment of Justices for each district.

59° VICTORIÆ, No. 11.

Justices Appointment Act, 1895.

this Colony, in the form contained in the Schedule to this Act, or to the like effect.

Justices need not be sworn again when a new commission is issued.

5. WHENEVER a new Commission of the Peace is issued superseding any commission previously in force, all persons who were included in such superseded commission, and have duly taken the oaths required by law, may, if included in such new commission, but not otherwise, act as Justices of the Peace throughout the Colony, or within the district or districts, as the case may be, to which they are respectively assigned, and shall not be required to take any further oaths.

Jurisdiction of Justices residing in existing district when new district appointed.

6. WHENEVER the Governor, in exercise of the powers given to him by "The Magisterial Districts Act, 1886," declares a new district either wholly or partly within an existing district, every Justice of the Peace for the existing district who shall, at the time of such declaration, have his usual residence within the new district, shall immediately after such declaration have and exercise jurisdiction in the new district only: Provided that it shall be lawful for the Governor to assign any Justice of the Peace to exercise jurisdiction in more than one district.

Justices not to act as Coroners except in their districts.

Amendment of Ordinance, 19 Vic., No. 10.

7. NO Justice of the Peace assigned to any one or more districts shall exercise the powers, perform the duties, or possess the privileges of a Coroner save in the district or districts for which he is assigned, and the Ordinance 19 Victoria, No. 10, shall be read and construed accordingly.

Certain *ex officio* Justices.

8. EVERY member of the Executive Council, every Judge of the Supreme Court, every Chairman of General Sessions, and every Police or Resident Magistrate shall, by virtue of his office, and without any further commission, appointment, or authority than this Act, be a Justice of the Peace of and for the whole Colony.

Governor may prohibit Justices from acting.

9. THE Governor in Council may prohibit any person who, by virtue of Her Majesty's Commission or of holding any of the offices herebefore mentioned, except a member of the Executive Council or Judge of the Supreme Court, is at any time a Justice, from acting as such Justice, and from the time of the publication in the *Government Gazette* of the order prohibiting any such person from so acting, such person shall be incapable of acting as a Justice until he has been newly appointed to any such office as aforesaid, or has been newly assigned by Her Majesty in that behalf.

Justice may act in municipal matters although a rate-payer.

10. NO Justice of the Peace shall be disabled from acting in the due discharge and execution of his duties as such Justice, in any matter relating to any city, town, or roads board district, by reason

59° VICTORIÆ, No. 11.

Justices Appointment Act, 1895.

only of his being a ratepayer or a member of or interested in the concerns of any such city, town, or roads board.

11. EVERY act done or purporting to have been done by or before a Justice of the Peace shall be taken to have been done within his jurisdiction, without an allegation to that effect, unless and until the contrary is shown. Presumption.

12. NO act done by a Justice, in respect of which he has jurisdiction, shall be deemed invalid merely by reason of the fact that at the time of doing such act he was outside the limits of his jurisdiction, and it shall not be necessary that any conviction, order, or other proceeding, over which a Justice has jurisdiction, should appear to be made or done within the geographical limits of the jurisdiction of the Justice making or doing the same. Act of Justice not invalidated merely because of being outside his jurisdiction.

13. A WARRANT of commitment or of remand shall be valid throughout the Colony notwithstanding that the gaol or other place to which the defendant is committed or remanded, or any place into or through which he is taken by virtue of the warrant, is outside the limits of the jurisdiction of the Justice by whom the warrant is granted. Warrants of commitment and remand valid throughout the Colony.

14. WHEN any Justice of the Peace issues a warrant or summons, purporting on the face thereof to have been issued within the limits of his jurisdiction, such warrant may be executed, and such summons may be served, within any part or parts of Western Australia, although beyond the limits of such jurisdiction. Warrants and summonses may be executed and served throughout the Colony.

15. WHERE in any Ordinance or Statute reference is made to a Justice or Justices of the Peace for the Colony, or any duty is imposed or power or authority conferred upon, or any act or thing directed to be done or suffered in relation to such Justice or Justices, the same shall, so far as the context admits, be read as if referring to a Justice or Justices of the magisterial district, as well as to a Justice or Justices for the whole Colony. Mention of Justices in other Acts, etc., to be read with reference to this Act.

Provided nevertheless, that nothing in this Act contained shall render invalid any oath administered or statutory declaration taken or certificate or attestation given or made by any Justice of the Peace after the commencement of this Act, whether within or without the district or districts for which he is assigned. Certain non-judicial acts not to be affected. Certain acts valid though done outside the district.

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

ALEX. C. ONSLOW, Administrator.

59° VICTORIÆ, No. 11.

Justices Appointment Act, 1895.

SCHEDULE.

FORM OF COMMISSION.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: To the several persons whose names are mentioned in the Schedule hereunder written, Greeting: Know ye that we have assigned you jointly and severally and every one of you, our Justices, to keep the peace in our district of _____ and to keep and cause to be kept all Ordinances and Statutes made for the good of the peace and for the preservation of the same, and for the quiet rule and government of our people in our said district, according to the force, form, and effect of the same. And therefore we command you and every of you that to keeping the peace and the said Ordinances and Statutes you diligently apply yourselves, doing therein what to justice appertains, according to the law of our Colony of Western Australia. Witness our trusty and well-beloved _____ Governor and Commander-in-Chief in and over our said Colony and its Dependencies, at Perth, in the said Colony, the day of _____ in the year of our Lord One thousand

(L.S.) [Governor's Signature.]