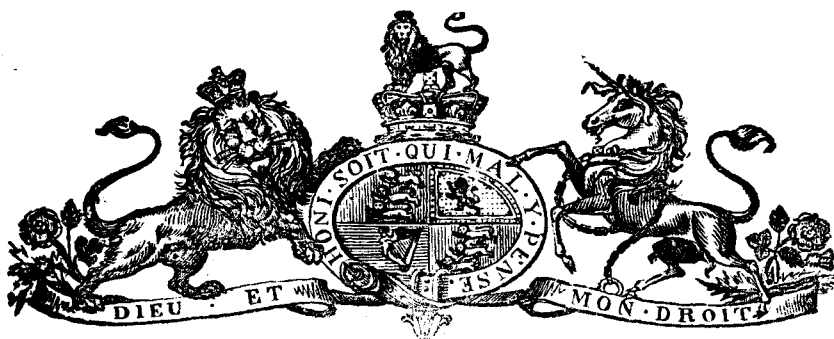


T A S M A N I A



1883.

ANNO QUADRAGESIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 7.



AN ACT to provide for the Appointment of ^{A.D. 1883.}
District Justices of the Peace, and for other
purposes. [29 October, 1883.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 In this Act—

Interpretation.

“*Tasmania*” includes the Dependencies thereof :

“Justice” and “Justices” mean a Justice of the Peace and Justices of the Peace respectively.

2 The following shall be Districts under this Act—

Districts under this Act.

1. The City of *Hobart*, with the Municipal Districts of *New Town* and *Queenborough*, shall form one District :

2. The Town of *Lannceston*, with the Municipal District of *Selby*, shall form one District :

3. Every Rural Municipality :

4. Every Municipal District (except the Municipal Districts of *New Town*, *Queenborough*, and *Selby*) not being a Rural Municipality.

3 The Governor may from time to time, by notice in the *Gazette*, appoint such and so many persons, being resident in each District, as he thinks fit, to be Justices in and for such Districts respectively, so ^{Power to appoint Justices.}

Justices of the Peace.

A.D. 1883.

long as such persons continue to reside therein; and may in like manner revoke any such appointment.

When any person appointed a Justice for any District shall cease to reside in such District, he shall thenceforth cease to be a Justice unless he shall have been or shall be appointed a Justice in or for some other District or Districts, or unless he shall be assigned to keep the Peace in and for *Tasmania*.

Mayors and
Wardens to be
Justices *ex officio*.

4 The Mayor of the City of *Hobart*, the Mayor of the Town of *Launceston*, and the Warden of every Rural Municipality shall, *ex officio*, be Justices for *Tasmania* during their continuance in office as such Mayor or Warden respectively.

At every Court of Petty Sessions holden in any such City, Town, or Rural Municipality, the Mayor or Warden of such City, Town, or Municipality shall have precedence over all other Justices.

Aldermen and
Councillors may
be appointed
Justices.

5 Any Alderman of the City of *Hobart* or of the Town of *Launceston*, and any Councillor of a Rural Municipality, may be appointed a Justice in and for such City, Town, or Rural Municipality respectively, during his continuance in office as such Alderman or Councillor.

Oaths to be taken
by Justices.

33 Vict. No. 25.

Disqualification.

6 No person appointed or created a Justice under or by virtue of this Act shall be competent to act as such until he has taken the oaths required by "The Promissory Oaths Act, 1869," to be taken by Justices. And every person so appointed or created a Justice under this Act may be declared by the Governor disqualified to act, for any cause for which a Justice for *Tasmania* may now be removed from the Commission of the Peace.

Powers of Justices
for Districts.

7 Every Mayor and Warden, and every Alderman and Councillor appointed a Justice as aforesaid shall, during his continuance in office as such Mayor, Warden, Alderman, and Councillor;

Every person appointed a Justice for any District shall, during his residence in the District in and for which he has been appointed; have in and for the said City, Town, Rural Municipality, or District respectively the like jurisdiction, power, authority, and privileges as a Justice for *Tasmania* has and may exercise and enjoy.

Justices not to
act out of District
for which ap-
pointed.

21 Vict. No. 19.

21 Vict. No. 39.

8 No Alderman or Councillor (not being a Justice for *Tasmania*) during the period for which he shall hold such office, and no person appointed a Justice for any District, shall sit or act as a Justice in any Court of General or Quarter Sessions of the Peace, or of Petty Sessions, or at any meeting of Justices under *The Property Valuation Act* or *The Licensing Act* which shall be holden elsewhere than within the District in and for which he shall be such Alderman or Councillor, or for which he shall have been appointed such Justice.

Jurisdiction
vested in Police
Magistrates may
be exercised by
any Justice.

9 Where by any Law any Jurisdiction concerning the Administration of Justice is vested in any Police or Assistant Police or other Stipendiary Magistrate, such jurisdiction shall henceforth be vested in and exercisable by any Justice for *Tasmania*, in as full and ample a manner as such jurisdiction is vested in and exercisable by any such Police or Assistant Police or Stipendiary Magistrate.

41 Vict. No. 29.

Nothing contained in this Section shall affect or be construed to affect anything contained in "The Extradition Act, 1877."

Justices of the Peace.

10 If any person shall have taken or shall hereafter take the Oaths required by "The Promissory Oaths Act, 1869," to be taken by a Justice, or any oath or oaths for which such first-mentioned oaths were substituted, he shall not be obliged to take the oaths mentioned in the said Act for or by reason of his being again assigned to keep the Peace or appointed or becoming a Justice, and shall not incur any penalty or forfeiture for not taking the said oaths.

A.D. 1883.
—
Justices not obliged to take oaths more than once.
33 Vict. No. 25.

11 Where by any Act of the Legislature of *Tasmania* any affidavit or declaration is required to be made, or any document to be signed, before any Justice for *Tasmania*, it shall be sufficient if such affidavit or declaration is made or document is signed before a Justice for that part of Her Majesty's dominions in which such affidavit or declaration is made or document is signed, as the case may be; and the signature of any person to such affidavit, declaration, or document purporting to be that of a Justice of the Peace for that part of Her Majesty's Dominions in which the same is made or signed shall be received as *prima facie* evidence that such person is a Justice of the Peace and had authority to administer such oath, or take such affidavit or declaration, or sign such document, as the case may be.

Declaration, &c. required to be made before a Justice for *Tasmania*, sufficient if made before a Justice for the place in which made.

12 The Acts and parts of Acts set forth in the Schedule shall, to the extent therein specified, be and the same are hereby repealed; but this repeal shall not affect any appointment made or any other matter or thing duly done thereunder before the commencement of this Act.

Repeal.

SCHEDULE.

ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
20 Vict. No. 26.	An Act to abolish the exclusive Jurisdiction of Stipendiary Magistrates, and to extend the Power of taking Bail in certain cases of Petty Misdemeanors.	So much as is unrepealed.
21 Vict. No. 14.	<i>The Hobart Town Corporation Act.</i>	Sects. 66 & 67.
22 Vict. No. 12.	<i>The Launceston Corporation Act.</i>	Sects. 66 & 67.
22 Vict. No. 24.	<i>The Hobart Town Corporation Amendment Act.</i>	Section 2.
29 Vict. No. 8.	<i>The Rural Municipalities Act, 1865.</i>	Sections 77, 78, and 79.
31 Vict. No. 15.	"The Small Debts Act."	So much of Section 1 as defines the meaning of the word "Justice."

