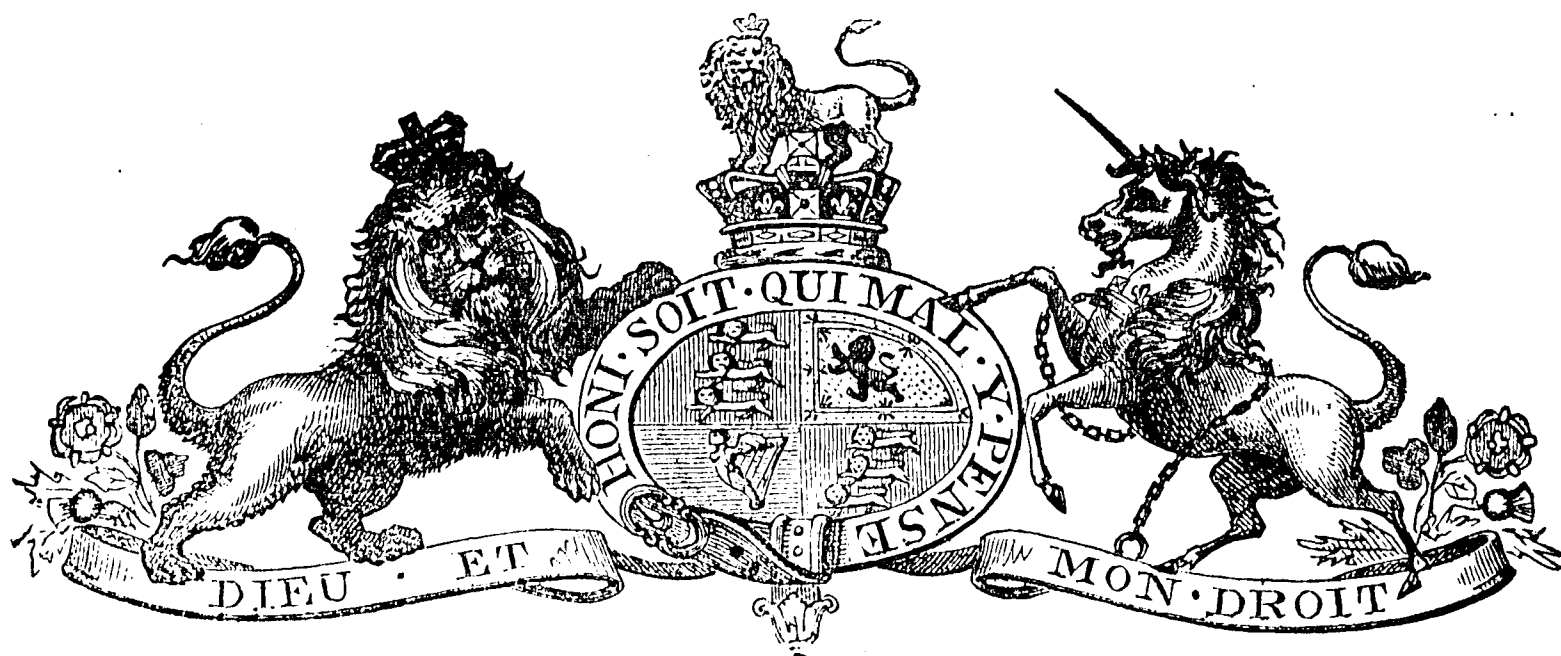


VICTORIA.



ANNO QUADRAGESIMO NONO
VICTORIÆ REGINÆ.

No. DCCCL.

An Act to amend the law relating to Justices of the Peace.

[18th December 1885.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may for all purposes be cited as "*The Justices of the Peace Act 1885*," and shall be read with and as a part of "*The Justices of the Peace Statute 1865*," which Act as amended by the Acts CCCXIX. DLXV. and DLXXI. is hereinafter referred to as the "Principal Act."

Short title.

2. Section forty-one of the Principal Act and section one of the Act CCCXIX. are hereby repealed, and the following shall from the passing of this Act be and be deemed to be and may be cited as section forty-one of the said Act (that is to say):—

Jurisdiction of courts of petty sessions.

In addition to the jurisdiction given to it by any Act of Parliament now or hereafter to be in force, every court of petty sessions shall except as hereinafter provided have subject to the provisions hereinafter contained jurisdiction in the following cases where the sum claimed does not exceed Fifty pounds.

It may hear and determine the following causes of action and make the necessary orders therein (that is to say):—

For goods and chattels sold and delivered:

For money lent:

For money paid:

For

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For money received:
 For work and labour done:
 For the use and hire of chattels or beasts:
 For work and labour done and materials for the same provided:
 For use and occupation of land house or apartment:
 For board and lodging:
 For feeding and taking care of horses sheep or cattle:
 For warehouse room:
 For the carriage of goods and chattels.

All complaints under this section may be made within six years from the time when the cause of such complaint arose notwithstanding anything in the Principal Act contained, but shall not be made more than six years after such time.

Assault.

Every court of petty sessions shall have jurisdiction upon a complaint for an assault in which damages are claimed for a sum not exceeding Twenty pounds to make an order for the payment to the complainant by the assailant of any sum not exceeding the sum claimed. Any complaint under this section may be made to and the summons issued thereon may be issued and signed by the clerk of petty sessions instead of a justice. Where any complaint under this section for the recovery of damages for an assault has been heard and determined by a court of petty sessions, no action shall be maintainable in any other court for the recovery of such damages.

Determination of
court final.

Recovery of fines
penalties and
forfeitures.

3. Every court of petty sessions may make orders to enforce the payment of all fines penalties forfeitures or sums of money which by any Act of Parliament now or hereafter to be in force are directed to be paid by or authorized or directed to be imposed upon any person, and which are by any Act of Parliament directed to be recovered before one or more justices or for the recovery of which no provision is made.

And any fine penalty forfeiture or sum of money made by any Act of Parliament now in force recoverable before any single justice shall after the passing of this Act be recoverable only before a court of petty sessions. Section eight of the Act No. XXII. is hereby repealed.

Proceedings of petty
sessions in aggra-
vated or difficult
cases.

See No. 265 s. 60.
No. 233 s. 74.

4. Where any complaint is made to any court of petty sessions under the Principal Act or this Act with respect to any claim for debt or damages, if it be of opinion that in all the circumstances of the case the matter is a fit subject for determination by a superior court, such court of petty sessions shall abstain from adjudicating thereon.

As to extent of
s. 123 of No. 267.
21 & 22 Vict. c. 73
s. 5.

5. The provisions of section one hundred and twenty-three of the Principal Act shall extend to all cases in which it is returned to a warrant of distress issued under the authority of such Act for levying any fine penalty forfeiture or sum of money adjudged or ordered to be paid by any conviction or order that no sufficient goods of the party against whom such warrant was issued can be found when the

Statute

Statute on which the conviction or order is founded provides no mode of raising such fine penalty forfeiture or sum of money or of enforcing payment of the same, as well as to cases where the Statute on which the conviction or order is founded authorizes the issuing thereon of a warrant of distress.

6. When any justices by a conviction adjudge a fine penalty or forfeiture to be paid by any person or by an order require the payment of a sum of money by any person and where under the provisions of this or any other Act such fine penalty forfeiture or sum of money may be raised or levied and payment thereof enforced by distress and in default of distress by imprisonment, such conviction or order (as the case may be) and a warrant of distress in default of the payment of such fine penalty forfeiture or sum of money by such person within a time in such warrant specified and a warrant for the commitment of such person in case no sufficient goods of his can be found may be made and issued at one and the same time and may also be contained in the same document; or any such warrant of distress and warrant of commitment may be made and issued at one and the same time and may also be contained in the same document.

Conviction or order and warrant of distress and warrant of commitment may be made and issued simultaneously.

MELBOURNE:

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