

4485

Justices Protection.

A BILL INTITULED

AN ACT to make further provision for the Protection of Title.
Justices from Vexatious Actions for acts done by
them in execution of their office.

BE IT ENACTED by the General Assembly of New Zealand in
Parliament assembled and by the authority of the same as
follows :—

1. The Short Title of this Act shall be "The Justices Protection Short Title.
5 Act Amendment Act 1871."

2. This Act shall be read and construed with and shall form part Act to be read with
"The Justices Protection Act, 1866."
of "The Justices Protection Act 1866" but the provisions of this Act
shall not affect limit or alter the provisions of or the protection
given by "The Justices Protection Act 1866" but shall be additional
10 thereto.

3. In any action brought against any Justice of the Peace for In actions against
Justices security for
costs to be given.
anything done by him in the execution of his office either party may
on application by or on behalf of the other party made to the Court in
which such action is brought or to any Judge thereof at any time
15 before the commencement of the action and not later than fourteen days
before the day fixed for the trial of the action be ordered to give
security for the costs of the action to the satisfaction of the Court
in which the action is brought or the Registrar or Clerk of the Court
and if such security be ordered to be given the Court or any Judge
20 thereof may direct that in the meantime all proceedings shall be stayed
and if any one of the sureties become insolvent the Court shall on
application order the proceedings to be stayed until a new surety shall
have been found.

4. In any action brought against a Justice of the Peace for the In actions against
Justices for anything
done under a conviction or order no
damages to be
recoverable if the
plaintiff actually
committed offence
or liable to pay the
money ordered to
be paid.
25 recovery of any penalty or sum of money paid or for the recovery of
damages for any imprisonment suffered or for or by reason of anything
done or suffered or for or by reason of any money or costs paid under
or by virtue of any conviction or order made by such Justice the
plaintiff shall not recover any such penalty or money or damages
30 or costs if it shall be proved that the plaintiff was actually guilty
of the offence of which he was convicted or was actually liable to pay
the sum he was ordered to pay or if it shall appear to the Court that
the evidence upon which the plaintiff was convicted or fined in any
penalty was such as reasonably to justify the conviction or fine and
35 with respect to any imprisonment suffered or undergone that he has
not undergone or suffered any greater punishment than that assigned
by law for the offence of which he was convicted or for the non-
payment of the sum he was ordered to pay.

Clause 3 as proposed to be Amended.

3. In any action brought against any Justice of the Peace for In actions against
Justices security for
costs to be given.
anything done by him in the execution of his office the plaintiff shall
on application by or on behalf of the defendant made to the Court in

which such action is brought or to any Judge thereof at any time after the commencement of the action and not later than three days before the day fixed for the trial of the action be ordered to give security for the costs of the action to the satisfaction of the Court in which the action is brought or the Registrar or Clerk of the Court 5 and if such security be ordered to be given the Court or any Judge thereof may direct that in the meantime all proceedings shall be stayed and if any one of the sureties become insolvent the Court shall on the application of the defendant order the proceedings to be stayed until the plaintiff shall have found a new surety. That in any such 10 action as aforesaid the defendant may in like manner be required to give security for costs and failing to do so the Court may proceed in the said action *ex parte* and decide the same on the evidence adduced by the plaintiff: Provided always that neither plaintiff nor defendant shall be required to give security for a larger amount 15 than pounds.
