

No. , 1898.

A BILL

To amend the practice of the Supreme Court with respect to
the review of the decisions of justices.

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. Whenever the decision of any justice of the peace is called in question in the Supreme Court by a rule to show cause or other process issued upon an ex parte application, it shall be lawful for such justice to make and file in such Court an affidavit setting forth the grounds of the decision so brought under review, and any facts which he may consider to have a material bearing upon the question at issue, without being required to pay any fee in respect of filing such affidavit, and such affidavit may be forwarded by post to the prothonotary for the purpose of being so filed.

Justice when decision is questioned in Supreme Court may file affidavit.

2. Whenever any such affidavit has been filed as aforesaid, the Court shall, before making the rule absolute against the justice, or otherwise determining the matter so as to overrule or set aside any act or decision of the justice to which the application relates, take into consideration the matters set forth in such affidavit, notwithstanding that no counsel appear on behalf of the justice.

Court to take into consideration matters in affidavit.

3. This Act may be cited as the "Justices' Affidavits Act, 1898."

Short title.