

CENTRAL COURT ORDINANCE, 1925. ⁽¹⁾

No. 7 of 1925.

An Ordinance to amend the Laws relating to the Central Court and for other Purposes.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Central Court Ordinance, 1925.*⁽¹⁾ Citation.

2. The *Deputy Judges (Appointment) Ordinance, 1910-1919,* is repealed. Repeal.

3. In this Ordinance the term "Central Court"⁽²⁾ means the Central Court⁽²⁾ established by *The Courts and Laws Adopting Ordinance of 1888* (No. 4 of 1888) and *An Ordinance to Amend "The Courts and Laws Adopting Ordinance of 1888"* (No. 1 of 1889). Interpretation.

4. Whenever by any Ordinance or law of the Territory the Chief Magistrate of the Possession or the Chief Magistrate or the Chief Judicial Officer or the Deputy Chief Judicial Officer is referred to or whenever by any such Ordinance or law any jurisdiction power or authority is conferred upon the Chief Magistrate of the Possession or the Chief Magistrate or the Chief Judicial Officer or Deputy Chief Judicial Officer such reference shall be deemed to be to and such jurisdiction power or authority shall be deemed to be conferred upon and shall be exercisable by a Judge of the Central Court.⁽²⁾ References to the Chief Magistrate, etc., deemed references to Judge of Central Court.

5.—(1.) There shall be so many Judges of the Central Court⁽²⁾ as the Lieutenant-Governor⁽²⁾ in the name of the Governor-General Appointment of Judges of the Central Court.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
31.8.1925	31.12.1925	31.8.1925 (<i>Ordinances etc. of Papua, 1925, p. 23</i>)

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

COURTS—

in accordance with the provisions of Section Seventeen of the *Papua Act, 1905-1924*,⁽³⁾ may appoint.⁽⁴⁾

(2.) The Chief Judicial Officer and the Deputy Chief Judicial Officer holding office at the commencement of this Ordinance shall be deemed to have been duly appointed as and shall be Judges of the Central Court⁽²⁾ and each of them shall be designated Judge of the Central Court⁽²⁾ and shall cease to be designated Chief Judicial Officer and Deputy Chief Judicial Officer respectively.

6. The Central Court⁽²⁾ shall be constituted by a Judge or an Acting Judge of the Central Court⁽²⁾ sitting as such Central Court.⁽²⁾

7.—(1.) The Lieutenant-Governor⁽²⁾ may by commission⁽⁵⁾ under the Seal of the Territory appoint a person to be Acting Judge of the Central Court⁽²⁾ for any period or for any purposes or for any period and any purposes as may be specified in the commission.

(2.) Every person so appointed an Acting Judge of the Central Court⁽²⁾ shall for the period or purposes or for the period and purposes (as the case may be) specified in the commission have and may exercise all the jurisdiction power and authority of a Judge of the Central Court.⁽²⁾

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940*.

(3) Now the *Papua Act, 1905-1940*.

(4) Pursuant to Clause XIX of Letters Patent dated 8.6.1888, and published in British N.G. *Govt. Gaz.* of 4.9.1888, the Administrator appointed an Acting Chief Judicial Officer as from 7.9.1888 (notified in British N.G. *Govt. Gaz.* of 22.9.1888). By notice dated 25.10.1888 and published in British N.G. *Govt. Gaz.* of 27.10.1888 the Administrator notified the termination of the appointment of the Acting Chief Judicial Officer and the appointment of a Judicial Officer as from 25.10.1888. The Administrator, by notice dated 6.11.1889 and published in British N.G. *Govt. Gaz.* of 23.11.1889 notified the appointment of the Judicial Officer as Chief Magistrate for the Possession from 8.1.1889. The Chief Magistrate for the Possession retired on 3.1.1903. By notice dated 11.5.1903 and published in British N.G. *Govt. Gaz.* of 23.5.1903, the appointment of a Chief Judicial Officer and Chief Magistrate of the Possession was notified to date from 11.5.1903. By notice dated 16.9.1904 and published in British N.G. *Govt. Gaz.* of 1.10.1904 the appointment of a Chief Judicial Officer and Chief Magistrate for the Possession was notified, *vice* the former Chief Judicial Officer and Chief Magistrate of the Possession, then deceased. By Commission dated 30.11.1908 and published in *Papua Govt. Gaz.* of 18.1.1909, the Governor-General of the Commonwealth of Australia appointed the Chief Judicial Officer to hold the office of Lieutenant-Governor of the Territory in addition to the office of Chief Judicial Officer. By Commission (notified in *Papua Govt. Gaz.* of 4.5.1910) the Lieutenant-Governor appointed a Deputy Chief Judicial Officer for the Territory as from 1.4.1910. Accordingly, as at 31.8.1925 (the date of the commencement of the *Central Court Ordinance, 1925*) there were the Chief Judicial Officer (who was also Lieutenant-Governor) and the Deputy Chief Judicial Officer for the Territory, who became Judges of the Central Court by virtue of Section 5 of the *Central Court Ordinance, 1925*. On 31.3.1928 a Judge of the Central Court retired and by notice dated 22.3.1928 and published in *Papua Govt. Gaz.* of 4.4.1928, the appointment of a Judge of the Central Court was notified. On 27.2.1940 the Lieutenant-Governor died, and, accordingly, there was one Judge of the Supreme Court of the Territory at the date of cessation of civil administration.

(5) The text of the Commissions appointing Acting Judges have not been published in *Papua Govt. Gaz.* By notice dated 27.10.1926 and published in *Papua Govt. Gaz.* of 3.11.1926, the Government Secretary notified the appointment of an Acting Judge of the Central Court. The Acting Judge was subsequently appointed a Judge of the Central Court. By a further notice dated 29.11.1940 and published in *Papua Govt. Gaz.* of 4.12.1940, the Government Secretary notified the appointment of an Acting Judge of the Supreme Court during the absence on leave of the Judge of the Supreme Court, and by notice dated 23.12.1940 and published in *Papua Govt. Gaz.* of 2.1.1941, it was notified that the Judge of the Supreme Court resumed duty on 14.12.1940.

Constitution of
Central Court.

Appointment
of Acting
Judge.
Cf. *Deputy
Judges
(Appointment)
Ordinance
1910-1919, s. 4.*

Central Court Ordinance, 1925.

8. Every person so appointed as an Acting Judge of the Central Court⁽²⁾ shall before entering on the duties of his office take the oath of allegiance and judicial oath prescribed by Section Eight of the *Oaths Ordinance, 1912*,⁽⁶⁾ or the affirmations in lieu thereof as prescribed by Section Twenty of the said Ordinance.

Oaths or
affirmations
taken by
Acting Judge.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(6) Now the *Oaths Ordinance, 1912-1927.*

COURTS—