

ANNO DECIMO
GEORGII IV. REGIS.

No. I.

QUARTER SESSIONS
AND SUMMARY
JURISDICTION.

An Act to provide for the holding of General or Quarter Sessions and for continuing the summary jurisdiction of Justices of the Peace in and for the Territory of New South Wales and the Dependencies thereof until further provision shall be made for the same. [19th February, 1829.]

Preamble.

WHEREAS by an Act of Parliament passed in the fourth year of the reign of His present Majesty intituled "An Act to provide until the first day of July one thousand eight hundred and twenty-seven and until the end of the next Session of Parliament for the better Administration of Justice in New South Wales and Van Diemen's Land and for the more effectual Government thereof and for other purposes relating thereto" provision is made for the holding of Courts of General or Quarter Sessions in New South Wales and its Dependencies and for regulating the power and authority of such Courts and the punishment of crimes and misdemeanors committed by felons or other offenders who have been or shall be transported to New South Wales or its Dependencies. And whereas the said Act of Parliament hath been since continued for a limited time and will cease to have effect on the first day of March next. And whereas a certain other Act of Parliament passed in the ninth year of His said Majesty intituled "An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land and for the more effectual Government thereof and for other purposes relating thereto" will commence and take effect upon and from the said first day of March. And whereas in and by the said last-mentioned Act provision is made for the institution of Courts of General and Quarter Sessions within the said Colony by Ordinances to be from time to time for that purpose made and enacted by the Governor of the said Colony with the advice of the Legislative Council thereof. And whereas it is expedient to provide for the continuance of Courts of Sessions in New South Wales and its Dependencies with the summary powers vested in such Courts by the said first-mentioned Act until further and more effectual provision shall be made for such purpose by the Governor with the advice of the said Legislative Council.

Courts of Sessions
appointed to be held
until further provi-
sion.

Be it therefore enacted by the Governor of New South Wales with the advice of the Legislative Council That from and after the first day of March one thousand eight hundred and twenty-nine the several Courts of General or Quarter Sessions appointed to be holden in New South Wales and its Dependencies in pursuance of any Proclamation of His Excellency the Governor now in force shall have power and authority until further provision shall be made as aforesaid to take cognizance of all matters and things cognizable in a summary manner in Courts of

Provisional Courts of Requests.

of General or Quarter Sessions by any Law of England or any Ordinance of the Legislature of the Colony and the said Courts shall have power and authority in a like summary manner to take cognizance of all crimes and misdemeanors not punishable with death which have been or shall be committed by any felons or other offenders who have been or shall be transported to New South Wales or its Dependencies and whose sentences shall not have expired or been remitted and the same to punish if such Courts shall see fit by extending the time for which such persons may have been originally transported or by transportation to such other part of New South Wales or the Dependencies thereof as shall or may be appointed for the reception of offenders and as the case may require and by hard labor for any time not exceeding three years and also in a like summary way to take cognizance of all complaints made against any such felons or offenders for drunkenness disobedience of orders neglect of work absconding or desertion abusive language to their his or her employers or overseers insubordination or other turbulent or disorderly conduct and all such offences to be punished by whipping or other corporal punishment not extending to privation of life or member or by removal to some other part or place in the said Colony or its Dependencies and hard labor according to the nature and degree of such offences respectively Provided that a return of all sentences imposed by the said Courts shall be made to the Governor of the said Colony and shall be by him within six months transmitted to one of His Majesty's Principal Secretaries of State in England.

2. Provided always and be it further enacted That in cases where any Court of General or Quarter Sessions shall not be appointed to be holden within one week after complaint shall be preferred against any such offender as aforesaid at any place not more than twenty miles distant from the place at which the offence shall be charged to have been committed then and in every such case all and every the powers authorities and jurisdiction hereby vested in the said Courts of General or Quarter Sessions shall be and are hereby vested in any one or more Justice or Justices of the Peace in and for the said Colony or in and for any district or county thereof.

Sentences to be transmitted to the Secretary of State.

Summary jurisdiction in certain cases vested in one or more Justices of the Peace.