

No. III.

COURTS OF REQUESTS
ESTABLISHED.

—
An Act for instituting Courts of Civil Jurisdiction to be called "*Courts of Requests*" in different parts of New South Wales. [9th September, 1829.]

Preamble.
9th Geo. IV. c. 83.

WHEREAS by an Act of Parliament passed in the ninth year of His Majesty George the Fourth 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" it was enacted that it should be lawful for the Governor of New South Wales with the advice of His Legislative Council by Laws or Ordinances to be from time to time for that purpose made and enacted to institute Courts of Civil Jurisdiction to be called "*Courts of Requests*" in different parts of New South Wales as occasion might require with such power and authority as is in the aforesaid Act specified and set forth And whereas

Courts of Requests Established.

whereas it is expedient that such Courts of Requests should be instituted in certain districts or parts of the said Territory of New South Wales Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council That from and after the passing of this Law or Ordinance Courts of Civil Jurisdiction to be called "*Courts of Requests*" shall be holden in and for the several respective districts of Sydney Windsor Campbelltown Parramatta Maitland and Bathurst and that such Courts shall be holden at such times within the said respective districts as the Commissioner or Commissioners of the said respective Courts shall with the sanction and approval of His Excellency the Governor from time to time direct and shall appoint and each of such aforesaid Courts shall have full power and authority to hear and determine in a summary way all actions plaints or suits for the payment and recovery of any debt damages or matter not exceeding "*ten pounds*" sterling except the matter in question should relate to the title of any lands tenements or hereditaments or to the taking of any duty payable to His Majesty or to any fee of office annual rent or other such matter where rights in future might be bound or any general right or duty and to award costs therein.

Instituting Courts of Requests at certain places.

2. And be it further enacted That the said Courts of Requests respectively shall have such ministerial or other officers as shall be necessary for the administration of Justice in the said Courts respectively and for the execution of the judgments orders and process thereof and the said ministerial or other officers shall from time to time be appointed to and removed from their respective offices in such manner as the Governor of New South Wales for the time-being shall direct.

To determine all civil suits under £10.

Exceptions.

3. And to prevent doubts arising respecting the jurisdiction of the said Courts be it further enacted and declared That no cause of action plaint or suit shall be considered as exceeding ten pounds within the meaning of this Law or Ordinance unless the plaintiff in such action plaint or suit shall actually seek to recover a larger sum than ten pounds Provided always that the judgment of the said Courts upon any such cause of action shall be a full and complete bar to any other action plaint or suit which may be brought thereon in the same or in any other Court whatsoever.

No cause to be considered above £10 unless laid for a larger sum.

Provided judgment be a bar to any other action.

4. And be it further enacted That defendants shall in general be summoned only to the Courts which shall be held for the districts which they or some of them reside excepting in cases where the cause of action has occurred in another district wherein the plaintiff resides in any of which last mentioned cases it shall be lawful for the plaintiff if he shall think proper so to do to commence and prosecute his suit in the Court which shall be held for the district where he himself resides.

Defendant to be summoned only in his own district except the cause have occurred in plaintiff's.

5. And be it further enacted That the judgment of any of the said Courts may and shall be carried into execution in any district or place whatsoever within the said Colony where the defendant or his goods and chattels may be met with.

Judgment may be executed wherever defendant or his goods may be met with.

6. And be it further enacted That all persons summoned as witnesses to attend any of the said Courts shall attend pursuant to such summons and shall be subject to the like actions and attachment for disobeying such summons as they would be subject to for disobedience to a subpoena issued out of the Supreme Court and also that it shall be lawful for any of the said Courts to punish in a summary way by fine or imprisonment any person or persons guilty of any contempt before any such Court.

Penalty for persons summoned not attending.

7. And be it further enacted That if any action or suit shall be commenced in the Supreme Court of New South Wales for any debt If a suit recoverable by this Act be commenced in the

Sydney Female School of Industry.

Supreme Court the plaintiff if successful shall not have costs.

If defendant obtains a verdict he shall have double costs.

Courts established by 10 Geo. IV. No. 2 to continue until this Act take effect.

debt or demand other than hereinbefore excepted not exceeding the sum of ten pounds sterling and recoverable by virtue of this Act in any of the said Courts of Requests respectively the plaintiff or plaintiffs in such action or suit shall not by reason of a verdict for him her or them or otherwise have or be entitled to any costs whatsoever and if the verdict shall be given for the defendant or defendants in such action or suit and the Judge or Judges before whom the same shall be tried or heard shall think fit to certify that such action or suit ought to have been brought in any of the said Courts of Requests then such defendant or defendants shall have double costs and shall have such remedy for recovering the same as any defendant or defendants may have for his her or their costs in any cases by law.

8. And be it further enacted That until the said Courts of Requests to be established by virtue of this Law or Ordinance shall have actually assumed and entered upon the exercise of their respective jurisdictions the Courts of Requests now existing by virtue of a certain Law or Ordinance passed in the tenth year of the reign of His present Majesty intituled "*An Act to provide for the holding of Courts of Requests in New South Wales until further provision be made for such purpose*" shall exercise all the powers and authorities now vested in them as fully and effectually as if this present Law or Ordinance had not been made and that as soon as the Courts of Requests to be established by virtue of this Law or Ordinance shall have so assumed and entered upon the exercise of their respective jurisdictions then the said Law or Ordinance passed as aforesaid shall cease and determine and all and every suit or complaint which shall at that time be depending in any of the said Courts respectively shall and may be proceeded upon in the said Courts established by virtue of this Law or Ordinance in the same manner as any suit or complaint originally commenced in such Courts and all records and proceedings whatsoever of and belonging to the said Courts now existing as aforesaid shall be delivered over and deposited in the said Courts of Requests to be established under this Act.