

No. XIII.

An Act to amend an Act of the Governor and Council intituled “ *An Act for instituting and regulating Courts of General and Quarter Sessions in New South Wales* ” and for better regulating the powers of Justices of the Peace therein. [20th May, 1830.]

WHEREAS in pursuance of the Act of Parliament in such case made and provided a certain Law or Ordinance was passed by the Governor and Council in the tenth year of the reign of His present Majesty intituled “ *An Act for instituting and regulating Courts of General and Quarter Sessions in New South Wales* ” And whereas it is expedient that the Courts instituted under and by virtue of the said Law or Ordinance should have a summary jurisdiction over felons or offenders convicted of transportable offences in New South Wales or the Dependencies thereof and over any felon or offender removed or otherwise coming to the said Colony or its Dependencies from Van Diemen’s Land Be it therefore enacted by His Excellency the Governor by and with the advice and consent of the Legislative Council That the said Courts of General and Quarter Sessions shall have and exercise such and the like summary jurisdiction powers and authorities over felons or offenders convicted of transportable offences in New South Wales or the Dependencies thereof or removed or otherwise coming to the said Colony or its Dependencies from Van Diemen’s Land as in and by the said Law or Ordinance of the Governor and Council are vested in such Courts over felons or offenders transported to the said Colony or its Dependencies.

2. And be it further enacted That any two or more Justices of the Peace assembled and sitting in open Court within any part or place of the said Colony or its Dependencies shall be and be deemed to be a Court of Sessions within the meaning and intention of the said Law or Ordinance and such two or more Justices shall have and exercise such and the like summary jurisdiction powers and authorities over felons and offenders as in and by the said Law or Ordinance or by this or any other Law or Ordinance are or shall be vested in the said Courts of General and Quarter Sessions.

3. And whereas it is expedient that a summary jurisdiction should in certain cases and under certain limitations be confided to one Justice of the Peace Be it further enacted That such and the like jurisdiction powers and authorities as are in and by the said Law or Ordinance or by this or any other Law or Ordinance vested in the said Courts of General and Quarter Sessions for the taking cognizance in a summary way of any complaint made against any such felons or offenders as aforesaid for drunkenness disobedience of orders neglect of work absconding from the service of his or her master or employer abusive language or other disorderly conduct and for punishing such offences or any of them shall be and all such powers authorities and jurisdiction are and is hereby vested in any one Justice of the Peace for the said Colony or its Dependencies.

4. Provided nevertheless and be it further enacted That nothing herein contained shall authorize or be deemed to authorize any Justice or Justices to exercise any such jurisdiction or authority as aforesaid in any case of any such felon or offender as aforesaid who shall at the time

QUARTER SESSIONS.

Preamble.

10 Geo. IV. No. 7.

Courts of General and Quarter Sessions shall exercise summary jurisdiction over felons convicted in New South Wales or removed from Van Diemen’s Land.

Any two Justices sitting in open Court shall be deemed a Court of Sessions.

Summary jurisdiction in certain cases vested in one Justice of the Peace.

Justices not to act in the cases of their own servants.

Quarter Sessions.

time of committing any such offence be in the service of such Justice or Justices.

Records to be kept of offenders' names and returns made thereof.

5. And be it further enacted That such and the like records of the names of all such felons or offenders as aforesaid who may be convicted in a summary way before any two or more Justices of the Peace or before any one Justice as aforesaid shall be kept in books to be provided for that purpose in such and the like form and returns thereof shall be transmitted in like manner as in and by the said Law or Ordinance is directed and required.

Penalty for failing to keep such records and to make such returns.

6. And be it further enacted That if any Clerk of the Peace whose duty it is and is hereby declared to be to keep such records and make such returns as aforesaid or any Justice or Justices where there shall be no such Clerk shall fail to keep or cause to be kept such and the like records as by the said Law or Ordinance is required or to make or cause to be made such and the like returns as therein is directed he or they respectively shall forfeit for every such failure a penalty or sum of Ten Pounds to be recovered in a summary way before the next Court of Quarter Sessions.
