

New South Wales.



ANNO VICESIMO NONO

VICTORIAE REGINÆ.

No. XI.

An Act to amend the District Courts Act of 1858 DISTRICT COURTS ACT AMENDMENT.
in certain particulars. [13th December, 1865.]

WHEREAS under the District Courts Act of 1858 the Governor Preamble. with the advice of the Executive Council is empowered from time to time to order by proclamation in the *Government Gazette* that District Courts shall be holden at such towns and places as he shall think fit and to alter the place for holding any such Court or to order that the holding of any such Court be discontinued and to divide the Colony into districts for the purposes of that Act and from time to time to alter such districts as he shall see fit. Provided always that no alteration in the boundaries or limits of any district shall take effect until after three months from the notification thereof in such *Gazette*. And by said Act it is provided that the Judge of each District Court shall attend and hold such Court at the place where the Governor shall have ordered that the Court be holden at such times as such Judge shall appoint for that purpose. And whereas by proclamation bearing date and published in the *Government Gazette* on the seventeenth day of October one thousand eight hundred and sixty-five the Governor in pursuance of the powers aforesaid and with the advice of his Executive Council did alter the Districts (six in number) into which the Colony then stood divided for the purposes of said Act and did divide the Colony anew for such purposes into five districts as set forth in that proclamation and did also order that District Courts be holden for those five districts at the several towns and places specified in that proclamation and did further order that the holding of any other District Courts within such several districts than as so specified shall

be

District Courts Act Amendment.

be discontinued And whereas no provision is made by the said Act for continuing executing or enforcing proceedings pending or had in any District Court which has been discontinued under said proclamation or may at any time hereafter be discontinued under any like proclamation And doubts have been entertained whether alterations made under any such proclamation in the limits of any district in which any District Court has been holden prejudice proceedings commenced or had in such Court And whether during the interval prescribed by said Act between the notification and the taking effect of any such proclamation as aforesaid altering the districts of the Colony for the purposes of said Act or altering the place for holding any District Court any District Court Judge has power to appoint the times for holding any Court that is not at the date of such appointment but shall be from the taking effect of such proclamation within the district of which he is such Judge And it is desirable to remedy such omission and to remove such doubts Be it therefore 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:—

As to proceedings commenced or had in any discontinued District Court.

1. All proceedings commenced or had under said Act and the District Courts Act Amendment Act of 1859 or either of them in any District Court the holding of which has been discontinued under said recited proclamation or shall be discontinued at any time hereafter under any like proclamation may be continued executed and enforced against all persons liable thereto in the District Court holden in the nearest place to that at which the Court so discontinued was holden and in the same manner as nearly as possible as if such proceedings had been commenced or had in the Court holden at such nearest place And the records of the Court the holding of which is or shall be so discontinued shall be removed to such nearest Court as soon as the Judge of the latter shall direct.

As to proceedings commenced or had in any District Court whose limits have been altered.

2. All proceedings commenced or had in any District Court holden in any district the limits of which have been altered under said proclamation or shall be altered at any time hereafter under any such proclamation may be continued executed and enforced against all persons liable thereto as if no such alteration had been made.

Appointment of times for holding District Courts in certain cases.

3. And any District Court Judge shall have power to appoint the times for holding any District Court that is not at the date of such appointment but shall be from the taking effect of the said or any such proclamation as aforesaid within the district of which he is such Judge.