

No. VII.

An Act for instituting and regulating Courts of General and Quarter Sessions in New South Wales.

GENERAL
AND
QUARTER SESSIONS.

WHIEREAS by an Act of Parliament passed in the ninth year of Preamble.
the reign of His Majesty King George the Fourth intituled
“ *An Act to provide for the Administration of Justice in New South* 9 Geo. IV. c. 83 sec.
“ *Wales and Van Diemen’s Land and for the more effectual Govern-* 17.
“ *ment thereof and for other purposes relating thereto*” it is amongst
other things enacted That it shall and may be lawful for the Governor
of New South Wales with the advice and consent of His Legislative
Council to institute Courts of General and Quarter Sessions within
the said Colony by Ordinances to be from time to time for that purpose
made and enacted and to give and grant to such Courts power and
authority to take cognizance in a summary way of all crimes misde-
meanors and other offences or misconduct not punishable by death
which have been or shall be committed by any felons or other offenders
who have been or shall be transported to the said Colony and whose
sentences have not expired and have not been remitted And also to
give and grant to such Courts power and authority to take cognizance
of all matters and things cognizable in Courts of General and Quarter
Sessions in England so far as the circumstances and condition of the
said Colony shall require and admit Be it therefore enacted by His
Excellency the Governor of New South Wales with the advice of the
Legislative Council That Courts of General and Quarter Sessions for
the Colony of New South Wales shall be holden in and at the follow-
ing places that is to say in the County of Argyle at Cookbundoon Appointing Courts
of Quarter Sessions
at certain places.
Goulburn Plains and Inverary respectively in the County of Bathurst
at Bathurst in the County of Camden at Bong-Bong Shoal-Haven Stone-
quarry-Creek and Wollongong or Kiarma respectively in the County of
Cumberland at Bringelly Brisbane Water Campbelltown Liverpool
Parramatta Penrith Sydney Windsor and Wiseman’s Ferry respectively
in

General and Quarter Sessions.

in the County of Gloucester at Carrabeen Port Stephens on Hunter's River at Maitland Merton Newcastle Paterson's Plains Patrick's Plains and Luskintyre and Segenhoe respectively in the County of Londonderry at Wellington Valley in the County of Westmoreland at Cox's River and Emu Plains respectively in the County of St. Vincent at Mount Elrington Narrigo and Ulladolla respectively and at the north bank of the River Manning.

Powers of such Courts.

2. And be it further enacted That the said Courts of General and Quarter Sessions shall have power and authority to take cognizance of all matters and things cognizable in Courts of General and Quarter Sessions in England so far as the circumstances and condition of the said Colony shall require and admit.

Convicts may be proceeded against in a summary way.

3. And be it further enacted That the said Courts of General and Quarter Sessions shall further have power and authority to take cognizance in a summary way of all crimes misdemeanors and other offences not punishable with death which have been or shall be committed by any felon who shall have been or shall be transported to the said Colony and whose term or sentence hath not expired or been remitted at the time of committing such offences and also of all complaints made against any such offenders for drunkenness disobedience of orders neglect abusive language or other disorderly conduct and the said offences respectively to punish according to law.

Free persons must be tried by a jury of officers.

4. And be it further enacted That all crimes offences and misdemeanors not committed by felons or other offenders who have been or shall be transported to the said Colony and whose sentences have not expired or been remitted shall be prosecuted and tried before the said Courts of General and Quarter Sessions and seven Commissioned Officers of His Majesty's sea and land forces whether on full or half-pay in such and the same manner and subject to all such and the same rules and regulations in every respect as are made and prescribed in the said recited Act of Parliament with respect to trials before the Supreme Court of the said Colony.

Election of a Chairman.

5. And whereas it is expedient that a person possessing competent knowledge of the law should be appointed to act as Chairman of the several Courts of Quarter Sessions in the said Colony Be it therefore further enacted That the Justices of the districts hereinafter mentioned for which Courts of Quarter Sessions are hereby appointed that is to say of the Districts of Sydney Parramatta Windsor Campbelltown and Maitland respectively shall and they are hereby required to assemble at their respective Court-houses or usual places of meeting on the second Tuesday in the month of October next at twelve o'clock and the Justices of each district as aforesaid so assembled three at the least being present shall nominate the Justice qualified as aforesaid whom they may desire to be appointed Chairman and a minute of such nomination signed by all the Magistrates then present shall be forthwith transmitted by them to the Colonial Secretary for the purpose of being laid before the Governor and the person in whose favour the majority of such minutes of nomination shall appear shall be declared by the Governor to be Chairman of the Quarter Sessions of the aforesaid districts until the thirty-first day of December one thousand eight hundred and thirty Provided always That if there should be an equality of votes for two or more parties it shall be lawful for the Governor or Acting Governor of the Colony to appoint either of the said parties as he shall see fit.

Chairman to be elected annually.

6. And be it further enacted That on the first Tuesday in the month of November in the year one thousand eight hundred and thirty and on the same day in every subsequent year respectively the Justices of the said respective districts shall in like manner as aforesaid nominate a Justice to be appointed Chairman for the ensuing year

Juries for Civil Issues.

year and the appointment shall in the same manner be declared by the Governor or Acting Governor for the time-being.

7. And be it further enacted That a record of the names of all such offenders as aforesaid who shall be tried in a summary way by the said Courts of General and Quarter Sessions shall be kept in a book to be provided for that purpose and that a return of the same together with such other particulars as shall be required according to a form to be for that purpose provided shall be transmitted weekly to the office of the Principal Superintendent of Convicts or other person duly appointed for such purpose And also that one other return in the same form of all the said trials be forwarded every month to the office of His Majesty's Attorney General of the said Colony or other Law Officer duly appointed for that purpose.

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

8. And be it further enacted That until the said Courts of Sessions 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 Sessions 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 General and Quarter Sessions and for continuing the summary Jurisdictions 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*" 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 Sessions 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.

Old Courts to continue until this Act take effect.

9. Provided always and be it further enacted and declared That nothing herein contained shall be construed or taken to interfere with the summary jurisdiction vested in any Justice or Justices of the Peace by any other Law or Ordinance which now or may at any time hereafter be in force in the said Colony.

Not to interfere with the summary jurisdiction vested in Justices of the Peace.

10. Provided always and be it further enacted That nothing hereinbefore mentioned with respect to certain places at which Courts of Sessions are directed to be held and which are designated as counties shall be deemed or taken to constitute such places counties in the legal sense of such term but that such term shall for the purpose of this Act be considered merely as a term of description and for no other purpose whatsoever.

Not to constitute places counties though so called in this Act.