

No. XVII.

SYDNEY
AND MELBOURNE
MAGISTRATES.

An Act to alter and amend the Law respecting the competency of the jurisdiction of Magistrates in certain cases within the City of Sydney and Town of Melbourne respectively.
[20th December, 1843.]

Preamble.

6 Vic. No. 18

repealed in part.

Any Justice may act at Quarter Sessions in Sydney or Melbourne.

Jurisdiction of Justices for Sydney and Melbourne.

Previous sittings of Quarter Sessions in Sydney and Melbourne declared valid.

WHEREAS by a certain Act of the Governor and Legislative Council of New South Wales passed in the sixth year of the reign of Her Majesty Queen Victoria intituled "*An Act to remove doubts in respect to the exercise of certain powers by the Councils of the City of Sydney and Town of Melbourne and to declare the competency of Witnesses and the jurisdiction of Magistrates in certain cases within the same*" it was amongst other things enacted that from and after the passing of the said recited Act it should be lawful for every person assigned to keep the peace within the Colony of New South Wales during the continuance of such assignment to act as a Justice of the Peace at any Court of Gaol Delivery or Quarter Sessions to be holden in and for the City of Sydney and Town of Melbourne respectively and whereas it is expedient to alter and amend the said Act and to repeal such portion thereof as is hereinafter mentioned Be it enacted That so much of the said recited Act as relates to empowering Justices of the Peace for the Colony of New South Wales to act at any Court of Gaol Delivery or Quarter Sessions to be holden in and for the City of Sydney or Town of Melbourne respectively be and the same is hereby repealed.

2. And be it enacted That from and after the passing of this Act it shall be lawful for every person assigned to keep the peace in the Colony of New South Wales during the continuance of such assignment to act as a Justice of the Peace at any Court of Gaol Delivery or Quarter Sessions to be holden at Sydney or Melbourne respectively anything contained or supposed to be contained in the said recited or any other Act to the contrary notwithstanding.

3. And be it enacted That at such Courts of Gaol Delivery or Quarter Sessions it shall be lawful not only for Justices of the Peace of the said Colony but also for Justices of the Peace for the said City of Sydney and Town of Melbourne respectively to sit and act in all cases which may be sent for trial or determination to the said Courts of Gaol Delivery or Quarter Sessions whether such case shall have arisen within or without the limits of the said city or town Provided that nothing herein contained shall be construed to empower any Justice of the Peace for the City of Sydney to act at any Court of Quarter Sessions or Gaol Delivery to be holden at Melbourne nor to empower any Justice of the Peace for the Town of Melbourne to act at any Court of Quarter Sessions or Gaol Delivery to be holden at Sydney unless such Justice shall be also a Justice of the Peace for the said Colony.

4. And be it enacted That no sittings of Courts of Gaol Delivery or Quarter Sessions which have been held at Sydney or Melbourne since the passing of the respective Acts for incorporating the said City of Sydney and Town of Melbourne or which may be holden at any time previous to the first day of January next at Sydney or Melbourne shall be deemed to be invalid by reason of any defect of jurisdiction in any of the Justices presiding thereat.

Ad Valorem Duties.

5. And be it enacted That all such duties as are required by ^{Duties of Justices Sydney.} an Act passed in the fourth year of the reign of His late Majesty King William the Fourth intituled “ *An Act to continue for a limited time* ^{4 William IV. No. 12.} “ *an Act of the Governor and Council of New South Wales intituled* “ “ *An Act for regulating the constitution of Juries and for the Trial of* “ “ *Issues in certain cases in the Supreme Court of New South Wales* “ “ *and to make further provision for Trial by Jury in Criminal Cases* “ “ *in the said Colony* ” to be performed by any Justice or Justices in regard to the rules regulations provisions and penalties made and provided by the said last recited Act with respect to juries shall and may and the same are hereby required to be performed by any Justice or Justices whether such Justices shall be Justices for the Colony of New South Wales or for the City of Sydney only.

6. And whereas doubts have arisen as to the jurisdiction of ^{Duties of Justices Melbourne.} certain Justices in Sydney and Melbourne in regard to the rules and regulations enacted for the formation of juries and it is expedient to remove such doubts Be it enacted That the several duties as directed by an Act passed in the fourth year of the reign of Her present Majesty intituled “ *An Act to provide for the Trial by Jury in Civil* ^{4 Vic. No. 27.} “ *and Criminal Cases in the Circuit and other Courts to be holden* “ *within the Colony of New South Wales and its Dependencies* ” to be performed by the Justices in the Dependency of Port Phillip in regard to the rules provisions penalties and regulations made and provided with respect to juries shall and may and are hereby required to be performed in the Dependency of Port Phillip by any Justice of the Peace whether such Justice shall be a Justice for the Colony of New South Wales or for the Town of Melbourne only.

7. And be it enacted That this Act shall commence and take ^{Commencement of Act.} effect from and after the thirty-first day of December next and not before.