

No. XXV.

JUSTICES INDEMNITY
AND POWERS.

An Act to indemnify and render valid the acts of certain Justices of the Peace for the Territory of New South Wales and to enable Territorial Justices of the Peace to act as such under certain limitations within the boundaries of the City of Sydney and Town of Melbourne respectively. [7th March, 1844.]

Preamble. **W**HEREAS a Commission of the Peace was issued on the second day of January in the year one thousand eight hundred and forty-three by His Excellency Sir George Gipps Governor of the Colony of New South Wales to certain persons therein named constituting them Justices of the Peace for the City of Sydney and County of Cumberland in the said Colony and whereas a Commission of the Peace was also issued by His Excellency the said Governor on the said day and year to certain other persons therein named constituting them Justices of the Peace for the Town of Melbourne and County of Bourke in the said Colony and whereas at the time of the issuing of the said Commissions divers persons were qualified to act as Justices of the Peace in and for the Colony of New South Wales by Commissions appointing them to act as such Justices and whereas it hath lately been decided by the Supreme Court of the said Colony that the said Commissions issued on the second day of January one thousand eight hundred and forty-three had impliedly the effect of superseding as well in the said City of Sydney and Town of Melbourne respectively as in the said Counties of Cumberland and Bourke respectively all and all manner of jurisdiction which had theretofore been exercised therein by any person or persons acting as a Justice or Justices under a Commission or Commissions of the Peace directed to him or them as a Justice or Justices in and for the Colony of New South Wales and whereas since the issuing of the said Commissions on the said second day of January divers persons not named therein have nevertheless on various occasions acted as Justices within the said Counties on the presumption that they had authority so to do by virtue of Commissions directed to them appointing them to act as Justices in and for the Colony of New South Wales and whereas it is expedient that such Justices having acted under such

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such presumption and by virtue of such last mentioned Commissions should be protected from all actions or suits or other proceedings which may be instituted against them in respect of having so acted as aforesaid by reason of their want of jurisdiction arising from its being superseded or excluded by the issuing of the said Commissions of the said second day of January one thousand eight hundred and forty-three Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That no action or suit information indictment prosecution or other proceeding whatsoever shall be commenced or prosecuted in any manner howsoever against any such last mentioned Justice or Justices or any person or persons acting under and in obedience to him or them for or in respect of any act matter or thing done by him or them in either of the said counties by reason of the want of jurisdiction of such Justice or Justices therein arising from its being superseded or excluded in manner hereinbefore mentioned and if any action or suit information indictment prosecution or proceeding whatsoever shall be commenced or prosecuted against any such Justice or Justices or against any Sheriff Gaoler Constable Bailiff or other person acting under and in obedience to any warrant order or conviction of any such Justice or Justices in respect of any matter or thing done by them or any of them in either of the said counties for or by reason of their want of jurisdiction therein arising from the causes hereinbefore mentioned it shall be lawful for the defendant or defendants in any such action suit information indictment or other proceeding to apply to the Supreme Court or any Judge thereof to stay proceedings and such Court or Judge respectively is hereby required to stay such proceedings accordingly and to make such order in regard to the costs of such application as to the said Court or Judge shall seem fit.

No proceeding to be prosecuted against any such Justice for want of jurisdiction.

Defendant may apply to Supreme Court or Judge to stay proceedings.

2. And whereas it is expedient to remove any doubts which may exist as to the validity of all sittings of Courts of General or Quarter Sessions which have been held at Parramatta Windsor or Campbelltown or which may yet be holden between the said second day of January one thousand eight hundred and forty-three and the time of the passing of this Act and also as to any act done by Territorial Justices as aforesaid within the Counties of Cumberland and Bourke respectively Be it enacted That no sittings of Courts of General or Quarter Sessions which have been held at the places and within the period aforesaid and no conviction sentence order or other act of any such Court shall be deemed to be invalid by reason of any defect of jurisdiction as aforesaid in any or all of the Justices presiding or acting thereat and also that no conviction sentence warrant or order or other act done by such Territorial Justices within the said Counties of Cumberland and Bourke respectively at any Petty Sessions or other meeting of Justices or by any Justice acting singly from the second day of January one thousand eight hundred and forty-three aforesaid to the time of the passing of this Act shall be held invalid by reason of any defect in the jurisdiction as aforesaid of any such Justice.

Courts of Quarter or Petty Sessions not invalid by reason of defect of jurisdiction in Justices.

3. And whereas it is expedient that Justices for the Territory of New South Wales should have power to act as such within the limits of the City of Sydney and Town of Melbourne respectively in any offence matter or thing committed or done out of the boundaries of the said city or town Be it enacted That from and after the passing of this Act it shall and may be lawful for any Justice of the Peace for the said territory to act as such at any place within the said City of Sydney or Town of Melbourne respectively in respect to any offence

Justices of the Territory to act as such within the limits of Sydney and Melbourne

Licensed Publicans.

But not in respect
to matters arising
within said city
or town.

offence matter or thing committed or done out of the boundaries of the said city or town respectively and that all and every such act and acts matters and things done by such Justice or Justices of the Peace for the said territory within the said city or town respectively shall be as valid and effectual in the law to all intents and purposes whatsoever as if the said Justice or Justices had so acted without the boundaries of the said city or town respectively Provided always that nothing in this Act contained shall extend to give power to any Justice or Justices of the said territory not being a Justice or Justices of the said city or town respectively or any constable or other officer under him or them to act or intermeddle in any matters or things arising within the said city or town respectively in any manner whatsoever.
