



ANNO QUARTO

# VICTORIÆ REGINÆ.

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No. 1.

*AN ACT authorising and declaring the power of the Magistrates of Port Lincoln and other districts to commit Prisoners to the Gaol of Adelaide.*

**W**HEREAS by an Act of the Governor in Council, passed in the first year of Her present Majesty, No. 2, for establishing Courts of Resident Magistrates it is Enacted, that it shall be lawful for the Governor, by Proclamation, from time to time, to define by proper boundaries certain parts of the Province, and to create and constitute the same into Districts of the said Province, and to establish in each of such Districts a Court, to be called the Court of the Resident Magistrate of the particular District.

And whereas in pursuance of the said Act, His Excellency the Governor was pleased, by Proclamation, dated the 2nd day of October, 1839, to proclaim a certain part of the Province therein described a District, within the meaning of the Act, to be called the District of Port Lincoln, and the remainder of the Province therein described, a District, to be called the District of Adelaide. And whereas the Governor was further pleased to appoint a Resident Magistrate, and Justices of the Peace, for the said District of Port Lincoln. And it will be necessary, from time to time, according to the altered circumstances of the Province, to create new and additional Districts, and to appoint Resident Magistrates and Justices of the Peace, to act in and for such Districts.

And whereas no gaol, house of correction, or proper place of security for the custody of prisoners having been yet built within the Province, except at Adelaide, it has been and is necessary, that offenders convicted, and persons committed for trial for crimes, misdemeanors

demeanors, and offences, should be sent from any part of the Province to the gaol at Adelaide for imprisonment, in pursuance of their sentences, or for secure custody, till trial, and doubts having arisen which it is expedient to remove, regarding the legality of some of such commitments.

Be it therefore Enacted by His Excellency Lieutenant-Colonel George Gawler, Knight of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of the Province of South Australia, by and with the advice and consent of the Legislative Council thereof, as follows—

That it shall and may be lawful for the Resident Magistrate, or any Justice or Justices of the Peace, acting in and for the District of Port Lincoln, or any other District to be hereafter created by authority of the aforesaid Act, to commit any person duly and legally convicted before them, or any of them, to the gaol of Adelaide, which person so committed shall and may be received, detained, dealt with and ordered, and be set and kept to hard labor, and be subject and liable to the same correction and punishment in pursuance of the sentence lawfully passed upon him, as if such person had been committed to the proper gaol of the District of the said committing Magistrates.

II. That in like manner the said Resident Magistrate and Justices acting in and for the District of Port Lincoln, or any other District as aforesaid, shall have full power to commit any person duly charged before them, or any of them, with any felony or grave misdemeanor, to the gaol of Adelaide, to be tried at the next Court of General or Quarter Sessions of the Peace, or Sessions of Oyer and Terminer, or General Gaol Delivery of the Supreme Court, and to bind over parties and witnesses to prosecute and give evidence, and return the recognizances and depositions to the Clerk of Assize or other proper officer, and to take order for the due conveyance of such parties and witnesses to attend the aforesaid trials.

III. That all commitments for safe custody, or in execution, heretofore made by the said Magistrates of the District of Port Lincoln, to the gaol of Adelaide, in conformity with the above provisions, shall be held and deemed to be legally warranted, in the same manner and as fully as if the same had been made after the passing of this Act, and no action or suit shall be maintainable against the said Magistrates, for or in respect of such commitments being made to a gaol beyond the bounds of their jurisdiction,

GEORGE GAWLER,  
Governor of South Australia.

Passed in Council this 23rd day of June, 1840.  
GEORGE HALL, Clerk of Council.

1840

No 2.

Regulations Whale Fisheries

No 3.

Regulations Ballasting  
of Vessels.