



1847.

No. 18.

ORDINANCE enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.

To remove doubts respecting the Jurisdiction of Resident Magistrates in certain cases.

*Repealed by
No. 5 - 1850.*

[22nd November, 1847.]

WHEREAS by an Ordinance enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof, bearing date the Seventeenth day of November, One Thousand Eight Hundred and Thirty-seven, intituled, "An Act to establish Courts of Resident Magistrates, to appoint Resident Magistrates, to confer on Justices of the Peace certain Powers until such Resident Magistrates be appointed, to provide for the Recovery of small Debts, and the Punishment of certain Offences within the Province of South Australia," it is amongst other things enacted, "That the Court and Courts of Resident Magistrates to be hereafter from time to time created, constituted, and established by virtue of the Powers and Authorities hereinbefore contained, shall have cognisance of, and the said Resident Magistrate or Resident Magistrates, to be from time to time hereafter appointed

Preamble.

1 Vic., No. 2, sec. 23.

“appointed to sit therein, shall have Jurisdiction, and are hereby
 “empowered to hear, determine, adjudicate, and convict in all
 “cases where, by any Act or Acts of the Province, or by the
 “Statute Law of the Realm, any one or more Magistrate or Ma-
 “gistrates, Justice or Justices of the Peace, are enabled and em-
 “powered to hear, determine, adjudicate, and convict in a summary
 “way, and so, and in such manner, and with a like extent of
 “powers as such Magistrate or Magistrates, Justice or Justices of
 “the Peace, is or are thereby enabled and empowered to hear, de-
 “termine, adjudicate, and convict:” AND WHEREAS, under and
 by virtue of the aforesaid Enactment, Resident Magistrates
 have within their respective Districts from time to time been
 used to exercise singly the Jurisdiction, Authority, and
 Powers which by divers Statutes and Ordinances in force within
 the Province at the time of the passing thereof, as well as by
 divers Statutes and Ordinances passed subsequently thereto, are
 required to be exercised jointly by Two or more Justices of the
 Peace in a summary manner: AND WHEREAS, doubts may arise
 how far such exercise of Jurisdiction is authorised by such Or-
 dinance so far as respects Statutes and Ordinances passed subse-
 quently thereto:

Declaring the powers
 of Resident Magis-
 trates to exercise
 singly, summary Ju-
 risdiction of two Jus-
 tices.

BE IT THEREFORE DECLARED AND ENACTED, by THE GOVERNOR
 of South Australia, with the advice and consent of THE LEGISLATIVE
 COUNCIL thereof—THAT the before recited Ordinance shall be deemed
 and construed to have given and to give to every such Resident
 Magistrate, within his District, all the Jurisdiction, Authority, and
 Power, which any Two Justices of the Peace may lawfully ex-
 ercise within the Province, in a summary manner, under or by
 virtue of any Act of the Imperial Parliament, or under or by virtue
 of any Ordinance of the Colonial Legislature of South Australia,
 heretofore or hereafter to be in force within the Province.

Including orders and
 condemnations under
 Ordinances 6th Vict.
 No. 11, and 1846,
 No. 16, and all other
 Acts and Ordinances.

II. AND for further removing doubts, BE IT ENACTED AND DE-
 CLARED, that every Resident Magistrate appointed by virtue of
 the before in part recited Ordinance, shall be deemed to have had,
 and to have Jurisdiction and Authority to exercise within his Dis-
 trict all the Powers, as well of Summoning, Hearing, Determining,
 Ordering, Adjudicating, and Convicting, as of Condemnation, Com-
 mitment, and otherwise, which by an Ordinance bearing date the
 Fourteenth day of February, One Thousand Eight Hundred and
 Forty-three, “To provide for the Maintenance and Relief of Deserted
 “Wives and Children, and other Destitute Persons, and to make
 “the Property of Husbands and near Relatives, to whose assistance
 “they have a natural claim, in certain circumstances available for
 “their support;” and, by an Ordinance bearing date the

Ninth

Ninth day of October, One Thousand Eight Hundred and Forty-Six, "To consolidate and amend the Laws of the Customs in "South Australia;" and, generally, which by any other such Act or Ordinance as above-mentioned, are given to and vested in any Two or more Justices of the Peace.

FREDK. H. ROBE,
Lieutenant-Governor.

Passed the Legislative Council, this Twenty-second day of November, One Thousand Eight Hundred and Forty-seven.

W. L. O'HALLORAN,
Clerk of Council.