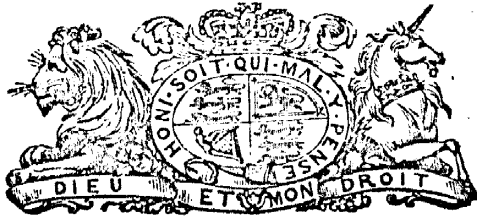


Disallowed.



ANNO SEXTO

VICTORIÆ REGINÆ

No. 7.

*By his Excellency GEORGE GREY Esquire Governor and Commander-in-Chief of her Majesty's Province of South Australia and its Dependencies and Vice-Admiral of the same by and with the advice and consent of the Legislative Council.*

*AN ACT for the Regulation of the Sessions of the Peace in South Australia.*

WHEREAS it is expedient to constitute and regulate General Sessions of the Peace in South Australia and for that purpose to repeal an Act of the Governor and Council passed in the seventh year of his late Majesty King William the Fourth "for the establishment of Courts of General or Quarter and Petty Sessions." 7, Wm. IV., No. 1

BE IT THEREFORE ENACTED by his Excellency GEORGE GREY Esquire Governor and Commander-in-Chief of her Majesty's Province of South Australia and its Dependencies and Vice Admiral of the same by and with the advice and consent of the Legislative Council thereof That from and after the passing of this Act the before recited Act shall be and the same is hereby repealed.

II. And be it further enacted that Courts of General Sessions of the Peace for the said Province or for districts thereof shall be holden <sup>Governor to proclaim</sup> <sub>Courts of General Sessions</sub> and

and the same are hereby authorised to be holden at such times and places as the Governor shall by proclamation from time to time appoint: Provided that such Courts may be so appointed to be held more or less frequently than four times a year as convenience may require and that each of such Courts shall have power to adjourn its sittings from time to time.

Authority of such Courts.

III. And be it enacted that the said Courts of General Sessions of the Peace shall be Courts of Record and shall be held before any two or more Justices of the Peace of the Province whereof the Chairman or Deputy Chairman aftermentioned shall be one and shall have power and authority and to them power and authority is hereby given to take cognizance of all crimes and misdemeanors of which the Courts of General or Quarter Sessions of the Peace for any County in England may take cognizance (except only such as are by law punishable with death or transportation for a term exceeding fifteen years) and of all such appeals and other matters and things as may be assigned to Courts of General or Quarter Sessions of the Peace by any Act of the Governor and Council of the Province heretofore or hereafter to be passed.

Supreme Judges to be Justices.

IV. And be it enacted and declared that every Judge of the Supreme Court of the Province shall be and be deemed *ex officio* a Justice of the Peace for the Province and may act as such without taking any other oaths than such as he shall have taken as Judge.

Chairman of Courts.

V. And be it enacted that it shall be lawful for the Governor from time to time to nominate and appoint during pleasure any Justice of the Peace possessing competent knowledge of the law to be Chairman of any such Court or of any two or more of such Courts: Provided that in case of the illness temporary incapacity or absence from the Province of the Chairman of any such Court the Governor may appoint any Justice to be Deputy Chairman of such Court who during such illness temporary incapacity or absence and no longer shall be deemed and taken to be the Chairman of such Court for the time being to all intents and purposes: Provided also that in case of sickness or unavoidable absence the Chairman shall be empowered under his hand and seal with the consent of the Governor to appoint a Deputy Chairman being a Justice of the Peace so to act for him at the Court of General Sessions of the Peace then next ensuing and no longer or otherwise.

Deputy Chairman.

Ministerial Officers.

VI. And be it enacted that it shall be lawful for the Governor from time to time to nominate and appoint Clerks and all ministerial and other proper officers of the said Court and the same at any time to remove and appoint others and in case of the absence

absence of any such officer from any sitting the Chairman for the time being may appoint some other fit and proper person to act in his stead at such sitting.

VII. And be it enacted that any Court of General Sessions of the Peace shall have power and is hereby authorised and required to administer to all her Majesty's Justices of the Peace the usual oaths and affirmations required by law to be taken by Magistrates on their appointment and every person now or hereafter to be appointed a Justice of the Peace for the Province or any district or place therein and who shall not have taken the oath of allegiance and the oath of office as hitherto taken before the Judge of the Supreme Court shall before acting as a Justice of the Peace take such oaths or if a quaker or other person authorised by law to affirm in place of an oath shall affirm to the effect of such oaths before any such Court of General Sessions of the Peace or before any Judge of the Supreme Court and no person shall be deemed qualified to act as such Justice until he shall have taken such oaths or made such affirmation as aforesaid.

Sessions of the Peace to administer oaths to Magistrates.

VIII. And be it enacted that if in any case the required number of Justices shall not be present at the time and place appointed for the holding of any such Court any one Justice (whether he be the Chairman or not) shall be a lawfully constituted Court for the purpose only of opening such Court and of adjourning the same and respiting all recognizances until such further day as such Justice then and there shall cause to be proclaimed.

Single Justice may adjourn.

IX. And be it enacted that jurors and others required to attend at any Court of General Sessions of the Peace shall be summoned by virtue of a precept to be issued in manner aftermentioned directed to the Sheriff for that purpose and the Sheriff by himself or his Deputy shall proceed therein in like manner and be attendant upon and execute the same duties in respect of such Courts as Sheriffs in England are required to do in respect of Courts of Quarter Sessions or as near thereto as circumstances may admit or require: Provided that a Grand Jury shall not be summoned to the Sessions of the Peace.

As to summonses duty of Sheriff &c.

X. And be it further enacted that for enforcing the attendance of Petit Jurors witnesses and others the production of books and writings and for the summary punishment of contempts any Court of General Sessions of the Peace shall have the like powers as the said Supreme Court may exercise by law in force for the time being: Provided that the process for the recovery of the amount of any fine or recognizance forfeited at any Sessions shall be signed by the Chairman or two Justices attending thereat: Provided also and be it enacted that precepts commanding the attendance of jurors and others

Power to enforce attendance &c.

and

and subpoenas commanding the attendance of witnesses at any Sessions of the Peace shall be issued in the name of her Majesty tested in the name of the Chairman and signed by the Clerk of the Court or other officer appointed for that purpose.

Sessions may remand  
for trial before Supreme  
Court.

XI. Provided always and be it further enacted that whensoever it shall appear that any crime or offence from its nature or magnitude ought to be tried before the Supreme Court it shall be lawful for any such Court of General Sessions of the Peace to leave such case for trial before the Supreme Court and to take proper recognizances for the appearance of parties and witnesses thereat which recognizances shall be returned to the Supreme Court at the next criminal sitting thereof.

Grand Jury dispensed  
with at Sessions of the  
Peace.

XII. And be it enacted that in order to dispense with the attendance of the Grand Jury and otherwise to expedite the business at Sessions of the Peace all criminal proceedings before any such Court of General Sessions of the Peace shall be by information in the name of her Majesty's Advocate General: Provided always that it shall be lawful for her Majesty's said Advocate to elect to prosecute any crime or offence in some other Court of competent jurisdiction and the Court of Sessions of the Peace shall thereupon take all necessary recognizances.

Forms of proceedings  
fees &c.

XIII. And be it enacted that it shall be lawful for the said Courts of General Sessions of the Peace from time to time to make such rules for regulating the practice and forms of proceeding in the same courts throughout the Province and to appoint such reasonable fees to be taken therein as shall seem necessary and proper such rules not being inconsistent with the provisions of this Act: Provided always that it shall be lawful for the Governor to disapprove of such rules and fees or any of them and thereafter the rules and fees so disallowed shall cease to be observed and taken.

G. GREY,  
Governor South Australia.

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

A. M. MUNDY,  
Clerk of Council.

ADELAIDE

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