



ANNO SEPTIMO,

VICTORIÆ REGINÆ,

By His Excellency SIR GEORGE GIPPS, Knight, Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the advice and consent of the Legislative Council.

No. XXV.

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.]

WHEREAS a Commission of the Peace was issued on the second ^{Preamble.} 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

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 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.

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

II. 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.

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

III. 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, 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