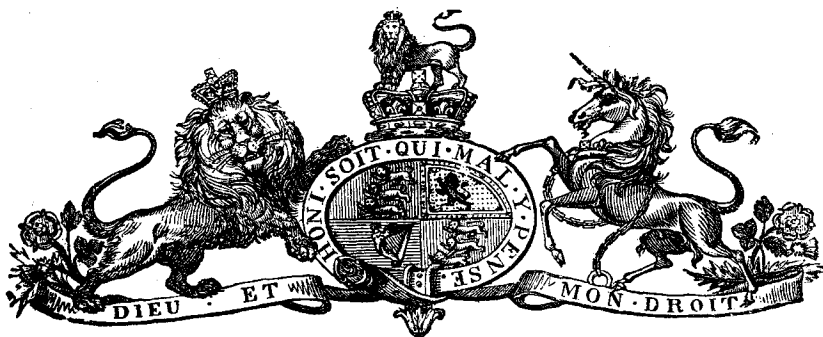


T A S M A N I A .



1857.

Session 2 Vol No 13
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ANNO VICESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 10. *See 31 (6) No. 10*



AN ACT to amend the Law relating to General Sessions of the Peace. [4 December, 1857.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 The Justices of the Peace assembled at each of the Courts of General Sessions of the Peace throughout the Colony are hereby authorised and required at the first Court held in each District, whether by adjournment or otherwise, after the commencement of this Act, and from time to time afterwards as occasion requires, to elect from among the Justices resident in the District one of such Justices as and to be the Chairman of such Court of General Sessions, for such period as such Justices think proper; and in case of an equality of votes in the election of any such Chairman, it shall be determined by lot which of the Justices having an equal number of votes shall be Chairman; and it shall be the duty of the Chairman so elected to preside in every such Court of General Sessions of the Peace during his tenure of office; and every such Chairman shall, subject to the provisions of this Act, have all the powers, authority, and precedence heretofore possessed by a Chairman of any Court of General Sessions of the Peace nominated and appointed by the

Justices to elect
Chairmen of
General Sessions.

**Amended by 60 Vic 9.*

Governor under the provisions of the Act of Council of the 8th *Victoria*, No. 13: Provided that, in case of the absence of any such Chairman at any Court of General Sessions, the Justices present shall elect one of their number as Chairman for the occasion, such election in case of equality of votes to be determined by lot in manner aforesaid.

He to Recorders Oath see 33 A 11° 25

Governor in Council empowered to appoint Recorders.

2 The Governor in Council is hereby empowered from time to time to appoint fit persons, being persons who at the time of the commencement of this Act hold the office of Chairman of any Court of General Sessions under the said recited Act, or being Barristers of *England* or *Ireland*, Advocates of *Scotland*, or Barristers of the Supreme Court of *Tasmania*, of not less than Five years' standing, as and to be Recorders of the Colony of *Tasmania*; and every such Recorder shall be a Justice of the Peace by virtue of his office, and shall hold such office during his good behaviour; and such Recorders shall have precedence next before Chairmen of General Sessions.

English

57 6 104 c 7

p. 103 et seq.

Recorders to hold Courts of General Sessions.

3 Each Recorder shall, once in every quarter of a year, or at such other and more frequent times as such Recorder in his discretion may think fit, or as the Governor in Council directs, hold a Court of General Sessions of the Peace at such places as the Governor in Council from time to time by Proclamation appoints; of which Court such Recorder shall sit as the sole Judge; and such Courts of General Sessions of the Peace so held before a Recorder shall be Courts of Record, and shall have cognizance of all crimes, offences, and matters whatsoever cognizable by Courts of General Sessions of the Peace by virtue of the said recited Act; and every such Recorder shall have power to do all things necessary for the exercising such jurisdiction, notwithstanding his being such sole Judge, as fully as any such last-mentioned Court: Provided that the Court of General Sessions held before a Recorder sitting as the sole Judge thereof shall be a Court of Criminal Jurisdiction only; and where by any Law hereafter passed any jurisdiction or power, other than a jurisdiction or power relating to the cognizance of some crime or offence, is vested in a Court of General Sessions of the Peace, such jurisdiction or power shall not be exercisable by a Court of General Sessions held before a Recorder as the sole Judge thereof, unless expressly declared so to be by such Law.

Recorder to be sole Judge.

Courts of Record.

Courts of Criminal jurisdiction only.

Provisions of 8 Vict. No. 13, to apply to Courts held before Recorder.

4 All the provisions of the Act of Council of the 8th *Victoria*, No. 13, relating to the Courts of General Sessions of the Peace therein referred to in their Criminal Jurisdiction, shall equally relate and be applicable to Courts of General Sessions of the Peace held before a Recorder under this Act.

Recorder to have all powers of Chairman.

5 Every Recorder shall have all powers by any Law vested in any Chairman of General Sessions of the Peace.

Salary of Recorder.

6 It shall be lawful for the Governor in Council to assign to any Recorder appointed under this Act such reasonable salary as the Governor in Council thinks fit.

General Sessions not to have cognizance of certain crimes unless held before Recorder.

7 No Court of General Sessions of the Peace shall henceforth have cognizance of any crime or misdemeanor prosecuted upon the Information of the Attorney-General, or other Officer for that purpose appointed, unless such Court is held before a Recorder.

Forms of Informa-

8 Nothing in this Act contained shall, except as hereinafter men-

tioned, render necessary any change in the forms of Informations exhibited by the Attorney-General, or such Officer as aforesaid, in such Courts of General Sessions of the Peace, but all Informations for any crime or offence cognizable by such Court filed by the Attorney-General, or other Officer as aforesaid, in a Court of General Sessions held before a Recorder may lawfully be in the form heretofore used in Informations filed in Courts of General Sessions held under the said recited Act, substituting in the Caption of such Informations the words "General Sessions of the Peace" instead of the words "General Quarter Sessions of the Peace."

tions not to be changed.

9 In the absence of the Recorder, any Justice of the Peace is hereby authorised, at the proper time for holding the Court of General Sessions before such Recorder, to open such Court, and to adjourn the holding of the same, and to respite all Recognizances conditioned for appearing at the same until such further day as such Justice then and there, and so from time to time, causes to be proclaimed.

Any Justice of the Peace may open and adjourn Recorder's Court.

10 Upon the commencement of this Act every Chairman and Deputy Chairman of General Sessions appointed under the said recited Act shall cease to hold office, but shall be eligible as Chairman of any Court of General Sessions under this Act.

Present Chairmen, &c., of Sessions to cease.

Operation exhausted.

11 So much of the Act of Council of the 8th *Victoria*, No. 13, as empowers the Governor to nominate and appoint any Chairman or Deputy Chairman of General Sessions is hereby repealed.

Repeal of Governor's power to appoint Chairmen, &c.

12 This Act shall commence and take effect on the Thirty-first day of *December* 1857.

Commencement of Act.

