

*Petty Sessions.*

## No. XXVI.

PETTY SESSIONS.

AN Act to provide for the holding of Petty Sessions of the Peace in the Colony of New Zealand.

[3rd July, 1858.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Governor to constitute petty sessional districts.

1. It shall be lawful for the Governor, from time to time by notice in the *New Zealand Gazette*, to constitute petty sessional districts in any part of the Colony, and such districts to abolish and the boundaries thereof to define and alter as he shall think fit.

Petty Sessions to be held as the Governor shall fix.

2. Petty Sessions of the Peace shall be held in and for such districts at such times and places as the Governor shall from time to time fix by notice in the said *Gazette*.

Majority of Justices of a district may appoint a Clerk.

3. It shall be lawful for a majority of the Justices of the Peace resident within any petty sessional district from time to time to appoint and remove from office a Clerk of the Petty Sessions to be held therein, and also a person to act as bailiff and constable to attend upon the Court; and such Clerk and such bailiff and constable shall do and perform all acts and duties and shall have the same powers and privileges as are properly incident to their respective offices in this Colony, and shall be paid such salary or receive such fees in lieu thereof as the Governor shall from time to time appoint in that behalf.

Clerk to keep a list of Justices of district, and give notice in rotation of the holding of Petty Sessions.

4. The Clerk shall keep a list of all the Justices of the Peace who shall reside within the petty sessional district for which he is Clerk, and shall from time to time give notice to two of such Justices in rotation, of the time and place at which Petty Sessions of the Peace are required to be held.

Travelling expenses payable to Justices.

5. Every Justice of the Peace who shall attend at any Petty Session in pursuance of such notice shall be entitled to receive after the rate of one shilling and sixpence a mile for every mile that his place of residence shall be distant by the nearest road from the place at which the Petty Sessions shall be held.

Clerk to make quarterly report of Justices attending.

6. The Clerk of every petty sessional district shall keep a list of the Justices to whom a notice for attendance at each Petty Sessions shall have been given, and of the Justices actually attending such Petty Sessions, and shall at the expiration of each quarter forward copies of such lists to the Colonial Secretary.

Civil jurisdiction to be exercised by Justices.

7. It shall be the duty of the Justices of the Peace holding Petty Sessions under this Act to exercise all civil jurisdiction which now is or shall hereafter be vested in Justices of the Peace.

Act not to affect right of any Justice to sit at Petty Sessions.

8. Nothing in this Act contained shall be taken to limit or affect the right of every Justice of the Peace to act as such at any Petty Sessions within the Colony which may be held at any place over which his jurisdiction as a Justice extends.

Fees &c to be paid to Colonial Treasurer for use of Province in which they arise.

9. All sums of money which shall be received under or by virtue of this Act by way of fees fines or penalties, shall be paid to the Colonial Treasurer for the public use of the Province in which the same shall arise.

Expenditure to be charged against Province in which it is incurred.

10. All money which shall be expended under any of the provisions of this Act shall be charged by the Colonial Treasurer in account against the Province within which the same shall be expended, and may be deducted from any sums of money which shall from time to time be payable by the Colonial Treasurer to such Province.

11. Provided

*Justices of the Peace.*

11. Provided always that if any district to be constituted under the first section of this Act shall comprise portions of more than one Province, such an equitable apportionment of such sums of money and such costs and expenses shall be made between such several Provinces as the Governor shall think fit to direct.

When district comprises parts of more Provinces than one, Governor may make equitable apportionment.

12. The Short Title of this Act shall be "*The Petty Sessions Act, 1858.*"

Short Title.

## No. XXVII.

AN ACT to bring into operation within the Colony certain Acts of the Imperial Parliament relating to Justices of the Peace. [8th July, 1858.]

JUSTICES OF THE PEACE.

WHEREAS the several Acts of Parliament specified in the Schedule hereunto annexed have been passed for the amendment of the law relating to the duties of Justices of the Peace and their protection in the execution of their offices, and it is expedient that the same should be adopted and brought into operation within the Colony :

Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :

1. The several Acts of the Imperial Parliament specified in the Schedule hereunto annexed shall be taken to extend to this Colony, and shall be applied therein in the administration of justice, in the same manner as Acts of Parliament passed before the establishment of the Colony are applied, excepting section thirty-five of the 11 and 12 Vict. c. 43, the Act secondly specified in the said Schedule, which shall not be taken to so extend and shall not be so applied: Provided always that any information or complaint which may by any law in force in New Zealand be heard and determined in a summary way may be heard and determined under the provisions of the said Act, 11 and 12 of Vict. c. 43.

Acts specified in Schedule adopted.

2. In the construction of the said Acts the words and expressions following shall have the meaning hereby assigned to them unless there be something in the subject or context repugnant to such constructions, that is to say,—

Construction of terms.

The term "County" shall mean Province established or hereafter to be established in New Zealand.

County.

The terms "Clerk of the Peace" "Clerk of Sessions" and "Clerk of Indictments" shall respectively mean Registrar or Deputy Registrar of the Supreme Court, or Clerk of the District Court, as the case may be.

Clerk of Peace &c.

The term "Stipendiary Magistrate" shall mean Resident Magistrate.

Stipendiary.

3. The fees to be taken under the said Acts shall be fixed varied and abolished as the Governor in Council shall from time to time direct and appoint, and shall be paid, as the Governor shall from time to time direct, to the Colonial Treasurer, for the use of Her Majesty for public uses of the Colony: Provided always that the fees now fixed in respect of proceedings before Justices of the Peace shall be deemed to have been fixed under this Act.

Fees to be taken.