



ANNO SECUNDO
GULIELMI IV. REGIS.
NO. IV.

An Act to extend the Jurisdiction and Regulate the Proceedings of the Court of Quarter Sessions.

March 2nd, 1832.

WHEREAS, a Court of Quarter Sessions of the Peace, has for some time past, by virtue of a Commission of the Peace issued by His Excellency the Governor of this colony, existed, and acted within the same. And whereas, it is necessary to extend the jurisdiction of the said Court, (being the only Criminal Court in the said Colony) to certain Offences of which by the custom of England, such Courts do not generally take Cognizance, and also to regulate the Proceedings of the said Court in certain Cases hereinafter specified.

Preamble.

I. BE it therefore enacted, by His Excellency the Governor of Western Australia, and its Dependencies, with the advice of the Legislative Council, that from and after the passing of this Act, the Court of General Quarter Sessions of the Peace, for the said colony, shall have Power to hear and determine all Felonies whatsoever, whether capital or otherwise, including Forgery, and Perjury at common Law, and all Misdemeanours whatsoever, in whatever part of the said colony or its Dependencies, such Felonies or Misdemeanours shall have been committed, and whether the same shall have been committed before, or after the passing of this Act. Provided, that nothing herein contained, shall be construed to give the said Court Jurisdiction over any Offence which, by the Laws of England, is exclusively cognizable by Courts of Admiralty, or Ecclesiastical Jurisdiction.

Jurisdiction in Forgery, and Perjury, and power to try Capital Cases.

II. AND be it further enacted, that with the Exception of Alterations introduced by this Act, the Powers and Authorities, the mode of Proceeding in the Trial of all Crimes, and Misdemeanours, the Forms, Rules, and Regulations, and the ministerial Officers of the said Court, shall be the same as in Courts of Quarter Sessions of the Peace in England

Exception of Admiralty and Ecclesiastical causes.

Power and mode of proceeding.

land, so far as the circumstances, and situation for the time being of the said colony shall admit.

Times and places of holding Sessions.

III. AND be it further enacted, that the Sessions of the said Court, shall be held at such times and Places, as the said Governor shall, from time to time appoint by Proclamation; and that in the mean time, until any such Proclamation to the contrary, the same shall be held at the times and places, at which the same have hitherto been held.

Three Magistrates at the trial of all capital cases.

IV. PROVIDED always, and be it further enacted, that the said Court shall not proceed to the trial of any person charged with an offence punishable with death, unless three Magistrates at least, shall be present, who shall also remain present, during the whole time of such trial.

Sentence of Death, Governor's Warrant issued.

V. AND be it further enacted, that no Sentence of Death, passed by the said Court, shall be carried into Execution, until the same shall have been first reported by the Chairman of the said Court to the said Governor, and until the said Governor shall issue a Warrant under his hand, and the Public Seal of the said colony, directing the Sheriff of the said colony, to cause such Sentence to be carried into Execution.

Place of Transportation.

VI. AND be it further enacted, that no Sentence of Transportation beyond Seas, passed by the said Court, shall appoint the Place to which the Offender so sentenced shall be transported; but that such Place shall be left to the Appointment of the said Governor, by Proclamation, or by Warrant, under his Hand, and the Public Seal of the said colony.

Criminal Record Book.

VII. AND be it further enacted, that the Clerk of the Peace for the said colony, shall keep a Book ruled and divided into columns, headed, and intituled according to the Form in the Schedule hereunto annexed, which shall be called, "The Criminal Record Book."

Abstract of Criminal Record Book.

VIII. AND be it further enacted, that an Abstract of the said Criminal Record Book, certified to be correct by the Chairman of the said Court, shall be by him, submitted to the Governor, and Executive Council, as soon as conveniently may be, after each Quarter Sessions.

Governor to appoint Chairman and Clerk of the Peace.

IX. AND be it further enacted, that it shall be lawful for the said Governor, by Warrant under his Hand, and the Public Seal of the said colony, to appoint a fit and proper Person, to be Chairman of the said Court, and some other fit and proper Person, to be Clerk of the Peace for the said colony. And as well the said Chairman, as the said Clerk of the Peace, to remove, and discharge, by order in writing, on account of any misfeasance, or nonfeasance.

JAMES STIRLING,
GOVERNOR AND COMMANDER-IN-CHIEF.

Passed the Legislative Council,
This 2nd day of March, 1832.

M. J. CURRIE,
Clerk to the Council.

SCHEDULE REFERRED TO IN THE ABOVE ACT.

CRIMINAL RECORD BOOK.

No.	Defendant.	Crime or Offence charged.	Day of Commitment	Day of Trial.	Judgment.	Sentence.	Remarks.
1	N. B. of Perth Labourer	Stealing at Perth a Coat, the property of C. D. of the same place.	1832	1832	Guilty.	One Month's Imprisonment, with Hard Labour.	
2	E. F. of Fremantle, Mason.	Assault and Battery on G. H. of the same place Publican.			Guilty.	Fined Twenty Shillings.	Discharged same day, having paid the fine.