



ANNO DECIMO-SEXTO

VICTORIÆ REGINÆ,

No. 10.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,
Lieutenant-Governor of the Island of Van Diemen's Land
and its Dependencies, with the Advice and Consent of the
Legislative Council.*

*AN ACT to repeal the Fifth Section of the Act of
Council of this Island intituled An Act to institute
Courts of Requests with a more extended Jurisdiction
than those at present existing in this Island and
to make other provision in lieu thereof and to extend
the Powers of Commissioners of such Courts in certain
Cases.* [6th October, 1852.]

PREAMBLE.

6 Vict. No. 9.

Repeals section 5
of 6 Vict. No. 9.

Defines the juris-
diction of the re-
spective Courts.

WHEREAS an Act or Ordinance of this Island was passed in the sixth year of the reign of Her present Majesty Queen VICTORIA intituled *An Act to institute Courts of Requests with a more extended Jurisdiction than those at present existing in this Island*—AND WHEREAS the fifth Section of that Act defines the nature of the Actions which the said Courts shall have power to hear and determine—AND WHEREAS it is expedient that the said recited Section should be repealed and such other provision be substituted in lieu thereof as hereinafter enacted and also that the Powers of the Commissioners under the said Act in certain cases should be extended—BE IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council thereof that from and after the passing of this Act the said fifth Section of the said recited Act shall be and the same is hereby repealed—PROVIDED ALWAYS that all proceedings under the said Act commenced before the passing of this Act shall be as valid to all intents and purposes and may be continued executed and enforced against all persons liable thereto in the same manner as if this Act had not been passed.

II. AND BE IT ENACTED that every Court holden under the said Act by a Deputy or Assistant Commissioner shall have power and authority to hear and determine in a summary way all Actions whatsoever where the debt or damage claimed is not more than Ten Pounds whether on balance of account or otherwise and to award costs

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to the prevailing party in all such Actions whether he be plaintiff or defendant and every such Court when held by a Commissioner shall have like power and authority to hear and determine in a like summary way all such Actions as aforesaid where the debt or damage claimed does not exceed Thirty Pounds whether on balance of account or otherwise as aforesaid and in like manner to award costs therein as aforesaid—PROVIDED ALWAYS that none of the said Courts shall have power to hear or determine any Action brought for the recovery of any money or thing won or alleged to have been won at or by means of any horse-race cock-match wager or any kind of play or for the recovery of any debt or demand for which there hath not been a contract acknowledgment undertaking or promise to pay within three years before the taking out of any summons under the provisions of the said recited Act although the same respectively shall not exceed the sum of Ten Pounds or Thirty Pounds as aforesaid—PROVIDED ALSO that any period for which the Defendant may have been absent from the Colony at the making of such contract acknowledgment undertaking or promise as aforesaid shall not be considered as any portion of time included in such limitation—PROVIDED ALSO that none of the said Courts shall have power to hear or determine any Action of ejectment or other Action where the matter in question relates to the title to any lands tenements or hereditaments or in which the validity of any devise bequest or limitation under any Will or Settlement may be disputed or for any malicious prosecution or for any libel or slander or for criminal conversation or for seduction or breach of promise of marriage or (unless by the consent of the Attorney-General) to the taking or demanding of any duty payable to Her Majesty or any fee of Office or to any annual rent due to Her Majesty or other such matter where rights in future may be bound or to any general right or duty.

III. AND BE IT ENACTED that it shall be in the discretion of every Commissioner or Deputy or Assistant Commissioner under the said Act to direct a new Trial in any case upon such terms as he may think reasonable and to stay execution in the Action in any such case wherein such new Trial shall be granted. Empowers the Commissioners to grant a new Trial in any case.

IV. AND BE IT ENACTED that this Act and the said recited Act intituled *An Act to institute Courts of Requests with a more extended Jurisdiction than those at present existing in this Island* shall be read and construed as one Act as if the several provisions in the said recited Act contained (except the Section thereof hereby repealed) were repeated and re-enacted in this Act. This Act and 6 Vict. No. 9 to be read as one Act.

RICHARD DRY, *Speaker.*

Passed the Legislative Council this twenty-ninth day of September, one thousand eight hundred and fifty-two.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

In the name and on the behalf of Her Majesty I assent to this Act.

Government House, Hobart Town,
6th October, 1852.

W. DENISON,
Lieut.-Governor.

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