

1856.

HOUSE OF REPRESENTATIVES.

REPORT OF THE SELECT COMMITTEE
ON THE
RESIDENT MAGISTRATES ORDINANCE.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE HOUSE OF
REPRESENTATIVES.

VOTES, No. 14, FRIDAY, MAY 9, 1856.

12. Resident Magistrates' Courts :—Mr. Macandrew, pursuant to notice, moved, That the subject of the Resolution proposed by him (on the notice paper of yesterday), together with the power conferred by the Resident Magistrates Ordinance, and the expediency of establishing new Provincial Courts, possessing a limited civil and criminal jurisdiction, be submitted to the consideration of a Select Committee; the report to be brought up on Thursday next; Committee to consist of Mr. Ward, Mr. Richmond, Mr. Beckham, Mr. Sewell, Mr. Fox, Mr. Elliott, Mr. Merriman, and the mover.

Question put and passed.

VOTES, No. 18, THURSDAY, MAY 15, 1856.

5. Postponements :—(4) Report of the Committee on the Resident Magistrates Ordinance postponed, on motion of Mr. Macandrew, to this day week.
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VOTES, No. 23, THURSDAY, MAY 22, 1856.

7. Postponements :—(4) Report of the Committee on the Resident Magistrates Ordinance postponed, on motion of Mr. Macandrew, to Tuesday next.
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VOTES, No. 28, THURSDAY, MAY 29, 1856.

9. Resident Magistrates Ordinance :—Mr. Macandrew, Chairman of the Committee on the Resident Magistrates Ordinance, brought up the Report of the Committee, which was read, and ordered to be printed.

REPORT.

THE SELECT COMMITTEE of the House of Representatives, appointed May 9th, 1856, “to consider the power conferred by the Resident Magistrates Ordinance, and the expediency of establishing New Provincial Courts, possessing a limited civil and criminal jurisdiction,” report as follows:—

Your Committee are of opinion that the Resident Magistrates' Court Ordinance is in many respects defective and inefficient.

They do not consider that the best remedy for the defects of that Act would be the extension of the powers of the Resident Magistrates, but the establishment of District Courts, at each Session of which a certain number of the Justices of the Peace resident within the district should attend, and to which juries should be summoned, and required to attend in rotation.

They are of opinion that it would be inexpedient to interfere in any way with the jurisdiction of the Resident Magistrate over native cases; but that it is desirable to restrict their criminal jurisdiction over Europeans, to offences for which an imprisonment of not more than one month, or a fine of not more than £5, may be awarded; and in all civil cases where a sum above £5 is claimed, to allow an appeal by either party in the case to the District Court.

They are of opinion that a Recorder should be appointed to preside over each of such District Courts; that it should be lawful for the Resident Magistrate of the District to be appointed Recorder; and that it should be lawful to appoint the same Recorder to preside over two or more District Courts.

That these District Courts should have jurisdiction over civil cases, where the amount claimed shall not exceed £100, and over criminal cases in which the imprisonment to be awarded shall not exceed a term of 12 calendar months.

A Bill for carrying into effect the resolutions of your Committee has been prepared, and, on the adoption of this Report, will be forthwith laid before the House.

JAMES MACANDREW, *Chairman.*

*Committee Room, House of Representatives,
May 29, 1856.*