

No. XIX.

FINES AND PENALTIES
RECOVERY.

An Ordinance for the more effectual Recovery of Fines and Penalties imposed by divers Acts of Council and for other purposes. [1st November, 1825.]

Preamble.

Act of Council
6 George IV. No. 4
recited.

No provision made
therein for the reco-
very of Fines and Pe-
nalties.

All Fines and
Penalties shall here-
after be leviable by
distress and sale of
goods and chattels
of the offenders upon
warrants of the
Justice or Justices.

Where offenders
have no goods or
chattels or these
are insufficient to
answer Penalties
the Justices may
order imprisonment.

WHEREAS by an Act of Council made and passed the eighth day of February in the year of our Lord one thousand eight hundred and twenty-five intituled “ *An Act to regulate the granting of Licenses for the Sale of Spirits Ale Beer and other Liquors in New South Wales and Van Diemen’s Land respectively* ” certain Fines and Penalties therein mentioned are imposed on persons convicted of selling Spirits Ale and Beer and other Liquors contrary to the provisions of the said Act but no provisions therein made for the recovery of the said Fines and Penalties or of the costs and charges attending such conviction whereby the good purposes intended by the said Act are rendered ineffectual Be it therefore enacted That from and after the passing of this Act all Fines Penalties and Forfeitures already incurred and imposed or which hereafter shall be incurred and imposed under and by virtue of the said Act or by any other Act of Council already passed or which shall hereafter be passed shall in case the same shall not be paid according to the order of the Justice or Justices before whom such person or persons shall have been convicted be levied by distress and sale of the goods and chattels of the offender or offenders by warrant or warrants under the hand and seal or hands and seals of the Justice or Justices before whom such offender or offenders shall have been or shall be convicted as aforesaid together with the costs and charges of making such distress and sale and if no goods and chattels belonging to such offender or offenders shall be found sufficient to answer such penalties together with the costs and charges of such distress and sale the said Justice or Justices may cause the body or bodies of the said party or parties to be arrested and committed to prison and there confined until such Fines Penalties and Forfeitures together with the expenses of such conviction shall be paid And whereas appeals are frequently made against the decisions of Justices acting under a summary jurisdiction to the General or Quarter Sessions for the purpose of delay Be it therefore further enacted That in all cases where a right of appeal as aforesaid is given by the said Act or by any other Act of Council already made or where such
right

Imposts Continuation.

right of appeal shall be given by any Act of Council hereafter to be made against the summary decision or order of any one or more Justices imposing any Fine or Penalty the party or parties making or desiring to make such appeal or appeals shall within one week from and after the passing of any such summary decision or order pay or deposit in the hands of the Justices or Justice imposing such Fine or Penalty the amount of such Fine or Penalty or enter into his or their recognizance with two or more good and substantial sureties in double the amount of such Fine or Penalty to prosecute such appeal with effect and to abide the result of such appeal in default whereof execution shall not be stayed by reason of any such appeal as aforesaid.

In cases of appeal from the decision of Justices the parties to deposit the amount of the Fine or Penalty

or to enter into recognizance with sureties in double the amount of such Fine or Penalty.
