

No. XXIII.

An Act for the more effectual appropriation of
Fines and Penalties in certain cases in the
Colony of New South Wales. [12th October,
1838.]FINES AND PENALTIES
CHARITABLE
APPLICATION.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland passed in the ninth year of the reign of His late Majesty King George the Fourth intituled "An Act to provide for the Administration of Justice in New South Wales and Van Dieman's Land and for the more effectual Government thereof and for other purposes relating thereto" it was among other things enacted That all Laws and Statutes in force within the Realm of England at the time of the passing of that Act should be applied in the administration of justice in the Courts of New South Wales so far as the same can be applied within the said Colony and whereas there are many Statutes the provisions of which it is expedient and necessary should be applied in the administration of justice in the said Colony but which have been declared to be inapplicable thereto by reason of the Fines Forfeitures and Penalties therein respectively specified being directed to be appropriated for the use or on behalf of the poor of the parish township or place respectively and whereas it is expedient to remedy the same Be it therefore enacted That whenever any Law or Statute that is or shall be in force within the Realm of England and which shall be in other respects applicable to the said Colony shall direct the appropriation of any Forfeiture Penalty or sum of money or any part thereof for the use or on behalf of the poor of any parish township or other place the same shall be and is hereby required to be paid at the discretion of the Justice Judge or Court imposing the Fine or Penalty to the Treasurer or other authorized officer of any Benevolent or Charitable Society established or to be established in any district of the Colony for the relief of such poor persons as through age accident or infirmity are unable to support themselves Provided that in any district in which there is no Benevolent or Charitable Society the same shall be paid towards the support of the Benevolent Society in the town of Sydney.

2. And whereas Justices of the Peace for the Colony of New South Wales have heretofore exercised a summary jurisdiction under and by virtue of the Laws and Statutes hereinbefore recited and whereas the said Justices or some of them have made done and caused to be executed divers judgments orders acts and things and have caused divers penalties to be enforced and sums of money to be levied to and for the use and on behalf of the poor purporting to be according to the provisions of the said recited Laws and Statutes and whereas it is expedient that all persons should be protected and indemnified from vexatious proceedings for or by reason of any such judgment sentence order act or thing made passed done or executed by them Be it therefore enacted by the Governor of New South Wales with the advice of the Legislative Council thereof That no proceedings of a criminal nature shall be commenced prosecuted or maintained by any person whatsoever against any Justice of the Peace for having exercised summary jurisdiction under any such Laws or Statutes as aforesaid by which any Penalty or Forfeiture was incurred or sum of money directed to be appropriated for the use of the poor of any township parish or place or against any other person whatsoever who may have done any act

Whenever any English Law or Statute appoints a penalty for the use of the poor and there is no Benevolent or Charitable Society in the district it shall be paid towards the support of the Benevolent Society in the town of Sydney.

Justices having caused penalties to be levied to be protected from proceedings for having so done.

Colonial Spirits Distillation.

act or thing under and by virtue of any judgment sentence or order of any Justice of the Peace exercising such jurisdiction and if any action or suit shall be brought against any Justice of the Peace Constable or other person or persons for any act or thing done or purporting to be done under and by virtue of any such Law or Statute as aforesaid the defendant or defendants in every such action or suit may plead the general issue and may give this Act and the special matter in evidence at any trial to be had thereupon and if the verdict shall be for the defendant or defendants or if the plaintiff or plaintiffs be nonsuited or discontinue his her or their action or suit after the defendant shall have appeared or if upon demurrer judgment shall be given against plaintiff or plaintiffs the defendant or defendants shall have treble costs and shall have like remedy for the same as any other defendant or defendants hath or have in any other case to recover costs by law.
