

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 Preamble.
 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* 9 Geo. IV. c. 83.
Administration of Justice in New South Wales and Van Diemen'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 appro-
 priated 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 appropria-
 tion 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.

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.

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 there-
 fore 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

Justices having
 caused penalties to
 be levied to be pro-
 tected from proceed-
 ings for having so
 done.

act

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.
