

Cattle Impounding.

No. VII.

An Act to amend an Act intituled "*An Act to* CATTLE IMPOUNDING.
 " *repeal an Act of the Governor and Council of*
 " *New South Wales intituled 'An Act to*
 " *authorize the erection of Pounds and for*
 " *regulating the impounding of Cattle and to*
 " *make further and other provisions in lieu*
 " *thereof.*" [16th October, 1845.]

WHEREAS by a certain Act of the Governor and Legislative Preamble.
 Council of the Colony of New South Wales passed in the
 fourth year of the reign of His late Majesty King William the Fourth
 intituled "*An Act to repeal an Act of the Governor and Council of* 4 Wil. IV. No. 3.
 " *New South Wales intituled 'An Act to authorize the erection of*
 " *Pounds and for regulating the impounding of Cattle and to make*
 " *further and other provisions in lieu thereof'*" it is among other
 things enacted that in case no claim be made within a certain time by
 the owner of impounded cattle or his agent for monies paid into the
 hands of the Colonial Treasurer the Governor may by warrant under
 his hand direct the same to be paid to the Benevolent Asylum and
 whereas it is desirable that such sums should be handed over to some
 charitable institution (if any) within the district from which the same
 may be paid instead of the Benevolent Asylum Be it therefore Unclaimed monies
 to be paid over to
 charitable institution
 within the district
 where accruing.
 enacted by His Excellency the Governor of New South Wales with
 the advice and consent of the Legislative Council thereof That
 whenever monies are paid by any poundkeeper to the Colonial
 Treasurer in pursuance of the said recited Act and the same shall not
 be claimed by the owner or his agent it shall and may be lawful for
 the said Colonial Treasurer to pay over such monies after the time
 specified in said recited Act to such charitable institution (if any)
 within each Police District respectively as shall be directed by the
 Governor of the said Colony either by a general or special instruction
 in that behalf Provided always that if there be no charitable institution
 in the Police District from which any such monies shall be received
 the same shall be paid to the Benevolent Asylum in Sydney or to
 such charitable institution in any neighbouring district as the
 Governor may direct.

2. And whereas doubts have arisen as to the summary power Petty Sessions to
 have summary juris-
 diction in respect of
 all manner of fines
 penalties forfeitures
 damages and
 demands under the
 Impounding Act.
 and jurisdiction of Justices in Petty Sessions in respect of some of the
 fines penalties forfeitures damages and demands to which any party or
 parties may be subject under the provisions of the said recited Act and
 whereas it is expedient to remove the same Be it therefore enacted by
 the Governor of New South Wales with the advice and consent of the
 Legislative Council thereof That all and all manner of fines forfeitures
 penalties damages and demands to which any party or parties shall or
 may be subject under and by virtue of the said recited Act shall and
 may be recovered in a summary way before two or more Justices
 assembled in Petty Sessions upon the information or complaint of the
 party or parties aggrieved by the matter or thing in respect whereof
 any such fine penalty or forfeiture shall have been incurred or entitled
 to recover any such damages or make any such demand as aforesaid on
 his her or their overseer or other agent and that when any such infor-
 mation or complaint shall have been preferred before any Justice of
 the Peace it shall and may be lawful for any two or more Justices
 assembled

Sydney Coal Delivery.

assembled in the Petty Sessions at or nearest to the place where the said Pound shall be situated of whom the said first-mentioned Justice may be one and they are hereby required to hear and determine the same in a summary way on a day appointed by such first-mentioned Justice for the appearance of the party or parties complained against Provided always that all such proceedings acts matters and things as are in and by the said recited Act to be had or done upon any information or complaint made as in the said recited Act is provided shall and may be had and done upon any such information or complaint as in this Act is mentioned except in so far as the same may be inconsistent herewith.

Indemnifying Justices.

3. And whereas it is equitable and just that Justices of the Peace who may have adjudicated in a summary way upon cases brought before them under the said recited Act or any Act amending the same should be protected from all actions or suits or other proceedings in respect to any matter or thing so done by them Be it enacted That no action suit information indictment prosecution or other proceeding whatsoever shall be commenced or prosecuted in any manner whatsoever against such Justices for any matter or thing done by them under the said recited Act or any Act amending the same previous to the passing of this Act by reason of the want of power and authority in such Justices to hear and determine such case in a summary way and if any action suit information indictment prosecution or proceeding whatsoever shall be commenced or prosecuted against any such Justices or against any sheriff gaoler constable bailiff or other person acting under and in obedience to any warrant order or conviction of any such Justices in respect of their want of summary jurisdiction under the said recited Act or Acts as aforesaid it shall be lawful for the defendant or defendants to apply to the Supreme Court or any Judge thereof to stay proceedings and such Court or Judge respectively is hereby required to stay such proceedings accordingly and to make such order as to the costs of such application as to the said Court or Judge shall seem fit.
