

## 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 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 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 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 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 information or complaint shall have been preferred before any Justice of the Peace it shall and may be lawful for any two or more Justices

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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.