

No. XXIV.

An Act to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth intituled “ *An Act for better regulating the keeping and carriage of Gunpowder.*” [24th September, 1849.]

GUNPOWDER.

WHEREAS by an Act passed in the seventh year of the reign of His late Majesty King William the Fourth intituled “ *An Act for better regulating the keeping and carriage of Gunpowder*” it was enacted that all penalties should be recoverable before any two or more Justices of the Peace within and for the Territory of New South Wales or any District thereof And whereas doubts have arisen as to the power of Justices of the Peace to adjudicate in a summary way under the said recited Act and it is expedient to amend the same Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That

all

Weights and Measures.

Recovery of penalties all fines forfeitures or penalties which may be incurred under the said recited Act or any Act amending the same may be sued for and recovered and all proceedings had thereon may be had and taken and heard and determined in a summary way before any one or more Justice or Justices of the Peace and that all such proceedings shall be regulated according to the provisions of an Act passed in the fifth year of the reign of His late Majesty King William the Fourth intituled
 5 Wil. IV. No. 22. “ *An Act to regulate summary proceedings before Justices of the Peace*” so far as the same shall be applicable or according to the law in force for the time being regulating summary proceedings before Justices of the Peace.

Power to mitigate penalties.

2. And be it enacted That it shall be lawful for the Justice or Justices before whom any proceedings may be instituted for the recovery of any pecuniary penalty under this Act to mitigate or reduce such penalty as to such Justice or Justices shall appear just and reasonable but no such penalty shall be reduced to less than one-third of the original amount Provided always that on every complaint to be heard and determined the informer shall be considered and is hereby declared to be a competent witness and provided also that no person or persons shall be convicted of any offence against the said recited Act or any Act amending the same unless proceedings shall be commenced within one calendar month from the time when such offence or offences shall have been committed.

Informer a competent witness.

Proceedings to commence within one month after offence committed.

Officer of Customs may seize gunpowder found on board ships.

3. And be it enacted That it shall be lawful for any officer of Her Majesty's Customs to seize without warrant any gunpowder which may be found on board any ship or vessel contrary to the provisions of the said recited Act or any Act amending the same and to proceed thereon as therein and herein is directed.