

An Act to amend an Act, intituled "*An Act to consolidate and amend the Laws for the distillation of Spirits in the Colony of New South Wales, and for the issue of Licenses for distilling, rectifying, and compounding Spirits therein, and for repealing certain Laws relating thereto,*" and to indemnify certain Justices of the said Colony.

[7th March, 1844.]

Preamble.

3 Victoria,
No. 9.

Recovery of
Fines, &c.

5 William IV.,
No. 22.

Indemnifying
Justices.

WHEREAS by an Act passed by the Governor and Legislative Council of New South Wales, in the third year of the Reign of Her present Majesty, intituled, "*An Act to consolidate and amend the Laws for the distillation of Spirits in the Colony of New South Wales, and for the issue of Licenses for distilling, rectifying, and compounding Spirits therein, and for repealing certain Laws relating thereto,*" it was enacted that all fines, forfeitures, and penalties, imposed thereby, might be recovered before any two or more Justices of the Peace, as well as before the Judges of the Supreme Court, or in the Court of Vice Admiralty; and whereas it has lately been decided by the Supreme Court, that Justices of the Peace had no summary jurisdiction 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 when any fines, forfeitures, or penalties, are sued for before Justices of the Peace, under the said recited Act, or any Act amending the same, the same may and shall be heard and determined by any two or more Justices of the Peace in a summary way; 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, "*An Act to regulate summary proceedings before Justices of the Peace,*" so far as the same shall be applicable.

II. 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 hereinbefore first 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 done by them under the said first recited Act, or any Act amending the same: Be it enacted, That no action, suit, information, indictment, prosecution, or other proceeding whatsoever, shall be commenced or prosecuted in any manner howsoever 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 said decision of the Supreme Court, 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 make such order as to the costs of such application, as to the said Court or Judge shall seem fit.

ALEX. McLEAY,
SPEAKER.

Passed the Legislative Council, this } In the name, and on the behalf
seventh day of March, One thou- } of Her Majesty, I assent to
sand eight hundred and forty four. } this Act.

GEORGE GIPPS.
GOVERNOR.

WM MACPHERSON,
CLERK OF THE COUNCIL.