

No. XVIII.

An Ordinance to stay Proceedings in certain JUSTICES INDEMNITY.
cases against Justices of the Peace in New
South Wales and its Dependencies acting in
execution of their office. [11th October, 1825.]

WHEREAS since the establishment of a Colony in New South Preamble.
Wales Justices of the Peace have from time to time been
appointed by the Governors of the said Colony in a manner differing
from the ordinary Commission of the Peace as by law and ancient
usage established and Justices so appointed have exercised a summary
jurisdiction in certain cases not sanctioned by the laws and practice
in England And whereas the said Justices or some of them have in
years past made done and caused to be executed divers judgments
sentences orders acts and things which although not imputable to any
evil intention but to an error in judgment are nevertheless not justified
by law And whereas since the Act made in the fourth year of the
reign of His present Majesty intituled "*An Act to provide until the*
first day of July one thousand eight hundred and twenty-seven and
until the end of the next Session of Parliament for the better Adminis-
tration of Justice in New South Wales and Van Diemen's Land and
for the more effectual Government thereof and for other purposes
relating thereto" and the establishment of Courts of Sessions in
different parts of New South Wales in pursuance of the said Act the
jurisdiction of such Justices has been more clearly defined and
their proceedings have been more regular and legal And whereas it
is expedient that all persons should be protected from vexatious pro-
ceedings for or by reason of any judgment sentence order act or thing
made passed done or executed by them in or by virtue of the office of
Justice before the establishment of Courts of Sessions as aforesaid
Be it therefore ordained and enacted by the Governor of New South Act of Parliament
passed in the fourth
year of His present
Majesty recited.
Wales with the advice of the Council That until the eleventh day of
October one thousand eight hundred and twenty-six no indictment
information or criminal proceeding whatsoever shall be commenced
or prosecuted against any person now being or having been a Justice
in New South Wales or its Dependencies for having exercised summary
jurisdiction in any cause matter or thing whatsoever or for or by
reason of any judgment sentence order act or thing by him made
passed done or executed in the office of Justice as aforesaid before the
publication of a certain Proclamation of His Excellency Sir Thomas
Brisbane bearing date at Sydney the twenty-first day of July one
thousand eight hundred and twenty-four and appointing Courts of
General or Quarter Sessions to be holden in New South Wales and
that Until the 11th Oc-
tober 1826 no pro-
ceeding to be had
against any Justice
of the Peace in New
South Wales on
account of any act of
office previous to the
Proclamation of the
Governor dated 21st
July 1824 appointing
Courts of Quarter
Sessions to be holden.

Fines and Penalties Recovery.

that if any indictment information or other criminal proceeding shall have been or shall hereafter be commenced or prosecuted against any person now being or having been a Justice as aforesaid for or by reason of having exercised such jurisdiction or made passed done or executed any such judgment sentence order act or thing in the office of Justice as aforesaid it shall be lawful for such person now being or having been a Justice to apply to the Court in which such indictment information or other criminal proceeding shall be commenced or prosecuted during the sitting of such Court or to any Judge of such Court during vacation for stay of proceedings therein and such Court and such Judge respectively are hereby required to stay such proceedings accordingly until the said eleventh day of October one thousand eight hundred and twenty-six.

Court or Judge to
stay proceedings.