



ANNO SEPTIMO ET OCTAVO

# VICTORIÆ REGINÆ.

No. 16.—1844.

*By His Excellency GEORGE GREY Esquire Governor and Commander-in-Chief of Her Majesty's Province of South Australia and its Dependencies and Vice-Admiral of the same by and with the advice and consent of the Legislative Council.*

*An Ordinance for the more effectual appropriation of Fines and Penalties in South Australia,—under certain Statutes in force in England applicable to the Province.*

**W**HEREAS there are many Statutes the provisions of which it is expedient and necessary should be applied in the administration of Justice in this Province, but which have been deemed to be inapplicable thereto, by reason of the fines, forfeitures, and penalties, therein respectively specified, being directed to be appropriated for the use or on behalf of the poor of the parish, township, or place respectively: Preamble.

Be it therefore Enacted by His Excellency the Governor of South Australia, with the advice and consent of the Legislative Council thereof: That whenever any Law or Statute that is or shall be in force in England, and which shall be in other respects applicable to the said Province, shall direct the appropriation of any forfeiture, penalty, or sum of money, or any part thereof, for the use or on behalf of the poor of any parish, township, or other place, the same shall be and is hereby required to be paid to the Colonial Treasurer of the Province, to form a separate fund, called "The Relief Fund," and to be applied, by order of the Governor, for the relief and support of such destitute sick, or other poor persons, as through age, infirmity, or accident, are unable to support themselves. Whenever any English Law or Statute appoints a penalty for the use of the poor, it shall be paid towards the support of the destitute sick, and other poor of the Province.

II. And

Justices, having caused penalties to be levied, to be protected from proceedings for having done so.

II. And whereas Justices of the Peace for the Province of South Australia, have heretofore exercised a summary jurisdiction, under and by virtue of the Laws and Statutes hereinbefore recited; and whereas the said Justices, or some of them, have made, done, and caused to be executed, divers judgments, orders, acts, and things, and have caused divers penalties to be enforced, and sums of money to be levied, under the powers of the said recited Laws and Statutes; and whereas it is expedient, that all persons shall be protected and indemnified from vexatious proceedings, for or by reason of any such judgment, sentence, order, act or thing, made, passed, done, or executed by them: Be it therefore Enacted, That no proceedings shall be commenced, prosecuted, or maintained, by any person whatsoever, against any Justice of the Peace, for having exercised summary jurisdiction, under any such Laws or Statutes, as aforesaid, or against any other person whatsoever, who may have done any act or thing under and by virtue of any judgment, sentence, or order of any Justice of the Peace, exercising such jurisdiction; and if any action or suit shall be brought against any Justice of the Peace, constable, or other person for any act or thing done, or purporting to be done, under and by virtue of any such Law or Statute as aforesaid, the defendant in every such action or suit may plead the general issue, and may give this Ordinance and the special matter in evidence at any trial to be had thereupon; and if the verdict shall be for the defendant, or if the plaintiff be non-suited, or discontinue his action or suit, after the defendant shall have appeared, or if upon demurrer, judgment shall be given against the plaintiff, the defendant shall have treble costs, and shall have like remedy for the same as any other defendant hath in any other case to recover costs by Law.

G. GREY,  
Governor and Commander-in-Chief.

*Passed the Legislative Council, this second  
day of September, 1844.*

W. L. O'HALLORAN,  
Clerk of Council.