



ANNO QUINTO

VICTORIÆ REGINÆ,

No. 2.

By His Excellency SIR JOHN FRANKLIN, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Greek Order of the Redeemer, and a Captain in Her Majesty's Royal Navy, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

AN ACT to amend an Act passed in the Ninth Year of King George the Fourth intituled An Act to regulate Summary Proceedings before Justices of the Peace.

PREAMBLE.

Recites 9 Geo. 4 whereby power is given to Justices to enforce payment of pecuniary penalties at the end of six days after the infliction thereof.

WHEREAS an Act was passed in the ninth year of His Majesty King George the Fourth intituled *An Act to regulate Summary Proceedings before Justices of the Peace* by which amongst other things it is enacted that in case the Justice or Justices in that behalf mentioned shall convict the Defendant in that behalf mentioned and award against him or her any fine or pecuniary penalty and he or she shall neglect to pay the same fine or penalty together with the costs and charges of and attending such conviction to be assessed and ascertained by the said Justice or Justices into the hands of the said convicting Justice or of one of the said convicting Justices in case there shall have been more than one such Justice within one week next after such conviction without any previous demand of such penalty then it shall be lawful for such Justice or Justices or either of them or for any Justice of the Peace at his or their discretion to cause such fine or penalty and costs and charges to be levied by distress and sale of the goods and chattels of the offender the overplus after deducting the charges of such distress and sale to be rendered to the said offender or such offender may by such convicting Justice or Justices or either of such Justices or by any other Justice of the Peace be committed by warrant to one of His Majesty's gaols there to remain until payment

of the full amount of such fine or penalty and costs and charges or such offender may be proceeded against by both distress and sale and by such committal also at the discretion of such Justice or Justices until the whole of such penalty costs and charges shall be satisfied—

AND WHEREAS during the time by the said recited enactment allowed for the payment of the fine or penalty with the costs and charges of and attending a conviction under that Act it frequently happens that by the absconding of the person so convicted the fine is altogether evaded and the costs and charges attending upon such conviction thereby fall on the person by whom the same was obtained and it is therefore desirable that to provide against such occurrences the Act should be amended—BE IT THEREFORE ENACTED by His Excellency SIR JOHN FRANKLIN Knight Commander of the Royal Hanoverian Guelphic Order Knight of the Greek Order of the Redeemer and a Captain in Her Majesty's Royal Navy Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council that from and after the first day of August next on and after which day this Act shall take effect whensoever and as often as under any Act or Acts of Council now in force or hereafter to be made in this Island the proceedings of the Justice or Justices are directed to be regulated by the provisions of the said recited Act and any conviction shall take place and any penalty be thereupon imposed then and in every such case it shall be lawful for the Justice or Justices so convicting if he or they shall so think fit notwithstanding any provision in the said recited Act contained to direct the fine or penalty imposed on such Defendant together with such charges and expenses as aforesaid to be forthwith paid into the hand or hands of the said convicting Justice or of the said convicting Justices in case there shall have been more than one such Justice and in default of such payment to commit by warrant to one of Her Majesty's Gaols the person so convicted there to remain until the whole of the penalty costs and charges to which such offender has become liable shall be satisfied.

And recites that such penalties are frequently evaded by the offenders absconding during the interval allowed for payment.

Repeals so much of said Act as gives time for payment of penalties.

JOHN FRANKLIN.

Passed the Legislative Council this twenty-fourth day of June, one thousand eight hundred and forty-one,

W. E. NAIRN, *Clerk of the Council.*

COMMISSARIAT OFFICE.

Hobart Town, 7th July, 1841.

BILLS ON THE TREASURY.

TENDERS will be received for Bills of Exchange on the Lords Commissioners of Her Majesty's Treasury (not exceeding £15,000) for British Silver Money, until noon of Wednesday, the 21st instant, specifying the amount, rate of exchange, and names of the parties in whose favour the Bills are to be drawn.

GEORGE MACLEAN, A. C. G.

GOVERNMENT NOTICE.

No. 158.

Colonial Secretary's Office, 7th July, 1841.

THE Lieutenant-Governor has been honoured with a Despatch from the Right Honourable the Secretary of State, authorising the issue of a Ticket-of-Leave to John Amey, per Lord William Bentinck, as a reward for his meritorious conduct on the occasion of a larceny committed in his master's house.

By His Excellency's Command,
JOHN MONTAGU.

JAMES BARNARD, Government Printer, 35, Macquarie-street.