



# S U P P L E M E N T

TO THE

## NEW SOUTH WALES

# GOVERNMENT GAZETTE,

OF WEDNESDAY, AUGUST 5, 1840.

Published by Authority.

SATURDAY, AUGUST 8, 1840.

ANNO QUARTO  
VICTORIÆ REGINÆ,  
No. 2.

By His Excellency Sir George Gipps, Knight, Captain-General and Governor-in-Chief of the Territory of New South Wales, and its Dependencies, and Vice-Admiral of the same, with the advice of the Legislative Council.

*An Act for enabling the Principal Officers of Her Majesty's Ordnance to hold Estates and Property in the Colony of New South Wales, for Military purposes; and for granting certain other powers to the said Principal Officers, and Respective Officers resident in the said Colony.*

**W**HEREAS divers messuages, lands, tenements, estates and other hereditaments belonging to the Crown, in the Colony of New South Wales, have been long reserved and used for military purposes, and are now actually in the custody, and under the charge of the Respective Officers of Her Majesty's Ordnance, resident in the said Colony and acting under the orders of the Principal Officers of Her Majesty's Ordnance resident in England; and whereas it is expedient that the said Principal Officers, or the said Resident Officers acting under their authority, should have certain powers to acquire, hold, and alienate, lands, tenements, estates, or hereditaments, which they do not now possess; Be it therefore enacted, by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, that, immediately from and after the passing of this Act, the said Principal Officers of Her Majesty's Ordnance shall have power to have and to hold all such messuages, lands, tenements, or other hereditaments, heretofore used for military purposes, as by Her most gracious Majesty may

be conveyed to them by deed of grant from the crown; and that thereupon the said messuages, lands, tenements, and other hereditaments, with all erections and buildings, which now are, or which shall or may hereafter be erected or built thereon, together with the rights, members, easements, and appurtenances to the same respectively belonging, shall be and become, and remain and continue, vested in the Principal Officers of Her Majesty's Ordnance in Great Britain for the time being, and their Successors in the said office, according to the respective nature and quality of the said messuages, lands, tenements, estates, and other hereditaments, and the several estates and interests of and in the same hereditaments respectively, in trust for Her Majesty, Her Heirs and Successors, for the service of the said Ordnance Department, or for such other military service or services, as the said Principal Officers, or their Successors in the said office, shall from time to time order and direct.

*(Lands hereafter purchased and also the buildings thereon, shall be vested in like manner.)*

II. And be it enacted, That, from and after the purchase and conveyance, grant or demise thereof, all other messuages, lands, tenements, estates, and other hereditaments, which shall at any time or times hereafter, be granted to, or purchased by the Principal Officers of Her Majesty's Ordnance for the time being, or by any other person or persons by their order, for military purposes, and all erections and buildings which shall then, or which may thereafter be erected and built thereon, with the rights, members, easements, and appurtenances to the same respectively belonging, by whatever mode of conveyance, either unto or in the name of Her Majesty, Her Heirs and Successors, or otherwise, the same shall be granted, purchased, or taken, shall in like manner be and become, and remain and continue, vested in the said Principal Officers of Her Majesty's Ordnance,

for the time being, and their Successors in the said Office, according to the nature and quality of the said messuages, lands, tenements, estates, and other hereditaments, and the several and respective estates and interests of and in the same, respectively, in trust as aforesaid.

*(In case of death or removal, such premises shall vest in the successors of such Principal Officers.)*

III. And be it enacted, That, upon the death, resignation, or removal of the present Principal Officers of the Ordnance in Great Britain, or of any of them, or of any future Principal Officers or Principal Officer in Great Britain, all such messuages, lands, tenements, estates, and other hereditaments respectively, shall become vested in, and be held by the succeeding Principal Officers in Great Britain, according to the respective nature and quality of the said messuages, lands, tenements, estates, and other hereditaments, and the several estates and interests of and in the same, respectively, in trust as aforesaid.

*(Lands may be sold, exchanged or let.)*

IV. And be it enacted, That it shall and may be lawful for the said Principal Officers for the time being, or any two or more of them, or for the said Respective or other Chief Officers or Officer of the Ordnance, resident in the said Colony for the time being, for and on behalf of the said Principal Officers, to sell, exchange, or in any manner dispose of, or to let, or demise, as well any of the messuages, lands, tenements, estates, and other hereditaments, respectively, which shall be so granted or conveyed to the said Principal Officers as aforesaid, with their respective appurtenances, either by public auction, or by private contract, in due form of law, to convey, surrender, assign, or make over, or to grant, or demise the same respectively, (as the case may require) to any person or persons who shall be willing to purchase, or take the same in exchange, or otherwise, respectively; and also to do any other act, or matter, or thing in relation to any such messuages, lands, tenements, estates, and other hereditaments, which shall by the said Principal Officers, or by the said Respective, or other Chief Officers or Officer, be deemed beneficial to the public service in relation thereto, or for the better management thereof, which might be done by any person having a like interest in any such like messuages, lands, tenements, estates, or other hereditaments.

*(Purchase money shall be paid to the Ordnance Treasurer, &c.)*

V. And be it enacted, that the monies to arise and be produced by the sale or exchange of any of the said messuages, lands, tenements, estates, or other hereditaments which shall be so sold or exchanged, under the provisions of this present Act, shall be paid by the respective purchaser or purchasers thereof, or the person or persons making such exchange, unto the said Respective or other Chief Officers or Officer of the Ordnance, in the said Colony of New South Wales, for the time being, or to such other person or persons as the said Principal Officers for the time being, or any two or more of them, shall direct or appoint to receive the same, for the use of Her Majesty, Her Heirs and Successors; and that the receipt of the said Principal Officers, or of any two of them, or of the said Respective or other Chief Officers or Officer for such monies (such receipt to be endorsed on every such conveyance, surrender, or

assignment as aforesaid) shall effectually discharge the purchaser or purchasers, or person or persons by whom, or on whose account, the same shall be paid.

*(After purchase money paid, &c., the purchaser to have full right and possession.)*

VI. And be it enacted, that immediately from and after the payment of such purchase money, and the execution of every such conveyance, surrender and assignment as aforesaid, the purchaser or purchasers therein named, or the person or persons making such exchange as aforesaid, shall be deemed and adjudged to stand seized and possessed of the messuages, lands, tenements, estates, and other hereditaments, which shall be so purchased, or taken in exchange by, and conveyed, surrendered, assigned or made over to him, her, or them, respectively, freed and absolutely discharged of, and from all, and all manner of prior estates, leases, rights, titles, interests, charges, incumbrances, claims and demands whatsoever, which can or may be had, made, set up, in, to, out of, or upon, or in respect of the same messuages, lands, tenements, estates, or other hereditaments, by any person or persons whomsoever, on any account whatever, (save and except such estates,) leases, rights, titles, interests, charges, incumbrances, claims and demands, as in any such conveyance, surrender, deed of exchange or assignment shall be excepted.

*(Actions of ejectment may be brought.)*

VII. And be it enacted, that it shall be lawful for the said Principal Officers for the time being, and for the said Respective or other Chief Officers or Officer for the time being, and they are respectively hereby authorised and empowered to bring, prosecute, and maintain any action or actions of ejectment, or other proceedings at law, or in equity, in the Supreme Court of the said colony, or in any other court therein of competent jurisdiction, for recovering possession of any messuages, lands, tenements, estates, or other hereditaments, that may be vested in them as aforesaid, and to distrain and sue for any arrears of rent, which shall have become or shall become due, for or in respect thereof, under any parole or other demise from the said Principal Officers or Respective or other Chief Officers or Officer for the time being, as aforesaid, and also to bring, prosecute, and maintain any other action or suit, in respect of, or in relation to the said messuages, lands, tenements, estates, or other hereditaments, or of any trespass, or encroachment, committed thereon, or damage, or injury, done thereto; and that in every such action or suit, the said Principal Officers for the time being, and the said Respective or other Chief Officers or Officer, for the time being, shall be called the Officers or Chief Officer (as the case may be) of Her Majesty's Ordnance in New South Wales, without naming them, or any of them, and no such action or suit shall abate by the death, resignation, or removal of such Principal Officers, or Respective or other Chief Officers or Officer, or any of them, any thing in this Act, or in any Act or Acts of Parliament, or Law or Laws to the contrary thereof, notwithstanding.

*(Powers given to bodies politic or others to treat.)*

VIII. And be it enacted, that it shall be lawful for all bodies politic or corporate, ecclesiastical or civil, and all feoffees, or trustees for charitable or other public purposes, and for all tenants for life, and tenants in tail, and for the

husbands, guardians, trustees, committees, curators or attorneys, of such of the owners or proprietors of, or persons interested in, any messuages, lands, tenements, estates, and other hereditaments, in the said colony, which have been, or may be hereafter, agreed to be purchased or taken, for the use of the said Ordnance Department, as shall be fames covert, infants, lunatics, idiots, or persons beyond the seas, or otherwise incapable of acting for themselves, to contract or agree with the said Principal Officers for the time being, or with the said Respective or other Chief Officers or Officer for the time being, either for the absolute sale or exchange of any messuages, lands, tenements, estates or other hereditaments, or sale of any reversion, after any estate or estates, for lives or years, or for the grant of any lease, either for life or lives, or any term of years certain therein, or for such period as the exigency of the public service shall require, and to convey, surrender, demise, or grant the same accordingly, and all contracts, sales, conveyances, surrenders, leases, and agreements, which shall be made in pursuance hereof, shall be valid and effectual in law, to all intents and purposes whatsoever, and shall be a complete bar to all dower, and claims of dower, estates tail, and other estates, rights, titles, trusts, and interests whatsoever.

*(Investment of Purchase Money.)*

IX. And be it enacted, that in every such case of purchase or exchange of any lands or hereditaments, or of any such reversion as aforesaid, or purchase of any other interest belonging to any such body, or other person or persons under any disability or incapacity, or not having the absolute interest therein, the purchase money, if the same shall amount to, or exceed the sum of one hundred pounds, shall be paid into the hands of the Registrar, or other Proper Officer of Her Majesty's Supreme Court of New South Wales, at Sydney, in the said Colony, respectively, for the time being, for the use and benefit of the owners and proprietors of such lands and hereditaments, and such Registrar, or other Proper Officer respectively, is hereby authorised and required to receive or accept, and to give a discharge for the same, and upon the acceptance or receipt thereof, to sign a certificate to the Judges of the said Supreme Court, under his hand, purporting and signifying that such money, or other consideration, was received or accepted by, and paid to him, in pursuance of this Act, for the use and benefit of such owners or proprietors as shall be named in such certificate, and the said certificate shall be filed or deposited in the Registry of the said Supreme Court, at Sydney aforesaid, and a true copy thereof, signed by the said Registrar, or other Proper Officer respectively, of such Court, shall and may be read and allowed as evidence, for the purposes hereinafter mentioned, and the said Registrar, or other Proper Officer, respectively, is hereby required, upon receipt of any such sum or sums of money as aforesaid, to pay the same, under the direction of the Judges of the said Court, into some one or other of the Banks in Sydney, as to the Judges of the said Court may seem meet, and immediately, upon the filing or depositing of such certificate, the said lands or hereditaments shall be and become vested in the said Principal Officers of the Ordnance for the time being, for the public service, in trust for Her Majesty, Her Heirs and Successors.

*(Judges of Supreme Court to make order for the investment of such purchase money.)*

X. And be it enacted, That the Judges of Her Majesty's said Supreme Court of New South Wales, at Sydney, aforesaid, for the time being, or any one or more of them shall be, and they, or he, are, or is hereby authorised and empowered, in a summary way, upon motion or petition for, and on behalf of any person or persons interested in, or entitled to the benefit of the money so paid to, and received by the said Registrar, or other Proper Officer respectively, or the interest, or produce thereof, and, upon reading the certificate directed to be signed by the said Registrar or other Proper Officer respectively, concerning the same, as aforesaid, and receiving such further satisfaction as they or he shall think necessary, to make and pronounce such orders and directions for paying the said money, or any part of the same, or for placing out such part thereof as shall be principal, in, or upon Bank Shares, or Public, or Government, or Real Securities in New South Wales, and for payment of the dividends or interest thereof or any part thereof, to the respective persons entitled to receive the same, or for laying out the principal, or any part thereof, in the purchase of other lands, estates, or hereditaments, to be conveyed and settled to, for, and upon the same uses, trusts, intents or purposes, as the said lands, estates, and hereditaments, so purchased, or taken, stood settled at the time of the payment of such money as aforesaid, or as near thereto as the same can be done, or otherwise, concerning the disposition of the said money, or any part thereof, and the interest of the same, or any part thereof, for the benefit of the person and persons entitled to, and interested in the same, respectively, or for appointing any person or persons to be a trustee or trustees, for all or any of such purposes as the said Court shall think just and reasonable.

*(Investment of purchase money, when less than £100.)*

XI. Provided always, and be it enacted, That in case such purchase money as is lastly hereinbefore mentioned, shall be less than the said sum of one hundred pounds, then, and in all such cases, the same shall be at the option of the person or persons for the time being, entitled to the rents and profits of the lands and hereditaments so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of infancy or lunacy, to be signified in writing under their respective hands, be paid into the hands of of the said Registrar, or other proper officer respectively, of the said Supreme Court, in order to be applied in manner herein before directed, or otherwise, the same shall be paid at the like option, to three trustees, to be nominated by the person or persons making such option, and approved of by the said Principal Officers, or any two or more of them, or by the said Respective, or other Chief Officers or Officer of the Ordnance, for the time being as aforesaid; such nomination or approbation to be signified in writing, under the hands of the nominating and approving parties, in order that such principal money may be invested in the purchase of Bank Shares, or of Public, or Government, or Real Securities, in New South Wales, and that such shares or stock, when purchased, and the dividends arising therefrom, may be applied in manner hereinbefore directed,

so far as the case may be applicable, without obtaining, or being required to obtain the order, direction, or approbation of the said Supreme Court.

(Investment of purchase money less than £20.)

XII. Provided always, and be it enacted, that in case such purchase money, shall be less than twenty pounds, then, and in all such cases the same shall be applied to the use of the person or persons who would, for the time being, be entitled to the rents and profits of the lands and hereditaments so purchased, in such manner as the said Principal Officers, or any two or more of them, or as the said Respective, or other Chief Officers or Officer for the time being, as aforesaid shall think fit; or in case of infancy, or lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, for the use and benefit of such person or persons entitled respectively.

(Stock and Securities vested in Registrar, &c., shall, in case of death or removal, vest in the Successors.)

XIII. And be it enacted, that upon the death or removal of any such Registrar, or other Proper Officer respectively, all bankshares, or public or government, or real securities, vested in him, by virtue of this Act, shall vest in the succeeding Registrar, or other Proper Officer respectively, for the purpose hereinbefore mentioned, without any assignment or transfer; and all monies paid into the said banks respectively, in pursuance of this Act, or remaining in the hands of any Registrar, or other Proper Officer respectively, at his death or removal, and not vested in, or placed out in the purchase of bank shares, or on public or government, or real securities, as aforesaid, shall be paid over to the succeeding Registrar, or other Proper Officer respectively, for the time being.

(Contracts with Principal Officer or Officers of Ordinance to be valid without their being named.)

XIV. And be it enacted, that in all grants, conveyances, surrenders, leases, and other deeds and instruments whatsoever, relating to the public service, which shall hereafter be made or entered into by, to, or with, the Principal Officers of the Ordinance, for the time being, or by, to, or with the Respective or other Chief Officers or Officer of the Ordinance, for the time being, in New South Wales, or whereunto they or any of them, shall be parties, or a party, it shall be sufficient to call or describe the said Principal or other Officers or Officer, by the style or title of "The Principal Officers of Her Majesty's Ordinance," or "The Respective or other Chief Officers or Officer in the Colony of New South Wales, of Her Majesty's Ordinance," (as the case may be) without naming them, or any or either of them; and that all such contracts, conveyances, surrenders, leases, and other deeds and instruments, wherein the said Principal Officers, or the said Respective or other Chief Officers or Officer, as aforesaid, shall be called or described by their style or title, as aforesaid, and the execution thereof respectively by the said Principal Officers, or any two or more of them, or by the said Respective or other Chief Officers or Officer, as aforesaid, and be as valid and effectual, and have the like force and operation, to all intents and purposes whatsoever, as if the said Principal Officers, or any two or more of them, or the said Respective or

other Chief Officers or Officer, as aforesaid, had been respectively named therein.

(Respective Officers to make to the Governor annual returns of all messuages, lands and buildings, and of all monies received and paid in respect thereof; such return to be laid before the Legislature of the Colony, within six weeks after the meeting thereof.)

XV. And be it enacted, that the said Respective Officers of Her Majesty's Ordinance for the time being, resident in the Colony of New South Wales aforesaid, shall make annually to His Excellency the Governor of the said Colony, a just and true Return of all messuages, lands, tenements, and buildings vested in pursuance of the provisions of this Act, and of all monies which shall from time to time be received by, or payable to the said Respective Officers in respect of any such lands, tenements, or other buildings, and that the same shall be laid before the Legislature of the Colony within six weeks after the meeting of the same.

GEORGE GIPPS,

Governor.

Passed the Legislative Council  
this second day of July,  
One thousand eight hundred  
and forty.

WM. MACPHERSON,

Clerk of Councils.

ANNO QUARTO.

VICTORIA REGINÆ.

No. 3.

By His Excellency Sir George Gipps, Knight, Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, with the advice of the Legislative Council.

An Act to enable the Members of a certain Society in the Colony of New South Wales, denominated "The Hawkesbury Benevolent Society," to sue and be sued in the name of their Treasurer for the time being, and for other purposes therein contained.

WHEREAS, a Society has been for some years established at Windsor, in the Colony of New South Wales, called "THE HAWKESBURY BENEVOLENT SOCIETY," which has for its object the relief of such poor persons as through age, accident, or infirmity, are unable to support themselves: And whereas Enabling the Society to sue in the name of their Treasurer, and be sued in the place of the whole of the Members of such Society: Be it therefore enacted, by His Excellency the Governor of New South Wales, by and with the advice of the Legislative Council thereof, That all Actions and Suits whatsoever against any Person or Persons, whether a Member or Members of the said Society, or otherwise, and all other Proceedings whatsoever, whether at Law or in Equity, to be commenced or prosecuted by or on the behalf of the said Society, or wherein the said Society is or shall be in anywise interested or concerned against any Person or Persons, Body or Bodies, Politic or Corporate, shall and may be lawfully commenced and prosecuted in the name of the Person who shall be the Treasurer of the said Society at the time any such Action, Suit, or other Proceeding shall be instituted, as the no-

nominal Plaintiff, Prosecutor, Complainant, or Petitioner, for and on behalf of the said Society: and such Proceedings shall and may be prosecuted and carried on to their final termination in the name of such Treasurer, notwithstanding any change may have been made in the said Office of Treasurer during the progress of any such Action, Suit, or other Proceeding.

*(Actions against the Society to be prosecuted against their Treasurer.)*

II. And be it enacted, That all Actions, Suits, Prosecutions, and other Proceedings at Law, or in Equity, to be commenced and prosecuted against the said Society, shall be commenced and prosecuted against the Treasurer thereof for the time being, as the nominal Defendant for and on behalf of the said Society, and that the death, resignation, or other Act of the Treasurer of the said Society, shall not abate any such Action, Suit, or other Proceeding, but the same may be continued where it left off, and be prosecuted and carried on against the said Society in the name of the Person who was Treasurer when such Action, Suit, or other Proceeding was instituted or commenced: Provided always, That every such Treasurer, in whose name any such Action, Suit, or other Proceeding shall be commenced, prosecuted, carried on, or defended, shall in all cases be reimbursed and paid out of the Funds of the said Society.

*(Treasurer may be a Witness.)*

III. And be it enacted, That the Treasurer for the time being of the said Society, being the Plaintiff, Prosecutor, or Complainant, Petitioner or Defendant in any Action, Suit, Petition, or other Proceeding as aforesaid, on behalf of the said Society, shall not prevent his being a witness in any such Action, Suit, Prosecution, Petition, or other Proceeding, in like manner as he might have been if his name had not been made use of as such Plaintiff, Prosecutor, or Complainant, Petitioner, or Defendant therein.

*(Memorial of the name of the Treasurer to be recorded on Oath, in the Supreme Court.)*

IV. And be it enacted, That a Memorial of the name of the Treasurer of the said Society, in the form, or to the effect for that purpose set forth in the Schedule hereunto annexed, signed by the President, or Vice President, the said Treasurer, the Secretary, and a majority of the Committee of Management, of the said Society, shall be recorded upon oath, in the Supreme Court of New South Wales, within thirty days next after the passing of this Act; and when, and as often, as any Person shall be newly elected the Treasurer of the said Society, a Memorial of the name of such newly elected Treasurer, in the same form, or to the same effect, as the above mentioned Memorial, signed by such newly elected Treasurer, the President, or Vice President for the time being, the Secretary, and by a majority of the Members of the Committee of Management of the said Society, at the time of the election of such new Treasurer, shall in like manner, be recorded upon Oath, in the said Supreme Court, within thirty days next after such Treasurer shall be elected.

*(No Action to be brought until Memorial be recorded.)*

V. Provided always, and be it enacted, That until such Memorial as herein before first mentioned, be recorded in the manner herein directed, no Action, Suit, Prosecution or other Proceeding,

No. 47. August 8, 1840.

shall be brought by the said Society, in the name of the Treasurer of the said Society, as aforesaid, under the authority of this Act.

*(Society authorised to hold Land in the name of Trustees.)*

VI. And be it enacted, That the Members of the said Society shall be, and they are hereby authorised and empowered, by and in the name of the Trustees of the said Society hereinafter named, or the Trustees thereof for the time being, to accept, take, and hold any Estate or Estates, in Lands, Tenements, or Hereditaments, already granted or hereafter to be granted to them by the Crown but no other Estates, Lands, Tenements, or Hereditaments whatsoever, except what may be absolutely required for the purpose of building a House or Houses for receiving the Persons to be relieved by the said Society.

*(Lands belonging to the Society to be vested in Trustees.)*

VII. And be it enacted, That all Lands, Tenements, and Hereditaments, Personal Property or Effects, Books, Accounts, Minutes, Records, and all other Books kept by any Officer of the said Society, and relating to the affairs of the same, and all Furniture, Goods, and Chattels, of what nature or kind soever, now being, or at any time hereafter to become the Property of the said Society, shall be, and the same are hereby declared to be vested in William Cox, of Hobartville, Richmond, in the Colony aforesaid, Esquire; Robert Fitzgerald, of Windsor aforesaid, Gentleman; William Bowman, of Richmond aforesaid, Gentleman; Thomas Tebbut, of Windsor aforesaid, Merchant; and John Macdonald, of Pitt Town, in the Colony aforesaid, Gentleman, and their Successors, as Trustees for the said Society.

*(Trustees, within three months after election, to declare that all Lands, Tenements, Hereditaments, Personal Property or Effects, Books, Accounts, &c. shall be held, taken, and accepted, by them in Trust only, and to, and for the sole use, benefit, and advantage of the Society.)*

VIII. Provided always, and be it enacted, That the Trustees hereinbefore named and appointed do, and shall, within twelve months after the passing of this Act, or in case of the death, resignation, or absence from the said Colony, or incapacity to act, of any or either of the said Trustees, that the Trustees, or Trustee, to be elected from time to time, in manner hereinafter mentioned, in the room of any or either of the Said Trustees hereinbefore-named, so dying, resigning, or absenting themselves, or himself, from the said Colony, or being incapable to act, as aforesaid, do, and shall, within three months after such Election, by Deed in writing under their or his hands or hand, to be deposited with the President for the time being of the said Society, and registered in the Registry Office of the Supreme Court of New South Wales respectively, declare that the Lands, Tenements, and Hereditaments, Personal Property, or Effects, Books, Accounts, Minutes, Records, and all other Books kept by any Officer of the said Society, and relating to the affairs of the same, and all Furniture, Goods and Chattels, of what nature or kind soever, now, or at any time hereafter belonging to the said Society, shall be held, accepted, and taken by them in Trust only, and to, and for the

sole use, benefit, and advantage of the said Society; and to and for no other Use, Trust or Purpose whatsoever; but subject nevertheless, at all times, to the control, order and discretion of the Committee of Management for the time being, of the said Society, for such purposes as they, the said Committee, shall direct, order, or appoint; such order, direction, or appointment being made or entered in Writing, in the Book or Books of the Orders and Proceedings of the said Society, to be kept in the manner hereinafter mentioned, and certified to them, the said Trustees for the time being of the said Society, under the hand of the Secretary for the time being thereof; and which said Deed shall contain a Provision that the Trustees thereby named, and their successors, shall be respectively chargeable with their own individual Acts, Receipts, and Defaults only, and shall be entitled to be reimbursed out of the Funds of the said Society their Expenses in relation to the Trusts declared by such Deed: Provided always, That none of the Trustees hereinbefore named and appointed, or any future Trustees or Trustees to be elected from time to time in manner hereinafter mentioned, shall be capable of acting as Trustees or as a Trustee, in the execution of this Act, until they or he shall have duly executed the said Deed or declaration in the manner hereinbefore mentioned.

*(Trustees dying to vest in Survivors.)*

IX. And be it enacted, That in case of the death, resignation, or absence from the Colony, or the incapacity of any or either of the said Trustees, or of any other or future Trustee or Trustees, that the said Lands, Tenements and Hereditaments, Personal Property or Effects, Books, Furniture, and other Property belonging to the said Society, shall vest in the surviving or remaining Trustee or Trustees, until some other Person or Persons shall be elected at a General Meeting of the Members of the said Society, in the room or stead of the Person or Persons so dying, resigning, or being absent from the Colony, or becoming incapable of acting as aforesaid.

*(Trustees dying to be replaced.)*

X. And be it enacted, That upon the death, resignation, absence or incapacity, of any Trustee or Trustees of the said Society, an election shall take place at any subsequent General Meeting of the Society which shall next thereafter happen, of one or more Person or Persons to become Trustee or Trustees respectively in his or their room or stead, and thereupon the said Lands, Tenements, and Hereditaments, Personal Property or Effects, Books, Furniture, and other Property belonging to the said Society, shall vest in such new Trustee or Trustees jointly with the surviving or continuing Trustee or Trustees, as the case may require; and that every such new Trustee or Trustees shall have and may exercise the same powers and authorities as if he or they had been appointed a Trustee or Trustees by this Act: Provided nevertheless, that if by default of any such Election or elections the number of Trustees shall ever be reduced and continue for any one entire year below the number of five, it shall and lawfully be lawful for the Governor of the said Colony to appoint such and so many persons to be Trustees of the said Society, as shall be necessary to fill the Vacancy or Vacancies caused by such default of

Election or Elections, to complete the number of Trustees to five: Provided, however that nothing herein contained shall authorise the said Governor to appoint any person as a Trustee, who shall not be a member of the said Society.

*(Qualification of Members.)*

XI. And be it enacted, That the present Life Members of the said Society shall be Members thereof without further subscription, and that the payment to the Treasurer of a Donation of Ten Pounds Sterling shall henceforth constitute a Member for Life of the said Society; and that an Annual Subscription of One Pound Sterling shall constitute a Member of the said Society, upon payment of such Subscription to the Treasurer: Provided, however, that no person except a Life Member shall be capable of taking any part in the management of the affairs of the said Society, or of voting at any General Meeting, until he shall have been a Member of the said Society for the space of one complete year: Provided, also, that any person whose subscription for any year shall remain unpaid on the Thirty-first day of December in such year, shall cease to be a Member of the said Society.

*(Election of Officers of the Society.)*

XII. And be it enacted, That a General Meeting of the Members of the said Society shall be held on the first Monday in the month of February in every year, or within thirteen days thereafter; at which Meeting the Committee of Management of the preceding year of the said Society shall lay before the Meeting a Written Report, containing a Statement of the Receipts and Disbursements of the said Society, and of the quantity of Land, Live Stock, and Property possessed by the said Society, together with every other information respecting the said Society, which the said Committee can afford; after which there shall be an Election of Officers of the said Society, namely: A President, Vice-President, Secretary, and Treasurer, and also of Eight Members, who together with the President, Vice-President, Secretary and Treasurer, and the Trustees for the time being, of the said Society, shall be a Committee for the Management of the affairs of the said Society for one year next ensuing such Election, unless they, or any of them, shall die, resign, or cease to be a Member or Members of the said Society, and that not less than five of the said Committee shall form a Quorum, and that as often as an even number of the Committee shall attend at such Meetings the President or the Vice-President, or in their absence the Chairman who shall be elected and who shall preside at such Meetings shall have a deliberative, as well as a casting vote; and when, and so often, as any of the said Officers or the third of the Members of such Committee shall in the course the year of their Election happen to die, resign, or become disqualified to act as such Officer or Officers, or Members of such Committee, a Special General Meeting of the said Society shall be convened by the Secretary, for the purpose of electing a Member or Members to fill such vacancy or vacancies, and to exercise the said Office or Offices, for such time and times, and with the like powers and authorities, as the person or persons so dying, having resigned, or becoming disqualified, would have done respectively if no such vacancy or vacancies had occurred.



*(Powers of the Committee.)*

XIII. And be it enacted, That the said Committee of Management shall have full power and authority to issue, lay out, and dispose of, all sums of money which shall be requisite for carrying into effect the purposes of this Act; subject however, to such Orders, Bye-laws, Rules, and Regulations, as shall at any time be duly made and established, at any General Meeting of the said Society.

*(Appointment of Clerk, Superintendent of Stock, Superintendent of the Asylum, and other Servants.)*

XIV. And be it enacted, That it shall and may be lawful for the said Committee of Management for the time being, and they are hereby authorised and empowered from time to time, to nominate and appoint a Clerk, Superintendent of Stock, a Superintendent or person having charge of the said Asylum, and other Servants, and one or more Receiver or Receivers, Collector or Collectors, of all and singular the sum or sums of money, to become due and payable to the said Society, under and by virtue of all or any of the present, or any future Rules and Regulations of the said Society, and also from time to time to alter, and change, or to discharge, and dismiss, or suspend, any such Clerk, Superintendent of Stock, Superintendent or person having charge of the said Asylum, Receiver or Receivers, Collector or Collectors, or other Servants, and to appoint another, or others, in their stead, or place, as there shall be occasion, subject however, to the approbation of a General Meeting of the said Society; and that every Clerk, Superintendent of Stock, Superintendent or person having charge of the said Asylum, Receiver, or other Servant of the said Society, now, or hereafter to be appointed, shall provide and give such Securities, and enter into, sign, and execute such Deeds, Covenants, Assurances, and Instruments in the Law, and do and perform such other lawful Acts and things in the Law, as the said Committee may require, and the Counsel in the Law of the said Society may approve, and that such Securities, Deeds, Covenants, and Assurances, shall be made, given, and executed, by the said Clerk, Superintendent of Stock, Superintendent or person having charge of the said Asylum, Receiver or other Servant of the said Society, to the Treasurer of the said Society, for the time being, for and on behalf of the said Society.

*(How General Meetings to be convened.)*

XV. And be it enacted, That the said Committee, or any eight Members of the said Society, shall and may at any time or times and for such purpose or purposes as they may think expedient, call a Special General Meeting, or Special General Meetings, of the said Society, of which notice in writing shall be given at least fourteen days before the calling of such Meeting; and that at all General and Committee Meetings of the said Society, the decision of every question or proposition which shall be then discussed, shall be by a show of hands of the majority in number of the members of the said society constituting such meetings, respectively, and qualified to vote as aforesaid, and in case of an even number of votes on any matter or question then discussed, the President, or in his absence the Vice-President, or the Chairman to be elected at such General or Committee Meetings shall have a casting vote, as before mentioned.

*(Bye-laws may be made at General Meetings.)*

XVI. And be it enacted, That the said Society shall have full power and authority, from time to time, at any of their General Meetings, to make such rules and orders and Bye-laws as to them shall seem meet and proper for regulating the proceedings, and for the General management of the said Society in all respects whatsoever, and from time to time to alter and repeal such Rules, Orders, and Bye-laws, or any of them, and to make others as to the members of the said society at any General Meeting shall seem meet and expedient; and all Rules, Orders, and Bye-laws so made as aforesaid shall be entered by the Secretary, or Clerk of the said Society, or by such other person as shall attend in his or their stead, in a Book, or Books to be kept for that purpose; and such Rules, Orders, and Bye-laws, so entered and signed by the President, or the Vice President of the said Society, or the Chairman to be elected at such Meetings respectively, and by the Secretary or Clerk present at such Meeting, shall be deemed and taken to be authenticated Rules, Orders, and Bye-laws, of the said Society, and shall be binding on all the Members of the same, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided always, That such Rules, Orders, and Bye-laws be not repugnant to the Laws of the United Kingdom of Great Britain and Ireland, or to the Laws of the Colony of New South Wales, or to any of the Provisions of this Act, and that Copies thereof be entered in a Record Book of the said Society.

*(Governor may appoint Visitors to examine Books, &c. and report thereon.)*

XVII. And be it enacted, That it shall and may be lawful for the Governor of the said Colony; by an Instrument under the Great Seal of the said Colony, to appoint at any time two or more Visitors with powers fully to inspect, inquire into, and report on the affairs of the said Society, as well as to examine all Books, Records, or other Documents, and all Accounts of Receipts and Disbursements of the said Society; and if by the Report of the said Visitors, it shall appear to the Governor, and the Executive Council of the said Colony, that the Estate or Estates in Lands, Tenements, or Hereditaments granted by the Crown to the said Society have not been discreetly or properly managed, it shall and may be lawful for the said Governor, with the advice of the said Executive Council, to remove the whole, or any one or more of the Trustees of the said Society, and to appoint as many others in their stead, being also Members of the said Society; or if it shall at any time appear, by the said report that the value of the said last mentioned Estates, Lands, and Hereditaments, exceeds the sum of Forty Thousand Pounds, or if it shall appear that the Annual Income or Revenue exceeds the sum of Three Thousand Pounds, it shall and may be lawful for the said Governor, with the advice of the said Executive Council, to direct that such a portion of the said Annual Income or Revenue as to the said Governor and Executive Council shall seem proper, shall be paid to the Trustees or Directors of any Society, or Societies established or instituted or hereafter to be established or instituted, for the relief of the poor or for any other charitable purpose in the Town of Windsor, or at

any one or more Towns or places within the Districts of Windsor, Richmond, Pitt Town, Wilberforce, and the Lower Hawkesbury, as the said Governor and Executive Council may deem most advisable: And the Treasurer for the time being of the Hawkesbury Benevolent Society aforesaid, is hereby authorised and required to pay the same accordingly.

(Act not to be affected by change of Members of the Society.)

XVIII. And be it enacted, That the Provisions in this Act contained shall extend and be continued, and taken to extend to the said Society, at all times during the continuance of the same, whether the said Society be now or be hereafter composed of all or some of the Persons who were the original Members thereof, or be composed altogether of Persons who were not the original Members of the same.

(Punishment of Inmates of the Asylum, for waste of Goods or materials committed to their charge.)

XIX. And be it enacted, That if any poor Person who hath been or shall be admitted as an Inmate into the Asylum of the said Society, shall wilfully waste any of the Goods or Materials committed to his or her care, or shall take or carry away without permission of the Superintendent or person having charge of the said Asylum, any Goods or Materials provided for the use thereof, or belonging to any person residing there, it shall and may be lawful for any two Justices of the Peace, upon complaint being made before them upon oath, to hear the same, and the party accused, and upon conviction to commit the Offender to the common Gaol, there to be kept on bread and water, for any time not exceeding one month.

(Commencement of Act.)

XX. Provided always, and be enacted, That nothing in this Ordinance contained shall be deemed to affect or apply to any Right, Title, or Interest of Her Majesty, Her Heirs, and Successors, or of any Body, Corporate or Politic, or any other Person or Persons, excepting such as are mentioned herein, or of those claiming by or under them.

(This Act to be deemed a Public Act.)

XXI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by the Judges of the Supreme Court of New South Wales, and by all other Judges, Justices and others within the Colony of New South Wales and its Dependencies, without being specially pleaded.

"GEORGE GIPPS,"  
Governor.

Passed the Legislative Council,  
this twenty-first day of July,  
One thousand eight hundred  
and forty.

WM. MACPHERSON,  
Clerk of Councils.

#### SCHEDULE REFERRED TO.

Memorial of the name of the Treasurer of "THE HAWKESBURY BENEVOLENT SOCIETY," to be recorded in the Supreme Court of New South Wales, pursuant to an Act of the Governor and Council, passed in the fourth year of the

Reign of Her Majesty Queen Victoria, intituled, "An Act to enable the Members of a certain Society in the Colony of New South Wales, denominated 'THE HAWKESBURY BENEVOLENT SOCIETY,' to sue and be sued in the name of their Treasurer for the time being, and for other purposes therein contained."

A. B., Treasurer.	C. D., President.
E. F. }	N. O. }
G. H. }	P. Q. }
I. K. }	R. S. }
L. M. }	T. U. }

Members of Committee.

V. W. of                      Gentleman,                      of the  
above named Society maketh Oath and saith, that he was present and did see the foregoing Memorial signed by the abovenamed Treasurer, President, and Members of Committee, respectively, whose names appear thereto.

Sworn this                      day  
of                      A. D. 18                      .

#### ANNO QUARTO VICTORIÆ REGINÆ.

No. 4.

By His Excellency Sir George Gipps, Knight, Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, with the advice of the Legislative Council.

An Act to amend an Act intituled "An Act for the better preservation of the Ports, Harbours, Havens, Roadsteads, Channels, Navigable Creeks and Rivers, in New South Wales, and the better regulation of Shipping in the same."

WHEREAS an Act was passed by the Governor and Legislative Council of New South Wales, in the third year of the Reign of His late Majesty King William the 3 Wm. IV Fourth, intituled "An Act for the better preservation of the Ports, Harbours, Havens, Roadsteads, Channels, Navigable Creeks and Rivers, in New South Wales, and the better regulation of Shipping in the same." And whereas the increase of Population and the extension of Commerce in divers Seaport Towns in New South Wales, render it expedient and necessary to alter and amend the Governor and said recited Act: Be it therefore enacted, by His Excellency the Governor and Executive Council of New South Wales, with the advice of the Legislative Council thereof, That it shall be lawful for the Governor, with the advice of the Executive Council of the said Colony, to frame rules and regulations to be observed by the Masters and Commanders of all Ships in any Port or Harbour in New South Wales, except Port Jackson: Provided always that no penalty to be imposed by such rules and regulations shall in any similar case exceed the penalties respectively inserted, described, and set forth in the Schedule to the said recited Act annexed, marked A, or the penalties imposed by this Act.

(Increased rates of Pilotage may be made for Port Phillip.)

II. And whereas the rates and charges authorised by the said recited Act to be taken for the Pilotage of Ships and Vessels entering into, and



departing from, the Ports and Harbours of New South Wales, have been found to be insufficient for the Harbour of Port Phillip, in the said Colony: Be it enacted, That it shall and may be lawful for the Governor, with the advice of the said Executive Council, to make increased rates and charges for the said Harbour of Port Phillip: Provided always, that the increase so to be made on any such rate or charge shall in no case exceed Fifty per Cent on the rates and charges respectively inserted, described, and set forth in the Schedule to the said recited Act annexed, marked B.

*(So much of 3 Wm. IV. No. 6, repealed, as relates to Rate for Water supplied to Shipping, and other rates may be made in lieu thereof.)*

III. And be it enacted, that from and after the passing of this Act, so much of the said recited Act as relates to the rate payable by Masters of Ships taking Water from the Pipes in the Dock-yard in the town of Sydney, in the Colony aforesaid, shall be and the same is hereby repealed: And that in lieu of the rate therein mentioned, it shall be lawful for the Governor, with the advice of the said Executive Council, from time to time to fix other rates to be paid for Water taken from such Pipes, or from any Pipes, Fountains, Wells, or Reservoirs, in any Port or Harbour within the Government of New South Wales, and from time to time to vary the same: Provided always, that the rates so to be fixed for such Water shall in no case exceed the sum of two shillings and sixpence per Tun.

*(So much of 3 Wm. IV. No. 6, repealed, as relates to Wharfage rates and charges, and new rates and charges substituted.)*

IV. And be it enacted, That from and after the passing of this Act, so much of the said recited Act as relates to the rates and charges for Wharfage fixed thereby, and inserted, described, and set forth in the Schedule thereto annexed, marked F, shall be, and the same is hereby repealed: And that in lieu thereof it shall and may be lawful to levy the several rates and charges for Wharfage on all Goods, Merchandize and Packages landed at the Queen's Wharf, in the Town of Sydney aforesaid, or at any other Public Wharf, in any Port or Harbour within the Government of New South Wales, which are inserted, described, and set forth in the Schedule to this Act annexed, marked A.

*(Penalty on Masters allowing Passengers to embark improperly, raised to £100.)*

V. And whereas, in order to prevent the escape of Convicts from the said Colony, it is in the said recited Act enacted, That every Master or Commander of a Vessel about to leave any of the Ports of the said Colony, shall, at the time of clearing out at the Custom House deliver to the Officers of Customs a list containing the names of the Officers, Crew, and Passengers, intending to leave the Colony in such vessel, and that such Master or Commander shall forfeit and pay the sum of Ten Pounds if he shall permit any person to embark on board his Vessel whose name has not been entered in the List so delivered by him: And whereas not only to prevent the escape of Convicts, but also the more effectually to prevent Debtors from absconding to avoid the payment of their Debts, it is expedient that the said Penalty should be increased: Be it enacted, that if the Master or Commander of

No. 47. August 8, 1840.

any Ship or Vessel about to leave any of the Ports or Harbours of the said Colony, shall permit any person to embark on board his Ship or Vessel, whose name has not been entered in the List required by the said recited Act to be delivered to the Officers of Customs therein mentioned, every such Master or Commander shall for every such offence forfeit and pay the sum of One Hundred Pounds, to be recovered in the Supreme Court of the said Colony, either in the name of one of the Principal Officers of Her Majesty's Customs, or of Her Majesty's Attorney General of the said Colony.

*(Penalty on Masters for non-observance of Regulation No. 5, contained in Schedule A, as altered and amended.)*

VI. And whereas by the said recited Act, it is enacted, that if any Master or person commanding any Ship or Vessel in Port Jackson shall fail or neglect to observe all the Regulations contained in Schedule A thereunto annexed, such Master or other person so offending shall for every such offence forfeit and pay the sum of Five Pounds, except for the breach of Regulation number one in the said Schedule: And whereas it is expedient that the Regulation number five in the said Schedule should be altered and a higher Penalty be imposed for the breach thereof; Be it enacted, That if the Master or Commander of any Ship or Vessel unmoor, or quit the anchorage in Sydney Cove or Darling Harbour, without giving previous notice in writing to the Harbour Master, or having unmoored and set sail with the intention of going to sea, shall again come to anchor within the Heads of Port Jackson, anywhere to the north-eastward of Bradley's Head, unless compelled to do so for the safety of his vessel, he shall forfeit and pay the sum of Twenty Pounds; and if, in the event of his being so compelled to come to anchor, he shall refuse on demand to deposit his Clearance with the Clearing Officer, or Master of the Revenue Cutter until about to sail again, or shall again weigh anchor without permission from the Officers of Customs, he shall forfeit and pay the like Penalty of Twenty Pounds; the said Penalties respectively to be recovered before two or more Justices of the Peace, in the manner and form directed for the recovery of Penalties by the said recited Act.

*(All Coasting Vessels entering the Harbour between sun-set and sun-rise to hoist a Light at the Mast-head.)*

VII. And whereas it frequently happens that Masters of Coasting Vessels enter the Harbour of Port Jackson during the Night time, and after discharging their Cargo, again leave the Harbour without the cognizance of the Officers of Customs: Be it enacted, That from and after the passing of this Act, the Masters of all Coasting Vessels entering the said Harbour between sun-set and sun-rise shall hoist a Light at the mast-head, and keep it burning until daylight; and any Master neglecting so to do, shall, on proof thereof before any Justice of the Peace, forfeit and pay the sum of Ten Pounds sterling, to be recovered and applied in the manner and form directed for the recovery of other Penalties by the said recited Act.

*(Appropriation of Rates and Charges.)*

VIII. And be it enacted, That all rates and charges collected or levied under this Act, and not otherwise specially appropriated, shall go to Her Majesty, Her Heirs and Successors, for the Public

Uses of any Port or Harbour within the Government of New South Wales, in which the same shall have been so collected or levied.

GEORGE GIPPS,  
Governor.

Passed the Legislative Council,  
(this twenty-first day of July,  
one thousand eight hundred and  
forty.

WM. MACPHERSON,  
Clerk of Councils.

# SCHEDULE A, TO WHICH THIS ACT REFERS.

## TABLE OF WHARFAGE RATES.

	s.	d.
Alkali } loose, the ton	2	6
or } in casks, according to		
Barilla } size	0	6
Arrowroot, the cask or box	0	3
Bacon, bundle	0	14
" side	2	6
Bark, loose or in bags, Ton	0	6
Bellows pair	0	6
Beef or Pork or Lard tierce or barrel	0	6
" hhd.	0	9
Beer hhd.	0	9
" barrel	0	6
" in bottle, cask of 9 dozen	0	6
" 6 "	0	6
" 3 "	0	44
Biscuit in bags, ton	2	6
" barrels	0	44
Books, see Stationery, in other packages, according to size		
Bricks, Slates, or Tiles 1000	2	6
Brooms, loose per dozen	0	3
Brushes cask	0	9
" case	0	6
" bundle	0	6
" 100	1	0
Burr stones barrel	0	6
Butter firkin or keg	0	3
Barley, see Corn		
Cables, see Rope		
Canes, Rattans, per 100 bundles	2	6
Carriages 4-wheeled	5	0
" 2-wheeled	2	6
Candles box	0	6
Casks, empty tun	0	6
Cement, in bulk, ton	2	6
" barrel	0	6
Chalk or Whiting, in bulk, ton	1	0
" in Casks, according to size.		
Cheese, cask or case	0	6
" loose or in tins	0	14
Cigars, case	1	0
" box	0	14
Clay, hhd.	1	0
" cask	0	9
Cocoa Nuts, per 100	0	6
Cocoa or Chocolate, case	0	6
" bag	0	14
Coffee, bag	0	14
" Casks according to size.		
Confectionary, package	0	6
Preserves } ton	2	6
Copper, in Sheets, cask or case	0	9
" bushel	0	1
Corn, in bulk or bags, bushel	0	1
" Casks according to size.		
Corks, in bags or casks	0	6
Cork-wood, bundle	0	9
Currants butt	2	0
" carotol	0	9
" cask or case	0	6
" jar	0	14
Drugs or Medicines, cask or case	0	6
Deals or Battens per 100	2	6
Dholl or Gram bushel	0	1
Earthenware, see Ironmongery		
Feathers, bale	1	0

Figs, drum or 4 drum	0	44
Fish, dried or salt, bale, cask or case	0	6
" barrel or 4 barrel	0	3
Flags (Coopers), ton	1	0
Flax, ton	1	0
Floor Cloth per roll	0	6
Flour, in bags, ton	2	6
" barrel	0	44
Fruits, green or dried, cask or package	0	6
Furniture, package	0	6
Fireworks, see Toys		
Gin, case	0	6
" half case	0	44
Ginger, bag	0	14
" hogshead	1	0
" pockets per 100	5	0
Glassware, see Hardware		
Glass, Window, box	0	6
Glue, hogshead	1	0
" cask	0	6
Grain, see Corn		
Grindery, cask or case	0	9
Grindstones, each	0	14
Gunny Bags, bale	0	6
Gunpowder, free		
Hams, loose per dozen	0	3
" cask or case	0	6
" hogshead	1	0
Hay, ton	2	6
Hides, bale	0	6
" loose per 100	2	6
Hops, pocket or bale	1	0
Horses and Cattle, head	1	0
Hardware, see Ironmongery		
Ice, ton	1	6
Iron, bars, bundles, or sheets, ton	2	6
Ironmongery, butt	2	6
" crate or hogshead	1	0
" cask or case	0	9
" Machinery, ton	3	6
Laths, per thousand	1	0
Lead or Zinc, ton	2	6
Lemon Syrup, cask or box	0	6
Lime Juice, cask or box	0	6
Manufactures, case or bale	0	6
Mangle, 10		
Marble, manufactured, case	1	0
" in blocks, ton	2	6
Matting, roll	0	3
Millstones, each	2	0
Molasses, hogshead	0	9
" other packages or tanks, ton	2	6
Mother of Pearl Shells, ton	2	6
Nails, cask	0	6
" bag or keg	0	3
Oats, see Corn		
Oatmeal, cask	0	6
Oars, dozen	0	6
Oil, Black and Sperm, tun	2	0
" half tun	1	0
" If less than half a tun, to be charged by the cask.		
" Linseed, and all other, butt	2	0
" pipe	1	0
" hogshead	0	9
" cask	0	6
Oil of Turpentine or Varnish, can or bottle	0	14
Oilman's Stores, cask or case	0	6
Pease, keg or bushel	0	14
Pepper and Spice, bag	0	14
Perfumery, cask or case	0	6
Pianofortes, each	1	0
Pigs, 0		
Pitch, see Tar		
Ploughs, Harrows, or Drills, each	0	6
Potatoes and Yams, Carrots or Onions, in bags, ton	1	6
" box	0	6
" half box	0	3
French Plums, quarter box	0	14
" packages	0	6
Rattans, see Canes		
Rice, bag	0	14
Rope, coil or package, ton	2	6

	s.	d.
Salt, loose.....	ton	1 6
Seltzer and Soda Water.....	dozen	0 1½
Sheep or Goats .....	per head	0 1½
Shingles .....	per thousand	1 0
Shot, loose .....	ton	2 6
" .....	cask or keg	0 6
Shooks .....	bundle	0 6
Soap.....	box 112 lbs.	0 6
	half box	0 3
	quarter box	0 1½
Skins, loose.....	dozen	0 3
	cask or case	0 6
	hhd.	1 0
Spades, Shovels, Forks and Frying Pans, dozen		0 3
Spars, according to length, per foot .....		0 0½
Spelter .....	ton	2 6
Starch, see Oilman's Stores.		
Stationery.....	cask, case, or bale, each	0 6
Steel, loose .....	ton	2 6
" .....	cask or case	0 9
Sugar, refined.....	hogshead	1 0
" .....	tierce	0 9
" Foreign.....	bag	0 1½
" .....	cask or basket.....	2 6
Tallow, Slush, or Fat.....	hogshead	0 9
" .....	cask	0 6
Tar or Pitch.....	barrel	0 6
Tea .....	chest	0 3
" .....	ditto	0 1½
" .....	box	0 1½
Timber .....	per load, 600 feet	2 6
Tin Plates .....	box	0 6
Tobacco .....	tierce	0 9
" .....	keg	0 3
" .....	basket or roll	0 1½
" .....	hhd.	1 6
Toys and Turnery .....	cask or case	0 6
Tongues or Tripe .....	keg	0 3
Wines and Spirits, pipe, butt, or puncheon..		1 0
" .....	hhd.	0 9
" .....	barrel or ¼ cask	0 3
" .....	leaguers	1 6
" .....	ditto	1 0
" in bottle, 6 dozen cask or case.....		0 9
" 3 ditto .....		0 6
" 1 or 2 ditto .....		0 3
Vinegar .....	hhd.	0 9
" .....	½ ditto	0 4½
" .....	barrel	0 6
Walnuts or other Nuts.....	bag	0 3
Whalebone .....	ton	2 6
Whale or other boats .....		1 0
Wheels, cart or carriage, .....	each	0 3
Wheelbarrows .....	each	0 3
Wheat, see grain		
Wool .....	bale	0 6
Wood .....	ton	2 6
Thrashing Machine .....		3 0
Unenumerated heavy goods, loose, ton .....		2 6
Unenumerated goods in packages,		
Tun Butt, .....		2 0
Butt or Puncheon, .....		1 0
Hogshead or Crate .....		0 9
Barrel .....		0 6
Keg, ¼ cask or firkin, .....		0 3
Bundle or case .....		0 6
Jar, can, or bottle.....		0 1½

ANNO QUARTO  
VICTORIÆ REGINÆ.  
No. 5.

By His Excellency Sir George Gipps, Knight,  
Captain-General, and Governor-in-Chief of  
the Territory of New South Wales and its  
Dependencies, and Vice Admiral of the  
same, with the advice of the Legislative  
Council.

(An Act to provide for the maintenance of  
deserted Wives and Children.)

WHEREAS, several instances have occur-  
red in the Colony of New South

Wales and its Dependencies, of Persons desert-  
ing either their Wives or their Children (and  
in some cases both), and leaving them without  
adequate means of support, and it is expedient  
to provide a remedy in future for such cases :  
Be it enacted by His Excellency the Governor  
of New South Wales, with the advice of the  
Legislative Council thereof, that if after the  
passing of this Act, it shall at any  
time be made to appear to the rea-  
sonable satisfaction of any Justice of  
the Peace that any Married Woman  
hath been (whether before or after  
the passing of this Act) unlawfully  
deserted by her Husband, or hath been left by  
him without means of support, it shall be law-  
ful for such Justice, upon Complaint on oath  
by her, or any reputable person on her behalf,  
to cause a Summons to be issued directing the  
Husband to appear before two Justices to shew  
cause why she should not be supported by him :  
And in any such case of desertion, it shall be  
lawful for the Justice, upon proof thereof on  
oath, to issue a Warrant for the Husband's  
apprehension in order to compel such appear-  
ance.

(The matter to be enquired into, and Order  
for Maintenance made, by two Justices.)

II. And be it enacted, that upon the day ap-  
pointed for such appearance, (whether the  
Party shall have been taken on such Warrant,  
or cannot after strict inquiry and search be  
found to be taken thereon, or shall appear  
upon such Summons, or having been Sum-  
moned shall fail to appear) such two Justices,  
or any other two Justices then sitting, shall  
proceed to inquire into the Matter of such  
Complaint, and if they shall be satisfied that  
the Wife is in fact without means of support,  
and that her Husband is able to maintain her,  
or to contribute to her maintenance, then such  
Justices shall make an Order in Writing, direct-  
ing him to pay, either weekly or monthly at  
their discretion, (and to such person, or in  
such manner for her use as they may think fit,)  
such moderate sum or allowance as they shall  
consider proper; Provided that upon any ap-  
plication by or on behalf of the Husband, or  
the Wife, or for any other cause, it shall be  
lawful for the Justices to postpone or adjourn  
the Inquiry from time to time, as they shall  
deem it expedient.

(In certain cases the Party's Goods, &c. may  
be seized and sold.)

III. And be it enacted, That if in any case it  
shall appear to the Justices, (in addition to the  
particulars last aforesaid) that the Husband  
hath deserted his Wife, it shall be lawful for  
them in and by such Order as aforesaid, to author-  
ise and direct some Person forthwith to seize and  
sell such Husband's Goods and Chattels, and  
to demand and receive his Rents, or such por-  
tion of them respectively as the said Justices  
shall think fit, and to appropriate the proceeds  
towards the payment of such Allowance, in such  
manner as they shall from time to time direct :  
And the like order may be made, and authority  
be given, by any Two Justices upon complaint  
made for that purpose before them, in any case

where the Husband shall have left the said Colony, or any of its respective Dependencies in which he shall have theretofore usually resided (and that fact shall appear on oath to them) without the previous issue either of a Warrant or Summons.

*(Woman complaining of being deserted, or left without adequate means of support, to produce before the Justices hearing such complaint, direct evidence of her Marriage or make affidavit setting forth the time, place, and circumstances of her Marriage, with the man complained against.)*

IV. And be it enacted, that any Woman making complaint to any Justice of having been actually deserted as aforesaid, by her Husband, or left by him without sufficient means of support, shall produce before such Justices appointed to enquire into the matter of such complaint, direct evidence of her marriage with the person against whom the complaint is made, or in case of her inability to produce such direct evidence to the satisfaction of the Justices aforesaid, shall make affidavit before them, setting forth the time, place, and circumstances of the said marriage, and her affidavit shall be deemed sufficient to authorise such Justices to make an order for her maintenance by her Husband, in the manner provided by this Act, and such order shall continue in force, until it be rescinded by the same, or any two other Justices, upon such proof as they shall deem sufficient, being given before them, of the falsity of the averments sworn to by the woman, as herein before directed; Provided that it shall be in the discretion of the Justices, upon any reasonable cause shewn for such desertion, or refusal of maintenance, to decline making any such order.

*(Penalty for falsely deposing.)*

V. And be it enacted that any Woman who shall falsely depose, in such affidavit as aforesaid, to the fact of her marriage with any man, for the purposes of obtaining from the Justices an order for any sum or allowance to be made by such Man, for or towards her support, shall on conviction thereof suffer such punishment as may by law be inflicted on persons convicted of wilful and corrupt perjury

*(On application of the Principal Superintendent of Convicts, or of the Chief Constable of the District, in which any such Woman may reside, the like proceedings may be had in the case of Convict married Women, as in other cases.)*

VI. And be it enacted, that where any married Woman who is under an unexpired sentence or order of transportation, shall have been deserted, or left without support by her Husband, the like proceedings may be had, and the like order made, as aforesaid, on the application of the Principal Superintendent of Convicts, or of the Chief Constable of the District in which such Woman usually resided.

*(All the powers of the Act with respect to Wives extended equally to Children.)*

VII. And be it enacted, That Complaint may be made as aforesaid (either by the Mother or any reputable Person) in case of the Desertion by any Father of his Child or Chil-

dren, or where any Child shall have been left by the Father without adequate means of Support: And the like proceedings may thereupon in every such case be taken against the Father, and such Inquiry be had touching his ability to maintain such Child, or Children, and the like Order or Orders be made in respect thereof, as are hereinbefore directed or authorised, respectively, with regard to the Desertion or Maintenance of a Wife.

*(Provision as to Illegitimate Children.)*

VIII. And be it enacted, That the preceding Section shall extend to and include Illegitimate Children as well as Children born in Wedlock: Provided that no Man shall be taken to be the Father of any Illegitimate Child upon the oath of the Mother only: Provided also, that in every case where it shall appear to the Justices that the Mother of an Illegitimate Child is able to contribute to its support, it shall be lawful for them to direct that she shall so contribute as well as the Father in such proportions respectively, and in such manner as such Justices shall think fit; and if in any such case it shall appear that the Mother only is of such ability, it shall be lawful for the Justices to make an order in respect of her alone.

*(Proceedings for enforcing Orders under this Act.)*

IX. And be it enacted, That it shall be lawful for the Justices by whom any Order shall have been made under this Act touching the support of any Wife or Child, or for any other two Justices from time to time in a summary way, (with or without any application for that purpose) to make such Orders in Writing as they may think necessary for better securing the payment and regulating the receipt of the allowance directed for such Wife's or Child's Support, or for investing and applying the proceeds of the Goods or Rents, if any, directed to be sold or collected, or for ensuring the due Appropriation of such Allowance to the bona fide purposes of Maintenance, or for causing the Child or Children to be properly brought up and educated; And any one Justice shall have power at any time in a summary way to enquire into the disobedience, or alleged disobedience of, or non-compliance with, any such Order, or with any Order made by any Court of Quarter Sessions as hereinafter mentioned, and for that purpose to summon and examine all proper Parties and Witnesses, and to enforce compliance or punish the non-compliance with such Order, either by Commitment of the offending party until the same shall have been complied with, or by the imposition of a Fine not less than Five Pounds, nor more than Fifty Pounds.

*(Proceedings for Penalties, &c.)*

X. And be it enacted, That all Proceedings under this Act, whether before two Justices or one Justice, shall be had and taken, and all Summonses to Parties and Witnesses and Warrants (where necessary) for enforcing the same shall be issued and served or executed respectively, and all such Fines as aforesaid shall be imposed and recovered, and every Person feeling aggrieved by the imposition of any such

Fine, or by any Order of any two Justices under this Act, shall be entitled to appeal therefrom upon the terms and in the manner and form respectively which are prescribed by an Act of the Governor and Council of the said Colony, 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 provisions of the said Act shall be applicable.

*(Quarter Sessions may modify Orders.)*

XI. Provided always and be it enacted, That it shall be lawful for any Court of Quarter Sessions holden for the District within which any Order under this Act shall have been made, (whether an appeal against the same shall have been entered or not, to quash, confirm, or vary any such Order, either in the whole, or in part, at their discretion, or to substitute a new Order in lieu thereof: And for that purpose every Order made by any two Justices under this Act shall be transmitted by such Justices under their hands and seals to the Clerk of the Peace of the District within twenty days next after the making of such Order.

*(Two Justices may bind any Child as an Apprentice.)*

XII. And be it enacted, That it shall be lawful for any two Justices, sitting in Petty Sessions, with the consent of either of the parents if living and within the Colony, but if otherwise, then without such consent, to bind by Indenture and put out any Child in respect of whose Maintenance any Order shall have been made under this Act, (such Child having attained the age of thirteen years, but not otherwise,) an Apprentice until he or she shall attain the age of Twenty-one years, to any Master or Mistress willing to receive such Child in any Trade, Business, or Employment whatsoever: And every such binding shall be as effectual in the Law to all intents and purposes as if the Child had been of full age and had bound himself or herself to be such Apprentice. Provided that such two Justices, previously to executing such Indenture, shall inform themselves as fully as they can of the Child's age, which age shall be inserted in such Indenture, and shall thereupon for the purposes of this provision be taken to be the Child's true age without further proof.

*(Assignment or Revocation of Indenture)*

XIII. And be it enacted, That in the event of the death of any such Master or Mistress, his or her Executor or Administrator may, (with the approbation of any one Justice) assign any such Indenture for the residue of the term then unexpired therein; And any two Justices, sitting in Petty Sessions, may, in case of such death, or upon the application of the

Master or Mistress in any other case, assign any such Indenture to any other person, or may absolutely revoke any Indenture in any case upon proof of ill usage of the Apprentice, and put out such Apprentice anew: Provided that in every such case of Assignment, the Assignee shall be as much bound to perform the several Covenants of the Indenture as if he or she had been the Master or Mistress originally named therein.

*(Convictions not to be quashed for want of form, nor removed by Certiorari.)*

XIV. And be it enacted, That no Conviction, Order, Warrant, or other matter made, or purporting to be made by virtue of this Act, shall be quashed for want of form, or removed by *certiorari*, or otherwise, into the Supreme Court: And no Warrant or Commitment shall be held void by reason of any defect therein, provided that it be therein alleged that the Party has been convicted, and that there be a good and valid conviction to sustain the same.

*(Limitation of Actions against Justices.)*

XV. And be it enacted, That no Action at Law shall lie against any Justices of the Peace for any matter or thing which may be done, or commanded by them, in pursuance of the provisions of this Act or Ordinance, unless there be direct proof of Corruption or Malice, and unless such Action be commenced within Three Calendar Months after the cause of Action or Complaint shall have arisen; And if any Justice or Justices shall be sued for any matter or thing done in pursuance of this Act or Ordinance, the Defendant or Defendants in any such Action may Plead the General Issue, and give this Act or Ordinance and the special matter in evidence.

*(Application of Penalties.)*

XVI. And be it enacted, That the amount of every Fine imposed under this Act shall be appropriated and applied as follows—that is to say—one moiety thereof as the Justice or Justices, as the case may be, shall, in his or their discretion direct, either wholly for the use of the Wife or Child in respect of whose Maintenance the original Order shall have been made, or partly for that use and partly for the use of the Informer or Party prosecuting, and the other moiety thereof shall be paid into the hands of the Colonial Treasurer, and be appropriated to the use of Her Majesty, Her Heirs and Successors, for the Public uses of the said Colony, and the support of the government thereof.

GEORGE GIPPS,  
Governor.

Passed the Legislative Council,  
this twenty-first day of July,  
one thousand eight hundred  
and forty.

WM. MACPHERSON,  
Clerk of Councils

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and the role of the accounting department in ensuring the integrity of the financial statements. It also highlights the need for regular audits and the importance of transparency in financial reporting.

2. The second part of the document focuses on the internal controls and the measures taken to prevent fraud and mismanagement. It describes the various checks and balances in place and the responsibilities of different departments in maintaining these controls.

3. The third part of the document discusses the financial performance of the company over the past year. It provides a detailed analysis of the revenue, expenses, and profits, and compares them with the targets set at the beginning of the year. It also identifies the areas where the company has excelled and the areas where it needs to improve.

4. The fourth part of the document discusses the future plans of the company. It outlines the strategic goals for the next year and the measures that will be taken to achieve them. It also discusses the potential risks and challenges that the company may face and the strategies to mitigate them.

5. The fifth part of the document discusses the role of the accounting department in the overall business strategy. It highlights the importance of providing accurate and timely financial information to the management and the shareholders, and the role of the accounting department in ensuring this.

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8. The eighth part of the document discusses the financial performance of the company over the past year. It provides a detailed analysis of the revenue, expenses, and profits, and compares them with the targets set at the beginning of the year. It also identifies the areas where the company has excelled and the areas where it needs to improve.

9. The ninth part of the document discusses the future plans of the company. It outlines the strategic goals for the next year and the measures that will be taken to achieve them. It also discusses the potential risks and challenges that the company may face and the strategies to mitigate them.

10. The tenth part of the document discusses the role of the accounting department in the overall business strategy. It highlights the importance of providing accurate and timely financial information to the management and the shareholders, and the role of the accounting department in ensuring this.