



S U P P L E M E N T
TO THE
NEW SOUTH WALES
GOVERNMENT GAZETTE,

OF WEDNESDAY, AUGUST 26, 1840.

Published by Authority.

SATURDAY, AUGUST 29, 1840.

ANNO QUARTO.
VICTORIÆ REGINÆ.
No. 8.

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 prohibit the Aboriginal Natives of New South Wales from having Fire Arms or Ammunition in their possession without the permission of a Magistrate.

WHEREAS in some parts of the Colony of New South Wales the Aboriginal Natives have obtained possession of Fire Arms, and it is considered dangerous to the Public Security to allow the said Aboriginal Natives to have, keep, or use any description of Fire Arms or Ammunition, except as hereinafter excepted: Be it therefore enacted by His Excellency the Governor of New South Wales, Native or Half-Caste usually abiding with such Natives to have or keep any description of Fire Arms, with the written permission of any Justice of the Peace resident in the district, which any such Aboriginal Native or Half-Caste shall usually frequent.

(Any Constable or Free Person may obtain or take from any such Native or Half-Caste any Fire Arms which he may have; provided no unnecessary violence be used.)

II. And be it enacted, That it shall and may be lawful for any Constable within the said Colony, or any Free person whatsoever, to obtain or take from any such Aboriginal Native, or Half-

Caste not holding such permission as aforesaid, every kind of Fire Arms or Ammunition which any such person may have, and lodge the same with the Police Magistrate of the District in which such Fire Arms or Ammunition shall be so obtained or taken; Provided, that no personal violence be used towards any such Aboriginal Native or Half-Caste, further than may be absolutely necessary for obtaining or taking such Fire Arms or Ammunition as aforesaid.

(Penalty on persons lending Fire Arms to any Aboriginal Native or Half-Caste usually abiding with such natives.)

III. And be it enacted, That it shall not be lawful for any person to give or lend to any Aboriginal Native, or any Half-Caste usually abiding with such Natives, not holding such permission as aforesaid, any Gun, Musket, Pistol, or any kind of Fire Arms or Ammunition whatsoever, and if any person whatsoever shall give or lend to any Aboriginal Native or Half-Caste not holding such permission as aforesaid, any Gun, Musket, Pistol, or any kind of Fire Arms or Ammunition whatsoever, he or she shall, for every such offence, forfeit and pay a penalty of not less than ten pounds nor more than twenty-five pounds, to be recovered before any one or more Justice or Justices of the Peace for the said Colony.

(Recovery and Appropriation of fines.)

IV. And be it enacted, That all fines to be recovered under this Act, shall be proceeded for and levied in the manner provided by an Act of the Governor and Legislative Council of the said Colony, passed in the fifth year of the Reign of His late Majesty King William the Fourth, intitled "An Act to regulate Summary proceedings before Justices of the Peace," and shall be paid to the use of Her Majesty, Her Heirs and Successors, for the Public uses of the said Colony, and in support of the Government thereof.

(Act not to extend to New Zealand.)

V. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to that part of the Territory of New South Wales called New Zealand.

GEORGE GIPPS,

*Passed the Legislative Council
this eleventh day of August,
One thousand eight hundred
and forty.* Governor.

WM. MACPHERSON,
Clerk of Councils.

ANNO QUARTO.

VICTORIÆ REGINÆ.

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 render Shares in "The Australian Subscription Library" not transferable.

WHEREAS by an Act of the Governor and Legislative Council of New South Wales, Preamble. passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to enable the Proprietors of a "Public Library, heretofore instituted and conducted at Sydney, under the Australian Subscription Library "name and designation of the Act, 5 Wm. IV., "AUSTRALIAN SUBSCRIPTION LIBRARY," recited; "LIBRARY," to sue and be sued "in the name of the Secretary for the time being of the said Library, and for purposes therein mentioned," it was among other things enacted, That each and every Member in the said Society or Company, should be entitled to a Life interest only in his or her Share, but transferable during his or her life in manner and under the restrictions therein enacted and declared; and that it should be lawful for the Proprietor of any Share or Shares in the said Society or Company, or his or her Assigns (with such consent as therein is mentioned) to sell and transfer any such Share or Shares: And whereas the Members of the said Society or Company, or a Majority of them, are desirous that the Shares in the said Society should not be so transferable in future: Be it therefore enacted, And so much by His Excellency the Governor of New South Wales, with the advice of the Legislative Council thereof, repealed as relates to the transferable That so much of the said recited Act of Shares. as confers or implies the power or right to sell or transfer any Share or Shares in the said Society or Company, shall be, and the same is hereby repealed; and that it shall not be Shares not lawful for any person or persons to sell to be sold or transfer any Share or Shares in the or transfer- said Society or Company, in any manner or under any circumstances whatsoever.

(Commencement of Act.)

II. And be it enacted, that this Act shall not commence or take effect until the same shall have received the Royal approbation, and the notification of such approbation shall have been made, by order of His Excellency the Governor, for the time being, of the said Colony, in the *New South Wales Government Gazette*.

(Act to be deemed a Public Act.)

III. And be it enacted, That when and as soon as this Act shall have received the Royal approbation, and the notification thereof shall have been made as aforesaid, 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, and by all other Judges, Justices, and others, within the Colony of New South Wales and its Dependencies, without being specially pleaded,

GEORGE GIPPS,

*Passed the Legislative Council
this twelfth day of August,
One thousand eight hundred
and forty.* Governor.

WM. MACPHERSON,
Clerk of Councils.

ANNO QUARTO.

VICTORIÆ REGINÆ.

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 simplify proceedings at Law or in Equity by or against the "General Steam Navigation Company," and for other purposes therein mentioned.

WHEREAS a Joint Stock Company, carrying on business under the style and firm Preamble. of the "General Steam Navigation Company," is established in this Colony, and it is expedient to simplify proceedings at Law, or in Equity by or against the said Company: Be it therefore enacted, by His Excellency the Governor Actions, &c., of New South Wales, with the advice by Company of the Legislative Council thereof; to be in the That from and after the passing of name of the Secretary. this Act every action, suit, or proceeding, at law or in equity, to be commenced or prosecuted by or on behalf of the said Company against any person or persons (whether a member or members of such Company or otherwise,) or against any body or bodies politic or corporate for recovering any debt due to, or enforcing any claim or demand of, the said Company, or relating to any matter connected with the concerns of the said Company, shall be commenced and prosecuted in the name of the Secretary for the time being of the said Company, as the nominal plaintiff, complainant, or petitioner, on behalf of the said Company; and that all actions, suits, and proceedings as aforesaid, to be commenced and prosecuted against the said Company, shall be commenced, instituted, or prosecuted against the Secretary for the time being of the said Company, as the nominal defendant for and on behalf of the said Company; and in all criminal prosecutions to be instituted or carried on by or on behalf of the said Company, for fraud upon or against the said Company, or for embezzlement, robbery, stealing, or counterfeiting the bills, notes, bonds, monies, effects, or property of the said Company, or for any felony, misdemeanor, or other offence in which the said Company shall or may be concerned, it shall be lawful to state the property of the said Company to be the property of such Secretary for the time being of the said Company, and any offender or offenders may be thereupon lawfully convicted of any such offence;

and that neither the death, resignation, suspension, Proceedings nor removal of such Secretary, shall not to abate abate or prejudice any such action, on account of suit, or proceeding, but the same the death, &c. may be continued in the name of the of Secretary. next or any succeeding Secretary of the said Company; Provided, nevertheless, that the body or goods, lands or tenements of such Secretary, shall not by reason of his being defendant in any such action, suit, or proceeding be liable to be arrested, seized, or taken in execution: And Provided further, that all costs and expences to be incurred by such Secretary in prosecuting or defending any action or suit for or on behalf of the said Company, shall be defrayed out of the funds of the said Company.

(Memorial of Names of Secretary and Committee of Management to be recorded in Supreme Court.)

11. And be it enacted, That as soon as conveniently may be after the passing of this Act, and from time to time, upon or as soon as conveniently may be after the appointment of any new Secretary of the said Company, a memorial in writing shall be recorded in the Supreme Court of the said Colony, wherein shall be set forth in words at length the style and firm of the said Company, and the Christian and Surnames, additions, and places of abode of the Secretary, and of each Member of the Committee of Management for the time being of the said Company, in the form, or to the effect set forth in the Schedule to this Act annexed: And that every such memorial shall be signed by the Secretary for the time being of the said Company, and by three of the Members of the Committee of Management, and verified by the oath of the said Secretary (made before the Registrar or some Commissioner of the said Court) that the same contains a true account of the several particulars therein set forth to the best of the knowledge and belief of the deponent.

(No proceedings to be commenced or continued until memorial duly recorded.)

III. And be it enacted, That until the first of such memorials so verified shall be recorded as aforesaid, no action, suit, or other proceeding at law or in equity shall be commenced for or on behalf of the said Company, under the provisions of this Act; And unless such memorial shall be from time to time recorded as aforesaid, within the space of thirty days after the appointment of any new Secretary as aforesaid, no action, suit, or other proceeding as aforesaid shall be commenced, or if commenced shall be continued for or on behalf of the said Company until the memorial hereby required upon such appointments respectively shall be duly recorded.

(Plaintiff in any action not to be nonsuited for want of proof of record of memorial.)

IV. And be it enacted, That in any action to be brought by any Secretary of the said Company by virtue of this Act, the plaintiff therein shall not be nonsuited, nor shall a verdict be given against the plaintiff for want of proof of the record of such memorial as hereinbefore mentioned; but in case the defendant in any such action shall make it appear on such trial that no such memorial has been recorded, then a nonsuit shall be entered in such action.

(Secretaries or other Officers to give evidence notwithstanding their interest.)

V. And be it enacted, That in all actions,

suits, petitions, or other proceedings, in which the said Secretary for the time being shall be, on behalf of the said Company, plaintiff, complainant, petitioner, or defendant, it shall and may be lawful for such Secretary, or for any other Officer engaged in the executive duties of the said Company, to give evidence in any such action, suit, or other proceeding, notwithstanding that the name of such Secretary shall be used as plaintiff, complainant, petitioner, or defendant; and notwithstanding that such Secretary or other Officer may be interested in the result of such action, suit, petition, or proceeding, as a shareholder, or co-partner in the said Company.

(Execution may issue against individual Members.)

VI. And be it enacted, That execution upon any judgment or decree in any such action, suit, petition, or other proceeding, obtained against the Secretary for the time being of the said Company, whether he be plaintiff, or defendant therein, may be issued against and levied upon the goods, chattels, lands, and tenements of any member or members whomsoever of the said Company, in like manner as if such judgment or decree had been obtained against such member or members personally.

List of Members to be annually recorded.

VII. And be it enacted, That, for the purpose of giving better effect to the provision last hereinbefore contained, the Secretary for the time being of the said Company shall, within thirty days from the passing of this Act and thereafter, in the month of January in each year, cause a true list of the names of all the then existing members of such Company, with their respective places of abode and descriptions, to be recorded on oath in the office of the Registrar of the Supreme Court aforesaid; and the same shall be open for inspection at all reasonable times, by any person requiring the same, on payment of a fee of one shilling; and if such Secretary shall fail to cause such list to be recorded in manner aforesaid, he shall be liable to a penalty of one hundred Pounds, to be recovered by action of debt in the said Supreme Court by any person or persons suing for the same.

(Every person included in such list to be considered a Member until new list recorded, or until he shall have given notice of retirement in the Government Gazette.)

VIII. And be it enacted, That every person whose name shall be so recorded shall be considered a member of the said Company, and shall be liable as such until a new list of the members' names shall be recorded as aforesaid, or until he shall have given notice in the *New South Wales Government Gazette*, of his or her retirement from the said Company: Provided always, that every such Secretary in whose name any action, suit, petition, or other proceeding shall be commenced, prosecuted, carried on, or defended, and every such member or members against whose goods, chattels, lands, or tenements execution shall be so issued as aforesaid, shall always be reimbursed, and paid out of the funds of the said Company, all such damages, costs, and expences, as by the event of any such proceedings, such Secretary, or member, or members shall or may be put unto in respect thereof; and all such remedies shall be allowed as between the several members of the said Company

for the time being, as if this Act had not been passed.

(Bonds, &c. taken in the name of preceding Secretary may be put in suit by Secretary for the time being.)

IX. And be it enacted, That all bonds, warrants of attorney, and other securities, not assignable in law, which have been, or shall or may at any time hereafter be taken, in the name of any person as Secretary, for or on account of the said Company, shall and may be put in suit, and be sued or prosecuted upon at law, or in equity, in the name of the Secretary for the time being of the said Company, and the proceedings instituted upon or in respect of such bonds, warrants of attorney, or other securities, shall not abate by reason of the death, suspension, or removal of any such Secretary pending such proceedings; but the same may be continued, prosecuted, and carried on in the name of the succeeding Secretary, to be recorded in the memorial hereinbefore provided in that behalf, and so on from time to time, whensoever any new appointment or election of a Secretary shall take place, and such new memorial thereof shall be recorded as aforesaid.

(Saving the Rights of Her Majesty and Others.)

X. Provided always, That nothing in this Act contained shall be deemed to affect or apply to any right, title, or interest of Her Majesty, Her Heirs, or Successors, or of any body politic or corporate, or of any other person or persons, excepting such as are mentioned therein, or of those claiming by or under them.

(Act not to take effect until it shall have received the Royal Approbation.)

XI. And be it enacted, That this Act shall not commence or take effect until the same shall have received the Royal Approbation, and the notification of such approbation shall have been made by order of His Excellency the Governor for the time being, of the said Colony, in the *New South Wales Government Gazette*.

(Act to be a Public Act.)

XII. 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 in all cases without being specially pleaded.

GEORGE GIPPS,

Passed the Legislative Council, } Governor.
this twelfth day of August, }
one thousand eight hundred and }
forty.

WM. MACPHERSON,
Clerk of Councils.

SCHEDULE.

A Memorial of the names, additions, and places of abode respectively, of the person and persons who upon this day of 18 are respectively Secretary and Members of the Committee of Management of the Company, carrying on business under the style and firm of "The General Steam Navigation Company," to be recorded in the Supreme Court of New South Wales, pursuant to the provisions of an Act of the Governor of New South Wales with the advice of the Legislative Council thereof, passed in the fourth year of the Reign of Her Majesty Queen Victoria, intituled "An Act to simplify proceedings at Law or in Equity, by or against the General Steam Navigation Company," and for other purposes therein mentioned.

Names of Members of Committee of Management.	Trade or Profession.	Place of Abode.
A. B.		
C D.		

E. F., Secretary.
A. B. }
C. D. } Members of Committee
G. H. } of Management.

E. F., Secretary of the General Steam Navigation Company, maketh Oath and saith that the above writteu Memorial contains a just and true account of the several particulars therein set forth to the best of this deponent's knowledge and belief.

Sworn, before me, this }
day of } E. F., Secretary.
18 . }