



S U P P L E M E N T

TO THE

NEW SOUTH WALES

GOVERNMENT GAZETTE,

OF WEDNESDAY, SEPTEMBER 30, 1840.

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ANNO QUARTO.
VICTORIÆ REGINÆ.
No. 11.

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 increasing the duties on Spirits, Wine, and other Goods and Merchandise imported into the Colony of New South Wales and its Dependencies.

WHEREAS an Act of Parliament was passed in the Fifty-ninth year of the Reign of Preamble. His late Majesty King George the Third, 59 Geo. III., intituled, "An Act to stay proceedings c. 114. "against any Governor or other persons concerned in imposing and levying Duties in New South Wales; to continue until the first day of January One thousand eight hundred and twenty-one, certain Duties, and to empower the said Governor to levy a Duty on Spirits made 3 Geo. IV., c. "in the said Colony:" And whereas 96 recited. the said Act was continued from time to time by divers other Acts of Parliament, and was altered by an Act passed in the Third year of the Reign of His late Majesty King George the Fourth, intituled, "An Act to continue until the first day of January One thousand eight hundred and twenty-four, 'An Act passed in the Fifty-ninth year of His late Majesty, relating to imposing and levying Duties in New South Wales; to authorise the imposing and levying other Duties on Goods imported into the said Colony; and to suspend, for ten years, the payment of Duty on the importation of certain Goods the produce of New South Wales." And whereas by the said last recited Act, after continuing the said Act of the Fifty-ninth year of the Reign of His late Majesty King George the Third, until the first day

of January One thousand eight hundred and twenty-four, it was enacted, That from and after the passing of the said Act it should be lawful for the Governor, or other person administering the Government of New South Wales for the time being, to impose by Proclamation made, or Order or Orders issued in the said Colony for that purpose, the several and respective Duties therein mentioned; and whereas it was by the said last recited Act further enacted, that it should be lawful for the Governor, or other person administering the Government of New South Wales as aforesaid, by any Proclamation or Order or Orders to be by him for that purpose issued, to discontinue or reduce any such duties from time to time as occasion might require, and from time to time to revive any Duties so discontinued or reduced, and again to levy the same, provided that it should not be lawful for any Governor, or other person administering the Government of the said Colony as aforesaid, to order the levying or raising of any higher rate of duty than is authorised by the said Act; and whereas by a certain other Act of Parliament passed in the Ninth year of the Reign of His said late Majesty King George the Fourth, intituled, "An Act to provide for the 9 Geo. IV., "Administration of Justice in New c. 83. "South Wales and Van Diemen's "Land, and for the more effectual Government thereof, and for other purposes relating thereto," the said recited Act of the Fifty-ninth year of the Reign of His late Majesty King George the Third was made perpetual; and whereas it was by the said last recited Act, passed in the Ninth year of the Reign of His late Majesty King George the Fourth, further provided and enacted, that all and every the powers and authorities vested by the said recited Acts of the Fifty-ninth year of His late Majesty King George the Third, and of the Third year of His late Majesty King George the

Fourth, respectively, or by either of them, in the Governor of New South Wales, or the person administering the Government thereof as aforesaid, shall henceforth be vested in, and exercised by, the Governors of New South Wales and Van Diemen's Land, respectively, acting with the advice and consent of the respective Legislative Councils of the said Colonies, and that the produce of the several Duties imposed and made payable under or by virtue of the said Acts of Parliament, or either of them, or under and by virtue of that Act, should be applied in such manner and to such purposes as the said Governors and Councils might from time to time by any Law or Ordinance appoint, and the application thereof should be accounted for to His Majesty in such manner as the Lord High Treasurer or the Commissioners of His Majesty's Treasury should appoint; and

whereas it is expedient in order to meet the increased expenditure of the Colony of New South Wales, that the Duties now payable upon Spirits, Wine, and other Goods and Merchandise imported into the Colony of New South Wales, should be increased in manner hereinafter mentioned: Be it therefore enacted, by His Excellency the Governor of New South Wales, by and with the advice and consent of the Legislative Council thereof, That from and after the passing of this Act, the several Duties now chargeable and payable upon Spirits, Wine, and other Goods and Merchandise imported into the said Colony and its Dependencies, shall cease and determine, and that in place thereof, the following Duties shall be respectively charged and paid on all Spirits, Wines, Goods, and Merchandise imported into the said Colony and its Dependencies, that is to say:—

(On Spirits the produce of the United Kingdom, or of British Possessions in the West Indies or North America, 9s. per Imperial Gallon.)

First—Upon all Spirits, the produce and manufacture of the United Kingdom, or of Her Majesty's Plantations and Possessions in the West Indies, and in North America, imported directly from the United Kingdom into the said Colony and its Dependencies, a Duty of Nine Shillings sterling for each and every Gallon Imperial Measure of such Spirits not exceeding the strength of Hydrometer Proof, and so in proportion for Spirits of a greater strength.

(On other Spirits 12s. per Imperial Gallon.)

Second—Upon all other Spirits imported into the said Colony and its Dependencies, a Duty of Twelve Shillings sterling for each and every Gallon Imperial Measure of such Spirits, not exceeding the strength of Hydrometer Proof, and so in proportion for Spirits of a greater strength.

(On Wine £15 for every £100 in value.)

Third—Upon all Wine imported into the said Colony and its Dependencies, a Duty of Fifteen Pounds sterling on every Hundred Pounds in value of such Wine, and so in proportion for every greater or less value, such value to be ascertained in the manner prescribed by the Act hereinbefore recited, passed in the Third year of the Reign of His said late Majesty King George the Fourth.

(On Tea, Sugar, Flour, Meal, Wheat, Rice, and other Grain and Pulse, £5 for every £100 in value.)

Fourth—Upon all Tea and Sugar, and upon all Flour, Meal, Wheat, Rice, and other Grain and Pulse imported into the said Colony and its Dependencies, a Duty of Five Pounds sterling on every Hundred Pounds in value thereof, and so in proportion for every greater or less value, such value to be ascertained in the manner prescribed as aforesaid.

(On imported unmanufactured Tobacco 1s. 6d. per lb.)

Fifth—Upon all unmanufactured Tobacco imported into the said Colony, a Duty of One Shilling and Sixpence sterling for each and every Pound-weight Avoirdupois of such Tobacco, and upon all manufactured Tobacco and Snuff so imported a Duty of Two Shillings sterling for each and every Pound Avoirdupois of such Tobacco and Snuff.

(And on all other Goods, Wares, and Merchandise, not being the Produce or Manufacture of the United Kingdom, £10 for every £100 in value.)

Sixth—Upon all other Goods, Wares, and Merchandise, not being the produce, or manufacture of the United Kingdom, imported into the said Colony and its Dependencies, from the United Kingdom, or elsewhere, a Duty of Ten Pounds sterling for every Hundred Pounds in value of the same, and so in proportion for every greater or less value, such value to be ascertained in manner aforesaid.

(Not to interfere with the provisions of the Act 3 Victoria, No. 29, exempting Flour, Wheat, &c., from Duty and Wharfage Rates, until 31st December, 1840.)

11. Provided however, and be it enacted, That nothing herein contained shall be held to repeal, vary, or alter the provisions of an Act passed in the present Session of the Legislative Council of the said Colony, intituled, "An Act to exempt from Duty and Wharfage Rates, for a certain time, Flour and Meal, and Bread or Biscuit, and Wheat and other Grain, and Pulse imported into New South Wales."

GEORGE GIPPS,

Passed the Legislative Council this fifteenth day of September, One thousand eight hundred and forty.

WM. MACPHERSON,
Clerk of Councils.

Colonial Secretary's Office,
Sydney, 28th September, 1840.
COUNCIL.

HIS Excellency the GOVERNOR is pleased to direct that the general objects of the following Bill, about to be brought under the consideration of the Legislative Council, be published for general information.

By His Excellency's Command,
E. DEAS THOMSON.

No. 1.—"A Bill for applying certain sums arising from the Revenue receivable in New South Wales, to the service thereof, for the year One Thousand Eight Hundred and Forty-One; and for further appropriating the said Revenue."

It is proposed to appropriate out of the Colonial Revenue the following sums for the undermentioned services, in conformity to the Resolutions Voted, and published in the Proceedings of Council, viz:—

<i>For the service of the Year 1839.</i>		£	s.	d.
1	For deficiencies in the Estimates of that year.....	46211	11	6
<i>For the service of the Year 1840.</i>				
1	For Supplementary Services	22988	19	9
<i>For the service of the Year 1841.</i>				
1	The Establishment of His Excellency the Governor	580	1	3
2	The Department of the Councils	1435	8	9
3	The Colonial Secretary's Department..	7202	0	5
4	The Department of the Colonial Treasurer	4027	11	8
5	The Department of the Auditor General	2579	8	9
6	The Department of Customs, Sydney..	8246	14	7
7	The Department of Customs, Newcastle	386	16	3
8	The Department of the Postmaster General	16897	6	3
9	The Inspectors of Colonial Distilleries..	406	18	9
10	The Inspector of Slaughter Houses, Sydney	200	0	0
11	The Department of the Commissioner for the Assignment of Convicts	345	12	6
12	The Department of the Colonial Botanist.....	946	10	0
13	The Government Domain, Parramatta	888	5	0
14	The Australian Museum	200	0	0
15	The Department of the Colonial Storekeeper	1440	11	7
16	The Harbour Master's Department, Sydney	1766	0	5
17	The Light House, South Head.....	419	17	1
18	The Floating Light near the Heads....	467	17	6
19	The Harbour Master's Department, Newcastle.....	292	3	0
20	The Harbour Master's Department, Port Macquarie	250	3	4
21	The Telegraph Stations	430	17	6
22	The Health Officer, Port Jackson	300	0	0
23	The Colonial Agent General	250	0	0
24	The Surveyor General's Department ..	18840	13	4
25	The Colonial Engineer's Department..	19021	7	8
26	The Public Works.....	24800	0	0
27	The Department of the Colonial Architect and Surveyor of Buildings....	1609	10	0
28	The Public Buildings.....	25500	0	0
29	The Town Surveyor's Department, Sydney	3172	10	2
30	For conveying Stone for Metalling the streets of Sydney	1000	0	0
31	The District Surveyor, Sydney	350	0	0
32	The Supreme Court	6444	11	8
33	The Law Officers of the Crown	4044	10	0
34	The Courts of Requests	2970	15	1
35	The Quarter Sessions	4878	0	0
36	The Sheriff's Department	3295	8	9
37	The Coroners and Inquests	1853	17	6
38	The Police for the Town of Sydney ..	14150	16	8
39	The Police for the Country Districts ..	35708	5	10
40	The Mounted Police.....	19650	11	9
41	The Border Police.....	10965	0	0
42	The Sydney Gaol	6142	9	4
43	The Debtors' Prison, Sydney	684	16	8
44	The Gaols in the Country Districts....	6709	11	3
45	The Clergy of the Church of England	18371	10	0
46	The Clergy of the Presbyterian Church	6800	0	0
47	The Wesleyan Mission.....	3450	0	0
48	Towards the Erection of Baptist Chapels and Ministers' Dwellings	850	0	0
49	The Roman Catholic Clergy	8850	0	0
50	The Male Orphan School.....	3172	0	0
51	The Female Orphan School.....	3022	2	9
52	For Destitute Roman Catholic Children	1500	0	0
53	For Schools of the Church of England..	3950	0	0
54	For Presbyterian Schools	1500	0	0
55	For Wesleyan Methodist Schools....	350	0	0
56	For Roman Catholic Schools	1450	0	0
57	Towards Building New Orphan Schools, Parramatta	2000	0	0
58	For Pensions payable in England	250	0	0
59	For Pensions payable in the Colony ..	1420	0	0
60	For Commission for Hearing and Determining Claims to Grants of Land	1000	0	0
61	For the Management of the Clergy and School Estates.....	1016	0	0
62	Towards the support of the Sydney School of Arts.....	200	0	0
63	For Stationery, Printing, Bookbinding, Gazettes, and Almanacks, for the several Colonial Departments	4000	0	0
64	For Furniture for Government Houses and Public Offices	600	0	0
65	For Fuel and Light for the same.....	450	0	0
66	For the Conveyance of Stores to the several Public Departments	300	0	0
67	For Lighting the Government Lamps, Sydney	200	0	0
68	For Firemen to work the Engines when required	405	0	0
69	For the support of Free Paupers in the Colonial Hospitals	2500	0	0
70	For the support of the Lunatic Asylum	1500	0	0
71	To meet unforeseen expenses	7000	0	0
72	The Establishment of His Honor, the Superintendent of Port Phillip... ..	1204	0	0
73	The Sub-Treasurer at Port Phillip ..	1812	10	8
74	The Department of Customs, Port Phillip	4302	3	9
75	The Post Office Department, Port Phillip	2105	10	0
76	The Harbour Master's Department, Port Phillip	2877	2	6
77	For Light Houses, Port Phillip	312	15	0
78	The Surveyor General's Department, Port Phillip	5691	18	4
79	The Public Works, Port Phillip	5024	9	2
80	The Public Buildings, Port Phillip....	20500	0	0
81	The Clerk of the Crown, Port Phillip..	400	0	0
82	The Quarter Sessions, Port Phillip....	1090	0	0
83	The Sheriff's Department, Port Phillip	1291	16	3
84	The Coroner and Inquests, Port Phillip	180	0	0
85	The Police at Melbourne, Port Phillip	1758	3	9
86	The Police at Geelong, Port Phillip ..	1013	13	9
87	The Police at Portland Bay, Port Phillip	747	18	9
88	The Mounted Police, Port Phillip....	4808	16	8
89	The Border Police, Port Phillip.....	3591	5	0
90	The Native Police, Port Phillip.....	1000	0	0
91	Clergymen of the Church of England, Port Phillip.....	200	0	0
92	Presbyterian Clergymen, Port Phillip..	300	0	0
93	Wesleyan Minister, Port Phillip.....	150	0	0
94	Roman Catholic Clergymen, Port Phillip	300	0	0
95	Towards the Erection of Churches and Ministers' Dwellings, Port Phillip..	2000	0	0
96	In Aid of Schools, Port Phillip	750	0	0
97	For the Medical Establishment, Port Phillip	479	0	10

*Colonial Secretary's Office,
Sydney, 29th September, 1840.
COUNCIL.*

HIS Excellency the GOVERNOR is pleased to direct that the general objects of the following Bills, now under consideration of the Legislative Council, be published for general information.

*By His Excellency's Command,
E. DEAS THOMSON.*

No. 1.—“ A Bill to provide for the more effectual Administration of Justice in New South Wales and its Dependencies.

It being expedient, in consequence of the greatly increased Population and Settlement of the Colony of New South Wales, and of the Islands of New Zealand being made dependent on the Government thereof, that Circuit Courts should be established, and that the Judges of the Supreme Court should

no longer be limited to three—it is proposed: that additional Judges of the Supreme Court, not exceeding two, may be appointed: that the Governor may fix the residence of one of the said Judges at Port Phillip, and of another at New Zealand; and may, with the advice of the Executive Council, fix the limits within which such Judges shall respectively exercise jurisdiction; and within the limits so fixed, the said Judges shall respectively exercise all the powers which can there be legally exercised by the Supreme Court.

That the decisions of such Judges in matters which, in Sydney, would belong to the full Court, may be brought under review of the Judges of the Supreme Court, sitting in Banco.

That neither of the said Judges, whilst resident at Port Phillip or New Zealand, shall have jurisdiction or authority over any matter pending in the Supreme Court.

That the said Judges may, respectively, have and use a duplicate of the Seal of the Supreme Court on all occasions where it is usual to use the seal of a Court.

That the Governor may appoint Deputy Sheriffs and other Officers for Port Phillip, or New Zealand.

That the like remedy be allowed against such Deputy Sheriff as may be had against the Sheriff.

That the Governor may appoint Public Prosecutors at Port Phillip and New Zealand respectively; and also, a person to prosecute at the several Quarter Sessions throughout the Colony.

That the resident Judges at Port Phillip and New Zealand shall preside at the respective Courts of Quarter Sessions and Requests.

That all writs of Execution, and of Attachment, and Subpœna, shall be of force throughout the Colony, whether issued out of the Supreme Court, or by either of the said resident Judges.

That in all cases where any witness shall be unable to attend any trial, it shall be lawful for any Judge, whether resident at Port Phillip, New Zealand, or at Sydney, to grant a commission, or to make an order for the examination of such witness, either *viva voce*, or upon interrogations, and such examination shall be received as evidence at such trial.

That it shall be lawful for the Judges of the Supreme Court sitting in Banco, or for either of the

said resident Judges, to change the *Venue* where it shall appear that a fair or unprejudiced trial cannot otherwise be had.

That the Governor, with the advice of the Executive Council, may appoint Circuit Courts to be holden.

That every such Court shall be holden by a Judge of the Supreme Court, and shall have such Ministerial Officers as the Governor may appoint; and shall be a Court of Record, and have the same powers and jurisdiction as Courts of Oyer and Terminer, and Gaol Delivery, and of *Nisi Prius* have respectively in England, and may hear and determine all cases of crimes and misdemeanors committed within the Colony, and try and determine all issues of fact joined in any action, or other proceeding commenced or pending in the Supreme Court; and shall proceed in all cases according to the form and manner observed in the Supreme Court in such cases; and shall stand in the same relation to the Supreme Court as Courts of Oyer and Terminer, and Gaol Delivery, and *Nisi Prius* respectively in England stand in with respect to Her Majesty's Superior Courts of Record at Westminster.

As to the powers of the Judges, and the adoption of several sections of the Act of Parliament 3 and 4 William IV., Cap. 42.

No. 2.—“*A Bill to enable the Trustees of the intended New Catholic Church of St. Patrick, in the Town of Sydney, to build the Southern Wall thereof at a less distance from the Northern boundary line of Charlotte-place than is allowed by Law.*”

It being found necessary for the convenience of the Roman Catholics of Sydney to erect a New Church in that part of the Town called Church Hill, and the ground for that purpose conveyed to the Trustees not being sufficiently large for the site of the intended Church, unless the Southern Wall thereof be allowed to approach nearer to the outer Curb Stone of the northern fronting of Charlotte-place, near its junction with Gloucester-street, than is allowed by law; it is proposed, that it shall be lawful for the Trustees of the intended Church to erect the Southern Wall thereof, at a distance not less than six feet from the outer Curb Stone of the northern footway of Charlotte-place, and parallel to the same.