



S U P P L E M E N T  
TO THE  
NEW SOUTH WALES  
GOVERNMENT GAZETTE,  
OF WEDNESDAY, OCTOBER 7, 1840.  
Published by Authority.

SATURDAY, OCTOBER 10, 1840.

ANNO QUARTO.  
VICTORIÆ REGINÆ.  
No. 12.

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 making and repairing of the Parish Roads in the Colony of New South Wales.*

**W**HEREAS, by an Act of the Governor and Legislative Council of the Colony of New South Wales, passed in the fourth year of the Reign of His late Majesty King William the 4<sup>th</sup> Wm. IV. Fourth, intituled, "*An Act for making, No. 11. altering, and improving the Roads throughout the Colony of New South Wales, and for opening and improving the streets in the Towns thereof*," after reciting that it was expedient to define what Roads should be maintained at the Public expense, and what at the expense of the Parishes through which they pass, so far as the said Parishes could in the then state of the Survey of the said Colony be determined, it was, amongst other things, thereby enacted, That all the Roads in their whole length as set forth in a Schedule to the said recited Act annexed marked A, should be deemed to be, and should be called Public Roads, and should be maintained, repaired, or altered at the Public cost and charge, by payments from the Colonial Treasury, whether Toll should be collected on the said Roads or otherwise; and that all Roads which should be thereafter made, and declared to be Public Roads under the provisions of the said recited Act, should in like manner be maintained at the Public expense; and whereas, a certain other Act of the said Governor and Council, was passed in the Sixth year of the Reign of His said late Majesty King William the 4<sup>th</sup> Wm. IV. Fourth, intituled "*An Act to provide for the repairing of Parish Roads in the*

*County of Cumberland, in the Colony of New South Wales*," which said last recited Act has been found insufficient for the purposes thereby intended, and it is therefore expedient to repeal the same, and that an Act should be passed for the making, repairing, and keeping in repair, the several Parish Roads now established, or hereafter to be established, pursuant to the provisions of this present Act, throughout the Colony of New South Wales: Be it therefore enacted by His Excellency the Governor of New South Wales, with the advice of the 6<sup>th</sup> Wm. IV. Legislative Council thereof, that the said No. 11. after the passing of this Act, the Act Repealed. herein last recited shall be, and the same is hereby repealed, except as to any act, matter, or thing already done, or commenced to be done, under and by virtue of the same.

*(Proprietors of Lands through which any Parish Road passes, or within three miles thereof, may elect Trustees for the same.)*

II. And be it enacted, That after the passing of this Act, the Proprietors of any Lands through which any Parish Road, or intended Parish Road passes or may pass, or the Proprietors of any Lands situated within three miles of any part of, and usually approached by, such road or intended road, may elect Trustees for such road or intended road, in the manner following: that is to say, that, whenever a requisition, signed by any number of the Proprietors of the Land through which any Parish Road or intended Parish Road, passes or may pass, in the proportion of not less than two for every mile of such road, or not less than one-third of the whole number of the said Proprietors, and of the Proprietors of any Lands within three miles of, and usually approached by, such road, shall be presented to the Magistrates, in Petty Sessions assembled, of any District through which such road passes or may pass, requesting them to call a Meeting of such Proprietors for the purpose of electing Trustees for the same, it shall and may be lawful for such Magistrates, or the major

part of them, to convene a Public Meeting of all the Proprietors of the said Lands, and to name a proper time and place when and where such Meeting shall be holden, of which time and place not less than twenty-eight days' previous notice shall be given, in such manner as the said Magistrates shall deem advisable to ensure sufficient publicity thereof; and such Magistrates shall also appoint a magistrate to preside at such Meeting, together with two fit and proper persons to act as Assessors to aid such presiding Magistrate in deciding and determining any questions that may arise at such Meeting.

*(Manner of proceeding at the Election of Trustees.)*

III. And be it enacted, That at every such Meeting so to be holden pursuant to such Order of the said Magistrates, the question to be proposed and submitted to the consideration of the Proprietors present at such Meeting, shall be, whether they, the said Proprietors, deem it expedient or not that Trustees should be appointed for such Parish Road or intended Parish Road, under the provisions of this Act; and in case such Proprietors or the major part of them, shall be of opinion that it is expedient that such Trustees should be appointed, the said presiding Magistrate and Assessors, or the major part of them, shall certify the same to the said Magistrates in Petty Sessions; and such Magistrates shall thereupon decide and determine the number of Trustees which they or the major part of them shall or may think necessary to be appointed for such road; and shall forthwith appoint another day, not less than fifteen nor more than thirty days from the day of such first Meeting, for the election of such Trustees; and such Meeting shall be appointed to be holden at such place as the said Magistrates or the major part of them shall think expedient; And such Magistrates shall give not less than fourteen days' Notice in such manner as they shall deem advisable, as aforesaid, to the said Proprietors, of the time and place at which such second Meeting shall be holden, and of the number of Trustees which the said Magistrates have thought it fit to be elected for such road, at the Meeting so to be holden; and the Magistrate and Assessors who presided at the first Meeting shall preside at such second Meeting, unless some other person or persons shall be specially appointed so to preside, or to act as Assessor or Assessors, by the Magistrates in Petty Sessions as aforesaid.

*(Who shall be allowed to vote.)*

IV. And be it enacted, That at such second Meeting so to be holden as last aforesaid, for the election of Trustees, every person shall be admitted to vote through whose Land such Parish Road passes or may pass as aforesaid, or who, within the limits aforesaid, is the Proprietor of any Land of the value of Two hundred Pounds or upwards, and shall have one vote for each Trustee so to be elected.

*(Elections to be finished in one day.)*

V. And be it enacted, That every such election of Trustees so to be had as aforesaid, shall be finished in one day, without any adjournment whatever; and in case any vote tendered on that day shall be objected to by any proprietor present at such Meeting, such vote shall be entered in a separate list, to be called "List of tendered votes;" and the said presiding Magistrate and Assessors shall summarily inquire into the validity of the

votes so objected to, and within three days after the said Meeting shall decide upon the validity of such votes, which decision shall be final and conclusive thereon.

*(Persons elected to be Trustees of any Road, to hold office for three years.)*

VI. And be it enacted, That within the fifth day after such Election, the said Presiding Magistrate and Assessors shall report to the said Magistrates in Petty Sessions, the names of the persons so elected at the said Meeting to be Trustees as aforesaid; and the said persons so elected and reported as aforesaid, shall, by the said Magistrates, be thereupon declared to be the Trustees of the said Parish Road or intended Parish Road; and such Trustees shall be and continue in office for the period of three years then next ensuing; and at the expiration of such term of three years, a new Election shall be had, in the manner aforesaid, for the appointment of Trustees for the said road for the succeeding three years; and so, from time to time, at the expiration of every three years, Meetings shall be holden in manner aforesaid, for the Election of Trustees for the said Road for the succeeding term of three years.

*(If by death or absence the number of Trustees be reduced below three, vacancies may be filled up.)*

VII. And be it enacted, That if at any time by reason of the death or absence from the Colony of one or more of the Trustees so elected as aforesaid, for any Parish Road or intended Parish Road, the number of such Trustees be reduced below three, the Magistrates in Petty Sessions may cause any number of New Trustees to be elected in manner aforesaid, not exceeding the number of vacancies created by such death or absence: Provided, however, that the New Trustees so elected shall hold office only until the next General Election of Trustees for such Road.

*(Trustees to account.)*

VIII. And be it enacted, That the Trustees so from time to time elected for the Parish Roads respectively throughout the Colony, shall, at the expiration of the respective terms of three years for which they shall be so elected as aforesaid, or oftener, if thereto required, by a Notice in writing signed by three or more of the said Proprietors of Lands, qualified to vote at the Election of such Trustees, give to the Trustees elected for the succeeding three years, or to the Proprietors so requiring such account as aforesaid, a full, true, and accurate account of all monies received by them as such Trustees, and of all monies paid and expended by them in performance of the Trusts vested in them respectively; and in case any Balance of the said monies so received by them shall remain in their hands after taking credit for all sums of money lawfully expended and laid out in pursuance of such Trusts, the said Trustees shall forthwith hand over and pay such balance so remaining due by them respectively, to the Trustees appointed for the ensuing three years, to be laid out and applied by them, for the Trusts and the purposes of the Trusts so vested in them as aforesaid.

*(Rates may be levied by Trustees, but not to exceed in any one year, Sixpence per acre.)*

IX. And be it enacted, That the respective Trustees so elected for such Parish Roads shall and may, for the purpose of making and repairing

such Roads and the Bridges thereon, order and direct rates to be levied on the Lands through which such Roads pass or may pass, and on the Lands situated within the distance from such respective Parish Roads limited as aforesaid; and such rates shall be uniform acreable rates, without regard to the value of the Land, or to whether it be cultivated or not; and the times for levying, as well as the amount of such rates, shall be regulated as occasion may require, by the Trustees so elected for such Parish Roads respectively: Provided always, that the rate or rates levied on such Lands, in the course of any one year, shall never exceed in the whole the sum of Sixpence per acre: Provided also, that in all cases, where more than one Parish Road shall pass through, or be intended to pass through any Lands, or within the said limited distance of the same, or where any such Lands shall be usually approached as aforesaid by more than one Parish Road, such Lands shall be rated for the purposes of each of such Roads in such proportion as the respective Trustees thereof shall determine, but no such rates shall, singly or together, exceed the amount hereinbefore limited: Provided further, that in all cases of dispute as to the distance of any Lands from any Parish Road, in which the decision of the Surveyor for such Road shall be given against the Proprietor of such Lands, the expense of ascertaining and determining the same shall be borne and paid by such Proprietor.

*(Trustees, or others appointed by them, may enter upon all lands, for the purpose of making such valuation, giving three days' notice in certain cases.)*

X. And be it enacted, That it shall and may be lawful for any Trustee or Trustees elected under the provisions of this Act, or for any Surveyor or Surveyors appointed by any such Trustees, as hereinafter mentioned, from time to time to enter upon all or any of the Lands hereinbefore respectively described and defined, in respect of any such Parish Road passing through, or within the said limited distance of the same, for which, such Trustees shall have been elected as aforesaid, for the purpose of making and carrying on any survey, or for estimating the number of acres liable to be rated, for the purposes, and under the provisions of this Act: Provided always, that in every case in which, for the purpose of any such survey or estimate, it shall be necessary for any such Trustee or Surveyor to enter any enclosed Garden, Orchard, Nursery, or Pleasure Ground, where the Owner or Occupier thereof may have opposed, or refused to allow such entry, such Trustee, or Surveyor, shall give three days' Notice to the Owner or Occupier of such Garden, Orchard, Nursery, or Pleasure Ground, requiring to be permitted to enter the same: and after the expiration of such Notice, it shall be lawful for such Trustee, or Surveyor, with necessary assistants, at any reasonable time of the day, to make such entry, doing as little damage as may be, in the execution of the powers to them respectively granted by this Act, and making reasonable satisfaction, if required, to the Owners of, or to other persons interested in, any such Lands, Gardens, Orchards, Nurseries, or Pleasure Grounds, which shall or may be in any way hurt or damaged, in or by the execution of any of the powers of this Act; and this Act shall be sufficient to indemnify such Trustee, or Sur-

veyor, and all persons acting in aid, or under the orders of any of them, in the execution of this Act. *(Monies levied to be paid to the Treasurer appointed by the Trustees, and to be applied to defray expenses incurred for making and repairing Parish Roads.)*

XI. And be it enacted, that all monies which shall be so rated and levied, under and by virtue of this Act, and paid into the hands of the Treasurer appointed, as hereinafter mentioned, by the Trustees of the Parish Road in respect of which the same shall have been so rated, and levied, shall form a Fund for the purposes of such Road; and the said Treasurer shall, and is hereby required to pay such monies to liquidate and defray all such expenses as shall have been incurred for the making and repairing of such Road, and the Bridges thereon, in such sums, and to such persons, as shall be mentioned in any order in writing signed by at least two of the said Trustees.

*(Levy of Rates.)*

XII. And be it enacted, That the money or monies to be collected, and levied, under the provisions of this Act, shall be paid by the respective Proprietors of the Lands so to be rated as aforesaid, to the Collectors of the said Rates to be appointed by the Trustees of the Parish Road in respect of which the same shall be made, as hereinafter mentioned; and such Collectors shall pay over the same to the Treasurer appointed by the Trustees of such Road as aforesaid; and if any such Proprietor shall neglect or refuse to pay to any such Collector the money so rated upon his, her, or their Lands, or his, her, or their proportion of such money, for the space of fourteen days next after the same shall have been demanded by such Collector, either personally or by written notice left at the last or usual place of abode of such Proprietor, as aforesaid, if such place can be found, but if not, then on the Lands so rated, such money shall be levied on, and recovered from every such Proprietor so neglecting or refusing to pay the same, by Distress and sale of the Goods and Chattels, and Lands and Tenements of such Proprietor so in default, by Warrant under the hand and seal of any Justice of the Peace, on proof, upon oath of such Collector, of such neglect or refusal; and the surplus, if any, of the monies raised by such Distress and Sale, shall be paid, on demand, to the Owner of the Goods and Chattels, and Lands and Tenements so distrained and sold, after deducting all costs, charges, and expenses attending or preparatory to such Distress and Sale, the same to be ascertained by such Justice; and in default of such Distress, it shall be lawful for such Justice to commit such Defaulter to any House of Correction within the said Colony, there to remain without Bail or mainprize, for any time not exceeding three Calendar Months, unless payment of such sum or sums of money as shall have been found to be due and in arrear upon such rate or rates, as aforesaid, together with all costs, charges, and expenses, to be ascertained by such Justice, shall be sooner made.

*(Distress not to be unlawful for want of Form.)*

XIII. And be it enacted, That when any Distress shall be made for any money to be levied or raised by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the party making the same be deemed a Trespasser, on account of any defect or want of form in any pro-

ceeding relating thereto, nor shall the party distraining be deemed a Trespasser *ab initio* on account of any irregularity which may be afterwards done by the party distraining, but the person aggrieved by such irregularity, may maintain an action on the case for the special and actual damage (if any) sustained thereby, but not otherwise.

*(Persons aggrieved to appeal to General or Quarter Sessions to be holden within the District.)*

XIV. Provided always, and be it enacted, That it shall be lawful for any person or persons who shall feel himself, herself, or themselves aggrieved by the assessment of any such rate as aforesaid, to appeal against the same to any Court of General or Quarter Sessions of the Peace to be holden within or nearest to the District in which the Lands in respect of which such rate shall have been so assessed, shall be situated, within six months next after such rate shall have been so assessed, and such Court of General or Quarter Sessions of the Peace shall, in its discretion, amend, alter, or confirm such rate, and give such relief as the case may require, and the determination of such Court shall be final; and on the hearing of such appeal, the said Court may make such order as to costs, as shall appear to such Court to be just and reasonable.

*(Notice of appeal to be delivered in writing to Trustees twenty-eight days previous to the sitting of Court.)*

XV. And be it enacted, That every person intending so to appeal as aforesaid, shall, not less than twenty-eight days before such Court of General or Quarter Sessions of the Peace shall be holden, deliver or cause to be delivered to the Trustees who shall have assessed the rate against which such person shall intend so to appeal, a notice in writing of such appeal, and the grounds of objection to the assessment of such rate; and upon the hearing of such appeal, the said Court shall not examine or inquire into any causes of appeal which are not specified in such Notice.

*(Witnesses not disqualified by reason of non-payment of Rates.)*

XVI. And be it enacted, That no person shall be disqualified from being a Witness, or from giving evidence in any Action, Prosecution, Appeal, Cause, or Proceeding whatsoever, authorised by or relating to the execution of this Act, by reason of liability to pay any rate to be assessed under the provisions of this Act.

*(Trustees may buy, sell, or exchange Lands.)*

XVII. And be it enacted, That it shall and may be lawful for the said Trustees respectively, and they are hereby authorised and empowered, from time to time, during the period of their continuing in Office as aforesaid, to purchase, sell, or exchange, any Lands within the limits aforesaid, for the purpose of enabling them to improve or repair the respective Parish Roads for which they shall so be Trustees.

*(Trustees may appoint Surveyors, and other Officers.)*

XVIII. And be it enacted, That the said Trustees respectively shall and may, and they are hereby authorised and empowered to appoint fit and proper persons to act as Surveyors of such Parish Roads respectively, and also as many fit and proper persons as may be necessary, to act as Treasurers, Collectors, Clerks, or other necessary

Officers, at such moderate salaries as they may think fit, and from time to time to remove them or any of them, and to appoint others, or another, in their or his stead.

*(Powers of the Surveyors.)*

XIX. And be it enacted, That the Surveyors so from time to time appointed for such Parish Roads, shall have, possess and enjoy, within the limits aforesaid, all, every, and the like powers and authority, and receive and enjoy the like immunities, advantages, and protection, as are given to, enjoyed by, and vested in the Surveyor-General of New South Wales and his Assistants, by and under the provisions of the hereinbefore first recited Act.

*(Duties of Surveyors.)*

XX. And be it enacted, That whenever Trustees shall be appointed for a Parish Road intended to be made through a part of any District of the said Colony where no Parish Road had theretofore been made or formed, the Surveyor appointed as aforesaid for such intended road, shall survey and mark out the most fit and advantageous line for such intended road, and submit the same to the said Trustees for their approval; and if the same shall be approved by them, the said Surveyor shall immediately transmit a plan and description of such intended Road, to the said Surveyor-General, for his information; and if such Surveyor-General shall be satisfied that the said intended Parish Road will in no way interfere with any Public Road, or intended Public Road, made, or to be made and supported at the Public Expense, or with any other Parish Road in the said District, and shall certify the same to the said Trustees, such Trustees may thereupon forthwith form, make, and fence in, such intended Parish Road, and from time to time repair and improve the same, under and in pursuance of the provisions of this Act: Provided however, that nothing herein contained shall prevent the opening of Parish Roads, by order of the Governor by and with the advice of the Executive Council, in the manner set forth in the said hereinbefore first recited Act, or shall prevent any person from claiming compensation under the provisions of the said Act, whether such Roads be opened or altered by order of the Governor and Executive Council, or by order of Trustees elected under the provisions of this Act: Provided further, that any compensation which may be awarded on any such claim, shall be paid by the Trustees of the Parish Road in respect of which such compensation shall have been so awarded; and thereupon, all right or property in the Land for which, or in respect of which, such compensation shall be so paid, shall become vested in the Trustees, and succeeding Trustees for the time being, of such Road: Provided also, that in awarding compensation for any Land taken for the purpose of opening or improving any Parish Road, the Jury or Valuers shall always take into consideration the benefit which the Individual claiming compensation will derive from the opening or improving of such Road, as well as the detriment which he may sustain thereby.

*(Tolls may be established.)*

XXI. And be it enacted, That when and so often as the Trustees of any Parish Road shall certify that such road is in a state to permit and allow the safe and uninterrupted passage of the

Public, with their Carriages and other Vehicles, and Horses and other Cattle and Stock, it shall and may be lawful for the Governor of the said Colony, for the time being, by a Proclamation to be published in the "*New South Wales Government Gazette*," to appoint and direct Tolls to be demanded, levied and taken, upon such roads; and in such Proclamation shall be notified the rates of such Tolls, and the manner of collecting and levying the same shall be such as are set forth and described respectively, in and by an Act of the said Governor and Legislative Council, passed in the second year of the Reign of His late Majesty King William the Fourth, intituled, "*An Act for repealing so much of an Act, intituled, 'An Act to continue until further provision shall be made, certain Duties, Tolls, Rates, Fees and other sums of money imposed by the Governors of New South Wales, and for other purposes as relates to the levying Tolls in New South Wales, and for raising a fund towards making, repairing, and upholding Public Roads, Bridges and Ferries, and for regulating the collection of the Tolls thereon;*" And it shall and may be lawful for the Governor of the said Colony for the time being, by any writing under his hand, to assign and direct the Tolls so to be collected or levied upon such Parish Road, to be paid to the Trustees thereof, to be by them laid out, employed, and expended, in the making, fencing, repairing, and keeping in repair such road, and the bridges thereon, and in keeping in proper repair the Toll Houses and Bars, and in the payment of the Collector or Collectors of such Tolls, and of other necessary Expences: Provided however, that no Turnpike shall or may be erected or established on such Parish Road, or any Toll collected or levied thereon, until it shall be made to appear to the satisfaction of the said Governor and Executive Council, that a sum of money not less than Fifty Pounds sterling for each and every mile of the whole length of such road, if not exceeding seven miles, or if exceeding seven miles, that at least Three Hundred and Fifty Pounds shall have been expended on such road; or that a sum of money equal, at least, to that amount, shall have been raised, and deposited in the hands of some one or more of the Trustees of such road, or their Treasurer, ready to be expended in the making and repairing of the same.

*(Tolls may be let on lease.)*

XXII. And be it enacted, That it shall and may be lawful for the said Governor by an order under his hand, to authorise the Trustees of such Parish Road to grant a Lease or Leases of the Tolls to be collected or levied thereon, for any period of time not exceeding one year, and from time to time to renew such Lease or Leases at the highest or best rent or value to be obtained for the same, either by Public Auction or otherwise; and in every such Lease shall be inserted the usual and ordinary covenants to be entered into by the Lessee or Lessees respectively of the said Tolls.

*(Trustees may erect Toll-bars, and appoint Collectors.)*

XXIII. And be it enacted, That in case any such Toll as aforesaid shall, with the approval of the said Governor, notified as aforesaid, be directed to be collected and levied on any such Parish

Road as aforesaid, it shall be lawful for the Trustees for such road, to cause a Toll-bar or Toll-bars to be erected on such part or parts thereof as the said Governor shall approve; and to appoint some fit and proper person or persons to attend the said Toll-bar or Toll-bars, to collect and receive the Tolls thereat; and to make to the person or persons so appointed a reasonable allowance for his or their trouble in collecting the same; and from time to time as to such Trustees shall seem meet and proper, to remove such person or persons from the Collection of the said Tolls, and to appoint another or others in his or their stead.

*(Table of Tolls to be put up.)*

XXIV.—And be it enacted, That when and so soon as any such Toll-bar or Toll-bars, shall be erected as aforesaid, the Trustees of the Parish road, on which the same shall have been erected, shall cause to be put up and continued in some conspicuous place, at or near such Toll-bar or Toll-bars, a table, painted in distinct and legible black letters, on a board with a white ground, containing at the top thereof the name of the Gate or Toll-bar where the same shall be put up, and also a list of all the Tolls and dues payable thereat, distinguishing, severally, the amount of the Tolls, and the different sorts of Cattle, or other Beasts, Carriages, and other Vehicles for which they are severally to be paid; and the said Trustees shall cause to be put up on some conspicuous place, on or near to each of the said Toll-bars, the Christian and Surname of the Collector for the time being of the Tolls thereat; and shall cause the same to be kept up during the whole time such Collector shall be on duty at such Toll-bar; and such Collector shall provide tickets denoting the payment of Toll, and on every such ticket shall be specified the date, the name of the Gate at which the same shall be issued, and also the names of the Gates (if any) freed by payment of such Toll.

*(Trustees may borrow money.)*

XXV. And be it enacted, That the Trustees of such Parish Road shall and may, with the consent and approbation of the said Governor, notified as aforesaid, and they are hereby authorised and empowered, from time to time to raise any sum or sums of money that shall or may be required for the making and repairing of the said roads and the bridges thereon, by one or more mortgage or mortgages of the Tolls to be collected or levied on such road, and of the assessments on such land: Provided, however, that the money so raised and procured by such mortgage or mortgages shall be duly expended in the making or repairing of the said road and the bridges thereon, and shall be accounted for by the Trustees thereof, as other monies collected, levied or raised by them under and by virtue of this Act, are directed to be accounted for.

*(Appropriation of Tolls.)*

XXVI. And be it enacted, That the several sums of money received by such Collector or Collectors upon any such Parish Road as aforesaid, for or on account of the Tolls demandable thereon, shall be by him or them accounted for and paid over to the Trustees of such road or their Treasurer; and such Trustees, after paying, or allowing thereout, the necessary expenses for the collecting such Tolls, shall cause the net proceeds thereof to be

expended and applied in the payment of the salary of any Surveyor and other Officer or Officers appointed by such Trustees as aforesaid, and in the payment of the principal sum, or interest, of any money borrowed as hereinbefore authorised, (if any such shall have been so borrowed,) and in keeping the said road, and Bridges thereon, in good and sufficient repair.

*(Toll Books to be kept, and be open to the inspection of the Public.)*

XXVII. And be it enacted, That the Trustees of such Parish Roads respectively, shall cause Books of account to be kept of the amount of Toll received on such Parish Roads respectively, and of the money paid and expended in the collection of such Tolls, and in the payment of the salaries of the respective Surveyors and other Officers appointed as aforesaid, and in the payment of the principal sum, or interest, of any money so borrowed as aforesaid, by such Trustees, and in the necessary repairs of such roads, and the Bridges thereon; and such Books of Account shall be kept in such convenient places as such respective Trustees shall appoint, and the same shall be open for the inspection at all reasonable times of all persons interested therein.

*(Fines and Penalties to be levied and paid to Trustees.)*

XXVIII. And be it enacted, That all fines, penalties, and forfeitures, imposed by the Act hereinbefore last recited, passed in the Second year of the Reign of His said late Majesty, to which persons are by the said Act declared to be liable for refusing to pay Toll, or for any other offence therein mentioned, as well as for any offences committed by the Collectors of Tolls under the said Act, are hereby declared to be applicable, and the same shall be applied to any like offences at any time committed upon any Parish Road, made or intended to be made under and in pursuance of the provisions of this Act, so far as the same are applicable, and can be applied in such cases; and it shall and may be lawful for any one or more Justice or Justices of the Peace to hear and determine in a summary way all such offences as aforesaid, in the manner directed by the said Act, and impose such fines, penalties, and forfeitures, against any party or parties so offending, as in the said Act are directed and awarded against any person or persons offending as therein mentioned, and to enforce and cause such fines, penalties, and forfeitures, to be levied and paid as in and by the said Act is directed, as fully and to the same effect, as if the same were herein repeated and enacted; Provided only, that such fines, penalties, and forfeitures shall be paid to the Trustees of the Parish Road in respect of which the same shall have been so levied, and shall be by them applied towards the purposes of their respective Trusts.

*(Appeal against conviction.)*

XXIX. And be it enacted, that any party or parties convicted under this Act of any such offence or offences as is and are particularly set forth in the said Act hereinbefore last recited, before any one or more Justice or Justices of the Peace, shall have and be entitled to the like appeal from the decision of such Justice or Justices,

as in and by the said last mentioned Act is given to 2 Wm. IV. any person or persons convicted of any No. 12. offence or offences against the said Act.

GEORGE GIPPS,  
Governor.

*Passed the Legislative Council  
this twenty-third day of Sep-  
tember, One thousand eight  
hundred and forty.*

WM. MACPHERSON,  
Clerk of Councils.

ANNO QUARTO.

VICTORIÆ REGINÆ.

No. 13.

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 periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies, and the registration of the names of the Proprietors thereof.*

WHEREAS it is expedient that all Banking Companies, Firms, and Individual Preamble Bankers, engaged or hereafter to be engaged in the Colony of New South Wales or its Dependencies, in the discounting and issuing of Bills and Notes, lending money on Securities, and Cash Credit Accounts, and other matters relating to the ordinary Business of Banking, should for the information, and better security of the Public, furnish periodically, in manner hereinafter mentioned, statements of their Liabilities and Assets, to be published and recorded as hereinafter is directed: Be it therefore enacted by His Excellency the Governor of New South Statements of Wales, with the advice of the Legislative Council thereof, That from age liabilities and assets to be kept. next, every Banking Company, Firm, or Individual Banker as aforesaid in the Colony of New South Wales and its Dependencies, shall, at the close of business, on Monday of every week, prepare and make up a full and correct Account and Statement in writing, exhibiting the Assets, Property, Credits, and Securities respectively belonging to every such Banking Company, Firm, or Individual Banker as aforesaid, and also the respective Debts, Engagements, and Liabilities of the same, in the manner and form, and under the several Heads, particularly set forth in the Schedule to this Act annexed, marked A.

*(Quarterly Statements to be published.)*

II. And be it enacted, That from such Weekly Accounts and Statements so directed to be made up as aforesaid, there shall be prepared on the last Monday of each quarter ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in every year, by every such Banking Company, Firm, or Individual Banker as aforesaid, respectively, a General Abstract in writing, of the average amount, during such quarter, of the respective Assets, Property, Credits, and Securities of every such Banking Company, Firm, or Individual Banker, and of their respective Debts, Engagements, and Liabilities, in the manner and form and under the several Heads or

Titles specified and set forth in the Schedule to this Act annexed, marked B, to which respective Quarterly Abstracts shall be subjoined a Statement exhibiting the Amount of the Capital Stock of every such Banking Company, Firm, or Individual Banker as aforesaid, paid up at the close of the Quarter for which such Abstracts respectively shall be so made up, the rate and amount of the last Dividend that may have been declared to the Shareholders or Proprietors, and the amount of the reserved Profit at the time of declaring such Dividend; and such respective Quarterly Abstracts and Statements shall be verified upon the Oath of the Managing Director, Manager, Chief Cashier, or Clerk of every such Banking Company, Firm, or Individual Banker as aforesaid making the same, and shall, within One Month after the close of every such Quarter, or as soon thereafter as may be practicable, be delivered to the Colonial Secretary of New South Wales for the time being, to be laid before the Governor and Legislative Council of the same; and published in the *New South Wales Government Gazette*.  
(Penalty for neglecting to keep or make such Returns.)

III. And be it enacted, That if any such Banking Company, Firm, or Individual Banker shall neglect to keep such Weekly Accounts, or to make out, or to return or deliver such Quarterly Abstract to the Colonial Secretary as aforesaid, or if any Managing Director, Manager, Chief Cashier, or Clerk verifying any such Abstract, shall deliver or return to the said Colonial Secretary any false Account or Abstract of such Averages, every such Banking Company, Firm, or Individual Banker so neglecting, or making such false Account or Abstract, shall forfeit for every such Offence the sum of Five Hundred Pounds; and the Managing Director, Manager, Chief Cashier or Clerk so offending, shall also forfeit for every such offence the sum of One Hundred Pounds; such Penalties to be recovered respectively by Action of Debt in the Supreme Court, or any other Court of competent jurisdiction in the said Colony or its Dependencies.

(Banks in New Zealand to make Returns to the Colonial Secretary thereof.)

IV. Provided always, and be it enacted that in case of any Banking Company, Firm, or Individual Banker carrying on business in the Islands of New Zealand, such Quarterly Abstracts of Averages shall be delivered in like manner as aforesaid, to the Colonial Secretary for the time being of the same, and laid before the Lieutenant Governor thereof, and Published in such manner for general information, as he may direct, subject to the same penalties for neglect or falsification, as in the case of the Abstracts hereinbefore required to be delivered to the Colonial Secretary of New South Wales.  
(Copy of Charter or Deed of Settlement to be recorded in the Supreme Court.)

V. And be it enacted, That a copy of the Charter or of the Deed of Copartnership and Settlement of every such Banking Company or Firm as aforesaid, attested by the Managing Director, Manager, Chief Cashier, or Clerk for the time being of such Banking Companies or Firms, respectively, to be a true transcript of the Original Charter, or of the Deed of Copartnership and Settlement respectively, of such Banking Company or Firm, shall be registered in the Office of the Registrar of the

Supreme Court of the said Colony, by the Managing Director, Manager, Chief Cashier, or Clerk of such Banking Companies or Firms respectively within thirty days from and after the day on which this Act shall commence and take effect, or as soon thereafter as may be practicable, if not already registered, and that the same shall be open for inspection at all reasonable times by any person requiring to inspect the same, on payment of a fee of One shilling for each such inspection; and if any such Managing Director, Manager, Chief Cashier or Clerk, shall omit or neglect so to register such Attested Copy of the Original Charter, or Deed of Copartnership and Settlement of any such Banking Company or Firm as aforesaid, within the time hereinbefore directed for registering the same, he shall be subject and liable to a penalty of One hundred pounds, to be recovered by an Action of Debt in the Supreme Court or any other Court of Competent Jurisdiction, of the said Colony or its Dependencies, by any person who shall sue for the same.

(Copy of New Charter or Deed to be in like manner recorded.)

VI. And be it enacted, That as often as any New Charter, or Deed of Copartnership and Settlement of any such Banking Company or Firm as aforesaid may issue or be entered into, or any New Banking Company or Firm be established, a copy of the Charter, or of the Deed of Copartnership and Settlement, attested as aforesaid, shall in like manner be registered in the Supreme Court of the said Colony, for the purposes and subject to the penalty hereinbefore imposed on the party neglecting or omitting duly to make such registry as aforesaid.

(Names of Proprietors to be also recorded in the Supreme Court.)

VII. And be it enacted, That the Managing Director, Manager, Chief Cashier, or Clerk of every such Banking Company or Firm as aforesaid, shall within thirty days from and after the first day of January in each and every year, or as soon thereafter as may be practicable, cause a true and correct List of the names of all the persons who shall be then existing proprietors or members of such Companies or Firms, respectively, with their respective places of abode and descriptions, to be recorded on Oath in the Office of the Registrar of the Supreme Court of the said Colony; 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 for each such inspection; and if any such Managing Director, Manager, Chief Cashier, or Clerk shall omit or neglect to cause such list to be recorded in manner aforesaid, or shall wilfully falsify any such List, he shall be subject and liable to a penalty of One Hundred Pounds, to be recovered by an Action of Debt in the Supreme Court or any other Court of Competent Jurisdiction of the said Colony or its Dependencies, by any person who shall sue for the same.

(Liability of such Proprietors to be sued.)

VIII. And be it enacted, That every person whose name shall be so recorded as aforesaid, shall be considered, taken, and held to be, a member or proprietor of the Banking Company or Firm in which his or her name shall be so recorded as aforesaid, and shall be liable to be sued as such until a New List of the names of the Members or

Proprietors of such Banking Company or Firm shall be recorded as aforesaid, or until he or she shall have given notice in *The New South Wales Government Gazette*, of his or her retirement from such Banking Company or Firm: Provided however, that nothing herein contained shall be deemed or construed to absolve any person from liability on account of any debts incurred by any such Banking Company or Firm during the time such person remained a Proprietor or Member thereof, or to render any individual Proprietor or Member of any Banking Company or Firm established by Royal Charter liable for any debts incurred by the same, except so far as he or she may be liable under the provisions of such Charter.

*(Oaths to be taken before a Justice.)*

IX.—And be it enacted, that every Oath required to be taken under the provisions of this Act, may be taken before any Justice of the Peace, who is hereby authorised to administer the same; and any Managing Director, Manager, Chief Cashier, or Clerk who shall take any false Oath as to any Quarterly Abstract of Averages, or other matter or thing under the provisions of this Act, shall be subject to such pains and penalties as are by law in force at the time of taking such Oath, enacted as to persons convicted of wilful and corrupt perjury.

*(Limitation of Actions.)*

X. And be it enacted, that no Action shall lie against any person for any offence committed against the provisions of this Act unless the same shall be commenced within two years from the time the offence shall be alleged to have been committed.

*(Proof of inability to comply with Act in given time, to lie on party.)*

XI. Provided always and be it enacted, That if in any case, any matter, or thing, required to be done or performed under the provisions of this Act within any given period, shall not have been so done or performed, the proof that it was not practicable to do so, shall lie upon the party required to do or perform the same: Provided also, that no excuse shall be allowed for any such failure or neglect, unless it be clearly shewn, that the matter or thing required to be done or performed, was done or performed as soon as was practicable.

*(Defining Banks to which Act shall apply.)*

XII. And whereas it is expedient to prevent all doubts as to the particular Banks to which this Act shall apply: Be it enacted, that the same shall apply to every Company, Firm, or Individual engaged in the ordinary business of Banking, by receiving deposits and issuing Bills or Notes, payable to the bearer at sight or on demand.

*(Commencement of Act.)*

XIII. And be it enacted, That this Act shall commence and take effect from and after the First day of January, One thousand eight hundred and forty-one.

GEORGE GIPPS,

Governor.

Passed the Legislative Council,  
this twenty-third day of Sep-  
tember, One thousand eight  
hundred and forty.

WM. MACPHERSON,

Clerk of Councils.

[For Schedules, see p. 1021.]

SCHEDULES REFERRED TO.—A.

WEEKLY STATEMENT Shewing the AMOUNT and Nature of the DEBTS, ENGAGEMENTS, and LIABILITIES, and of the ASSETS, and PROPERTY or SECURITIES of the Bank of 18, to the

LIABILITIES.			AMOUNT.		TOTALS.		ASSETS.			AMOUNT.		TOTALS.	
	£	s. d.	£	s. d.	£	s. d.		£	s. d.	£	s. d.		
Notes in Circulation { Not bearing Interest	-	-	-	-	-	-	Coined Gold and Silver, and other Coined Metals	-	-	-	-		
{ Bearing Interest	-	-	-	-	-	-	Gold and Silver in Bars, or Bullion	-	-	-	-		
Bills in Circulation { Not bearing Interest	-	-	-	-	-	-	Landed Property	-	-	-	-		
{ Bearing Interest	-	-	-	-	-	-	Notes, and Bills of other Banks	-	-	-	-		
Balances due to other Banks	-	-	-	-	-	-	Balances due from other Banks	-	-	-	-		
Deposits { Not bearing Interest	-	-	-	-	-	-	Amount of all Debts due to the Bank, including Notes, Bills of Exchange, and all Stock and Funded Debts of every description, excepting Notes, Bills, and balances due to the said Bank from other Banks,	-	-	-	-		
{ Bearing Interest	-	-	-	-	-	-		-	-	-	-		
Total Amount of Liabilities,	-	-	-	-	-	-	Total Amount of Assets,	-	-	-	-		
Place and Date.												Managing Director.	
												Chief Cashier or Clerk.	

GENERAL ABSTRACT, Shewing the Average AMOUNT of the LIABILITIES and ASSETS of the Bank of 18, taken from the Several WEEKLY STATEMENTS, during the Quarter, from the

LIABILITIES.				AMOUNT.		TOTALS.		ASSETS.				AMOUNT.		TOTALS.			
				£	s.	d.	£	s.	d.					£	s.	d.	
Notes in Circulation {	Not bearing Interest	-	-	-	-	-	-	-	-	Coined Gold and Silver, and other Coined Metals	-	-	-	-	-		
Bills in Circulation {	Not bearing Interest	-	-	-	-	-	-	-	-	Gold and Silver, in Bullion or Bars	-	-	-	-	-		
Balances due to other Banks	-	-	-	-	-	-	-	-	-	Landed Property	-	-	-	-	-		
Deposits {	Not bearing Interest	-	-	-	-	-	-	-	-	Notes and Bills of other Banks	-	-	-	-	-		
	Bearing Interest	-	-	-	-	-	-	-	-	Balances due from other Banks	-	-	-	-	-		
Total Amount of Liabilities,				£						Total Amount of Assets,				£			
Amount of the Capital Stock Paid up at the close of the Quarter, ended				18													
Rate of the last Dividend declared to the Shareholders				-													
Amount of the last Dividend declared				-													
Amount of the Reserved Profits at the time of declaring such Dividend				-													
Place and Date.										Managing Director.							

I, A. B., make Oath, that to the best of my knowledge and belief the foregoing Abstract is a true and faithful Account of the average Amount of Assets and Liabilities of the above Bank during the period specified; and that the same was made up from the Weekly Statements thereof, kept in pursuance of the provisions of the Act of the Governor and Council, 4 Victoria, No. 13.

Sworn before me at this day of 184 }  
C. D., Justice of the Peace.

(Signed) A. B.

ANNO QUARTO.  
VICTORIÆ REGINÆ.

No. 14.

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 remove doubts as to the validity of certain Marriages had and solemnized within the Colony of New South Wales, by Ministers of the Congregational or Independent, and Baptist Denominations, and to regulate the Registration of Certain Marriages, Births, or Baptisms, and Burials.*

**W**HEREAS doubts may hereafter arise concerning the validity of Marriages Preamble. which have been had and solemnized within the Colony of New South Wales, by Ministers of the *Congregational or Independent, and Baptist Denominations*; and whereas it is expedient that such doubts should be quieted, and that the law respecting such Marriages should be declared for the future: Be it therefore declared and enacted by His Excellency the Governor of New South Wales, with the advice of the Legislative Council thereof, That all Marriages before the passing and publication of this Act, had and solemnized by or Congregational or officiating Ministers of the or Independent Congregational, or Independent and Baptist Baptist Denominations shall be, and Ministers before the passing of this Act to be of full force. such Marriages had been had and solemnized by Clergymen of the Church of England, Presbyterian Ministers, Roman Catholic Priests, or Ministers of the Wesleyan Methodist Society, according to the rites and ceremonies of their respective Churches.

*(Persons being Members of the Congregational or Independent, and Baptist Denominations to make declaration thereof, whereupon Marriages shall be of full force.*

II. And be it enacted, That from and after the passing and publication of this Act, all Marriages between persons, both or one of such persons being Members, or a Member of, or holding communion with the *Congregational, or Independent, or Baptist Denominations*, and making a declaration to the effect hereinafter mentioned, which Marriages shall be had and solemnized within the said Colony by an ordained or officiating Minister of the *Congregational or Independent Denomination, or by an ordained or officiating Minister of the Baptist Denomination*, shall be, and shall be adjudged, esteemed, and taken to be of the same force and effect in Law as, and no other than, if such marriage were had and solemnized by Clergymen of the Church of England, Presbyterian Ministers, Roman Catholic Priests, or Ministers of the Wesleyan Methodist Society, according to the rites and ceremonies of their respective Churches: Provided always that the names of the respective Ministers who shall celebrate such Marriages, as well as the Churches in which they shall respectively officiate, shall have been duly registered in manner hereinafter prescribed: Provided further, that from and after

the passing of this Act, no Marriage shall be had and solemnized as aforesaid, until both or one of the persons to be married shall have signed a declaration, in writing, in duplicate, stating that they, or he or she, (as the case may be) are, or is Members or a Member of, or hold communion with, the *Congregational or Independent, or Baptist Denominations*, according to the form hereunto annexed and marked with the Letter A; and the Minister by whom any such Marriage as aforesaid shall be solemnized shall, immediately upon the solemnization thereof, certify such Marriage by a writing under his hand, in duplicate, subjoined to, or indorsed upon, the declaration in duplicate hereinbefore mentioned, specifying in such Certificate the names and descriptions of the parties between whom, and of the witnesses in whose presence the said marriage has been had and solemnized, and the time and place of the celebration of the same, according to the form hereunto annexed and marked with the Letter B; and such Certificate in Duplicate, shall be also signed forthwith by the parties entering into such Marriages, and by the witnesses to the same, according to the said last mentioned form; and the minister officiating shall deliver one duplicate of such declaration and Certificate to the persons Married, or to one of them, and shall transmit the other duplicate of such declaration and Certificate to the Registrar of the Supreme Court.

*(Independent or Baptist Ministers not to celebrate marriages unless their names and the Churches or Chapels in which they officiate, be duly registered.*

III. And whereas in respect to the said *Congregational or Independent, and Baptist Denominations*, there is not in the said Colony any established form of Church Government, nor any Ecclesiastical authority to which, in case of doubt, reference can be made as to the right of any individual to assume the character of a Minister of either of the said Denominations; and whereas it is necessary to provide the means of ascertaining what persons shall, for the purposes of this Act, be considered Ministers of such Independent and Baptist Denominations: Be it therefore enacted, That no person professing to be a Minister either of the Independent or Baptist Denominations, shall be allowed to celebrate Marriages under this Act, unless his name, and the name and description of the Church or Chapel of which he professes to be the Minister, be registered in the Office of the Registrar of the Supreme Court of the said Colony, together with a declaration signed by the Trustees of such Church or Chapel, or, if there be no Trustees, by the Deacons of the same, to the effect that the person whose name shall be so registered, is the ordained and officiating Minister of such Church or Chapel, and that such Minister is not engaged in any secular pursuit, except the education of Youth, and further that the said Church or Chapel is not used for any purpose but the Worship of God or the education of Youth.

*(On the death, departure from the Colony, or cessation of the Ministry of any Independent or Baptist Minister, the fact shall be registered within ninety days after the occurrence thereof.)*

IV. And be it enacted, That whenever any Minister whose name shall have been so registered as aforesaid, shall die, or depart from the said

Colony, or cease to be Minister of such registered Church or Chapel, as aforesaid, the fact of such death, departure, or cessation of Ministry, shall within ninety days thereafter be registered in like manner by the said Trustees or Deacons, in the Office of the Registrar of the said Supreme Court, or in default thereof, such Trustees, or Deacons, if there be no Trustees, shall on conviction before any two or more Justices of the Peace, forfeit and pay a penalty or sum of one hundred pounds.

*(Penalty on Independent or Baptist Ministers celebrating Marriages without such registry.)*

V. And be it enacted, That from and after the first day of January next, if any person professing to be an Independent or a Baptist Minister, whose name shall not have been so registered as aforesaid, or if any person whose name shall have been so registered, but who subsequently shall have ceased to be a Minister of the Church or Chapel for which he shall so have been registered, shall celebrate any marriage within the limits of the said Colony, or its Dependencies, such person shall on conviction before any two or more Justices of the Peace, forfeit and pay for every such offence, a penalty or sum of one hundred pounds.

*(Certificates of Births or Baptisms and Burials to be transmitted to Registrar of Supreme Court within one calendar month under penalty of Ten Pounds.)*

VI. And be it enacted, That a Certificate of every Birth, Baptism, or Burial, solemnized, recorded, or performed by any ordained or officiating Minister of the Congregational or Independent, and Baptist Denominations, shall be transmitted by the Minister officiating to the Registrar of the Supreme Court, within one Calendar Month after the solemnization or performance of any such ceremony, under a penalty of Ten Pounds. *(Such Certificates to be safely kept by Registrar, and Alphabetical Lists of them to be made.)*

VII. And be it enacted, That as often as any such duplicates and Certificates of Marriage, and Certificates of Births or Baptisms and Burials are transmitted to the Registrar of the Supreme Court, as hereinbefore directed, the same shall be by him safely kept from damage, and be so arranged as that they shall be of easy reference when required; and one general Alphabetical List shall be made, in books to be kept for such purpose, of the names of all persons and places therein respectively, which, with the said Duplicates and Certificates, as aforesaid, shall be open to public search at all reasonable times, on payment of one shilling for each name searched for, by the party or parties searching, who shall state at the time of such search, the name or names of the person or persons sought for; and certified copies of such Duplicates and Certificates respectively, shall be received and taken in all Courts of Law and Equity within the said Colony, as evidence of the Marriage, Baptism, Birth, or Burial of the parties respectively named therein; and for every such copy aforesaid a sum of one shilling, and no more, shall be paid by the party requiring the same.

*(Recovery and appropriation of Penalties.)*

VIII. And be it enacted, That all penalties, fines, or forfeitures, imposed by and under the provisions of this Act, shall be recovered, and applied, in the manner directed by an Act of the

Governor and Legislative Council of the said Colony, passed in the Third year of the Reign of Her Majesty Queen Victoria, intituled "*An Act for the better ensuring the Registration of Marriages, Baptisms, and Burials*:" Provided always, that no penalty imposed by and under the provisions of this Act, shall be sued for after the expiration of three years from and after the day on which such penalty shall be alleged to have been incurred.

"GEORGE GIPPS."

Passed the Legislative Council } Governor.  
this twenty-third day of Sep-  
tember One thousand eight }  
hundred and forty.

WM. MACPHERSON,  
Clerk of Councils.

## SCHEDULES REFERRED TO.

A.

### FORM OF DECLARATION.

I, A. B., (or we, as the case may require) do hereby declare that I am (or we are) a Member (or Members) of, or hold communion with, the Congregational or Independent Denomination of Christians (or the Baptist Denomination of Christians.)

(Signed) { A. B.  
C. D.

B.

### FORM OF CERTIFICATE.

I, E. F., duly registered as the officiating Minister of the Congregational or Independent (or of the Baptist) registered Church or Chapel (describe where situate), do hereby certify that A. B. of , and C. D. of (here describe the residence of the parties married) were joined in wedlock by me on the day of 18 , at , in the presence of (here describe the names and residences of the respective witnesses to the Marriage Ceremony, who intend to subscribe the Certificate.)

(Signed) E. F.  
Minister.

Witnesses { G. H.  
I. K.

Colonial Secretary's Office,  
Sydney, 10th October, 1840  
COUNCIL.

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

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

"A Bill to make provision for Juries at the several Circuit Courts of the Colony of New South Wales."

It is proposed to authorise the Judges of the Supreme Court to issue a *Venire facias*, to the Sheriff of the Colony, to summon jurors for the trial of cases, civil and criminal, in the Circuit Courts to be established in the different towns and places in the Colony and its Dependencies.

That the Justices of the Peace in the towns and districts, where no provision has been heretofore made for the appointment of jurors, to hold

Courts of Petty Sessions, for preparing and correcting lists, and appointing jurors.

That lists be prepared and corrected, as provided for in former Acts of Council. Such lists to be forwarded to the Sheriff, and entered in a book, to be called the Jury Book of the town or district.

All qualified persons, residing within thirty miles of such town or district, to be liable to serve as jurors therein.

Jurors, not attending pursuant to summons, shall be liable to be fined.

That the former rules and regulations respecting jurors in the Supreme Court, shall be adopted as to jurors attending Circuit Court.

Colonial Secretary's Office,  
Sydney, 9th October, 1840,  
COUNCIL.

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

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

1. "A Bill to provide for Trial by Jury in that part of the Colony of New South Wales called New Zealand."

It is proposed that the Juries shall consist of Twelve inhabitants.

That the qualifications, exemptions, and disqualifications, specified in the 4th Wm. IV. No. 12 shall be adopted.

That the Magistrates at Petty Sessions shall frame the Jury List and transmit the same to the Sheriff or Deputy Sheriff.

The same course of proceeding to be followed as is prescribed in the Act 2nd Wm. IV. No. 4, and 4 Wm. IV. No. 12 in the summoning and empannelling of Juries for the trial of all issues.

2. "A Bill to adopt an Act of the Imperial Parliament intituled, 'An Act for enabling persons indicted of Felony to make their defence by Counsel or Attorney.'"

It is proposed, that all persons tried for Felony may make their defence by Counsel or Attorney, and also in cases of Summary Conviction.

That copies of depositions shall be allowed to prisoners and may be inspected during Trial,