



NEW SOUTH WALES GOVERNMENT GAZETTE,

Published by Authority.

TUESDAY, SEPTEMBER 20, 1842.

*Colonial Secretary's Office,
Sydney, 18th September, 1842.*

PRISONERS.

HIS Excellency the GOVERNOR directs it to be made known, in republishing the 3rd paragraph of the Government Notice of the 7th April, 1841, that there are now about one hundred prisoners whose services may be had on application to the Principal Superintendent of Convicts, provided the purposes for which they are required be strictly public ones or of public utility.

3. "After the 1st July, 1841, should there be any Convicts at the disposal of Government, more than are required for the purposes of Government, their labour will be given to persons or parties who may be associated for any purpose of public utility, such as the opening of new, or the repair of existing roads, the formation of dams or breakwaters, the improvement of harbours, the construction of bridges, or the erection of watch-houses, and other police buildings."

"In all such cases, however, the parties to whom the labour of the Convicts is given, will be required to lodge, feed, and clothe them, as well as to provide for their proper superintendence."

By His Excellency's Command,

E. DEAS THOMSON.

*Colonial Secretary's Office,
Sydney, 5th September, 1842.*

CONVEYANCE OF MAILS.

CONVEYANCE being required for the Post Office Mails from and to the undermentioned places, for one Year, from the 1st January, 1843, persons disposed to Contract for providing the same are invited to transmit their offers, in writing, to this Office, before Twelve o'clock on Monday, the 17th day of October next, endorsed "*Tender for Conveyance of Mails.*"

Persons willing to undertake the Contract for more than one Year, are invited to specify the

rate at which they will undertake the service for one, two, or three Years, respectively, viz.:—

From and to Windsor, Parramatta, and Sydney, daily, (Sundays excepted).

From and to Windsor, Pitt Town, Wilberforce, Richmond, and North Richmond, three times a week.

From and to Windsor and Wiseman's Ferry, once a week.

From and to Gosford and Wiseman's Ferry, once a week.

From and to Penrith, Parramatta, and Sydney, daily, (Sundays excepted).

From and to Penrith, Hartley, and Bathurst, daily, or three times a week.

From and to Bathurst and O'Connell, once or twice a week.

From and to Bathurst and Wellington, once a week.

From and to Mudgee and Hartley, once a week.

From and to Liverpool and Parramatta, daily, (Sundays excepted).

From and to Campbelltown, Liverpool, and Sydney, daily, (Sundays excepted).

From and to Campbelltown, Appin, Wollongong, and Dapto, daily.

From and to Dapto and Kiama, twice a week.

From and to Kiama and Shoalhaven, twice a week.

From and to Shoalhaven, Ulladulla, and Broulee, once a week.

From and to Campbelltown, Camden, Picton, Berrima, Marulan, and Goulburn, daily.

From and to Goulburn, Gunning, and Yass, three times a week.

From and to Bungonia and Marulan, daily.

From and to Bungonia and Boro Creek, and Boro Creek and Queanbeyan, via Bungendore, three times a week.

From and to Braidwood and Boro Creek, on the Queanbeyan Road, three times a week.

From and to Raymond Terrace and Sawyer's Point, twice a week.

From and to Dungog and Raymond Terrace, via Clarence Town, twice a week.

From and to Hinton and Paterson, daily.

From and to Gresford and Paterson, daily.
From and to Maitland, East Maitland, and Morpeth, daily.

From and to Maitland and Wollombi, once a week.

From and to Maitland and Singleton, daily.

From and to Singleton, Muswellbrook, and Scone, three times a week, or daily.

From and to Scone and Murrurundi, twice a week.

From and to Murrurundi and Tamworth, on the Peel River, once a week.

From and to Singleton; Jerry's Plains, and Merton, three times a week.

From and to Merton and Cassilis, twice a week.

From and to Macquarie and Armidale, in New England, via Yarrows, once a week.

PORT PHILLIP.

From and to Melbourne and Yass, once a week, for the whole distance, or separately for portions of the road, as follows :—

From and to Yass and Albury, on the Murray, Albury and Mitchell's Town, and Mitchell's Town and Melbourne.

From and to Melbourne and Geelong, once a week.

As expedition is of so much importance, offers for any quicker Conveyance of the Mails than is now effected will be favourably entertained; but it is to be understood that they are to be dispatched on the days and hours to be fixed by the Postmaster-General, either according to the present arrangement, or as he may afterwards determine for the public convenience.

It will be optional with parties to offer for one or more of the above lines of stages, and to propose the mode of conveyance; but on all roads where wheel vehicles can travel, a preference will be given to carriage conveyance, and the contractors will be held strictly bound to use the conveyance they propose, and to travel at the rate agreed upon. The rate of travelling is not to be less than six miles per hour, including all stoppages. The Contractors are to carry all bags and letters which may be delivered to them under authority of the Postmaster-General, or any of the Postmasters, and to provide secure lockers for the Mails in carriages, and dry coverings for the bags on horseback.

Contractors will be bound to prevent the conveyance of any letter or packet, by any of their servants, or passengers, or otherwise, to the prejudice of the Post Office Revenue, under a penalty of £5 for each and every offence.

Contractors will be liable to a fine of five shillings for every five minutes delay after the specified time of starting; and to a like penalty for every ten minutes delay after the specified time of arrival, except for the first five and ten minutes respectively.

A Mail Cart or Carriage, drawn only by one horse, must not carry more than one passenger; by two horses, not more than three passengers; and by three or more horses, not more than six passengers, exclusive of the driver, under a penalty of £3 for each offence, on all roads except between Melbourne and Yass, and on that road the penalty will be £10.

All vehicles and horses employed in the conveyance of Mails, are to be at all times subject to the inspection and approval, or rejection of the

Postmaster-General, or person appointed by him for that purpose. The drivers and postmen are to be free men, and of certified good character.

All fines and penalties incurred under the agreement are to be deducted by the Postmaster-General from the next quarterly instalment falling due to the Contractor, and to be considered as over and above any penalties provided by any Act of Council.

Each party tendering, or an Agent for him, must attend at this Office on the day appointed for opening the Tenders; and each Tender must bear the signatures of two respectable and solvent persons, willing to enter into a bond with the Contractor for the safety of the Mails, and the due performance of the Contract.

The hours of starting from each Post Office, and other particulars, may be ascertained at the General Post Office, where parties proposing to Tender are invited to seek information.

Printed forms of Tender may be had on application at the General and all other Post Offices throughout the Colony.

By His Excellency's Command,

E. DEAS THOMSON.

Colonial Secretary's Office,
Sydney, 13th August, 1842.

SYDNEY TOLL.

AT Twelve o'clock on Thursday, the 22nd September, 1842, will be put up to Auction, at the rear of the Colonial Treasury, Bent-street, Sydney, the Lease for three months, (commencing on the 1st day of October, 1842) of the Tolls and Dues authorised and imposed by the Act of the Governor and Council, 4th William IV., No. 16, arising and to be collected at the Sydney Toll Gate, near Annandale Bridge, on the road from Sydney to Parramatta.

The Lessee, with two responsible sureties, must enter into a Bond and Warrant of Attorney, securing regular payment of the Rent, by equal monthly instalments before the expiration of seven days after the termination of each month, and containing an engagement for the due performance of the conditions.

The Lessee must provide himself with a residence at the Gate at his own expense.

Further information may be obtained by application to the Colonial Treasurer.

By His Excellency's Command,

E. DEAS THOMSON.

Colonial Secretary's Office,
Sydney, 16th September, 1842.

BUOYS FOR HARBOUR.

TWO BUOYS being required for the purpose of being laid down, for the guidance of Vessels rounding Dawes' and Macquarie Points, Tenders for supplying the same, endorsed "Tender for Buoys" will be received at this Office, until 12 o'clock on Monday, the 26th instant.

Further particulars may be obtained by application to the Harbour Master, at the Dock Yard, Sydney.

Persons tendering, or their Agents, are requested to attend at this Office at the time appointed for opening the Tenders.

By His Excellency's Command,

E. DEAS THOMSON.

Colonial Secretary's Office,
Sydney, 19th September, 1842.

TENDER FOR PROVISIONS, &c., ACCEPTED.

THE undermentioned Tender for the supply of Provisions, &c., for the Colonial Service, in the Districts of Campbelltown, Camden, Narellan, and Picton, from 1st November to the 31st December, 1842, having been accepted, is published for the information of Departments and others concerned.

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

CONTRACTOR—MR. WILLIAM HERBERT.

ARTICLES OF SUPPLY.		PRICES.
		s. d.
2.—Prisoners of the Crown, and others in the employment of Colonial Departments	per Ration	0 6
3.—Officers in charge of Surveying Parties, and men composing such Parties; and for Soldiers of the Mounted Police, and other Mounted Parties	do	0 9½
6.—Prisoners confined in Gaol	do	0 4
7.—Children of Female Prisoners confined in Gaol	do	0 5
8.—Prisoners confined in Lock-up or Watch-houses	do	0 3
9.—Daily Ration of Forage	do	2 4
11.—Deserving Mechanics and others in the Department of the Colonial Engineer, and other Colonial Establishments	Flour	per lb. 0 2½
	Tea	do 3 0
	Sugar	do 0 3
	Tobacco	do 2 6
	Bread	do 0 2
	Meat	do 0 2½
	Firewood	per 100lbs. 0 6
12.—Fuel & Light	Sperm Oil, per Imperial Gallon	10 0
	Common do. per Imperial do.	3 0
	Mould Candles	per lb. 1 0
	Dipt do	per do 0 8
	Cotton Wick	per do 2 0

Colonial Secretary's Office,
Sydney, 12th September, 1842.

WILLIAM PRATT, who was convicted at Hertford, in October, 1828, and transported to New South Wales in the ship *Waterloo*, for seven years, will hear of something to his advantage on application at this Office.

E. DEAS THOMSON.

Colonial Secretary's Office,
Sydney, 19th September, 1842.

TO IRON FOUNDERS AND OTHERS.

THIRTY Cast Iron Girders being required for the New Gaol, Sydney. Tenders will be received at this Office, until Noon of Monday, the 26th instant, from persons willing to provide and deliver the same at that building.

Offers to be endorsed, "Tender for Cast Iron Girders," to specify the price per pound required for the same, and to contain the names of two responsible persons willing to become sureties for the due fulfilment of the contract.

Further particulars may be obtained at the Office of the Colonial Architect, Hyde Park.

Parties tendering, or their Agents, are requested to attend at this Office on the above-named day.

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

Colonial Secretary's Office,
Sydney, 10th September, 1842.

TO CARPENTERS AND OTHERS—ROOFING NEW GAOL, GOULBURN.

TENDERS will be received at this Office, until Noon of Monday, the 26th instant, from persons willing to prepare and fix the roofing required at the New Gaol, Goulburn:—

Offers to be endorsed, "Tender for roofing New Gaol, Goulburn," to contain the names of two responsible persons willing to become Sureties for the due performance of the contract within a limited period.

Plan and Specification may be seen, and further particulars may be obtained at the Office of the Colonial Architect, Sydney.

Parties tendering, or their Agents, are requested to attend at this Office on the above-named day.

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

Council Chamber,
Sydney, 2nd September, 1842.

SYDNEY STREETS.

WHEREAS, by an Act of the GOVERNOR, with the advice of the Legislative Council, passed in the fifth Year of the Reign of His late Majesty King William the Fourth, intituled "An Act for better regulating the alignment of

Streets in the Town of Sydney," it is amongst other things enacted, "That, before the said Surveyor-General shall set out the Footway in any street, or part of a street, or public place in the said Town, after the passing of the said Act, he shall lay before the Governor and Executive Council a plan of the same, setting forth the proposed breadth of the Carriage and Footways, and thereupon it shall and may be lawful for the said Governor and Council, by notice in the *New South Wales Government Gazette*, to fix and declare the distance from the curb stone or exterior edge of the said footway in any such street, part of a street, or public place, within which it shall not be lawful to erect any building.

And whereas the said Surveyor-General has this day laid before the Governor and Executive Council, a plan of the proposed breadth of the carriage and footways in the undermentioned streets, and the Governor and Council have been pleased to approve the same:—Notice is hereby given, that the breadth of the footway in each of the said streets shall be, and is hereby declared to be twelve feet; and that it shall not be lawful for any person to erect any building within twelve feet of the curb stone, or exterior edge of the said footway in either of such streets.

Name of Street.	Carriage way.	Each footway.	TOTAL.
Cumberland-street.....	36	12	60
Gloucester-street	36	12	60

By Command,
FRANCIS L. S. MEREWETHER,
Clerk of the Executive Council.

Colonial Treasury,
Sydney, 17th September, 1842.

HOWE'S BRIDGE TOLL.

AT Twelve o'clock on THURSDAY, the 22nd September, 1842, will be put up to Auction, at the rear of the Colonial Treasury, Bent-street, Sydney, the lease for three months, (commencing on the 1st day of October, 1842,) of the Tolls and Dues authorised and imposed by the Act of the Governor and Council, 4 William IV., No. 16, arising and to be collected at the Howe's Bridge Toll, near Windsor, on the road from Sydney to Windsor.

The Lessee, with two responsible sureties, must enter into a bond and warrant of attorney, securing regular payment of the rent, by equal monthly instalments, before the expiration of seven days after the termination of each month, and containing an engagement for the due performance of the conditions.

Further information may be obtained by application to the Colonial Treasurer.

(Signed) C. D. RIDDELL.

General Post Office, Sydney,
19th September, 1842.

LIST of Ship Letters detained in the General Post Office, in consequence of the sea-postage required thereon not having been paid:—
Armstrong Adam, Esq., Co. Tyrone, Ireland
Atison Mrs., Possil House, Glasgow

Bishop William, Sussex, England
Bell Mrs., George-street, Glasgow, Scotland
Bruce A. Mr., Duchess of Kent, Calcutta
Browne Mrs., 10, Fitzwilliam-street, Dublin
Barber James Mr., Tipperary, Ireland
Bryant Thomas, Glamorganshire, Wales
Cregan M. Mr., Co. Limerick, Ireland
Church Mr., Hackney-road, London
Cumby M. Miss, Smithfield, London
Dillon Rev. D., Co. Galway, Ireland
Dunn William, Borough-market, London
Donaldson M. Miss, Glasgow, Scotland
Dyke Mr. V., Adelphi, London
Faunt Mrs., Myrtle-grove, Youghal, Ireland
Griffiths William, Malacca or Singapore
Grant Mary, Plymouth, England
Gaynor Sally, Poolbeg-street, Dublin, Ireland
Gray Catherine, Sutherlandsire, Scotland
Griffiths R. Mrs., Bridge-street, Chester, England
Horan Anne Eunis, Co. Clare, Ireland
Henneker Edward, East Kent, England
Hay James Captain, Halpins Lodge, Isle of Man
Howell William Mr., Pembrokeshire, South Wales
Hodges Mrs. A., Pall Mall, London
Howiss E. Ann, High-street, Kent, England
Jackson Mr. M., Cannon-gate, London
Jones Mr. J., Strand, London
Kellwick Captain E., Suffolk
King Mrs. E., Camden Town, London
Kellow Mrs. R., Oxford-street, London
Lutton Anne, Duke-street, Liverpool, England
Laxton John Mr., Northamptonshire, England
Magher J. Mr., Thurles, Co. Tipperary, Ireland
Mackay William Mr., Inverness, Scotland
Greer William, Irish-street, Armagh, Ireland
M'Mullon A. Mrs., Chelsea, London
M'Leod T. D. Mr., Greenock, Scotland
M'Parland Ellen, Co. Armagh, Ireland
Murphy J., So. Luean-street, Cork, Ireland
Masterson C. Mr., Kildare, Ireland
Moore Mrs., Islington, London
Murphy P. Mr., Co. Armagh, Ireland
Mews Mrs., Pentth Town, West Australia
M'Donald C., Brodfort, N. B., Scotland
M'Quean J. Mr., ship *Tomatin*, Singapore
Morrow John, Mullingar, Co. Westmeath, Ireland.
Murphy Peter, Duchess of Kent, Calcutta
Mellish Peter, 79, New Gravel-lane, London
Noble Miss J., North Shields, England
Oke Walter, Bidford, Devon, England
Phillips M. Esq., M. P., Manchester, England
Pock J. Mr., Launceston, V. D. Land
Paul Charles Esq., High Gate, Bristol
Pudder William, Devonshire, England
Ryan Thomas, White Friar-street, Dublin, Ireland
Rush R. Mary, Co. Dublin, Ireland
Rhymes William Mr., Fraserburgh
Snow Catherine, Co. Fermanagh, Ireland
Sizer E. Miss, Norwich, England
Selby Robert, Esq., Wine Merchant, London
Steang Dr., Campbell Town, V. D. Land
Sangwell J., Edgeware-road, London
Secretary of State, Right Honorable, Downing-street, London
Smith G. Mr., Kent, England
Tymington J. Mr., Greenock, Scotland
Urquhart Miss, Chatham, England
Weller sen., Oxford, England
Wardrop Mrs., Ingram-street, Glasgow
Young Thomas, jun., Esq., Camberwell, London.
JAMES RAYMOND,
Postmaster-General.

Agent's Office, 2, Wentworth Place,
Sydney, 15th September, 1842.

NOTICE is hereby given, that on Tuesday, the 2nd day of January next, after the sale of Leases for 21 years already advertised for that day, the following lots of Pasture Land, forming a portion of the Estates belonging to the late Church and School Corporation, will be put up to public competition, to be leased for one year from the day of sale. The annual rental must be paid in advance :—

No.	Lots as in lithographed Plan.	Acres.	County.	Parish.	Upset price, at per acre per annum.
1	13, 14, 15	2320	Gloucester	Trevor	d.
2	16, 17, 18	2320	do	do	2
3	19, 20, 21	2320	do	do	2
4	22, 23, 24	2320	do	do	2
5	1, 2, 3	2320	do	Thalaba	4
6	4, 5, 6	2320	do	do	3
7	7, 8, 9	2320	do	do	3
8	10, 11, 12	2320	do	do	3
9	13, 14, 15	2320	do	do	3
10	16, 17, 18	1850	do	do	3
11	19, 20, 21	1680	do	do	3
12	22, 23, 24	1790	do	do	4
13	25, 26, 27	1936	do	do	4
14	1, 2, 3, 4, 5, 6	4200	do	Horton	3
15	7, 8, 9, 10, and part of 11	2880	do	do	3
16	12, 13, 14, 15	2730	do	do	3
17	16, 17, and part of 18	2177	do	do	3
18	19, 20, 21, 22	2920	do	do	3
19	23, 24, 25, 26	2740	do	do	3
20	1 to 12, inclusive	7265	do	Karuah	1½
21	13 to 24, do	8664	do	do	1½
22	1 to 11, do	7925	do	Tarean	1½
23	12 to 19, do	7077	do	do	1½

W. H. CHRISTIE,
Agent for Church and School Estates.

Principal Superintendent of Convicts' Office,
Sydney, 20th September, 1842.

THE undermentioned Prisoners of the Crown have obtained Tickets of Leave since the last day of publication :—

COUNTY OF ARGYLE.

GOULBURN.

Ardley William, Exmouth
Duckworth Thomas, Eliza
Day Robert, Henry Porcher
Jones Thomas Lawrence, Bengal Merchant
Macdonald William, Moffatt

COUNTY OF BATHURST.

BATHURST.

Brien Patrick, Norfolk
Doherty Bernard, Calcutta
Dunn John, Clyde
Davis William, Java
Hawker John, Susan
Haydon John, Mangles
Hall James, Bengal Merchant
Jenkins James, Sir William Bensley
Johnson John, Bengal Merchant
Osborne Charles, Hive
Rennick Henry, Lady Kennaway

No. 75. SEPTEMBER 20, 1842.—2

Scott John, Hebe
Sherwood George, Norfolk
Simcocks Levi, Marquis of Hastings
Thompson John, Susan
Williamson Edward, Susan
Westwood John, Lord Lynedoch
Wilson George, Guildford

CARCOAR.

Betts Frederick, Strathfieldsaye
Gunner William, Lloyds
Larimer Samuel, James Laing
Macbeth John, Susan
Rushmore William, James Pattison

COUNTY OF BRISBANE.

CASSILIS.

Broadfield William, Lloyds
Dickenson George, Melish

SCONE.

Gale John, John
Russell John, Surry
Sawyer David, Emma Eugenia

COUNTY OF CAMDEN.

CAMDEN.

Glennan Nicholas, Florentia

BERRIMA.

Andrews John, James Laing
Collins Charles, Georgiana
Hudson John Thomas, Minstrel
Hart William, Neva
Hart John, Calcutta
Paul James, Strathfieldsaye
Palmer George, Strathfieldsaye
Phillips Robert, Lloyds
Preece Thomas, Hive
Smith Richard, Royal Charlotte

PICTON.

Bright Robert, Bengal Merchant
Callaghan John, Prince Regent
Whiting Henry, Lloyds

ILLAWARRA.

Courtney Francis, Hive
Corcoran Thomas, Westmoreland
Edkins Edmund, Lord Lynedoch
Ifield John, Bengal Merchant
Lamb James, Asia
McDonald Patrick, Heber
McMahon John, James Laing
Nickson Thomas, John
Naughten James, Royal Sovereign
Spittlehouse Samuel, Waterloo
Sheppard Edward, Henry Porcher
Sumner Henry, Emma Eugenia
Siggins William alias Edward Marstons, Bengal
Merchant
Taffe William, Bengal Merchant
Williams George, Surry

COUNTY OF CUMBERLAND.

CAMPBELLTOWN.

Mara Morgan, Portland
Onion John, Surry
Street Joseph, General Stewart

LIVERPOOL.

Bayley George, Surry
Collins Richard, Westmoreland
Dunn John, Susan
Davis John, Champion
Eustace Richard, Westmoreland
Jones John, Recovery
Muston William, Sea Flower
Quarman Thomas, Fairlie

PARRAMATTA.

Crompton William, Midas
Dunnore William, Ocean
Everall Thomas, Florentia
Farr William, Lord Lynedoch
Gore Arthur or James Whelan, Westmoreland
Hollas William, Lloyds
Keough Michael, Parmelia
Smith Thomas, Elizabeth

PENRITH.

Gaynor John, Prince George
McGeary James, Waterloo

SYDNEY.

Branston William, John
Connolly James, Royal Sovereign
Dollerson Henry, Emma Eugenia
Loughlin Patrick, Java
Reboul John, Susan
Russell Nicholas, James Laing
Tricket George, Fairlie
Walker William, William Jardine

WINDSOR.

Burden Joseph, Mary Ann
Byrne Martin, James Laing
Barker Charles, Surry
Buxton John, Bengal Merchant
Brooks Henry, Bengal Merchant
Gillet James, Neptune
Hayes Edward, Surry
Hunt Joseph, Guildford
Morgan Simon, Lord Lynedoch
Marr Cottle, Elizabeth
McCourt Patrick, Coromandel
Phillips Charles, Moffatt
Robinson William, Bengal Merchant
Rigney William, Westmoreland
Sourke Edward, Royal Sovereign
Savage Thomas, Earl Grey
Shaw Joseph, Bengal Merchant
Sling James, Guildford
Tucker John, Hercules
Turnel William, Waterloo

COUNTY OF COOK.

HARTLEY.

Holmes John, Westmoreland

COUNTY OF DURHAM.

MERTON.

Stockhart John James, alias Bowes or Bow, Waterloo

MUSWELLBROOK.

Vickers George, Hooghley

PATERSON.

Brittain John, James Pattison
Cairnes William, Westmoreland
Connolly John, Westmoreland
Gwyther Henry, Asia
Jolly William, Moffatt
Knowles John, Hercules
Smith Thomas alias Marriott, Susan
Smith Thomas, Asia
Snocey Dennis, Calcutta
Smith George, Moffatt
Swan John, the younger, Surry
Schofield Samuel, Lord Lynedoch

RAYMOND TERRACE.

Driver David, Moffatt
Donican James, Portland
Helmes Thomas, Hercules
Jackman Nicholas, James Laing
Rennie William, Westmoreland

COUNTY OF GLOUCESTER.

PORT STEPHENS.

Burchell Thomas, Lord Lynedoch
Ross Alexander, Lloyds
Stranding Edward, Lord Lynedoch
Vyse William, Hive

COUNTY OF MURRAY.

YASS.

Ashton Robert, York
Able John, Surry
Bishop James, Lord Lynedoch
Bryen Patrick, Norfolk
Brady Michael, Westmoreland
Cleaves George, Vittoria
Carleton William, Westmoreland
Donnelly James, Westmoreland
Fitzgarrick John, Westmoreland

Geuham John, Calcutta
 Gilbert Henry, alias Edward Stephens, Katherine
 Stuart Forbes
 Hemmings Thomas, Lord Lynedoch
 Hollaway James, Mary Ann
 Roberts Thomas, Hive
 Sheppard Thomas, Lord Lynedoch
 Sams William, Andromeda
 Stickwood John, Moffatt
 Thompkins John, Bengal Merchant
 Tibury William, Susan
 Upton John, Lady Nugent
 Webster William, Lord Lynedoch
 Williams Thomas, Surry

COUNTY OF NORTHUMBERLAND.

DUNGO.

Burns John, Westmoreland
 Collins George, Surry
 Shirly John, Surry

MAITLAND.

Cutts David, James Pattison
 Cheadle Henry, Moffatt
 Davis John, alias Wakeford, Bengal Merchant
 Duke John, Strathfieldsaye
 Fitzpatrick James, Jane
 Hayward Joseph, Moffatt
 Kennedy James, William Jardine
 Mann John, Camden
 Martin Phillip, Bengal Merchant
 M'Farland Daniel, Heber
 Moat Henry William, Bengal Merchant
 Saffleet Charles, Lord Lynedoch
 Warrell Joseph, Heber
 Warden John, Parmelia
 Williams George, Bengal Merchant
 Walker Samuel, Lord Lynedoch

NEWCASTLE.

Brough Thomas, Lord Lynedoch
 Everett William, Fairlie
 Hewan William, Marquess of Hastings
 Lasseter William, Moffatt
 Mahony James, Calcutta
 Rudge Thomas, Adrian
 Ramsay William, Moffatt
 Walker Francis, Lady Nugent

PATRICK'S PLAINS.

Bushell William, Bengal Merchant
 Crawford James, Guildford
 Drew Joseph, Lord Lynedoch
 Horne Edward, Lord Lynedoch
 Toy John, Asia
 Wood Benjamin, Lloyds

COUNTY OF PORT MACQUARIE.

PORT MACQUARIE.

Bradley James, Bengal Merchant
 Jones David, Moffatt

COUNTY OF PORT PHILLIP.

MELBOURNE.

Byrne Nicholas, Westmoreland
 Barker William Ishmael, Bengal Merchant
 Brough John, Westmoreland
 Houlby John, Lord Lynedoch
 Holmes Edward, Bengal Merchant
 Morley James, Moffatt
 Sago Charles, Phoenix
 Smith John, Westmoreland
 Timms George, Moffatt
 Walgate William, Lloyds

COUNTY OF ST. VINCENT.

BRAIDWOOD.

Reynolds Joseph, Asia

BROULEE

Carr William ———
 M'Grath Phillip, Parmelia
 M'Carthy James, Heber
 M'Elroy William, James Pattison

QUEANBEYAN.

Conlan John, James Laing
 Hooper William, Lord Lynedoch
 King Thomas, Calcutta
 Nevett John, Lord Lynedoch
 Spriggs John, Lord Lynedoch
 Turner Charles, Emma Eugenia

COUNTY OF WELLINGTON.

WELLINGTON.

Peardon James, Neva.

MUDGE.

Booth William, Bengal Merchant
 Enwright Michael, Clyde
 Hedderman Darby, Java
 Hadfield Charles, Susan
 Higginson James, Royal Admiral
 Hulm Job, Susan
 Marsden William, Malabar
 Patmau Thomas, Waterloo
 Quinlan James, Calcutta
 Williams John, Lord Lynedoch
 Harrop James, Morley
 Moore Thomas, Bengal Merchant

MORETON BAY.

Farnorth Joseph, Bengal Merchant
 Green Charles, Lloyds
 Kitchen John, Lord Lynedoch
 Ship George, Asia
 Thurling John, Lloyds

(Signed) J. M'LEAN

*Principal Superintendent of Convicts' Office,
 Sydney, 20th September, 1842.*

THE undermentioned Female Prisoners of the
 Crown have obtained Tickets of Leave
 since the last day of publication.—

COUNTY OF ARGYLE.

GOULBURN.

Lamb Mary, Diamond

COUNTY OF CAMDEN.

ILLAWARRA.

Freemont Frances or Mary Ann, Numa
 Munro Janet, Buffalo
 Steuart Janet, Buffalo

COUNTY OF CUMBERLAND.

LIVERPOOL.

Woolsey Mary, John Renwick

PARRAMATTA.

Bird Alice, John Renwick
 Casey Alice, Thomas Harrison
 Connolly Ann, Diamond
 Gordon Margaret alias Sugden, Elizabeth
 Gilligan Mary, Henry Wellesley
 Henry Ann, Sir Charles Forbes
 Jessop Mary Jane, Margaret
 Mackenzie Margaret, Mary Ann

Nelson Jane alias Donnelly, Diana
Polson Isabella or Ewen, alias M'Ewan, Buffalo
Rooney Mary, Sir Charles Forbes
Sarsfield Mary, Margaret
Otway Mary, Margaret

WINDSOR.

Burne Mary, Margaret
Saunders Mary, Diana
Tolman Mary, Kains

COUNTY OF NORTHUMBERLAND.

BRISBANE WATER.

Millier Sarah, John Renwick

MAITLAND.

Connell Julia, Sir Charles Forbes

NEWCASTLE.

Gregory Jane, John Renwick
Kelcher Mary or Jane, Margaret
Robson Mary, John Renwick

COUNTY OF ST. VINCENT.

BRAIDWOOD.

Clary Johanna, Margaret

QUEANBEYAN.

Besford Hannah, Fanny

(Signed) J. M'LEAN.

Water Police Office,
Sydney, 16th September, 1842.

NOTICE is hereby given, that the usual License of Departure was this day granted to G. D. Nichol to proceed in the schooner *Lady Leigh*, bound to Manila, agreeably to the 10th section of the Act of Council, 4 Victoria, No. 17.

H. H. BROWNE, J. P.,

(2667) Superintendent of Water Police.

Water Police Office,
Sydney, 19th September, 1842.

NOTICE is hereby given, that the usual Licenses of Departure were this day granted to the following persons, viz.:—William Acott, to proceed in the schooner *Osprey*, bound to New Zealand, Donald Douglas, Peter Snodgrass, and George Urquhart, to proceed in the steamer *Seahorse*, bound to Port Phillip, agreeably to the 10th section of the Act of Council, 4 Victoria, No. 17.

H. H. BROWNE, J. P.,

(2705) Superintendent of Water Police.

Police Office Maitland,
8th September, 1842.

NOTICE.

THE two Horses described, below have been found in the possession of a man now in charge of the Police here, suspected to have stolen them; any person having lost Horses, answering the descriptions, are requested to apply to Mr. George Wood, Chief Constable.

One dark brown Horse, both hind fetlocks white, white blaze down the face, black mane and black switch tail, white saddle marks, about 6 years old, 16 hands high, collar marks on the shoulders, fresh branded WW apparently on an old brand defaced.

One bay Horse, both hind fetlocks white nearly

to the hocks, two fore fetlocks white, large star on the forehead, small blaze down the face, black mane which has been lately close cut, apparently to disguise the animal, white tail, saddle marks on both sides, between 6 and 7 years old, about 15 hands high, branded MP on the near shoulder, and ML conjoined on the off shoulder.

By order of the Police Magistrate,
GEORGE WOOD,
Chief Constable.

Police Office, Wollongong,
13th September, 1842.

NOTICE.—A Mare, as described below, and now in charge of the Police at Wollongong, and supposed to be stolen, it having been taken from a Man who gave his name William Stanmore, and who has made his escape from a constable, will be sold by Public Auction, at the Market Place, at Wollongong, on Thursday, the 13th day of October next, if not previously claimed; also, a saddle and bridle.

DESCRIPTION.—A dark brown Mare, about 7 years old, long tail, white strip on forehead, nose, and under the chin, branded OF on the near shoulder; the Mare foaled about ten days since.

By order of the Police Magistrate,
THOMAS FOWLER,
Chief Constable.

Police Office, Wollongong,
31st August, 1842.

NOTICE.

A Horse as described below, and now in the charge of the Police at Wollongong, and supposed to be a stolen Horse—it having been in the possession of a man who stands charged with stealing a Mare, and who went in the name of Mr. White, and also in the name of William Stanmore, and is now at large, will be sold by Public Auction, at the Market Place, at Wollongong, on Saturday, the 1st day of October next, if not previously claimed.

DESCRIPTION.—A dark bay Horse, aged, branded G under the mane on the near side, a switch tail.

By order of the Police Magistrate,
THOMAS FOWLER, Chief Constable.

QUARTER SESSIONS.

NOTICE is hereby given, that Courts of General Quarter Sessions of the Peace, in and for the Colony of New South Wales, will be holden at the Court Houses of the undermentioned Places on the days and times following, viz.—

SYDNEY, Monday, 3rd October,

CAMPBELL TOWN, Friday, 21st October.

BERRIMA, Monday, 24th October,

when and where, all persons under recognisances to appear as Prosecutors, Witnesses, or Defendants, or who have Appeals to interpose, or other Business to transact, are desired to give their attendance at Ten o'clock in the forenoon.

E. ROGERS, Clerk of the Peace.

Criminal Court House,
Sydney, 5th September, 1842.

ABSTRACT of the METEOROLOGICAL JOURNAL kept at the Station at PORT MACQUARIE, during the Month of AUGUST, 1842.—

AUGUST, 1842.

Period, both days inclusive.		State.	Barometer.				Attached Thermometer.				Detached Thermometer.				Dew Point.	Rain fallen.	Prevailing Winds.	GENERAL REMARKS.
			8½ A.M.	9 P.M.	8½ A.M.	9 P.M.	8½ A.M.	9 P.M.	8½ A.M.	9 P.M.	8½ A.M.	9 P.M.	8½ A.M.	9 P.M.	2½ P.M.			
1st to 7th..	Highest...	30.230	30.220	30.240	57	72	69	64	49	56	62	56	65				1st to 7th—Light generally, with clear open weather.	
	Lowest...	30.130	30.120	30.170	46	62	58	54	38	57	54	48	56				8th to 14th—Light winds, with cloudless skies, on 8th, 9th, 10th, & 11th; strong and squally, with rain, on 12th, 13th, & 14th.	
8th to 14th..	Highest...	30.250	30.230	30.240	54	69	65	60	48	63	60	55	62				15th to 21st—Light winds, with fine clear weather generally, except on the 21st, when it was showery, with heavy rain during the night.	
	Lowest...	30.200	30.200	30.200	46	63	62	55	40	56	54	49	53				22nd to 31st—Light winds generally, with fine weather, except on 22nd, 24th, & 31st, on which days it was cloudy with rain.	
15th to 21st..	Highest...	30.240	30.220	30.220	62	72	68	64	56	69	64	60	68					
	Lowest...	30.140	30.120	30.130	52	66	62	46	60	57	52	57	57					
22nd to 31st	Highest...	30.280	30.260	30.200	62	71	68	62	54	69	66	56	68					
	Lowest...	30.100	30.070	30.100	50	62	60	57	46	60	57	52	59					
Mean of the Month.....		30.173	30.162	30.163	53.70	67.00	63.61	59.51	47.38	61.74	58.74	54.06	60.29	2.98 (Total)			The hottest day of the Month was the 19th. The coldest day was the 7th.	
Wind.]																		
Barometer highest.....		Day of the Month.	Moon's Age	Height.														
Barometer lowest		30th	24	30.280	W.N.W.													
		24th & 27th	18 & 21	30.070	W.N.W.													
COMPARATIVE STATEMENT of the PREVALENCY of the various WINDS.—RELATIVE RANGE of BAROMETER, &c.																		
Quarter of the Wind.	Total number of days prevalent.	General Character of Winds.				Total quantity of rain during the prevalence of each wind.		Relative Range of Barometer		Total number of days.		Maximum quantity in any one day.	Date.	Wind at the time.				
								Highest.	Lowest.	With rain.	Without rain.							
N. to N.E.	1	Light.	..	..	..	0.33	..	30.160	30.130	7	24	2.25	31st	W.N.W.			
N.E. — E.	1	Brisk.	..	..	..	..	..	..	..	..	..	..	..	..
E. — S.E.	1	Brisk.	..	..	..	..	..	..	..	..	..	..	..	..
S.E. — S.W.	5	Light and brisk.	..	..	..	0.25	..	30.270	30.100	..	..	..	..	..
S.W. — W.	9	Light, brisk, and strong	..	..	..	0.90	..	30.240	30.130	..	..	..	..	..
W. — N.W.	15	Light and brisk.	..	..	..	2.50	..	30.240	30.130	..	..	..	..	..
N.W. — N.	..	..	..	..	..	..	..	..	..	..	..	..	..	..
		TOTAL...				3.98												

TO THE NEW ENGLAND SETTLERS & ALL INTERESTED.

NOTICE is hereby given, that the Road to New England from Port Macquarie, made by the Settlers of these Districts, is now open, and ready for the drays conveying wool or other produce or supplies to and from Port Macquarie.—Port Macquarie, 9th September, 1842.

WILLIAM GRAY,
Police Magistrate.

TO MARINERS AND OTHERS.

WILLIAM WESTCOTT CROCKER, who sailed from England for Sydney, New South Wales, in 1834, was supposed to have commenced business there as a butcher, and was last heard of at that place in the same year; if still living he is earnestly requested to communicate immediately with his relatives.

Any person giving such information as may lead to his present pursuit, or, if dead, such information as will satisfactorily prove the same, will be liberally rewarded for his trouble, on application to Mr. F. G. Abbott, Solicitor, Rolls' Yard, Chancery Lane; or to Mr. F. Crocker, of the same place. The said W. W. Crocker had formerly sailed in the following Vessels: viz., *Everetta, Pallembang, Mountaineer, Gilmour, William Shand, Ann, Woodford* (lost off Madagascar), *Castle Forbes, John Bull*, and several other vessels. Apply to Mr. Potts, Antwerp Distillery, Pitt-street, Sydney, who will be answerable for the reward. (2423)

NOTICE is hereby given, that the Partnership hitherto existing between the undersigned, under the Firm of "Thomas, Enscoe and James," is this day Dissolved by mutual consent. All Debts owing to, and due by the said Firm, will be received and paid by Mr. George Thomas, at Melbourne.—Dated Melbourne, this 5th day of March, 1842.

GEORGE THOMAS.
JOHN ENSCOE.
NICHOLAS JAMES.

Witness to the signatures of } **ROBERT DRANE,**
George Thomas, John } **EDWARD SEWELL.**
Enscoe, & Nicholas James, }
(2682)

NOTICE is hereby given, that the Partnership hitherto existing under the Firm of "Nicholas, James and Co.," at Sydney, is this day Dissolved by mutual consent. All Debts owing to, and due by the said Firm, will be received and paid by Mr. Nicholas James, at Sydney.—Dated at Melbourne, this 5th day of March, 1842.

NICHOLAS JAMES.
GEORGE THOMAS.
JOHN ENSCOE.

Witness to the signatures of } **ROBERT DRANE,**
Nicholas James, George } **EDWARD SEWELL.**
Thomas, and John Enscoe, }
(2683)

GOVERNMENT STOCK AT MORETON BAY.

ON Tuesday, the 8th of November next, Mr. Blackman will sell by Public Auction, at his Rooms, in George-street, Sydney, the Govern-

ment Stock now depasturing at Moreton Bay, consisting of
One thousand four hundred Head of Cattle, and
Ten thousand Sheep, as also, a few Horses, Swine, and Goats.

A Catalogue, describing the different lots as they are to be offered for sale, will be previously published, and in which the terms and conditions will be specified.

REPORT of a DESERTER from the 80th Regiment of Foot, dated at Sydney, this 18th day of September, 1842:—

Name, Richard Bould, private; age, 26 years 6 months; height, 5 feet 7½ inches; complexion, sallow; hair, brown; eyes, grey; time of desertion, 11th September, 1842; place of desertion, Tourang Stockade; date of enlistment, 8th October, 1835; place of enlistment, Hanley; parish and county, Staffordshire; trade, ribbon weaver; dress at the time of desertion, red shell jacket and pair linen trousers.

N. BAKER, Lieut.-Col.,
Commanding 80th Regiment.

In the Estate of **GEORGE TIMPEST HICKS**, an Insolvent.

NOTICE TO CREDITORS.

TAKE Notice, that on Saturday, the 1st day of November next ensuing, the above-named Insolvent intends to apply to the Honorable the Supreme Court for the allowance of his Certificate, in pursuance of the provisions of the Act of the Governor and Council of New South Wales, passed in the fifth year of the reign of Her Majesty Queen Victoria, No. 17.—Sydney, 17th September, 1842.

(2670) **H. BENNETT, Trustee.**

In the Insolvent Estate of **BENJAMIN ROBERT SULLIVAN.**

NOTICE TO CREDITORS.

TAKE Notice, that on Monday, the 31st day of October next ensuing, I, the above-named Insolvent, intend to apply to the Honorable the Supreme Court for the allowance of my Certificate, in pursuance of the provisions of the Act of Council, 5 Victoria, No. 17.—Dated this 19th day of September, 1842.

BENJAMIN ROBERT SULLIVAN.
(2700)

In the Insolvent Estate of **THOMAS DAVIS**, of Sydney, Saddler.

NOTICE TO CREDITORS.

TAKE Notice, that on Wednesday, the 2nd day of November next ensuing, I, the above-named Insolvent, intend to apply to the Honorable the Supreme Court for the allowance of my Certificate, in pursuance of the provisions of the Act of the Governor and Council of New South Wales, passed in the fifth year of the reign of Her Majesty Queen Victoria, No. 17.—Sydney, 17th September, 1842.

(2697) **THOMAS DAVIS.**

In the Insolvent Estate of **JOHN NICHOLSON.**

NOTICE TO CREDITORS.

TAKE Notice, that on Wednesday, the 2nd day of November next ensuing, or as soon after as the Court shall sit, I, the above-named

Insolvent, intend to apply to the Honorable the Supreme Court for the allowance of my Certificate, in pursuance of the provisions of the Act of the Governor and Council of New South Wales, passed in the fifth year of the reign of Her Majesty Queen Victoria, No. 17.—Dated this 1st day of September, 1842.

JOHN NICHOLSON.

In the Insolvent Estate of JOHN MILLER, of Doehra.

NOTICE TO CREDITORS.

TAKE Notice, that on Tuesday, the 30th day of October next ensuing, I, the above-named Insolvent, intend to apply to the Honorable the Supreme Court for the allowance of my Certificate, in pursuance of the provisions of the Act of the Governor and Council of New South Wales, passed in the fifth year of the Reign of Her Majesty Queen Victoria, No. 17.—Dated this 20th day of September, 1842.

JOHN MILLER.

Witness—WILLIAM HUGH.

(2703)

In the Insolvent Estate of ALEXANDER McCROW, Butcher, of Sydney.

NOTICE TO CREDITORS.

TAKE Notice, that on Wednesday, the 2nd day of November, 1842, the above-named Insolvent intends to apply to the Honorable the Supreme Court for the allowance of his Certificate, in pursuance of the provisions of the Act of the Governor and Council of New South Wales, passed in the fifth year of the Reign of Her Majesty Queen Victoria, No. 17.—Sydney, 20th September, 1842.

GEORGE CHARLES STEWART,

(2706)

Trustee.

In the Insolvent Estate of EDWARD CREAGAN.

I hereby appoint a Special Meeting of the Creditors of the above-named Insolvent to be holden before me, at the Supreme Court House, Sydney, on Friday, the 23rd day of September instant, to commence at 2-30, P.M., and end at 3, P.M., for proof of Debts against the said Estate.—Sydney, 17th September, 1842.

WILLIAM H. KERR,

(2686)

Chief Commissioner.

In the Insolvent Estate of GEORGE WATSON.

I hereby appoint a Special Meeting of the Creditors of the above-named Insolvent to be holden before me, at the Supreme Court House, Sydney, on Tuesday, the 20th day of September instant, to commence at 2-30, P.M., and end at 3, P.M., for proof of Debts against the said Estate.—Sydney, 17th September, 1842.

WILLIAM H. KERR,

(2688)

Chief Commissioner.

In the Insolvent Estate of WALTER ROTTON.

I hereby appoint a Special Meeting of the Creditors of the above-named Insolvent to be holden before me, at the Supreme Court House, Sydney, on Wednesday, the 21st day of September instant, to commence at 2, P.M., and end at 2-30 P.M., for proof of Debts against the said Estate.—Sydney, 17th September, 1842.

WILLIAM H. KERR,

(2687)

Chief Commissioner.

In the Insolvent Estate of WILLIAM PEARSON, of Parramatta, Engineer.

(Under Act of Council, 5 Victoria, No. 17.)

WALTER GRAY, of Sydney, Accountant, having been appointed provisional Trustee to the above Estate, notice is hereby given, that all Debts due to the same are to be paid to him.—Sydney, 16th September, 1842.

WILLIAM H. KERR,

(2699)

Chief Commissioner.

In the Insolvent Estate of GEORGE SHELTON, of Richmond, Storekeeper.

(Under Act of Council, 5 Victoria, No. 17.)

WILLIAM GRIMSSELL BURGIS, of Windsor, having been confirmed Trustee in the above Estate, notice is hereby given, that all Debts due to the same are to be paid to him; and that a third General Meeting of the Creditors will be held before me, at the Supreme Court House, Sydney, on Thursday, the 20th day of October next, to commence at 11, A.M., and end at 11-30, A.M., for further proof of Debts, to receive the report of the Trustee as to the condition of the said Estate, and to instruct him as to the future management thereof.—Dated 16th September, 1842.

WILLIAM H. KERR,

(2685)

Chief Commissioner.

In the Insolvent Estate of JOHN SHANKS, of Melbourne.

(Under Act of Council, 5 Victoria, No. 17.)

JOHN BULLEN and RICHARD FORREST, having been confirmed Trustees in the above Estate, this is to give notice, that all Debts due to the same are to be paid to them; and that a third General Meeting of the Creditors will be holden before me at my Office, at Melbourne, on Thursday, the 20th day of October next, at 12 o'clock, for the proof of Debts, hearing report of said Trustees, and directing them in the future management of the same.—Dated at Melbourne, this 6th day of September, 1842.

WILLIAM VERNER,

(2671)

Chief Commissioner.

In the Insolvent Estate of HUGH MANN, of Mount Macedon.

(Under Act of Council, 5 Victoria, No. 17.)

JOHN THOMAS SMITH having been confirmed Trustee in the above Estate, this is to give notice, that all Debts due to the same are to be paid to him; and that a third General Meeting of the Creditors will be holden before me at my Office, at Melbourne, on Saturday, the 22nd day of October next, for the proof of Debts, receiving the report of Trustee, and directing him in the future management of said Estate.—Dated at Melbourne, this 6th September, 1842.

WILLIAM VERNER,

(2672)

Chief Commissioner.

In the Insolvent Estate of HENRY HUTCHINSON ATKINSON, of Melbourne.

(Under Act of Council, 5 Victoria, No. 17.)

ARCHIBALD McLACHLAN having been confirmed Trustee in the above Estate, this is to give notice, that all Debts due to the same

are to be paid to him; and that a third General Meeting of the Creditors will be holden before me at my Office, at Melbourne, on Wednesday, the 19th October, 1842, at 2 o'clock, for the proof of Debts, hearing the report of Trustee, and directing him in the future management of the said Estate.—Dated at Melbourne, 6th September, 1842.

WILLIAM VERNER,

(2673) *Chief Commissioner.*

In the Insolvent Estate of JOHN WILLIAM SEYMOUR, of Melbourne.

NOTICE is hereby given, that the plan of distribution of proceeds of the above-named Insolvent lies at my Office, at Melbourne, for inspection of the Creditors of the said Estate; and that any Creditor, or other person interested therein, objecting to the confirmation thereof, must lodge a Caveat, stating the grounds of such objection, at my said Office, within twenty days from this date.—Dated at Melbourne, this 7th September, 1842.

WILLIAM VERNER,

(2674) *Chief Commissioner.*

In the Insolvent Estate of JOHN GINGER, of the Clarence River, Settler.

WHEREAS the Estate of John Ginger was, on the 16th day of September, 1842, placed under Sequestration in my hands, by order of His Honor Mr. Justice Stephen, I hereby appoint a Meeting of the Creditors of the said John Ginger, to be holden at the Supreme Court House, Sydney, on Tuesday, the 27th day of September instant, to commence at 10:30 A.M., and end at 11 A.M., for proof of Debts; and another Meeting to be holden at the same place, on Tuesday, the 4th day of October next, to commence at 10:30 A.M., and end at 11:30 A.M., for the like purpose, and for electing a Trustee or Trustees.—Dated this 17th day of September, 1842.

WILLIAM H. KERR,

(2694) *Chief Commissioner of Insolvent Estates.*

In the Insolvent Estate of ROBERT PURCELL, of David's Creek, Campbell's River, in the County of Bathurst, Labourer.

WHEREAS the Estate of Robert Purcell was, on the 17th day of September, 1842, placed under Sequestration in my hands by order of His Honor Mr. Justice Stephen, I hereby appoint a Meeting of the Creditors of the said Robert Purcell, to be holden before the Commissioner of Insolvent Estates at Bathurst, on Monday, the 10th day of October next, at Ten o'clock in the Forenoon, for proof of Debts, and election of a Trustee or Trustees, for the collection, administration, and distribution of the said Insolvent's Estate; and unless at the said Meeting it be shewn that the goods and effects of the Insolvent exceed £100, the Commissioner will summarily proceed to rank the Debts which shall be then proved, and will direct the proceeds to be distributed by the Trustees accordingly.—Dated this 17th day of September, 1842.

WILLIAM H. KERR,

(2689) *Chief Commissioner of Insolvent Estates.*

In the Insolvent Estate of JAMES BICKNELL, of Maitland, Wheelwright.

WHEREAS the Estate of James Bicknell was, on the 14th day of September, 1842, placed under Sequestration in my hands, by order of His Honor Mr. Justice Dowling, I hereby appoint a Meeting of the Creditors of the said James Bicknell, to be holden before the Commissioner of Insolvent Estates at Maitland, on Monday, the 10th day of October next, at Ten o'clock in the Forenoon, for proof of Debts, and election of a Trustee or Trustees, for the collection, administration, and distribution of the said Insolvent's Estate; and unless at the said Meeting it be shewn that the goods and effects of the Insolvent exceed £100, the Commissioner will summarily proceed to rank the Debts which shall be then proved, and will direct the proceeds to be distributed by the Trustees accordingly.—Dated this 17th day of September, 1842.

WILLIAM H. KERR,

(2690) *Chief Commissioner of Insolvent Estates.*

In the Insolvent Estate of CHARLES DALEY, of Windsor, Builder.

WHEREAS the Estate of Charles Daley was, on the 17th day of September, 1842, placed under Sequestration in my hands, by order of His Honor Mr. Justice Stephen, I hereby appoint a Meeting of the Creditors of the said Charles Daley to be holden at the Supreme Court House, Sydney, on Wednesday, the 5th day of October next, to commence at 11:30 A.M., and end at noon, for proof of Debts, and election of a Trustee or Trustees, for the collection, administration, and distribution of the said Insolvent's Estate; and unless at the said Meeting it be shewn that the goods and effects of the Insolvent exceed £100, the Commissioner will summarily proceed to rank the Debts which shall be then proved, and will direct the proceeds to be distributed by the Trustees accordingly.—Dated this 17th day of September, 1842.

WILLIAM H. KERR,

(2691) *Chief Commissioner of Insolvent Estates.*

In the Insolvent Estate of JOHN LEIGHTON DREW, of O'Connell-street, Sydney, Painter & Glazier.

WHEREAS the Estate of John Leighton Drew was, on the 16th day of September, 1842, placed under Sequestration in my hands, by order of His Honor Mr. Justice Stephen, I hereby appoint a Meeting of the Creditors of the said John Leighton Drew to be holden at the Supreme Court House, Sydney, on Wednesday, the 5th day of October next, to commence at 11 A.M., and end at 11:30 A.M., for proof of Debts, and election of a Trustee or Trustees for the collection, administration, and distribution of the said Insolvent's Estate; and unless at the said Meeting it be shewn that the goods and effects of the Insolvent exceed £100, the Commissioner will summarily proceed to rank the Debts which shall be then proved, and will direct the proceeds to be distributed by the Trustees accordingly.—Dated this 17th day of September, 1842.

WILLIAM H. KERR,

(2692) *Chief Commissioner of Insolvent Estates.*

In the Insolvent Estate of CHARLES BEAL, of Gastlereagh-street, Sydney, Carpenter.

WHEREAS the Estate of Charles Beal was, on the 10th day of September, 1842, placed under Sequestration in my hands, by order of His Honor Mr. Justice Stephen, I hereby appoint a Meeting of the Creditors of the said Charles Beal to be holden at the Supreme Court House, Sydney, on Wednesday, the 5th day of October next, to commence at 10-30, A. M., and end at 11, A. M., for proof of Debts, and election of a Trustee or Trustees, for the collection, administration, and distribution of the said Insolvent's Estate; and unless at the said Meeting it be shewn that the goods and effects of the Insolvent exceed £100, the Commissioner will summarily proceed to rank the Debts which shall be then proved, and will direct the proceeds to be distributed by the Trustees accordingly.—Dated this 17th day of September, 1842.

WILLIAM H. KERR,

(2693) Chief Commissioner of Insolvent Estates.

In the Insolvent Estate of EDWARD LORD, of Lewinsbrook, Merchant.

WHEREAS the Estate of Edward Lord was, on the 17th day of September, 1842, placed under Sequestration in my hands, by order of His Honor Mr. Justice Stephen, I hereby appoint a Meeting of the Creditors of the said Edward Lord, to be holden at the Supreme Court House, Sydney, on Wednesday, the 5th day of October next, to commence at 12, and end at 12-30 P. M., for proof of Debts, and election of a Trustee or Trustees, for the collection, administration, and distribution, of the said Insolvent's Estate; and unless at the said Meeting it be shewn that the goods and effects of the Insolvent exceed £100, the Commissioner will summarily proceed to rank the Debts which shall be then proved, and will direct the proceeds to be distributed by the Trustees accordingly.—Dated this 17th day of September, 1842.

WILLIAM H. KERR,

(2695) Chief Commissioner of Insolvent Estates.

In the Insolvent Estate of GEORGE WENTWORTH, of Greendale.

(Under Act of Council, 5 Victoria, No. 17.)

MR. SAMUEL LYONS is instructed to sell by Auction, at his Mart, the corner of George-street and Charlotte-place, on Friday, the 23rd instant, at Eleven o'clock, the following property:—

A life interest in four thousand two hundred and fifty seven and a half acres of Land.

ALSO,

About nineteen years unexpired lease of the same quantity of Land, subject to a yearly rental of £110 per annum, both of which constitute an Estate named "Greendale," which remains in an undivided situation, being entailed landed property.

SITUATION, EXTENT, &c.

In the parish of Bringelly, and County of Cumberland, bounded on the west by the Nepean River; on the north by Blaxland's Estate; on the east by Wright's, Lowe's, and Cubiet's grants; No. 75. SEPTEMBER 20, 1842.—4

and on the south by the Bringelly Road, and Hill's and Campbell's grants.

AFTER WHICH,

Twenty pigs
Gig and harness
Fifteen tons of hay
Three ploughs
Two harrows
Two drays
One roller
One cart
And a quantity of household furniture

Terms at Sale.

R. T. PLATT,

Trustee.

(2704)

In the Estate of JOHN ROGERS, an Insolvent, late of George-street, Sydney, and Windsor.

(Under Act of Council, 5 Victoria, No. 17.)

MR. GEORGE SEYMOUR will Sell, at his Mart, George-street, Windsor, on Saturday, 24th instant, at noon, belonging to the above Estate,

One grey Horse, good in Saddle and Harness
One Saddle, Bridle, and Whip
One sett Tandem Harness.

Terms—Cash.

(2702)

J. AINSWORTH, Trustee.

In the matter of G. T. HICKS, an Insolvent.

(Under Act of Council, 5 Victoria, No. 17.)

By order of the Trustee,

MR. BLACKMAN has received instructions to sell by Auction, on Wednesday, the 21st instant, without reserve, all the Right, Title, and Interest of the above-named Insolvent, under the Will and Codicil of the late Sir H. Tempest, Bart.

Terms at sale.

H. BENNETT,

(2666)

Trustee.

In the Insolvent Estate of WALTER PAGE COUSENS Broker.

(Under Act of Council, 5 Victoria, No. 17.)

TO be sold by Auction, on the premises of the above Insolvent, No. 1, Bathurst-street East, Sydney, on Thursday, the 22nd September, at 12 o'clock, noon:—

The whole Household Furniture, and other effects of the said Insolvent.

Terms—Cash.

WALTER GRAY,

(2698)

Trustee.

In the Estate of MICHAEL SOLOMON, Insolvent.

THE Trustee in this Estate will cause to be Sold, at Melbourne, on the 1st October, 1842, Onethousand two hundred Sheep, and five hundred Lambs

One Mare and Cart
Wearing Apparel
One hundred Hurdles
Lot of Fowls
And sundries on Station.

H. MILLER, Trustee.

Melbourne, 30th August, 1842.

(2675)

In the matter of HENRY GEORGE HARRINGTON,
of Melbourne, Insolvent.

(Under Act of Council, 5 Victoria, No. 17.)

MR. W. J. SUGDEN will Sell by Public Auction, at the Shop of the Insolvent, on Monday, the 31st day of October next, at one o'clock, unless previously disposed of by private Contract, of which due notice will be given,

The whole of the Stock in Trade, Book Debts, Lease of Premises, and all other disposable Effects, belonging to the Insolvent Estate.

For particulars, apply to the Trustees, Messrs. J. P. Fawcner, J. Porter, and O. Williams.

JOHN P. FAWCNER,

O. WILLIAMS.

J. PORTER.

6th September, 1842.

(2677)

In the Estate of E. D. F. HAMILTON, of Geelong,
an Insolvent.

By order of the Trustees,

CCAREY and M'DONNELL will Sell by Public Auction, (unless previously disposed of by private sale) at their Rooms, on Wednesday, the 12th October, at one o'clock,

One thousand young Ewes

Five hundred old Wethers

Forty Merino Rams

One pair Working Bullocks, Drays, and Yokes

One Horse

The Sheep were selected from the best flocks. The station is on Lake Corangamite, near Lake Colhee, fifty miles from Geelong. Numerous improvements on the Station.

Melbourne, 31st August, 1842.

(2676)

COURT OF CLAIMS.

NOTICE OF HEARINGS.

THE Commissioners hereby give Notice of their intention to proceed in the investigation of the undermentioned CLAIMS to LAND and TOWN ALLOTMENTS, the descriptions of which, for DEEDS of GRANT, have been fully set forth in former advertisements.

WEDNESDAY, the 21st day of the ensuing month, and following days, at Eleven o'clock, have been appointed for the Hearings; and all parties interested are to be in attendance with their documents and witnesses, as the Cases will be heard, consecutively, from day to day; and those Cases in which there may be no attendance, will be postponed at the discretion of the Court.

NO. OF CASE.	NAMES OF CLAIMANTS.	SOLICITORS.
1133	George Furber & Thomas Dee, both of Maitland	
1134	Ditto	
1135	Francis Moran, Representatives of..	Carr & Co.
1136	Charles Smith, of George-street, Sydney	
1137	Benjamin Warby, of ——— opposed to Daniel Reilly	E. D. O'Riley, Esq.
1138	Joseph Willis, of Parramatta	

Such Cases as were postponed at the last sitting, will also be heard at the present one.

By the direction of the Commissioners,

JOHN THOMPSON,

Secretary.

Court of Claims Office,
22nd August, 1842.

In the Supreme Court
of New South Wales.

Between ROBERT GLASGOW DUNLOP, Plaintiff,

AND

HENRY THOMPSON, Defendant.

WHEREAS an action has been commenced in this Court, at the suit of the above-named Robert Glasgow Dunlop, against the above-named Henry Thompson, to receive One hundred and sixty-two pounds, thirteen shillings, and two-pence half-penny, for goods sold and delivered by the plaintiff to the defendant at his request; and it being alleged that the said Henry Thompson does not reside within this Colony or its dependencies, a Writ of Foreign Attachment has been issued, re-

turnable on the twenty-eighth day of September, instant, wherein Charles Falconer, Esq., of Sydney, Manager of the Bank of Australasia, is Garnishee; Notice is hereby given thereof; and that if at any time before final Judgment in this action the said Henry Thompson, (or any person on his behalf) will give the security, and notice, and file the appearance or plea required by the Act, intitled, "An Act to consolidate and amend the laws relating to actions against persons absent from the Colony and against persons sued as joint Contractors," the said Attachment may be dissolved.—Dated this 15th day of September, 1842.

MINITHORPE & GURNER,

Plaintiff's Attorneys.

*In the Supreme Court of
New South Wales.*

Between WILLIAM DRAKE & EDWARD LORD,
Plaintiffs.

AND

HENRY THOMPSON, Defendant.

WHEREAS an Action has been commenced in this Court, at the suit of the above-named William Drake and Edward Lord, against the above-named Henry Thompson, to recover Eight hundred pounds, for money had and received by the said Henry Thompson, for the use of the said Plaintiffs; and it being alleged that the said Henry Thompson does not reside within this Colony or its Dependencies, a Writ of Foreign Attachment has been issued, returnable on the Twelfth day of October next, wherein Charles Falconer, of Sydney, Esquire, Manager of the Bank of Australasia, is Garnishee;—Notice is hereby given thereof; and that if at any time before final judgment in this Action, the said Henry Thompson (or any person on his behalf) will give the security and notice, and file the appearance or plea required by the Act, intituled "*An Act to consolidate and amend the laws relating to Actions against persons absent from the Colony, and against persons sued as joint Contractors*," the said attachment may be dissolved.—Dated this 17th day of September, 1842.

MINITHORPE & GURNER,

(2696)

Plaintiffs' Attorneys.

*In the Supreme Court of
New South Wales.*

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c.

To the Sheriff of New South Wales, or his lawful Deputy, Greeting:—

WHEREAS, upon the petition to the Honorable the Judges of our Supreme Court of New South Wales, of Saul Lyons, of Pitt-street, Sydney, against John Thomas Wilson, late of George-street, Sydney, aforesaid, it appears to us that the said John Thomas Wilson is justly and truly indebted to the said Saul Lyons in the sum of Five hundred and fifteen pounds two shillings and eleven pence, for goods sold and delivered by the said Saul Lyons to the said John Thomas Wilson, and also for certain promissory notes made by the said John Thomas Wilson in favour of the said Saul Lyons; and that on or about the nineteenth day of October, One thousand eight hundred and thirty-nine, the said John Thomas Wilson departed from his dwelling-house, with intent to defeat and delay the said Saul Lyons and others, his Creditors, in obtaining payment of their just debts to them due and owing. It further appearing, on the seventh day of September, 1842, that the said John Thomas Wilson, being so out of the said Colony, remained

absent therefrom with intent to delay and defeat the said Saul Lyons, and others, the Creditors of him the said John Thomas Wilson, in obtaining payment of their just Debts, and did thereby commit an act of Insolvency, whereupon the said Saul Lyons prayed that the Estate of the said John Thomas Wilson might be Sequestrated for the benefit of his Creditors; and whereas it further appears to us, in our said Court, that the Honorable Mr. Justice Burton, one of the Judges of the said Court, did, by order under his hand, bearing date the eighth day of September, A.D., 1842, place the Estate of the said John Thomas Wilson under Sequestration, in the hands of the Chief Commissioner of Insolvent Estates, at Sydney, until the same should be thereafter adjudged to be Sequestrated, or the said petition should be discharged.

Now, therefore, we command you, that you Summon the said John Thomas Wilson, that he be before our Justices of our Supreme Court, aforesaid, on the eighth day of March, in the year of our Lord One thousand eight hundred and forty-three, at Ten o'clock of the Forenoon, to show cause, if he have any, why his Estate should not, by sentence of the said Court, be adjudged to be Sequestrated for the benefit of his Creditors, and return you then there this writ, with whatever you have done thereupon.

Witness, the Honorable Sir James Dowling, our Chief Justice of our said Court, this ninth day of September, in the sixth year of our reign.

WILLIAM H. KERR,

Chief Commissioner of Insolvent Estates.

R. J. WANT,

Creditor's Attorney.

MR. JOHN THOMAS WILSON,

TAKE Notice, that you are hereby required, within five months and two weeks from the date of this summons, to put into the nearest Post Office, a statement, in writing, signed by you, and addressed to the Chief Commissioner of Insolvent Estates, at Sydney, of any facts alleged in this summons which you intend to dispute. And all facts, no notice of an intention to dispute which shall be so given, will, upon hearing of the case, be taken to be admitted by you, and the petitioning Creditor will not be required to prove the same.

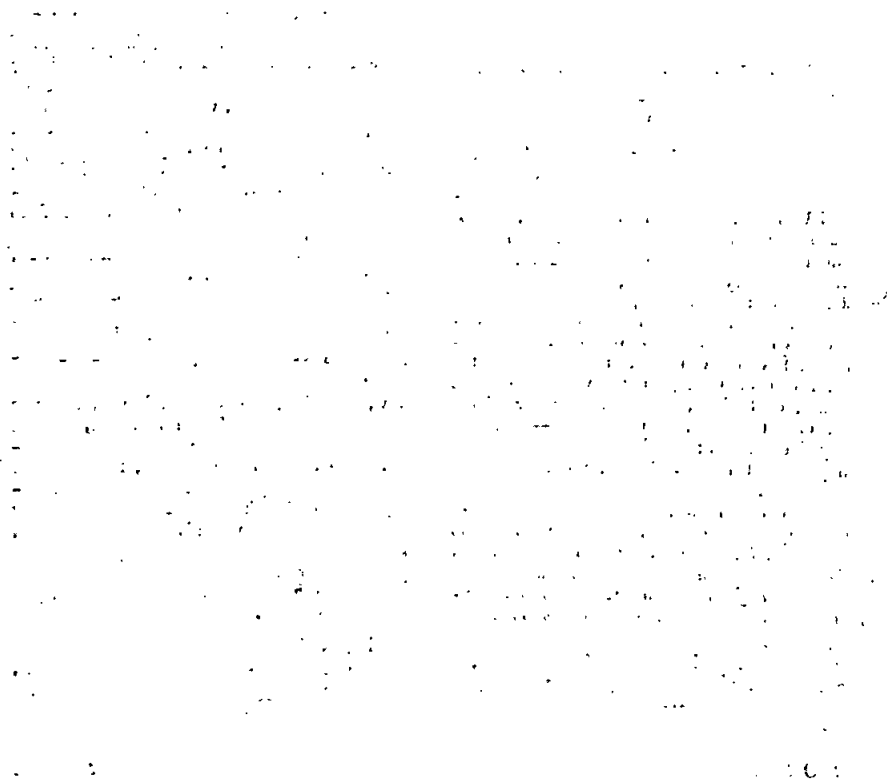
R. J. WANT,

Pitt-street, Sydney,

(2628)

Attorney for the Creditor.

Sydney:—Printed by WILLIAM JOHN ROW, Government Printer, and Published by him at the Government Printing Office, Bent-street.—September 20, 1842.





S U P P L E M E N T
TO THE
NEW SOUTH WALES
GOVERNMENT GAZETTE,
OF TUESDAY, SEPTEMBER 20, 1842.
Published by Authority.

WEDNESDAY, SEPTEMBER 21, 1842.

ANNO SEXTO,
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 continue, for a limited time, an Act passed in the fifth year of Her Majesty's Reign, intituled, "An Act to authorise the Governor of New South Wales to detain, at hard labour, any Male Offender under a second sentence or order of Transportation."

WHEREAS an Act of the Governor and Preamble. Council of New South Wales was passed in the fifth year of the Reign of Her present Majesty, intituled, "An Act No. 8. 5 Victoria, "to authorise the Governor of New South Wales to detain, at hard labour, any Male Offender under a second sentence or order of Transportation;" and whereas the said Act will expire on the twenty-first day of September next, and it is expedient to continue the same for a limited time as is hereinafter provided: Be it therefore enacted, by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That the said Act shall be, and the same is hereby continued in force until the thirty-first day of December, in the year one thousand eight hundred and forty-three.

GEORGE GIPPS,
Governor.

*Passed the Legislative Council
this seventieth day of September,
One thousand eight hundred
and forty-two.*

FRANCIS L. S. MEREWETHER,
Clerk of Councils.

ANNO SEXTO,
VICTORIÆ REGINÆ.
No. 15.

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 consolidate and amend the Law relating to Courts of Requests; and to extend the Jurisdiction of such Courts in the County of Cumberland.

WHEREAS, by an Act of the Imperial Parliament, passed in the second and third year of the Reign of Her present Majesty Queen Victoria, intituled, "An Act to amend an Act of the ninth year of Act of Parlia- "King George the Fourth, to provide ment, 2 and 3 "for the Administration of Justice in Victoria, c. 70. "New South Wales and Van Die- "men's Land, and for the more effectual govern- "ment thereof, and for other purposes relating "thereto; and to continue the same until the "thirty-first day of December, One thousand eight "hundred and forty, and thenceforward to the end "of the then next Session of Parliament;" it was, amongst other things enacted, that it should be lawful for the local Legislatures of the said respective Colonies, by any laws or ordinances, to be by them, or either of them, from time to time, for that purpose made, in the manner prescribed by the said recited Act, and subject to the conditions and provisos therein contained, to make such provision as to them might seem meet, for the better Administration of Justice, and for defining the constitution of the Courts of Law and Equity, and of Juries, within the said Colonies respectively; and whereas the said Act hath since been continued by Acts passed for that purpose in the third and

3 and 4 Vic- fourth, and fourth and fifth years of
toria, c. 62, and the Reign of Her present Majesty;
4 and 5 Vic- and whereas the establishment of
toria, c. 44. Courts of Requests in various parts
of the said Colony, for the recovery of small debts
in a summary way, has been found by experience
to be very useful for such purpose; and it is
expedient to provide for the erection of similar
Courts in other parts of the Colony; and for an
extension of the jurisdiction of such Courts in the
County of Cumberland, in the manner hereinafter
mentioned: Be it therefore enacted, by His Excel-
lency the Governor of New South Wales, with the
advice of the Legislative Council thereof, That
from and after the first day of January, One
thousand eight hundred and forty-three, Courts of
Requests shall be holden in and for such counties
or districts, or other portions of this Colony and
its Dependencies, and at such places respectively
as the Governor shall, by Proclamation for that
purpose, from time to time, appoint.

(Existing Request Acts repealed.)

II. And be it enacted, That on and from the
first day of January, One thousand eight hundred
and forty-three, an Act, intituled,
3 William IV., "An Act for better regulating Courts
No. 2. "of Requests in the Colony of New
"South Wales;" and also an Act, intituled,
"An Act to amend an Act, intituled,
4 Victoria, No. "An Act for better regulating Courts
25. "of Requests in New South Wales;"
3 Victoria, No. and also an Act, intituled, "An Act
6. "to establish Courts of Requests at
"the Towns of Melbourne and Port Macquarie,
"in the Colony of New South Wales;" shall
be, and the same are hereby repealed; and
all actions, plaints, and suits, which shall have
been commenced, and shall be still pending in the
said Courts, respectively, when this Act shall come
into effect, shall be proceeded in, heard, and
determined under the provisions hereof.

(Officers of Courts.)

III. And be it enacted, That every such Court
shall be holden by a Commissioner, appointed by
the Governor, and shall have a Registrar, and such
other Ministerial Officers for the execution of the
judgments, orders, and process thereof, as the
Governor shall deem necessary; which officers
shall, from time to time, be appointed to and re-
moved from their respective offices, in such manner
as the Governor shall from time to time direct.

(Jurisdiction of such Courts.)

IV. And be it enacted, That every such Court
shall have power and authority to hear, and
determine in a summary way, and according to
equity and good conscience, all actions whatsoever
in the nature of actions for the recovery of any
debt, demand, or damage, to an amount not ex-
ceeding ten pounds; and all actions for the
recovery of any debt or demand for work or labour
done; and all actions for goods sold and delivered;
and all actions for rent, or use and occupation;
or money had and paid on account; and all
actions upon any Bill of Exchange or Promissory
Note; and all actions for any assessment or award
of arbitration; and all actions of trespass or trover
for taking goods and chattels, to an amount in any
such case not exceeding Ten pounds, and to award
costs in all such actions, either to the plaintiff or

defendant: Provided however, that the said Courts
shall not have power to determine any action
where the matter in question relates to the title to
any real property, or (unless by the consent of the
Attorney General) to the taking of any duty to
Her Majesty, or any fee of office, or to any annual
rent, or other such matter where rights in future
may be bound, or to any general right or duty, or
to any action brought to recover the disputed
balance of an unsettled account, originally exceed-
ing the amount of Jurisdiction created by this Act,
nor to any debt for any money or thing won, or
alleged to have been won, at or by means of any
horse-race, cock-match, wager, or any kind of
play, or to any debt which there hath not been a
contract, acknowledgment, undertaking, or pro-
mise to pay within three years before the taking
out of the summons, although the same respectively
shall not exceed the amount of jurisdiction created
by this Act: And provided also, that any period
for which the defendant may be absent from the
Colony, shall not be considered as any portion of
time included in such limitation.

*(Commissioners of Courts for the County of Cum-
berland, assisted by two Assessors, may decide
Cases not exceeding £30.)*

V. And be it enacted, That it shall be lawful
for the Governor, from time to time, to nominate
and appoint Commissioners, being Barristers of
England or Ireland, of three years' standing, to
preside in Courts of Requests for the County of
Cumberland; in which Courts, besides a power
and authority to hear and determine in a summary
way, all actions as aforesaid, actions also to the
amount of thirty pounds, of the nature authorised
by this Act, shall be heard and determined:
Provided always, That in all such actions as
aforesaid, where the amount sued for exceeds the
sum of ten pounds, the Commissioner shall be
assisted by two Assessors, to be summoned by
the Registrar from time to time for that purpose,
from amongst the class of special or common
Jurors resident within the county or district for
which his Court shall have been appointed to be
holden; which Assessors shall be sworn to give a
true verdict upon the matter or matters depending
between the parties, according to the evidence,
which verdict shall be the verdict of the Court; and
in case of a difference of opinion between the As-
sessors, the verdict of a majority, consisting of one
Assessor and the Commissioner, shall be equiva-
lent to the verdict of all: Provided also, that in
all cases of such difference of opinion, it shall be
lawful for the unsuccessful party to apply to the
Commissioner for a new trial, who shall grant or
refuse the same, and upon such terms as to pay-
ment of costs or otherwise, as to him shall seem
meet: Provided further, that whenever the said
Commissioner shall see fit, if the cause of action is
above ten pounds, it shall be lawful for him to
reserve any point or points for the decision of one
or more of the Judges of the Supreme Court, and
to refer such point or points to the said Judge or
Judges, in such manner, and on such terms as the
said Commissioner shall deem proper; and the
decision of such Judge or Judges shall be final,
binding, and conclusive, as regards the matter of
such reference.

(Summoning of Assessors.)

VI. And be it enacted, That the Registrars of
the Courts of Requests holden in the County of

Cumberland, shall cause to be summoned, one week before the first day of each sitting of the said Courts, three persons to attend at the time and place of holding each sitting; and every such summons shall be in the form of the rules of practice and proceeding framed under this Act, and shall be served personally on each person, or by leaving it at his dwelling-house: Provided the summoning of Assessors to any such Court shall be by regular rotation, from a list made by the Commissioner of such Court for that purpose; and in case of the non-attendance of any of them, the Commissioner shall have power to nominate Assessors in their stead from the bye-standers: Provided however, that only three be summoned for each day of the sitting of the Court, who shall be each entitled to such a fee for their attendance as may be fixed by the rules of practice and proceeding as aforesaid: Provided also, that no Assessors shall be summoned whose residence shall be at a greater distance than ten miles from the place where the Court shall be holden: And provided further, that the Commissioner shall be empowered to impose a fine not exceeding forty shillings for the non-attendance of any person summoned as aforesaid.

(Not to interfere with Jurisdiction of Supreme Court, or power of Judges to issue Writs of Capias ad respondendum, on suspicion of the party being about to abscond.)

VII. And whereas parties may at present be arrested by law on mesne process issuing out of the Supreme Court, in cases where it shall appear that they are about to abscond or to leave the Colony, and where the sum claimed exceeds Twenty pounds, and it is expedient that this jurisdiction should not be interfered with: Be it therefore enacted, That in all such cases as aforesaid, nothing in this Act shall be construed to impair or affect the jurisdiction of the Supreme Court, or the power of any of the Judges thereof, respectively, to issue any Writ or Writs of *Capias ad respondendum*, where there shall appear to their satisfaction an intention to abscond, or leave the Colony; but it shall be lawful for the Plaintiff in every such case (where an arrest of the Defendant shall have been allowed under such circumstances as aforesaid) to proceed to judgment in the Supreme Court, and to recover his costs in such action, although the sum sought to be recovered shall be under Thirty pounds, anything in this Act to the contrary notwithstanding.

(Actions not to be split.)

VIII. And be it enacted, That it shall not be lawful to split or divide any cause of action, for the purpose of bringing the same within the jurisdiction of any Commissioner; and in case it shall appear to the said Commissioner, in any stage of the proceedings, that any cause of action has been so split or divided, he shall dismiss the action brought thereupon, with costs, unless the Plaintiff shall sign a memorandum, to be filed with the Registrar of the Court, undertaking to accept such sum of money as the Court is by this Act empowered to adjudge, in full of the whole of his demand, in respect of the cause of action so split or divided; and thereupon the Plaintiff shall, upon proving his case, recover to an amount not exceeding that which the Court is by this Act empowered to adjudge; and such Judgment shall be a full discharge of all demands of such Plaintiff against the Defendant or Defendants, for the same cause of action, in all Courts whatsoever.

(As to Promissory Notes or Bills of Exchange—being separately security for sums not exceeding £30 or £10.)

IX. Provided however, and be it enacted, That in case the Defendant or Defendants in any action, shall appear to have given Bills of Exchange, or Promissory Notes for the payment of any debt originally above the amount of jurisdiction created by this Act, but which Bills of Exchange or Promissory Notes are, separately, security for a sum not exceeding Thirty pounds, or Ten pounds, as the case may be, each Bill or Note shall be regarded as forming a distinct and separate contract, and may be sued upon and recovered in the same way as any other Debt recoverable under this Act.

(All Courts of Requests to be Courts of Record.)

X. And be it enacted, That the said Courts of Requests shall be Courts of Record, for the purpose of the judgments of any of the said Courts being set up as a defence in any action in the Supreme Court of New South Wales, or of the District of Port Phillip, or any Circuit Court; and it shall not be incumbent on the party to plead such judgment specially, but it shall be lawful for him to plead the general issue, and give the judgment in evidence as special matter: Provided however, that the entry of the judgment on the Commissioner's Cause List shall be deemed and held to be a record of such judgment.

(Costs when party sues in Supreme or Circuit Courts.)

XI. And be it enacted, That from and after the commencement of this Act, if any action shall be brought, either in the Supreme Court of New South Wales, or for the District of Port Phillip, or any Circuit Court in the Colony, for any cause for which an action might have been brought in pursuance of this Act, before any Court of Requests, and the Plaintiff in such action shall recover no more than the amount which might have been recovered in any of the Courts of Requests established under this Act, then and in such case the Plaintiff shall have judgment only for the sum so recovered in such action, without any costs whatsoever, unless the Judge before whom the same shall be tried, shall certify that the cause of action was not within the jurisdiction created by this Act.

(Servants, &c., under age, may sue for wages.)

XII. And be it enacted, That in every case where any wages, or any other sum or sums of money whatsoever, not exceeding the sum of Thirty pounds or Ten Pounds, as the case may be, respectively recoverable under this Act, shall be due and owing to any clerk, bookkeeper, journeyman, shopman, shopwoman, labourer, menial servant, or any other person whomsoever, under the age of twenty-one years, it shall and may be lawful to and for such clerk, bookkeeper, journeyman, shopman, shopwoman, labourer, menial servant, or other person, to sue for and recover such debt in the said Court, in the same manner as if he or she were of full age.

(Officers of Supreme Court not exempt.)

XIII. And be it enacted, That no person shall be exempt from the jurisdiction of the said Court by reason of his being a sworn attorney or solicitor, or other officer of the Supreme Court of New South Wales, or any other Court whatsoever, but

that all such attorneys, or solicitors, and other officers shall be subject to the several processes, orders, judgments, and executions, of the said Court, in the same manner as any other person or persons is or are subject to the same.

(All actions brought in Courts of Requests to be commenced by a demand or plaint in writing.)

XIV. And be it enacted, That every action to be brought in any Court of Requests shall be commenced by a demand or plaint in writing, in which demand the Plaintiff shall, shortly and in substance, set forth his cause of action, whether for debt or damages, and shall also state the place of abode of himself, or of his attorney, if he sue by one, and the place of abode of the Defendant, and shall cause such demand or plaint to be filed with the Registrar of the said Court, at such times before the sitting of the Court at which the cause is to be tried, as shall be prescribed by the rules framed under this Act; and such Registrar shall lodge the same in a copy of the summons, to be retained in Court, the original or duplicate of which shall be served on the defendant, and which summons shall be in the form set forth in the rules of practice and proceeding aforesaid, or as near thereto as the nature of the case will admit, always preserving the substance of the same.

(Mode of service of summons.)

XV. And be it enacted, That the summons hereinbefore directed to be served on the Defendant, may be served either by delivering such summons to the wife or servant of the Defendant, at the Defendant's usual place of abode, or to any person at such place of abode, being or representing himself or herself to be an inmate thereof; and in case the messenger or bailiff, who shall be employed to serve the summons, shall demand admittance into the house where the Defendant usually resides, and such admittance shall be refused, it shall be lawful for him to put such copy into the house, or to fix such copy upon the door of the house, and the same shall in such case be deemed to be good service upon the Defendant.

(No decision unless affidavit of service made, as herein.)

XVI. And be it enacted, That no judgment be recorded by the Commissioner in any case unless the process in such cause shall, by the affidavit of at least one credible witness, before the Commissioner of one of the Courts of Requests, or a Commissioner of the Supreme Court, or before a Magistrate of the Territory, be deposed to have been duly served upon the Defendant, in the manner hereinbefore directed.

(Suits to be brought in Courts of Requests nearest to the Defendant's residence.)

XVII. And be it enacted, That in all actions or suits, which shall be brought in any Court of Requests established under this Act, for any cause arising after the passing thereof, shall be brought in the Court which shall be holden in and for the district where the Defendant in such action shall usually reside, unless there shall be two or more joint Defendants, in which case, the Plaintiff may proceed in such manner as is hereinafter directed: Provided however, that in case the Defendant or Defendants in any action shall have given an engagement or promise in writing to pay any debt or

sum demanded, in a particular place, therein specified, it shall be lawful for the Plaintiff to cause the Defendant or Defendants to be summoned to attend the Court which shall be holden in and for the district so specified in such engagement or promise to pay: Provided also, that if any party, after having in one district contracted a debt, or become liable for any damage recoverable in the Courts of Requests established under this Act, shall become resident in another, previous to the issuing of a summons for the recovery of such debt, demand, or damage, it shall and may be lawful for the Plaintiff to summon the Defendant to the Court holden for the district in which such debt was contracted, or liability for damage incurred originally, in the same manner as if he had continued a resident of such district: And provided further, that in case the Plaintiff shall be a resident of one district, and the cause of action shall have occurred therein, and the Defendant be the resident of another, and such Plaintiff shall, on due proof of demand and refusal to pay, establish his claim to the satisfaction of the Court in which the Defendant shall reside, he may, at the discretion of the Court, be allowed double the amount of costs and expenses incurred in the prosecution of his claim.

(Mode of proceeding in case of joint defendants living in different districts.)

XVIII. And be it enacted, That where, in case of persons jointly liable, all the persons so liable shall not reside within the jurisdiction of the same Commissioner, it shall be lawful for the Plaintiff or Plaintiffs to bring his or their Action before any Commissioner, within whose jurisdiction any of the persons, so jointly liable, shall reside, by serving such last mentioned person or persons with a summons, in the manner hereinbefore directed; and such last mentioned person or persons may serve the other person or persons, so jointly liable, with a notice of such Summons, in order that he or they may appear, and join in defending such action; and in case such other person or persons shall not appear, and join in defending such Action, the Action may proceed, and Judgment be obtained, and Execution issued against the person or persons who shall have been served with the Plaintiff's Summons, notwithstanding the others jointly liable may not have been served with such Summonses, or joined in such Action; and no plea in abatement shall be allowed for, or advantage taken of, the non-joinder of the person or persons so jointly liable: Provided always, and there is hereby reserved to the person against whom execution may have been issued, any right which he may have to demand contribution from the other person or persons jointly liable with him; and in case he shall have caused such other person or persons to be personally served with a copy of the Plaintiff's Summons upon him in such Action, three days before the day appointed for appearing and answering to the same, the judgment, or copy thereof, certified by the Registrar, recovered against him in such Action, shall be admissible in evidence in any Action for contribution, afterwards brought by him against the person or persons so personally served by him, as aforesaid, for the purpose of proving their liability to such contribution; but in case he shall not have caused such other person or persons to be personally served as aforesaid, then the

liability of such person or persons to contribution shall be proved in the ordinary manner: Provided also, that as often as any question or dispute shall arise as to the district in which the Defendant shall be deemed to be a resident, the same shall be determined by the Commissioner of the Court, as incident to the cause.

(Plaintiffs and Defendants may be examined on Oath.)

XIX. And for the better discovery of the truth, and the more satisfactorily obtaining the ends of such suits, be it enacted, That it shall and may be lawful for any Commissioner, if he shall in his discretion think it necessary and proper so to do, to examine the Plaintiff or Plaintiffs, Defendant or Defendants, *viva voce*, on their several corporal oaths; and in case any person who shall be examined on Oath, or if a Quaker, on affirmation, by any such Commissioner by virtue of this Act, shall commit wilful and corrupt perjury, or falsely affirm, and shall thereof be duly convicted according to law, or shall commit wilful and corrupt perjury in false swearing or affirming in any affidavit or affirmation by this Act required to be made before any Commissioner or Magistrate, and be thereof convicted according to law, every such person or persons shall incur and suffer the like pains and penalties as any other person or persons convicted of wilful and corrupt perjury; and in each and every such case it shall and may be lawful for the Commissioner to commit the party, and to direct prosecution for perjury to be forthwith instituted against any person so falsely swearing or affirming as aforesaid, in order that he or she may be prosecuted for the same according to law: Provided that no Plaintiff or Defendant shall be examined as aforesaid, if other conclusive evidence can be obtained.

(Witnesses not attending, and persons guilty of contempt, how punishable.)

XX. And be it further enacted, That all persons summoned as witnesses to attend any of the said Courts, shall attend pursuant to such summons, and shall be subject to the like actions for disobeying such summons, as they would be subject to for disobedience to a *subpoena* issuing out of the Supreme Court; and that it shall and may be lawful for any Commissioner to punish, as for contempt in a summary way, by fine not exceeding forty shillings, or by imprisonment for any time not exceeding a fortnight, any Plaintiff, Defendant, or Witness neglecting to attend without sufficient cause, or refusing to be sworn, or to answer any lawful question, or any other person or persons guilty of contempt before any such Court.

(Execution of process.)

XXI. And be it enacted, That in any case where the Commissioner of any of the said Courts shall make any order or decision for the payment of money, it shall and may be lawful for the Registrar of the said Court, on the application of the party in whose favour such order or decision has been made, to issue a decree or precept in the nature of a *fiery facias* or a *capias ad satisfaciendum*, which precept shall be directed to any Bailiff of any of the said Courts, or his deputies, who are hereby authorised and empowered to execute the same in any part of the said Colony,

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in the same manner in all respects as process of a similar nature issuing out of the Supreme Court may be executed by the Sheriff or Deputy Sheriff: Provided however, that no real or leasehold property be liable to be levied upon under writs of execution out of the aforesaid Courts.

(Writs of execution to be in form prescribed by rules of practice.)

XXII. And be it enacted, That writs of execution, whether against the body or the effects of the Defendant, as the case may be, shall be in the form set forth in the rules of practice as aforesaid, or as near thereto as the nature of the case will permit, always preserving the substance of the same.

(Defendant in certain cases entitled to a writ of execution.)

XXIII. And be it enacted, That if the person summoned to appear on any answer, complaint, or demand, shall appear according to the said summons, and the party complaining shall make default, the Court shall adjudge the said plaint to be disproved, or if he appear, and the judgment of the Court be for the Defendant, the said Court shall, at its discretion, in either case, adjudge to the said Defendant his reasonable costs in like manner as for the party complaining; and the said Defendant shall be entitled to the like process of execution for the same, as the Plaintiff would be entitled to, if he had established his claim against the defendant.

(Special writs at peril of Plaintiff.)

XXIV. And be it enacted, That the Registrar of any of the said Courts shall grant a special writ of execution, when demanded by the Plaintiff, in any suit wherein such writ may be issued, at the peril of the plaintiff; and such Registrar shall appoint one or more special Bailiffs, to be named by the Plaintiff, to execute such writ; and such Plaintiff shall give to the Registrar of the Court from which the writ issues, a bond of indemnity, (for which bond he shall pay to the Registrar, for his own use, a fee of two shillings and six-pence,) as a full and sufficient security to the defendant against any improper use of such writ of execution; whereupon the Plaintiff or Defendant may, as the case may be, maintain any Action against the party or parties only giving such bond, for any wrong or damage done in the execution thereof.

(Defendant contracting Debts in one district, and removing into another, liable to execution wherever found.)

XXV. And whereas persons residing in and contracting debts within the limits of one of the said Courts, to avoid execution upon judgments recovered against them, do remove into the limits of another of the said Courts, whereby Plaintiffs are prevented from recovering their debts by reason of the Defendant not being resident within the jurisdiction in which such judgments have been obtained: Be it therefore enacted, That any Defendant removing from one of the said jurisdictions into another, shall not prevent any Plaintiff proceeding against such Defendant in the jurisdiction where such Defendant may happen to be resident at the time of issuing execution; and it shall be lawful for the Bailiff, or his Deputy, of any Court, to take such Defendant into custody, or to dispose of his goods in like manner as if he had been a

resident of the district in which judgment was recovered against him.

(Mode of proceeding as to disputed property levied upon.)

XXVI. And be it enacted, That if previous to the sale of any property levied upon, such property being in the actual or ostensible possession of the defendant, a disputed claim shall be made to it, and such claim be depoted to before a Commissioner or Magistrate, and in such deposition it be averred, that the defendant in whose actual or ostensible possession the property so levied upon be found, is not the true owner, but the baillee thereof, such property shall be released from execution, and the cost of the levy, if any, shall be either added to the amount of the costs charged in the execution, or defrayed by the plaintiff, as the Commissioner shall in his discretion direct: Provided however, that no absolute or conditional bill of sale, or mortgage of chattel property whatever, shall protect such property so levied upon from sale, unless such bill of sale or deed of mortgage, as the case may be, be produced to the Bailiff: And provided also, that it shall have been executed at least ten days before the summons shall have been served upon the Defendant in the case in which the writ of execution issued, and unless there be expressed in any such instrument made by way of mortgage, a certain time for the payment of the principal sum for which such instrument was given as security, and such time does not exceed one year from the date of the instrument itself, and at the expiration of that time, the holder of such bill of sale or mortgages of chattel property, shall not renew it, but either assume possession, or proceed to the sale of the property so secured, or relinquish all claim to the protection of it from the debts of other creditors: Provided further, that protection from sale under any circumstances shall only extend to such articles of chattel property as are specifically set forth and enumerated in a schedule, to be annexed to such bill of sale or deed of mortgage, as the case may be.

(Executors, Administrators, and Executors de son tort, to be liable.)

XXVII. And be it enacted, That all Executors, Administrators, and Executors *de son tort*, shall be liable to sue and to be sued in the said Courts; and that judgments which have been obtained by plaintiffs, but not satisfied previous to their decease, as well as all causes of action, shall survive to their Executors, Administrators, or other proper representative, as the case may be, who may sue out execution in his or their names, in the same way that the plaintiffs themselves, if living, might have done.

(Limitation of time of imprisonment of debtors.)

XXVIII. And be it enacted, That no person who shall be committed to gaol or prison by order of the said Court of Requests, shall be kept or continued in custody on any pretence whatsoever, except in the case hereinafter otherwise provided for, for any larger space or spaces of time, from the time of his, or her, or their commitment to prison, than one month: Provided however, that in order the more effectually to prevent persons summoned for debts or demands to the said Court, from fraudulently concealing their money, goods,

or effects, that in case upon the summons of any persons for any debt or demand before the said Court, information of such fraudulent concealment shall be given, such Court shall have power to hear evidence as to the fact; and in case it shall be proved to their satisfaction, upon the oath of one or more witness or witnesses, then and in every such case, it shall be lawful for the said Court to extend the aforesaid time of imprisonment of such debtor or defendant, to any period in addition thereto, not exceeding six months.

(Persons taken into custody for more than one execution, to be imprisoned the limited time for the first execution, and afterwards the limited time on each subsequent execution.)

XXIX. Provided always nevertheless, and be it enacted, That every person who shall be taken in execution under or by virtue of any process issuing from or out of the said Court, and who at the time of being taken into custody or during his imprisonment, shall have more than one judgment recorded or writ of execution against him in the said Court, obtained at the suit of a different *bond fide* Creditor from the Creditor having Defendant under previous execution, and not obtained on any Bill of Exchange or Promissory Note, on which the name of any previous judgment Creditor shall appear, shall be imprisoned the limited time for the first execution, and afterwards for and in respect of each other execution (that is to say) after the limited time is expired on the first execution, the imprisonment shall commence on the second execution and continue the limited time, and so until he shall have been imprisoned the limited time for the first execution, and afterwards the limited time for and in respect of each other separate execution, to be issued against him in the said Court, previously to his being taken into custody, or during his imprisonment, any law, statute or usage to the contrary notwithstanding: Provided always, that the term of imprisonment on all such executions shall not in the whole exceed the space of three months.

(Liability of future effects.)

XXX. Provided also and be it enacted, That if in any case the defendant shall be discharged from gaol without satisfying the judgment of the Court, it shall be lawful for the complainant at any further time within three years after such judgment, to take out execution against any estates or effects of such defendant, until such judgment shall be fully satisfied.

(Commissioner may in certain cases order judgments to be paid by instalments.)

XXXI. And be it enacted, That it shall and may be lawful for the Commissioners of the said Courts of Requests, wherever it shall appear to any of them that the levy of the full amount of any judgment in the said Courts at one time may be attended with great distress to the defendant, and that such distress may be avoided or lessened by enlarging the time for satisfying such judgment, to order and direct the amount thereof, together with the costs and charges, to be levied by instalments, at such stated times, and in such proportional amounts, as shall be expressed in any such order, and as he shall deem to be reasonable and just: Provided always, that the time for satisfying any such judgment shall not exceed six months from

the time of making such order as aforesaid; and in case such defendant shall fail to pay any such instalment agreeably to such order, the plaintiff may proceed to take out execution for the amount of such judgment, and the costs and charges thereof then remaining due and unsatisfied, in like manner as if no such order as aforesaid had been made; and in case the plaintiff shall take out execution after due tender of payment has been made to him according to the time stated in the order of the Commissioner, and on satisfactory proof thereof being given to the said Commissioner, he shall either wholly forfeit the amount of the judgment, or the residue thereof, as the case may be.

(Levy on defendant's goods to be made between sun-rise and sun-set.)

XXXII. And be it enacted, That no judgment of any of the said Courts against the goods and chattels of the defendant in any suit or action brought therein, shall be executed at any time after sun-set nor before sun-rise; and if any officer or person shall execute any such judgment after sun-set or before sun-rise, such officer or other person shall be subject and liable to a fine of ten pounds, which shall be imposed, and if necessary, enforced, by an order of the Commissioner for the distress and sale of the offender's goods.

(Execution not to prejudice landlords.)

XXXIII. And be it enacted, That no execution awarded against the goods of any party or parties shall extend to, or be construed to extend to deprive any landlord or landlords of the power vested in such landlord or landlords, by an Act passed in the eighth year of the reign of Her late Majesty Queen Anne, intituled, "An 8 Anne, c. 14, *Act for the better security of rents, and to prevent frauds committed by Tenants,*" of recovering one year's rent by virtue and in pursuance of the said Act.

(No plaints to be removed.)

XXXIV. And be it enacted, That from and after the passing of this Act, no plaint entered in the said Courts as aforesaid, nor any order or orders, or other proceedings had thereon, by virtue of this Act, shall be removed out of the said Courts, by writ of *recordari facias loquelam certiorari*, or otherwise however; but such order or orders so to be made by the Commissioner shall be final and conclusive to all intents and purposes whatever.

(Oath to be taken by the Commissioner before a Judge or Commissioner of the Supreme Court.)

XXXV. And be it enacted, That no Commissioner appointed under this Act, shall proceed to hear and determine such causes as aforesaid, until he shall have first taken the following oath before a Judge or Commissioner of the Supreme Court, which oath the Judges and Commissioners of the Supreme Court are hereby respectively empowered to administer:—"I (A. B.) do swear that I will execute the office of Commissioner of the Court of Requests for the District of —, diligently, justly, and impartially, and without favor, or affection, or malice, do equal right to all the Queen's subjects that shall come within my jurisdiction; and that I will, in all things, to the best of my skill and power, faithfully and diligently execute the duty imposed on me by an

"Act of the Governor and Legislative Council, passed in the Sixth Year of the Reign of Her Majesty Queen Victoria, intituled, *'An Act to consolidate and amend the Law relating to Courts of Requests; and to extend the jurisdiction of such Courts in the County of Cumberland.*—So help me God."—A. B.

(Commissioner, Police Magistrate, or Visiting Justice, may order detaining creditor to support defendant in execution.)

XXXVI. And be it enacted, That in all cases where any defendant shall be charged in execution by any such Court, it shall and may be lawful at any time, and from time to time, for the Commissioner of such Court, or of any other Court of Requests in the said Colony, or its Dependencies, nearest to the place where such defendant shall be imprisoned, or for any Police Magistrate or visiting Justice of the Goal in which such defendant shall be confined, on application by or on behalf of such prisoner, if it shall appear to be necessary for his support, to order the Creditor or Creditors, at whose suit he shall be so imprisoned, to pay to him such weekly sum or sums, in such manner, and in such proportions, as by any of them shall be directed; and on failure for one whole week from the date of such order of payment thereof as directed, such prisoner shall be forthwith discharged from custody at the suit of the Creditor or Creditors so failing: Provided however, that notice of such application, in writing, shall be served personally on the plaintiff, or left at his or her usual abode, or shall be transmitted with a particular and sufficient address, to such plaintiff through the General Post Office in reasonable time to apprise the plaintiff of the time and place where such application shall be intended to be made; and that such notice be served on the defendant in all instances, at least two days before such application shall be entertained.

(Sheriff and other persons indemnified.)

XXXVII. And be it enacted, That every Sheriff and keeper of any prison, or any person whomsoever, who shall do anything in obedience to any legal order of any such Court, shall be, and they are hereby indemnified for whatsoever shall be done by them respectively, in obedience thereto; and if any action whatsoever shall be brought against any such Sheriff, keeper, or person, or against any Commissioner or Officer of any such Court, for performing any duty of his Office in pursuance of this Act, such Sheriff, Commissioner, Keeper, Officer, or other person, may plead the general issue, and give this Act, and the special matter in evidence; and if the plaintiff be nonsuited, or shall discontinue his action, or a verdict shall pass against him, or Judgment be had for the defendant, upon demurrer, such defendant shall have double costs.

(Limitation of actions against Officers of Courts.)

XXXVIII. And for the protection of persons acting in execution of this Act, be it enacted, That all actions for any thing done under this Act, shall be commenced within six months after the fact was committed, and that no writ shall be sued against, nor process served upon, any Commissioner, Registrar, Bailiff, or other Officer of any

Court of Requests, for any thing done in the execution of or by reason of his office, until one calendar month next after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent for the party who intends to sue out such writ as aforesaid, in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and that a fee of twenty shillings shall be paid for preparing or serving of every such notice, and no more.

(Fees to be taken under this Act.)

XXXIX. And be it enacted, That the several fees and sums of money limited and expressed in the rule of practice and proceeding, framed for the dispatch of business in the Courts of Requests, and no other, shall be taken by the several Officers of the said Courts therein mentioned, for their several and respective services in execution of this Act.

(Governor, with Assistance of Commissioner, may make rules and regulations for the practice of Courts of Requests.)

XL. And be it enacted, That it shall and may be lawful for the Governor of the said Colony, with the assistance of the Commissioner of the Courts of Requests for the County of Cumberland, to make such rules and regulations for the practice of the said Courts of Requests, as may from time to time be deemed expedient and necessary.

(Penalty on Bailiff or other Officer neglecting duty.)

XLI. And be it enacted, That if any bailiff or deputy bailiff, or other officer of the said Court, employed to execute any process of execution, shall, by connivance, wilful neglect, or omission, cause or suffer the party against whom such execution shall be awarded to escape or abscond, or the goods of such party to be rescued or carried away, so that such execution shall not have its due effect, it shall be lawful for any Commissioner upon complaint and due proof thereof, made upon the oath or oaths of one or more credible witness or witnesses, to order such bailiff or officer to pay the sum of money for which such execution was awarded, or such part thereof as the said Commissioner may think proper, to the party complaining, and to enforce the payment thereof by the same ways and means as are herein provided for the recovery of debts.

(Process of Courts not to be set aside on account of verbal or technical errors only.)

XLII. And be it enacted, That no process or proceeding of the said Courts shall be set aside on account of any technical error or mistake; and it shall be competent to every Commissioner to decide and determine what is a verbal or technical error or mistake in any action or proceeding; and all errors or mistakes which have not a tendency to misinform or mislead the opposite party, shall, in all cases, be deemed merely verbal or technical.

(Power of the Governor to nominate a substitute.)

XLIII. And whereas it may sometimes happen, that such Commissioner may, by reason of sickness, leave, or other sufficient cause of absence, be unable to attend and hold the said Court: Be it therefore enacted, That it shall and may be lawful for the Governor of the said Colony for the time

being, to nominate a fit and proper substitute, or *locum tenens*, qualified as aforesaid, to do and execute the duty of such Commissioner, as well in holding such Court, as in all other business which such Commissioner is by this Act authorised and empowered to do, for such time as such illness, or leave, or other sufficient cause for the absence of such Commissioner, shall continue.

(By consent of both parties causes may be tried by arbitration.)

XLIV. And be it enacted, That if both parties in any cause shall agree between themselves not to try their cause before the Court of Requests, but by means of arbitration, and shall notify such agreement by a memorandum in writing, signed by themselves, or their agents, the amount of award declared by such arbitration shall be binding on both parties, and judgment in accordance therewith be entered in the Commissioner's cause list, for the plaintiff or defendant, as the case may be.

(Cases under £10 to be conducted by Plaintiffs or Defendants in person.)

XLV. And be it enacted, That no person shall be permitted to appear and act in any Court of Requests in any suit on behalf of any plaintiff or defendant, brought for any sum not exceeding Ten pounds, unless it shall be proved to the satisfaction of the Commissioner of the Court, that such plaintiff or defendant is prevented by some unavoidable necessity, or some good and sufficient cause from conducting his case in person: Provided that no costs shall be allowed by the Commissioner in any such case for professional assistance.

(Plaintiff or Defendant may conduct his case in person, or by Attorney, if the sum sued for be above £10.)

XLVI. And whereas by reason of the extension of the amount of jurisdiction created by this Act in the County of Cumberland, it is expedient that suitors should be entitled to the aid of the legal profession: Be it therefore enacted, That in all actions in which the sum sought to be recovered is above Ten pounds, the plaintiff and defendant may appear and each conduct his case by himself, his clerk, or servant; or employ any person admitted an attorney of the Supreme Court of New South Wales, or of the District of Port Phillip, respectively, to practise as an advocate and attorney before the Commissioner: Provided however, that no attorney so practising, shall demand or take more by way of fees for work by him done, than the sums allowed by the rules framed under this Act: And provided also, that the costs of such professional assistance shall be paid by the party in the cause by whom the Commissioner shall deem it equitable they should be paid.

(Attorneys of Supreme Court to make application to Commissioner to be enrolled as practitioners.)

XLVII. And be it enacted, That all attorneys of the Supreme Court intending to practise in any of the said Courts, shall make formal application to the Commissioner of the Court for that purpose, and shall be duly enrolled as practitioners therein, before they shall be admitted to practice.

(Commissioner may suspend for a time, or wholly prohibit from ever practising in his Court, any Attorney who shall have acted corruptly in such Court.)

XLVIII. And be it enacted, That it shall and

may be lawful for any Commissioner, if any attorney practising in causes before him shall appear to him, either upon such Commissioner's own view in open Court, or by examination of others upon oath, to have acted in any such cause corruptly, contemptuously, or in any respect knowingly and wilfully against his duty as an attorney, to make an order to remain of record with the Registrar of the Court, either suspending such attorney from practising for a given time, or prohibiting such attorney for ever from practising in such Court, which order shall be binding: Provided nevertheless, that it shall be lawful for any attorney against whom such order shall be made, to appeal to the Judges of the Supreme Court, who may, by examination on oath, examine into the grounds of such order, and reverse, vary, or confirm the same as they shall see reason.

GEORGE GIPPS,

*Passed the Legislative Council,
this seventh day of September,
One thousand eight hundred and forty-two.*

Governor.

FRANCIS L. S. MEREWETHER,

Clerk of Councils.

ANNO SEXTO,

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 for facilitating proceedings by and against a certain Joint Stock Company, called the "AUSTRALASIAN SUGAR COMPANY," and for other purposes therein mentioned.

WHEREAS a certain Joint Stock Company Preamble. was some time since formed in the Colony of New South Wales, under the style or firm of the "AUSTRALASIAN SUGAR COMPANY," for the purpose of carrying on the trade or business of purchasing and refining raw Sugar; the sale of Sugar, whether raw or refined by the Company; the sale of Molasses; the manufacture of Animal Charcoal, Ivory Black, Soda, Sal Ammoniac, Blacking, and such other business connected with the general objects of the Company, as the Directors shall think fit; and whereas the Joint Stock of the said Company is held by Proprietors partly residing in the said Colony of New South Wales, and partly elsewhere; and whereas the said Joint Stock Company is under the management and superintendence of a Manager, appointed by the Directors of the said Company, and of a Board of Directors in or near Sydney, in the said Colony of New South Wales, the said Board having its Chairman; such Directors being severally Shareholders in the said Company, possessing ten shares or upwards in their own right, who conduct and superintend the affairs of the said Company in the carrying on the said business; and whereas, for enabling the said Company the more readily to enforce payment of monies that may become due to them from time to time, and also to provide an easy remedy against the said Company, and the several Proprietors of Shares therein, for monies that may be due to them; also for facilitating any prosecution that may hereafter

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be instituted by the said Company, it is expedient to simplify all proceedings, both at Law and in Equity, by or against the said Company, by allowing one Member thereof to sue and be sued in the place and stead of the whole, which cannot be effected without the aid and authority of the Legislature: Be it therefore enacted, by

Company to sue in the name of His Excellency the Governor of the Manager or New South Wales, with the advice one of the Directors of the Legislative Council thereof, rector.

That all actions or suits against any person or persons indebted to the said Joint Stock Company, whether a Member thereof or otherwise, and all other proceedings at Law or in Equity to be instituted or prosecuted by or on behalf of the said Joint Stock Company, or wherein the said Company is or shall be in any way concerned, against any person or persons, body or bodies politic or corporate, shall and may be lawfully instituted and prosecuted in the name of the Manager for the time being of the said Company; and in the event of his death, or absence from the said Colony, in the name or names of any one of the Board of Directors in Sydney, at the time any such action, suit, or other proceeding shall be instituted, as the nominal Plaintiff, Complainant, or Petitioner, for and on behalf of the said Company; and that all actions, suits, and other proceedings, at Law or in Equity, to be commenced, instituted, and prosecuted against the said Company, shall be instituted and prosecuted against the said Manager, or one of the said Directors for the time being of the said Board of Direction, as the nominal Defendant, for and on behalf of the said Company; and that in all 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, forgery, robbery, or stealing, or other offence against the said Company, or any felony or misdemeanor, in which the said Company shall be concerned, it shall be lawful to state the property of the said Company to be the property of such Manager, or Director for the time being of the said Board of Direction, and any offence committed with intent to injure or defraud the said Company, shall and lawfully may, in such prosecutions or proceedings, be stated or laid to have been committed with intent to injure or defraud such Manager or Director for the time being of the said Company; and any offender or offenders may thereupon be lawfully convicted of any such offence; and generally, that in all cases wherein it would otherwise have been necessary to mention the names of the Members composing the said Company, it shall be sufficient to use the name of such Manager or Director for the time being of the Board of Direction.

(The Death of any Manager or Director not to abate or prejudice any action.)

II. And be it enacted, That neither the death, resignation, nor removal of any such Manager, or Director for the time being, shall abate or prejudice any such action, suit, prosecution, or proceeding, but the same may be continued in the name of the next or other succeeding Manager, or Director for the time being of the said Company: Provided always, that no second suit, action, or other proceeding, shall be at any time commenced by or against any such Manager or Director for the same cause of action, where the merits shall have been tried and decided in the first suit or action.

(Memorial of the name of the Manager to be recorded.)

III. And be it enacted, That a Memorial of the name of the Manager of the said Company, and also of all the Directors for the time being of the Board of Direction, in the form of or to the effect set forth in the Schedule hereto annexed, signed by the said Manager, and by each of the Directors of the Board, shall be recorded upon oath in the Supreme Court of New South Wales, within thirty days after the passing of this Act; and when and as often as any person shall be newly elected Manager or Director of the said Board of Directors in Sydney, a Memorial of the name of such newly elected Manager or Director, in the same form or to the same effect as the above mentioned Memorial, signed by such newly elected Manager or Director, shall in like manner be recorded upon oath in the said Supreme Court, within thirty days next after such new Manager or Director shall be elected: Provided always, that until such Memorial as hereinbefore first mentioned shall be recorded in the manner herein directed, no action, suit, or other proceeding, shall be instituted or prosecuted by the said Company under the authority of this Act.

(List of Members, &c. to be recorded.)

IV. And whereas also, it is deemed expedient and necessary that the names, residences, and descriptions of all the Members of the said Company, should be recorded for public information: Be it enacted, That the Manager for the time being shall within thirty days after the passing of this Act, and within fifteen days from the first day of July, in each succeeding year, cause a true list of all the then existing Members of the said Company, with their respective places of abode, (as far as the same may be known to him) and descriptions, to be recorded on oath in the Supreme Court of New South Wales; and that 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 any such Manager of the said Company 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.

(Members of the Company shall be competent witnesses.)

V. And be it enacted, That any person whose name shall be so recorded, shall be considered a Member of the said Company, and be liable to be sued as such, until a new list of Members' names shall be recorded as aforesaid, or until he shall give notice of his retirement, in the *New South Wales Government Gazette*: Provided always, that in all actions, suits, prosecutions, or other proceedings in which the said Manager or Director for the time being of the Board of Direction, shall be on behalf of the said Company, and under and by virtue of this Act, Plaintiff, Complainant, Petitioner, or Defendant, it shall and may be lawful for the said Manager or Director, or for any other Officer engaged in the executive duties of the said Company, to give evidence in such action, suit, petition, or other proceeding, notwithstanding such Manager or Director for the time being, or other Officer aforesaid, shall or may be interested in the said action, as a Shareholder or Copartner in the said Company or otherwise.

(Copy of deed attested by Manager to be recorded.)

VI. And be it enacted, That a copy of the Deed of Copartnership and Settlement, attested by the Manager, for the time being, to be a true transcript of the original deed of Copartnership and Settlement of the said Company, shall be recorded in the Supreme Court of New South Wales, within thirty days after the passing of this Act; and that 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 Manager shall fail so to record such attested copy of the original deed of Copartnership and Settlement of the said Company as 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.

(Judgment, decree, or order, against the Manager or Director, to affect the persons and separate property of the Company.)

VII. And be it enacted, That every judgment, decree, or order, in any action, suit, or other proceeding, at Law or in Equity, against any such Manager or Director, for the time being, as aforesaid, shall have the same effect and operation upon the Joint Stock Company, and the persons and separate property of every Shareholder or Proprietor thereof, as if every such Shareholder or Proprietor had been party to such action, suit, or proceeding, and such judgment, decree, or order, had been obtained against him or them jointly and severally, and may be enforced accordingly, against either such joint stock and property, or against the persons and separate property of any such Manager or Director, for the time being, as aforesaid, or of any Proprietor or Shareholder of the said Company: Provided always, That every such Manager, Director, Proprietor, or Shareholder, shall be reimbursed all such costs, damages, and expenses, as, by any such event of any such suit, action, or other proceeding, he shall sustain, and be made liable to, out of the joint stock and funds of the said Company, or in failure thereof, out of the separate funds and property of the other Members of the said Company, in due proportion as in ordinary case of Copartnership.

(Act to extend to all future proprietors.)

VIII. And be it enacted, That this Act, and the powers and provisions herein contained, shall at all times extend to the said Company, and every person who shall be a Member thereof, for the time being, at whatever time he may have become a Member of the said Company, and whether originally a Member thereof or not.

(Act not to affect the rights of Her Majesty.)

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

(Not to incorporate the Members of the Company.)

X. Provided always and be it enacted, That nothing herein contained shall extend, or be construed to incorporate the Members of the said

Company, or to relieve or discharge them, or any of them, from any responsibility, duty, contract, or obligation whatsoever, which, by law, they now are, or at any time hereafter, shall be subject or liable to, either between the said Company, or any of them, and others, or among themselves, or in any other manner whatsoever, except so far as the same is affected by the provisions of this Act, and the true intent and meaning of the same.

(Company to elect Manager or Directors, in case of death, &c., with as little delay as possible.)

XI. And be it enacted, That the said Company shall, upon the death, resignation, removal, or retirement of any such Manager, or Directors, proceed, with as little delay as possible, to elect some other person in his stead; and, unless such election shall take place, within one calendar month from the date of such death, resignation, or removal, then all the privileges of the said Company, conferred upon them by this Act, or to be conferred by any Act of the said Governor and Council, shall utterly cease and determine; and thenceforth it shall and may be lawful for any person or persons to commence and sustain an action against any individual Shareholder, or against any number of Shareholders in or belonging to the said Company.

(Company not to engage in the business of distillation, nor to infringe any law for the regulation of Distilleries.)

XII. Provided however, and be it enacted, That if the said Company shall at any time engage in the business of the distillation of spirits, or commit or suffer to be committed by any person in their employ, any offence against the law in force within the Colony, for the regulation of Distilleries, all the privileges granted to the said Company by this Act, shall thenceforth cease and determine; and thenceforth it shall and may be lawful for any person or persons to commence and sustain an Action against any individual shareholder, or against any number of shareholders in or belonging to the said Company.

(Notarial copy of Deed of Copartnership to be received as legal evidence in any Court of law or equity, &c.)

XIII. And be it enacted, That a copy of the Deed of Copartnership and Settlement of the said Company, certified and attested under the hand and seal of some notary public, to be a true transcript of the Original Deed of Copartnership and settlement of the said Company, shall be received as legal evidence of the contents of such Deed of Copartnership and Settlement, in all Courts of Law, Equity, Admiralty, Vice-admiralty, and in all Courts of Inferior jurisdiction, in the Colony of New South Wales, without any further proof thereof.

(Act not to take effect till after Royal Assent thereto.)

XIV. 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 His Excellency the Governor in the *New South Wales Government Gazette*.

(After Royal Assent, to be deemed a public Act.)

XV. And be it enacted, That when and as soon as this Act shall have received the Royal

Approbation, and the notification of such approbation shall have been made as aforesaid by His Excellency the Governor, in the *New South Wales Government Gazette*, this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by the Judges of the Supreme Court of New South Wales, and by all other Judges, Justices, and others, within the Colony of New South Wales and its Dependencies, without being specially pleaded.

GEORGE GIPPS,

Passed the Legislative Council } Governor.
this seventh day of September, }
One thousand eight hundred }
and forty-two. }

FRANCIS L. S. MEREWETHER,

Clerk of Councils.

SCHEDULE REFERRED TO.

MEMORIAL of the name of the Manager of the "AUSTRALASIAN SUGAR COMPANY," and of the Directors for the time being of the Board of Directors of the said Company, to be recorded in the Supreme Court of New South Wales, pursuant to an Act of the Governor and Council, passed in the Sixth year of the Reign of Her Majesty Queen Victoria, intituled "An Act for facilitating proceedings by and against a certain Joint Stock Company, called 'THE AUSTRALASIAN SUGAR COMPANY,' and for other purposes therein mentioned."

A. B., Manager.

C. D. }	Directors.	I. K.
E. F. }		L. M.
G. H. }		N. O.

P. Q. of Sydney, in the Colony of New South Wales, maketh Oath and saith, that he was present, and did see the foregoing Memorial signed by the above-named Manager and Directors respectively, whose names appear thereto.

Sworn this day of

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ANNO SEXTO,

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 enable the Trustees, for the time being, of the Will of Samuel Foster, late of Birmingham, Gentleman, deceased, to grant Leases of Land in the Colony of New South Wales.

WHEREAS Samuel Foster, late of Birmingham, Gentleman, in the kingdom of England, deceased, duly made, signed, and published his last Will and Testament, in writing, bearing date the twentieth day of March, one thousand eight hundred and nineteen, and thereby devised all his real Estate in the Colony of New South Wales, to Trustees therein named, and their heirs, upon certain Trusts, therein particularly mentioned and set forth; and whereas there is no power contained in the said Will, enabling the said Trustees to grant Leases; and whereas it will be greatly for the benefit of all parties interested in

the said Trust Estates, if the Trustees or Trustee, for the time being, of the said Will, are empowered to grant Building and other Leases of the said hereditaments, which cannot be effected without the aid and authority of the Legislature: Be it therefore enacted, by His Excellency the Governor of New South Wales, Samuel Foster, with the advice of the Legislative Council thereof, That from and after the passing of this Act, it shall and may be lawful for the Trustees or Trustee, for the time being, of the Will of the said Samuel Foster, by any Deed or Deeds, Instrument or Instruments, in writing, to demise and lease the said lands and other hereditaments devised by the said Will, or any part or parts thereof, to any person or persons, for any number of years not exceeding twenty-one years, to take effect in possession, and not in reversion, at rack-rent, without taking any premium or foregift for the same; and so that the Lessee execute counterparts thereof respectively, thereby covenanting for the due payment of the rents, and be not made punishable for waste.

(Trustees may grant building or improving Leases.)

II. And be it enacted, That it shall and may be lawful to and for the said Trustees or Trustee, for the time being, of the said Will, by any deed or deeds, writing or writings, to demise or lease all or any part or parts of the said lands and hereditaments devised by the said Will, to any person or persons who shall or may improve the same, or covenant and agree to improve the same by erecting and building thereon, any new house or houses, erections or buildings, or to rebuild or repair any of the messuages, tenements, erections, or buildings whatsoever, which now are, or hereafter shall be erected, or stand on the same hereditaments, or any part thereof, or to expend such sum or sums of money on the improvements thereof respectively, as shall be thought adequate to the interest therein respectively, to be departed with for any term or number of years not exceeding twenty-one years, to take effect in possession, and not in reversion, or in the way of future interest; and so that in every such demise or lease there be reserved the best and most improved yearly rent or

rents; and so that the Lessee or Lessees execute a counterpart or counterparts thereof, and thereby covenant for the payment of the rent to be thereby reserved.

(Nothing in this Act contained to affect any right, &c., of Her Majesty, or any Corporation.)

III. Provided always, and be it enacted, That nothing in this Act contained shall be construed or taken to affect or apply to any right, title, privilege, immunity, or interest of Her Majesty, Her Heirs and Successors, or of any body or bodies, politic or corporate, or of any other person or persons, except such as are mentioned therein, or of those claiming by or under him, her, or them.

(This Act to take effect when it shall have received the Royal approbation.)

IV. 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 in the *New South Wales Government Gazette*, by order of His Excellency the Governor, for the time being of the said Colony.

(Then this Act to be deemed a Public Act.)

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

GEORGE GIPPS,

Governor.

*Passed the Legislative Council,
this seventh day of September,
One thousand eight hundred and forty-two.*

FRANCIS L. S. MEREWETHER,

Clerk of Councils.

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