



SUPPLEMENT

TO THE

NEW SOUTH WALES

GOVERNMENT GAZETTE

OF WEDNESDAY, NOVEMBER 6, 1839.

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SATURDAY, NOVEMBER 9, 1839.

ANNO TERTIO
VICTORIÆ REGINÆ.

No. 19.

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 authorise the establishment of Markets "in certain Towns in the Colony of New South Wales; and for the appointment of Commissioners to manage the same."

WHEREAS several of the Towns of the Colony of New South Wales have of late years greatly increased, and are still increasing, in Population and Buildings, by reason whereof Markets for supplying the Inhabitants of the said Towns with Meat, Fish, Poultry, Butter, Vegetables, and other Provisions, and also for buying and selling Goods, Wares, and Merchandise, are in any Town, required to be held therein: Be it therefore enacted, by His Excellency the oft twenty-five Governor of New South Wales, with the advice of the Legislative Council thereof, That, whenever application, in writing, shall be made to the Police Magistrate of any Town in said Colony, such application being signed by twenty-five Free Household-ers of any such Town, it shall and may be lawful for such Police Magistrate to call a Public Meeting of the Inhabitants of said Town, at such time and place therein as he may deem most convenient, for the purpose of taking into consideration the propriety of establishing a Market therein, and such Police Magistrate shall preside at such meeting.

If, at such Meeting, a resolution in favor of establishing a Market be adopted, such resolution, on being approved by the Governor, to be notified in the Government Gazette.)

II. And be it enacted, That if at such Public Meeting a resolution be adopted in favor of establishing a Market in any such Town, the same shall be communicated by the said Police Magistrate to the Colonial Secretary, for the information of His

Excellency the Governor; and if the said Governor, with the advice of the Executive Council of said Colony, shall approve of the establishment of such Market, the same shall be notified in the *New South Wales Government Gazette*.

(Market Commissioners to be elected.)

III. And whereas, the management of Markets can be best conducted by Local Commissioners to be elected from the Proprietors of Land and Household-ers, within the limits of the Town in which such Market is intended to be held: Be it therefore enacted, That the said Governor and Executive Council shall (in case they approve of said Market being held) fix the number of Commissioners for such management, in proportion to the population of the Town; and the number so fixed shall be elected from the Proprietors of Land and Household-ers within such Town, in the manner hereinafter mentioned.

(How many Commissioners to be elected.)

IV. And be it enacted, That whenever the population of any such Town shall exceed four thousand Inhabitants, it shall and may be lawful for the Governor of said Colony, with the advice of the Executive Council thereof, to cause the said Town to be divided into Wards, not less than three in number, and to fix the number of Commissioners to be elected by each Ward, and there shall not be less than two such Commissioners at the least for any one Ward, and the Election for such Wards shall be separate and distinct from each other.

(Governor to appoint a person to preside at Elections.)

V. And be it enacted, That it shall and may be lawful for the said Governor to nominate and appoint some fit and proper person to preside either at elections to be held for the whole Town, or for each Ward of said Town.

(Scrutineers to be appointed by the Governor.)

VI. And be it enacted, That it shall and may be lawful for the said Governor to nominate and appoint three Scrutineers for each such Election, whether the same be for an entire Town, or for each separate Ward as aforesaid.

(Notice to be given of Elections.)

VII. And be it enacted, That within fourteen days after the Police Magistrate of any Town shall receive the *Government Gazette* containing the notice aforesaid of approval for the establishment of a Market in such Town, he shall cause a notice to be posted on the door of the Police Office, fixing the time and place for holding such Election for the whole Town, or for each Ward, as the case may be, such time not to be less than twenty-eight days from the day of posting such notice, nor more than fifty-six days; and if there shall be a Newspaper published in such Town, the said Police Magistrate shall cause such notice to be also inserted therein.

(Elections to be concluded in one day.)

VIII. And be it enacted, That the time for the holding of such Elections shall be between the hours of nine o'clock in the morning, and three o'clock in the afternoon, and the whole shall be concluded and ended in the same day.

(Persons entitled to vote; qualification of Electors.)

IX. And be it enacted That the persons entitled to vote at such Elections shall be the Inhabitants of said Town, being Householders or Occupiers of Houses of the annual value of Twenty Pounds at the least; and Proprietors, whether resident or non-resident, of land or buildings of the value of Two Hundred Pounds.

(Electors to be registered.)

X. And whereas it is necessary that all persons having a right to vote at such Elections should be ascertained previous thereto; Be it enacted, that no person shall be admitted to vote at any such Election, unless he shall register his qualification within twenty-one days before the day of Election, in manner following; that he shall at a Court of Petty Sessions for the Town for which the Election is to be held, make and subscribe a declaration in the form, or to the effect following;—

"I, _____, of _____, do
"declare I am Free, and an Inhabitant of
"and that I am in the occupation of a Tenement
"of the clear annual value of at least Twenty
"Pounds (as the case may be,) or that I am a
"Proprietor of Freehold Property in said Town
"of the value of Two Hundred Pounds; and that
"the said Property belongs to myself bona fide,
"and was not conveyed to me fraudulently, or with
"any secret understanding for the purpose of
"voting."

(Declaration to be registered.)

XI. And be it enacted, That the Clerk of the Bench of such Petty Sessions shall enter in a book, in alphabetical order, according to the surnames of the persons registered, the substance of every such declaration, in order that the same may be produced (if required) at the time of Election.
(Certificates of Registry to be given, if required, on payment of a fee of one shilling.)

XII. And be it enacted, That every Clerk of such Petty Sessions shall, upon such registry, and at the request of any such registered voter, deliver unto him a Certificate of such Registry, for which he shall be entitled to receive the Sum of One Shilling.

(Votes to be given by means of Tickets.)

XIII. And be it enacted, That every person being qualified and registered as aforesaid, and intending to vote at such Election, shall deliver to

the Presiding Officer on the day of Election, a Ticket with the names of the persons written thereon for whom he intends to vote, the number of such persons not to be greater than the number of persons to be elected, otherwise the said vote to be null and void; and the said Ticket, signed by the person presenting it, after being read aloud by the Presiding Officer, shall be forthwith deposited in a box, and shall not be withdrawn therefrom until the same shall be delivered to the Scrutineers.

(Election to close at three p. m., and Scrutineers to certify the Election within forty-eight hours.)

XIV. And be it enacted, That at the hour of Three o'clock on the day of Election, the said box shall be delivered to the Scrutineers, and they shall, within forty-eight hours from the said time of delivery, certify in writing to the Police Magistrate, the names of the persons who shall be elected; and the Police Magistrate shall thereupon declare in a public notice to be posted upon the Police Office the names of the said persons so elected.

(Scrutineers to reject the Tickets of unqualified persons.)

XV. And be it enacted, That it shall be lawful for the said Scrutineers, before certifying such Election, to reject the Tickets of those who, in their opinion, or in the opinion of the majority of them, are not qualified to vote, and such rejection shall be final.

(Persons who have been convicts not entitled to vote until they have been free three years at the least, or received a free pardon.)

XVI. And be it enacted, That no person who having come to the said Colony under sentence of transportation, shall not have been free for the space of three years at the least, shall be qualified to vote at such Election, unless such person shall have received a Free Pardon.

(Persons may vote in one or more Wards, if qualified in each.)

XVII. And be it enacted, That any person qualified to vote in one or more Wards of any one Town, may vote in each of such Wards.

(Persons certified by Scrutineers to be elected, collectively to be the Commissioners of Markets.)

XVIII. And be it enacted, That the person so certified by the Scrutineers to be elected, shall collectively be the Commissioners of Markets for the whole Town, with the addition of the Police Magistrate thereof, who shall be *ex officio* a Commissioner.

(Commissioners to hold office for three years.)

XIX. And be it enacted, That the said Commissioners shall hold office for the period of three years, at the expiration of which time, new Elections shall take place in the same manner as hereinbefore prescribed: Provided, however, that all such future Elections shall take place on the first Tuesday in the month of July, without any further notice thereof than the publication of the same on the door of the Police Office of said Town, and by insertion in a newspaper, if any be published in such Town, in the manner and for the period aforesaid.

(How Commissioners dying or resigning, are to be replaced.)

XX. And be it enacted, That if any of the Commissioners so elected as aforesaid, shall die, resign, or become disqualified or incapable, before the ex-

piration of his or their time of office, the remaining Commissioners, or a majority of them, shall within fourteen days from the time of such vacancy, elect another or others in his or their room or stead.

(Commissioners may take, hold, and sell property.)

XXI. And be it enacted, That the said Commissioners shall be, and they are hereby authorised and empowered, from time to time, to purchase any Lands, Messuages, Tenements, and Hereditaments, for the purposes of this Act; and also to accept, take, receive, and hold any Lands, Messuages, Tenements, and Hereditaments, Money, Property, and Effects whatsoever, for the like purposes.

(May appoint Officers, elect a Chairman, and make bye-laws for their own government.)

XXII. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorised to appoint, and also to remove from time to time, a Treasurer, Secretary, Clerk of the Market, and Inspectors, as well as any Inferior Officers that may be necessary, and to award to them such Salary as may be deemed by them reasonable; and also to nominate a Chairman among themselves, and to pass such bye-laws for the regulation of their own proceedings as they may deem expedient.

(May erect Market Houses, &c., wherein only Markets are to be held.)

XXIII. And be it enacted, That it shall and may be lawful for the said Commissioners to fix the place or places within such Town for the holding of Markets, and there to erect and build, or cause to be erected or built, a Market House or Houses, with Shambles, Stalls, and other convenient Buildings; and the said Market-place or places shall be the only places within the said Town, where any Market for the sale of Corn (except Corn or Grain sold by sample), Butchers' Meat, Poultry, Eggs, Fresh Butter, Vegetables, or other Provisions, shall, for the future, be held and kept; and if any person shall sell, or expose to sale, any of said articles, or other provisions usually sold in Markets, in any of the streets, lanes, entries, or other public passages or places, other than the place or places which may be so appointed by the Commissioners as aforesaid, every such person shall, on conviction thereof before a Justice of the Peace, for every such offence forfeit and pay the sum of Five Pounds: Provided that nothing herein contained shall be construed to extend to prevent any person from selling, or exposing for sale, any of the articles aforesaid in his or her dwelling-house or shop in any part of said Town.

(Commissioners may make Rules and Regulations for the Markets.)

XXIV. And be it enacted, That for the better regulating and managing the said Markets when established, it shall be lawful for the Commissioners elected in manner aforesaid, and they are hereby authorised, from time to time, to make, provide, constitute, and ordain such Rules, Orders, and Bye-laws as they shall think fit and necessary for the better regulation and government of any such Market, and for the cleansing, letting, occupying, and using such Market-place, or any part or parts thereof; and also for regulating, ordering, and governing the Officers appointed by them, and all other persons, both Buyers and Sellers, thereto coming and resorting, and all matters which do or may concern, or relate to such Market: And the said Commissioners for the time being may, from

time to time, as they shall think fit, repeal, alter, add to, or amend any such Rules, Orders, Bye-laws, or any of them, and shall ascertain, and therein set down what pecuniary and other penalties and forfeitures shall be incurred by persons breaking or evading such Rules, Orders, Bye-laws, or any of them: Provided that no such pecuniary penalty shall exceed the sum of Five Pounds for any one offence; and such Rules, Orders, and Bye-laws, shall not be repugnant to either the Laws of England or of New South Wales, or to the provisions of this Act: And all persons so as aforesaid, coming and resorting to the said Market, are hereby required to observe and keep such Rules, Orders, and Bye-laws, under such penalties and forfeitures, respectively, as shall be ascertained and set down as aforesaid: And all such Rules, Orders, or Bye-laws, or any of them, after having been signed by the said Commissioners, or the majority of them, shall be painted on Boards, and put up, or affixed in some conspicuous place or places in the said Market, which Boards shall, from time to time, be renewed and replaced when as often as the said Rules, Orders or Bye-laws, or any of them, shall be altered, obliterated or defaced; but no Rule, Order or Bye-law, shall have any force or effect until Ten days next after the same shall have been affixed as aforesaid; and all convictions and determinations shall be subject to appeal in manner hereinafter mentioned.

(Committee may be appointed if the number of the Commissioners exceed seven.)

XXV. And be it enacted, That whenever the number of Commissioners shall exceed seven, it shall and may be lawful for them to appoint a Sub-Committee of said Commissioners, of not less than three, which Sub-Committee shall exercise all the functions of the whole number, subject, notwithstanding, to the approval of the entire number of the said Commissioners, or a majority of them, at a General Meeting of said Commissioners; and such General Meeting shall be held at least once in every Quarter, and at such other times as may be required.

(Inspectors may seize and destroy unwholesome food.)

XXVI. And be it enacted, That the person or persons appointed as Inspector or Inspectors of Provisions, in any such Market, shall and may, and is and are hereby authorised and required to seize and destroy all unwholesome Meat, Fish, or other Provisions which shall be offered or exposed for sale in said Market.

(Offenders to be taken before Justices, and how to be dealt with.)

XXVII. And be it enacted, That it shall and may be lawful for the said Commissioners, or any of them, or their Collectors or other Officers, respectively, and such person or persons as they or any of them shall call to their or his assistance, without any warrant or other authority than this Act, to seize and detain any person or persons (being unknown to such Commissioners, Collectors, or other Officers) who shall commit any such offence or offences against this Act, or any of the provisions thereof, or against any Rule, Order, or Bye-Law, to be made in pursuance thereof, and to take him, her, or them, immediately before any Justice of the Peace, and such Justice is hereby required to proceed and act with respect to such offender or offenders according to the provisions of this Act.

(When Market ready for public use, Commissioners to give ten days notice.)

XXVIII. And be it enacted, That whenever a Market Place shall be appropriated and set apart, and ready for public use, the said Commissioners shall, by a printed advertisement, to be posted on the Police Office, and also circulated in said town and its neighbourhood, give ten days notice of such Market Place having been so established, appropriated and set apart for public use, previous to the day on which such Market Place shall be opened in pursuance of this Act.

(Ten days after notice of Market Place being established, Commissioners shall demand and receive the several Tolls, Dues, &c., to be appointed by them from time to time, to be paid and received by and from persons offering for sale any marketable commodity, or renting any Stall or Standing therein.)

XXIX. And be it enacted, That from time to time, and at all times after the expiration of ten days from such advertisement as aforesaid, it shall and may be lawful for the said Commissioners for the time being, by themselves, their Collectors, Officers, or Servants, to ask, demand, recover, receive and take, of and from all and every person and persons exposing or offering for sale, or selling, any Corn, Grain, Hay, Straw, Goods, Wares, Merchandise, or any other marketable Provisions in said Market, or who shall rent, hire, or use any stall or standing place in the said Market, the several Tolls, Dues, or sum or sums of money which shall at any time, or from time to time, be fixed and appointed by them to be paid for the same, not exceeding the several Tolls, Dues, or sum or sums of money mentioned and specified in an Act passed in the second year of the Reign of His late Majesty King William the Fourth, intituled "An Act for regulating the rates of Tolls or Dues to be levied at the Markets of Sydney and Parramatta," and which several Tolls, Dues, or sum or sums of money the said Commissioners shall cause to be painted on boards, and affixed and stuck up, and continued and renewed as often as the same shall be obliterated and defaced, upon a conspicuous place or places in said Market Place, in large and legible characters.

(Commissioners may demise or let to farm, Tolls and Market Dues, for any time not exceeding twelve calendar months.)

XXX. And be it enacted, That it shall and may be lawful for the said Commissioners, or the majority of them as aforesaid, to demise or let to farm the Tolls or Market Dues, or any part thereof, demandable under this Act, for any time not exceeding twelve Calendar months, or to let or demise any number of Stalls or Standings in the said Market for any period not exceeding the said term of twelve Calendar months.

(Articles exposed for sale, may be taken in distress for Rent, or Market Dues.)

XXXI. And be it enacted, That in case any person or persons, renting, holding or using, or in any manner occupying any of the said Buildings, Stalls, Standings, Shambles or other conveniences in said Market Place, or who shall bring, or place, or expose, or offer for sale in the said Market, any Provisions, Goods, Wares or Merchandise, for or in respect of which any Rents, Tolls or Dues may be demanded or taken thereon, shall not upon demand thereof made by the said Commissioners,

their Officers or Collectors to be appointed by them to receive such Tolls, forthwith pay the same, it shall be lawful for the said Commissioners, their Officers or Collectors to levy the same by distress and sale of all or any of the goods, articles, or things so exposed to sale, or other, the goods and chattels of such person or persons so neglecting, refusing, or evading to pay as aforesaid, and the said distress so to be taken to sell forthwith, rendering the overplus, if any, after deducting the expenses attending such distress and sale, to the owner on demand.

(Penalties and forfeitures to be recovered in a summary manner before Justices.)

XXXII. And be it enacted, That in all cases in which, under and by virtue of this Act, or by any Rule, Order, or Bye-Law as aforesaid, any penalty or forfeiture is imposed and made recoverable, it shall and may be lawful for any Justice of the Peace to whom complaint shall be made of any such offence, to summon the party complained against before him, and on such Summons, to hear and determine the matter of such complaint in a summary way, and to summon any Witness or Witnesses, and to examine him, her, or them, on oath, and on proof of the offence, to convict the offender, and to adjudge him, her, or them to pay the penalty or forfeiture incurred, and to proceed to recover the same, although no information, in writing, shall have been exhibited or taken by or before such Justice; and all such proceedings by Summons, without information, shall be as good, valid, and effectual, to all intents and purposes, as if an Information, in writing, was, or had been exhibited.

(And in case of non-payment, by distress and sale of goods; when sufficient distress cannot be found, parties may be imprisoned.)

XXXIII. And be it enacted, that all such Fines, Penalties, and Forfeitures, as aforesaid, shall and may, in case of non-payment thereof, be recovered in manner aforesaid, in a summary way, by the order and adjudication of one or more Justice or Justices of the Peace, and afterwards levied, as well as the costs of such proceedings on non-payment, by distress and sale of the goods and chattels of the offender or offenders, or person or persons liable to pay the same, by Warrant, under the hand and seal or hauds and seals of such Justice or Justices, and the overplus (if any) of the money so to be recovered and levied, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the costs and expenses of recovering and levying the same, shall be returned, on demand, to the owner of the goods and chattels so seized or distrained; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such Justice or Justices to order the offender or offenders so convicted (if it shall seem necessary so to do) to be detained in safe custody until return can be conveniently made to such Warrant of Distress, unless such offender or offenders shall give sufficient security to the satisfaction of such Justice or Justices, for his, her, or their appearance before him or them on such day or days as shall be appointed for the return of such Warrant of Distress such day or days not being more than ten days from the time of taking any such security, and which security, the said Justice or Justices is and are hereby empowered to take by way of recog-

nizance or otherwise; but if, upon the return of such Warrant, it shall appear that no sufficient distress can be had whereupon to levy the said Fines, Penalties, Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Justice or Justices, either by the confession of the offender or offenders, or otherwise, that he, or she, or they, hath or have not sufficient goods and chattels whereon such Fines, Penalties, and Forfeitures, Costs and Expenses can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby authorised and required, by Warrant under his or their hand and seal or hands and seals, to cause such offender or offenders to be committed to the Common Gaol or House of Correction of and in such Town, there to remain, without Bail or Mainprize, for any term not less than One Calendar month, and not exceeding Three Calendar months, unless such Fines, Penalties, and Forfeitures, and all reasonable charges, shall be sooner paid and satisfied.

(Form of Conviction.)

XXXIV. And be it enacted, That for the more speedy and effectual conviction of offenders against this Act, all and every the Justice or Justices of the Peace before whom any person or persons shall be convicted of any offence against this Act or the provisions thereof, or against any By-law to be made as aforesaid, shall and may cause the conviction to be drawn up in the form or to the effect following, (that is to say :)—

New South Wales } Be it remembered, That
to wit. } on the day
of in the year of our Lord , in
the Town of , A. B. is convicted be-
fore me (or us) of Her Majesty's Justices of
the Peace for the said Colony, by virtue of an Act
or Ordinance passed in the third year of the reign
of Her Majesty Queen Victoria, intituled "An Act
"to authorise the establishment of Markets in cer-
"tain Towns in the Colony of New South Wales,
"and for the appointment of Commissioners to
"manage the same," (here state the offence, and
the time and place when and where the same was
committed) contrary to the said Act (or contrary to
a By-law duly made in pursuance of the said Act)
and I (or we) the Justice (or Justices) aforesaid,
do adjudge and determine the said A. B. for the
said offence, to forfeit and pay the sum of
and do order the same to be forthwith paid into my
(or our) hands for the Treasurer of said Commis-
sioners, and for the uses and purposes of said re-
cited Act; and I (or we) do further order the said
A. B. forthwith to pay to C. D. the complainant,
the sum of as and for his reasonable costs
by him incurred in and about the said conviction.

Given under my (or our) hand (or hands) and
seal (or seals) the day and year first above
written.

*(How persons aggrieved in the levying of distress
may proceed.)*

XXXV. And be it enacted, That when any
Distress shall be made for any sum or sums of
money by virtue of this Act, the Distress itself shall
not be deemed unlawful, nor shall the party or
parties making the same be deemed a trespasser
or trespassers, *ab initio*, on account of any irregu-

larity which shall be afterwards done by him or
them, but the person or persons aggrieved by such
irregularity shall and may recover full satisfaction
for the special damage in an action upon the case.

(Commissioners may borrow money.)

XXXVI. And be it enacted, That it shall and
may be lawful for the said Commissioners for the
time being from time to time to borrow and take
up at interest such sums of money as they shall
judge necessary, not exceeding in the whole the
sum of Two thousand pounds, upon the credit of
the tolls, dues, and sum or sums of money derivable
from said Market, to be collected by virtue of this
Act, and by writing under their hands and seals,
or the hands and seals of any three or more Com-
missioners where the number of Commissioners
shall not exceed five, and of any five or more where
the number shall exceed five, to assign all or any
part of the said tolls, dues, and sum or sums of
money, to such persons as shall lend or advance
any money thereon, or their Trustees, as a security
for the principal money to be advanced with
interest thereon, not to exceed ten per centum per
annum; and the costs and expenses of such assign-
ment shall, from time to time, be defrayed by the
said Commissioners out of the monies so to be
borrowed; and every such assignment shall be by
deed, in which the consideration money for the
same shall be truly stated, and may be in the words
or to the effect following, (that is to say :)—

We, being of the
Commissioners duly elected for the regulation and
management of the Markets in the Town of
in consideration of pounds lent and ad-
vanced by A. B. of upon the credit
of and for the purposes of an Act
passed in the third year of the Reign of Her
Majesty Queen Victoria, intituled "An Act to
"authorise the establishment of Markets in certain
"Towns in the Colony of New South Wales; and
"for the appointment of Commissioners to manage
"the same," do hereby grant and assign to
(or his Trustee),
his Executors, Administrators, and Assigns, such
proportion of the Tolls, Dues, and sum or sums of
Money, arising by virtue of the said recited Act,
from the Market in said Town of , as
the same doth or shall bear to the whole sum which
shall have been, or may at any time be borrowed,
or become due or owing, or be charged upon the
credit of the said Tolls, Dues, and sum or sums of
Money respectively, from this day of
until the said sum of Pounds with in-
terest, at per centum per annum for the
same, shall be repaid and satisfied.

In Witness whereof we have hereunto set our
hands and seals this day of

And all such assignments shall be numbered, com-
mencing with number one, and so proceeding
in an arithmetical progression ascending; and
every such security shall be good, valid, and effec-
tual, and shall entitle the person to whom the same
shall be made, his Executors, Administrators, and
Assigns, to the payment of the money thereby
secured, and to all profits and advantages thereof,
according to the intent and meaning of this Act;
and copies of such securities shall be entered, in a
Book to be kept for that purpose, by the Clerk or
Secretary of said Commissioners, within fourteen

days after such assignments shall be made as aforesaid; and all persons to whom any such assignment shall have been made, or who shall be entitled to the money thereby secured, may, from time to time, transfer their right, title or interest therein, and to the principal money and interest thereby secured, to any person whomsoever; and every such Transfer shall be by Deed, in which the consideration-money for such Transfer shall be truly stated, and may be in the words or to the effect following (that is to say),

I (or we), of _____, in consideration of _____ Pounds, paid by _____ of _____, do hereby transfer the assignment within written, or hereunto annexed (as the case may be), with all my (for our) right and title to the principal money thereby secured, and to all the interest now due upon the same unto A. B., his (or her) Executors, Administrators and Assigns. In witness whereof, I (or we) have hereunto set my Hand (or our Hands), this _____ day of _____ A. B.

Witness,

which transfer shall be produced and notified to the said Clerk or Secretary of the said Commissioners, who shall, within fourteen days next after such production, cause an entry or memorial to be made thereof, containing the date and name of the Parties, and sums of Money, in a Book to be kept for that purpose, for which the said Clerk shall be paid the sum of Five Shillings and after such entry made, and not until then, such assignment shall entitle such Assignee, his (or her) Executors, Administrators and Assigns, to the benefit thereof, and payment thereon; and every such Assignee shall and may in like manner from time to time assign again; and it shall not be in the power of the person making such assignment to make void, annul, or discharge the same, or any money thereby secured, or any part thereof; and all money so to be advanced and lent, and the interest thereof, shall be and is hereby charged upon, and shall be paid and payable from time to time out of the Tolls, Dues, and sum or sums of Money, hereby granted; and all persons who shall be possessed of the said securities shall be Creditors on the said Tolls, Dues, and sum or sums of Money in an equal degree, without preference in respect to the priority of their advancing the Money thereon.

(Commissioners may sue and be sued in the name of the Chairman.)

XXXVII. And be it enacted, That all Actions and Suits against any person or persons indebted to the said Commissioners, and all the proceedings at Law or in Equity, to be instituted and prosecuted by and on behalf of the said Commissioners, and wherein the said Commissioners shall be in any concerned against any person or persons whatsoever, shall and may lawfully be instituted in the name of the person who shall be Chairman of the said Commissioners at the time such Action, Suit, or other Proceeding shall be instituted, as the nominal plaintiff, complainant, or petitioner, on behalf of the said Commissioners; and that all Actions, Suits, and other Proceedings in Law or in Equity, to be commenced instituted, or prosecuted against the said Commissioners, shall be commenced, instituted, and prosecuted against the said Chairman; and that in all Indictments and Informations, it shall be lawful to state the property

of the said Commissioners, to be the property of the said Chairman for the time-being; and any offender or offenders may thereupon be lawfully convicted of such offence: and the death, resignation, or removal of such Chairman, whose name shall be made use of in any such proceeding, shall not abate any such Action, Suit, or other Proceeding, but the same may be continued where it left off, and be prosecuted and carried on in the name of any person who may be or become Chairman, for the time-being, of the said Company.

(Fines and Penalties to be paid to Commissioners, and to be by them applied for the purposes of the Market.)

XXXVIII. And be it enacted, That all Fines and Penalties which shall be levied and enforced under this Act shall be paid to the said Commissioners to be applied by them for the purposes of such Market.

(Proceedings not to be void for want of form.)

XXXIX. And be it enacted, That no Proceedings to be had and taken in pursuance of this Act shall be made void, quashed, or vacated for want of form, or be removed by certiorari, or any other writ or process whatsoever, into the Supreme Court, any Law, Act, or Statute, to the contrary notwithstanding.

(Limitation of Suits.)

XL. And be it enacted, That no Fine, Penalty, or Forfeiture, shall be recoverable by and under any of the powers given by this Act, unless proceedings shall be commenced or taken for the same within one Calendar month after the commission of the offence.

(Where no Police Magistrate, Governor may appoint any other person being a Magistrate, to do and perform what may be done and performed by a Police Magistrate.)

XLI. And be it enacted, That in case there shall be no Police Magistrate in any Town or Place wherein a Market may be established under this Act, or wherein the Inhabitants may desire to establish such Market, it shall and may be lawful for the said Governor to appoint a person being a Magistrate, and residing within five miles of such Town or Place, to do and perform the several Acts which the Police Magistrate of such Town or Place is herein directed, authorised or required to do or perform, and all Acts done or performed by the person so appointed, shall have the same force and effect as if they were done or performed by a Police Magistrate as aforesaid.

(Rights of Her Majesty not to be affected.)

XLII. 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, excepting such as are mentioned herein.

(Sections 56 and 57 of 2 VICTORIA, No. 2, repealed.)

XLIII. And be it enacted, That from and after the passing of this Act, so much of an Act passed in the second year of the reign of Her present Majesty, intituled, "An Act for regulating the Police in the Towns of Parramatta, Windsor, Maitland, Bathurst, and other Towns, respectively, and for removing and preventing Nuisances, and Obstructions, and for the better Alignment of Streets therein," as relates to the establishing of

Markets, and the making of regulations for the same shall be, and the same is hereby repealed.

GEORGE GIPPS,

GOVERNOR.

Passed the Legislative Council,
this twenty-second day of Octo-
ber, one thousand eight hundred
and thirty-nine.

WM. MACPHERSON,

Clerk of Councils.

ANNO TERTIO
VICTORIÆ REGINÆ,
No. 20.

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

"An Act to enable the Churchwardens of the
"Parish Church of Saint James in the Town of
"Sydney, to Build a new Side-wall thereto, at
"a less Distance from the Southern Boundary-
"line of King-street than is allowed by Law."

WHEREAS, by an Act passed in the fifth
year of the Reign of His late Majesty
King William the Fourth, intituled, "An Act for
5 Gul. IV. "better regulating the Alignment of
No. 20. "Streets in the Town of Sydney,"

it is amongst other things enacted,
That it shall not be lawful for any person to erect
any Building of any kind or description whatso-
ever within the Town of Sydney, within twelve
feet of the outer Curb-stone, or the exterior edge
of the footways in the said Town : and whereas by
reason of the increased Population of the Parish
of Saint James, in the said Town, the accommoda-
tion afforded by the said Church is found to be
insufficient for the numbers of persons desirous of
attending Public Worship therein, and it is de-
sirable to extend the same by enlarging the said
Church, which cannot be advantageously effected
without the aid of the Legislature, in consequence
of the proximity of the said Church to King-street
in the said Town : Be it therefore enacted, by His
Excellency the Governor of New South Wales,
with the advice of the Legislative Council thereof,

Churchwardens
to the Parish
Church of Saint
James empower-
ed to erect a new
Side-wall there-
to, on the founda-
tion of that
part of the line
of the dwarf-
wall at present
enclosing the
said church
which runs par-
allel to the
Southern Boun-
dary-line of
King-street.
That immediately from and after the
passing and publication of this Act,
it shall be lawful for the Church-
wardens of the said Church, duly
appointed under the provisions of
an Act passed in the eighth year of
the Reign of His said late Majesty
King William the Fourth, intituled,
"An Act to regulate the temporal
"affairs of Churches and Chapels
"of the United Church of England
"and Ireland, in the Colony of New
"South Wales," to erect a new
Side-wall to the said Church, on the
foundation of that part of the line of
the dwarf-wall at present enclosing
the same, which runs parallel to the Southern
Boundary-line of King-street, in the said Town,
notwithstanding that the said dwarf-wall be at no
greater distance from the Curb-stone, or outer edge
of the footway, than nine feet, any thing in the

said recited Act, or in any other Act, to the con-
trary notwithstanding.

"GEORGE GIPPS."

GOVERNOR.

Passed the Legislative
Council, this twenty-
second day of October
One thousand eight
hundred and thirty-
nine.

WM. MACPHERSON,

Clerk of Councils.

ANNO TERTIO
VICTORIÆ REGINÆ.
No. 21.

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 make good certain Contracts which
"have been, or may be entered into by certain
"Banking and other Co-partnerships."

WHEREAS, divers Associations and Co-
partnerships consisting of more than
Six Members or Shareholders have from
time to time been formed for the purpose
of being engaged in, and carrying on the
business of Banking, and divers other Trades
and Dealings for gain and profit, and have ac-
cordingly for some time past been, and now are
engaged in carrying on the same by means of
Boards of Directors, or Managers, Committees,
or other Officers, acting on behalf of all the
Members or Shareholders of, or persons other-
wise interested in such Associations or Co-
partnerships : And Whereas divers Spiritual
Persons have been, and are Members or Share-
holders of, or otherwise interested in divers of
such Associations and Co-partnerships : And
Whereas doubts have arisen as to whether the
holding of such Shares or Interests by such
Spiritual Persons was contrary to law : And
Whereas it is expedient to quiet such doubts,
and to render legal and valid all Contracts en-
tered into by such Associations or Co-partner-
ships, or which may be entered into by them,
although the same may now be void by reason of
such Spiritual Persons being, or having been such
Members or Shareholders, or otherwise interested
as aforesaid : Be it therefore declared
and enacted by His Excellency the Governor of New South Wales,
with the Advice of the Legislative
Council thereof, and by the
authority of the same, That no such
Association or Co-partnership al-
ready formed, or which may be
formed at any future time, nor any
Contract either as between the Mem-
bers, Partners, or Shareholders
composing such Association or Co-
partnership for the purposes thereof,
or as between such Association or
Co-partnership, and other Persons,
heretofore entered into, or which

No Association
or Co-partner-
ship already
formed or which
may be formed
at any future
time, nor any
Contract either
as between the
Members of
such Associa-
tions or Co-
partnerships for
the purposes
thereof ; or as
between such
Associations or
Co-partnerships
and other Per-
sons, shall be

illegal or void shall be hereafter entered into by any such Association or Co-partnership already formed, or hereafter to be formed, shall be deemed or taken to be illegal or void, or to occasion any forfeiture whatsoever by reason only of any Spiritual Person or Persons whatever being or having been a Member, Partner, Shareholder, Manager or Director of, or otherwise interested in the same; but all such Associations and Co-partnerships shall have the same validity, and all such Contracts shall and may be enforced in the same manner to all intents and purposes, as if no such Spiritual Person had been or was a Member, Partner, Shareholder, Manager, or Director of, or interested in such Association or Co-partnership.

"GEORGE GIPPS."

GOVERNOR.

*Passed the Legislative Council,
this twenty-second day of October,
one thousand eight hundred
and thirty-nine.*

WM. MACPHERSON,
Clerk of Councils.

*Colonial Secretary's Office,
Sydney, 8th November 1839.*
COUNCIL.

HIS Excellency the GOVERNOR is pleased to direct that the general objects of the

following Bill, about to be brought under consideration of the Legislative Council be published for general information.

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

"A Bill for the better ensuring the registration of
"Marriages, Baptisms, and Burials."

It is proposed—

1. That all Ministers shall transmit to the Registrar of the Supreme Court, certificates of all Marriages, Baptisms and Burials, within one calendar month from the performance of such ceremony, under penalty of Ten Pounds.

2. That copies of Register Books formerly sent to Registrar of the Archdeacon's Court, in future be sent to the Bishop of Australia's Registrar, who shall be entitled to the same fees, and subject to the same duties and liabilities as the Archdeacon's Registrar formerly was.

*Colonial Secretary's Office,
Sydney, November 7, 1839.*

FLOUR—Ration Flour in any quantity may be had on and after Saturday the 9th instant, at 18s. per 100 lbs.; likewise Bran and Pollard, at 2s. per bushel, for Cash, on application to Mr. Inches, at W. Cooper's Brisbane Steam Mill. Sacks containing the Flour may be taken by the Purchaser at the price paid by Government.

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