

ANNO QUINTO

GEORGII IV. REGIS.

CAP. LXXXVI.

An Act for granting certain Powers and Authorities to a Company to be incorporated by Charter, to be called "The *Australian* Agricultural Company," for the Cultivation and Improvement of Waste Lands in the Colony of *New South Wales*, and for other Purposes relating thereto.

[21st *June* 1824.]

WHEREAS there are in the Colony of *New South Wales* divers Waste Lands, which might be cultivated to Advantage, if sufficient Capital were raised and advanced for that Purpose: And whereas there are in the said Colony a large Number of Convicts, who are at present maintained at the Public Expence, but who might be advantageously employed in the Cultivation of such Waste Lands as aforesaid, and thereby a considerable annual Saving would accrue to the Public: And whereas divers Persons are willing to contribute and raise, by Subscription among themselves, such a Capital Sum as will be necessary for bringing into Cultivation such of the said Waste Lands as His Majesty may be pleased to grant to them, and for the Employment thereon of a large Number of Convicts: And whereas the beneficial Objects aforesaid cannot be effectually attained, unless His Majesty should be pleased by His Charter to constitute and declare the Persons aforesaid One Body Politic and Corporate; and in the Event of such a Charter being granted, it will be necessary, with a view to the beneficial Objects aforesaid, to vest in the said Company such Powers and Authorities as cannot be granted without the Aid of Parliament: May it therefore please Your Majesty that it may be

enacted;

enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case His Majesty shall, within Three Years after the passing of this Act, be pleased, by Charter under the Great Seal of *Great Britain*, to declare and grant that such and so many Persons as shall be named therein, and all and every such other Person or Persons as from Time to Time shall be duly admitted Members into their Corporation, shall be a Body Politic and Corporate, by the Name of "The *Australian* Agricultural Company," and to declare that the said Corporation so to be made and created shall be established for the Purpose of cultivating Waste Lands in the said Colony of *New South Wales*, then and in that Case it shall and may be lawful for the said Corporation to hold to them and their Successors, such Lands, Tenements, and Hereditaments, within the said Colony of *New South Wales*, as shall or may be granted by His Majesty to them and their Successors within the said Colony, or as shall be contracted for and purchased or acquired by them therein, and to hold, alienate, sell, and dispose of all such Lands, Tenements, and Hereditaments, upon, under, and subject to such Conditions, Provisoes, Limitations, and Restrictions, as His Majesty by such His Charter may impose, direct, or prescribe.

When His Majesty by Charter shall declare The Australian Company a Corporation, it shall be lawful to hold and acquire Lands within the Colony of New South Wales.

II. And be it further enacted, That it shall and may be lawful for the said Company from Time to Time to appoint any Person or Persons to act as and be the Agent or Agents, Attorney or Attornies of the said Company, in the said Colony of *New South Wales* and its Dependencies, and such Appointment from Time to Time to revoke and recall, as Occasion may require; and the said Company shall be and are hereby authorized to sue and be sued, plead and be impleaded, at Bar or in Equity, within the said Colony, by and in the Name of such Agent or Agents, Attorney or Attornies as aforesaid: Provided always, that every such Appointment of such Agent or Agents, or Attorney or Attornies as aforesaid, be made by the said Company under their Common Seal, and that the same be duly recorded and enrolled in the Supreme Court of *New South Wales*, established under and by virtue of an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to provide, until the First Day of* July *One thousand eight hundred and twenty-seven, and until the End of the next Session of Parliament, for the better Administration of Justice in* New South Wales *and* Van Diemen's Land, *and for the more effectual Government thereof; and for other Purposes relating thereto.*

The Company to appoint Agents and Attornies in New South Wales.

4 G. 4. c. 96.

III. And be it further enacted, That a Copy of His Majesty's Charter of Incorporation, being duly verified on Oath before one of the Masters in Ordinary of the High Court of Chancery at *Westminster*, shall be transmitted to the said Colony, and enrolled in the said Supreme Court of *New South Wales*; and such Enrolment shall within the said Colony be and be deemed and taken to be good and sufficient Evidence of the Contents of such Charter of Incorporation, to all Intents and Purposes.

Charter of Incorporation, verified on Oath, to be transmitted to New South Wales, and enrolled in the Supreme Court.

Artificers and Labourers empowered to contract with the Company.

IV. And be it further enacted, That it shall be lawful for any Artificer, Handicraftsman, Clerk, Mechanic, Gardener, Servant in Husbandry, or other Labourer, not being under the Age of Eighteen Years, to contract with the said Company to serve the said Company in the said Colony, or the Dependencies thereof, in such and the same Manner and Form, and upon, under, and subject to all such and the same Conditions and Regulations, as are sanctioned and prescribed in and by the said Act passed in the Fourth Year of His Majesty's Reign, in respect to Contracts entered into for the like Purposes with any private Persons or Person; and all such Artificers and other Persons or Person as aforesaid, entering into any such Contract as aforesaid with the said Company, shall be subject and liable to be proceeded against in such and the same Manner as is provided in like Cases in and by the said Act; and in case of any such Artificers or other Persons as aforesaid being employed, retained, harboured, or concealed by any Persons or Person in the said Colony, it shall be lawful for the said Company to bring and maintain such and the like Actions against the Persons or Person so employing, retaining, harbouring, or concealing them or him, as may be brought and maintained in such and the like Cases under and by virtue of the said Act.

Capital or Joint Stock of One Million, to be raised in Shares of 100*l.* each.

V. And be it further enacted, That the Capital or Joint Stock of the said Company, to be used and applied in establishing and carrying on the Undertaking, and for the Purposes aforesaid, shall be the Sum of One million Pounds Sterling, to be raised in Shares of One hundred Pounds each; and that the Shares in the said Undertaking, and in the Profits and Advantages thereof, shall be and be deemed Personal Estate, and as such Personal Estate shall be transmissible accordingly.

Three-fourths of the Capital to be raised before Powers of the Act exercised.

VI. Provided always, and it is hereby enacted, That the said Company shall not be authorized to exercise any of the Powers granted under this Act, until such Time as Three-fourth Parts of the said Capital shall have been subscribed for.

Company not to borrow Money.

VII. Provided always, and be it further enacted, That the said Company shall not borrow or take up by way of Loan any Sum or Sums of Money whatsoever, other than by a Subscription of Shares in the Manner and to the Extent herein-before directed.

Subscribers to share in the Stock in proportion to their Subscriptions.

VIII. And be it further enacted, That all and every Person or Persons by or from whom any Subscription shall be made or accepted, or any Payment made, pursuant to the Orders of any General Meeting or Meetings to be held by the said Company for that Purpose, for or towards the raising of the said Capital Sum of One million Pounds as aforesaid, his, her, or their Executors, Administrators, and Assigns respectively, no such Subscription being less than One hundred Pounds, shall have and be entitled to a Share of and in the said Capital or Joint Stock of the said Company, in proportion to the Monies which he, she, or they shall have so contributed towards making up the same, and shall have and be entitled to a proportionable Share of the Profits and Advantages attending

attending the Capital Stock of the said Company, and shall be admitted to be a Proprietor or Proprietors of and in the same.

Names of Proprietors to be entered, and Certificate of their Shares delivered to them.

IX. And be it further enacted, That the said Company, or the Directors to be appointed by virtue of this Act, shall cause the Names and Designations of the several Persons who have subscribed for, or may at any Time hereafter be entitled to a Share or Shares in the said Company, with the Number of such Share or Shares, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book or Books to be kept by their Clerk; and after such Entry, a Certificate under the Common Seal of the said Company, and countersigned by the Clerk, shall be delivered to every Proprietor upon Demand, specifying the Share or Shares to which he or she is entitled in the said Company, and such Certificate shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the want of such Certificate shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

To compel Payment of Subscriptions.

X. And be it further enacted, That the several Persons who have subscribed for, and towards the said Capital, or who shall at any Time hereafter have or hold any Share or Shares in the same, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for pursuant to or by virtue of the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in such Manner as shall be ordered and directed by the Directors for the Time being hereinafter mentioned; and in case any Person or Persons shall neglect or refuse to pay any such Sums of Money at such Times and in such Manner as shall be ordered and directed by the Directors as aforesaid, it shall be lawful for the said Company to sue for and recover the same, together with lawful Interest from such appointed Time of Payment, from such Person or Persons, or in Cases where Two or more Persons shall have jointly subscribed for or be jointly possessed of any One or more Share or Shares in the said Company, then from all, any, or either of such Persons.

The Person whose Name stands first for divided Shares to be deemed the Owner, and entitled to vote.

XI. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Company, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares shall, for all the Purposes of the said Company and of this Act, be deemed and taken to be the Owner or Proprietor of such Share or Shares; and all Notices required to be given to the Owner or Proprietor of any Share or Shares in the said Company shall and may be given to or served upon such Person whose Name shall so stand first in the Books of the said Company, and such Service upon such Person shall be deemed and taken to be a Service upon all the Owners or Proprietors of such Share or Shares for all the Purposes for which such Service is intended to be made upon the Owner or Proprietor of such Share or Shares; and all such Owners or Proprietors shall

shall be entitled to give their Vote or Votes in respect thereof by the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares, and his Vote shall on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares.

Shares may be transferred.

XII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Company, their Executors, Administrators, Successors, and Assigns, to sell and transfer any Share or Shares of which they shall respectively be possessed; and every such Transfer shall or may be in the Form and to the Effect following; (that is to say,)

"I [*or* we] of , in consideration of paid to me [*or* us] by of , do hereby bargain, sell, assign, and transfer unto the said the Sum of Capital Stock of and in the Undertaking called "The *Australian* Agricultural Company," being Share [*or* Shares] Number [*or* Numbers] in the said Undertaking; to hold to the said Executors, Administrators, and Assigns, subject to the same Rules, Orders, and Regulations, and on the same Conditions that I [*or* we] held the same immediately before the Execution hereof: And I [*or* we] the said do hereby agree to accept and take the said Share [*or* Shares], subject to the same Rules, Orders, Restrictions, and Conditions. As witness our Hands and Seals this Day of in the Year of our Lord ."

And every such Transfer shall be produced to the Clerk of the said Company, and shall be registered by him in the Books of the said Company, and the Registry thereof shall specify the Dates, Names of the Parties, and the Number of Shares transferred; and a Copy of such Register, signed by the said Clerk, or other Officer of the said Company duly authorized thereto, shall be sufficient Evidence of every such Transfer, and be admitted and received as such; and until such Transfer shall be registered in the Books of the said Company as aforesaid, no Purchaser or Purchasers of any Share or Shares, his, her, or their Executors, Administrators, Successors, or Assigns, shall receive any Interest or Dividends for or in respect of such Share or Shares so purchased, nor be entitled to vote at any Meeting or Meetings, as Proprietor or Proprietors of the said Company, in respect of such Share or Shares, until the Expiration of Six Calendar Months after such Transfer shall have been registered.

No Share to be sold after a Call is made and due till the Money is paid.

XIII. Provided always, and be it further enacted, That after any Call for Money shall have been made and become due and payable by virtue of this Act, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Company, until the Money so called for or in respect of his, her, or their Share or Shares intended to be sold shall be paid; and until such Money

so called for shall be paid, any such Sale or Transfer of any Share or Shares shall be void; and all and every Person and Persons making Default therein shall be subject and liable to forfeit such his, her, or their Share or Shares in the said Company, to and for the general Benefit of the said Company, unless he, she, or they shall, at the Time of such Sale or Transfer, pay to the Treasurer of the said Company the full Sum of Money called for upon every Share so to be sold or transferred; such Forfeiture nevertheless to be first notified and declared in manner directed by this Act with respect to the Forfeiture of Shares for not answering the Calls to be made thereon as aforesaid.

Proofs required where Rights accrue by Marriage or Death.

XIV. And be it further enacted, That when any Person or Persons shall claim any Part or Share in the said Capital or Joint Stock of the said Company, or the Profits thereof, in right of Marriage, an Affidavit containing a Copy of the Register of such Marriage, or the Purport of such Register, shall be made and sworn to by some credible Person before One of His Majesty's Justices of the Peace, and in the said Colony of *New South Wales* before a Judge of some Court of Record, or Two of His Majesty's Justices of the Peace for the said Colony or some District thereof, and shall be delivered to and left with the Clerk for the Time being of the said Company, who shall preserve the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers and Sales of Shares in the said Undertaking, before such Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend or Dividends in respect thereof; and when any Person or Persons shall claim any Part or Share in the Capital or Joint Stock of the said Company, or the Profits thereof, under or by virtue of any Will or Bequest, or in a Course of Administration, the Probate Copy of the Will, or the Letters of Administration in case the Proprietor shall have died Intestate, shall be produced and shown to the said Clerk, who shall make an Entry of such Will, or of so much thereof as shall relate to the Disposition of the Share or Shares of the Testator, or of the Letters of Administration in case the Proprietor shall have died Intestate, before any Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend or Dividends in respect thereof: Provided nevertheless, that no Bequest or Clause in any such Will contained shall bind or affect the said Company with Notice of any Trust or Disposition of any Share or Shares in the Capital or Joint Stock of the said Company, or the Gains and Profits thereof; but the Registry of every such Share or Shares shall be in the Name or Names of the Executor or Executors, who shall prove the Will of such Testator, or the Administrator or Administrators of his Effects, whose Receipt or Receipts to the said Company for the Gains and Profits thereof, and to any Purchaser or Purchasers for the Amount of the Purchase Money paid upon the Sale and Conveyance of such Share or Shares, shall be good and effectual, and shall bind the Cestuique Trusts, and all other Persons claiming in trust or otherwise, under such Testator; any Rule of Law or Equity to the contrary notwithstanding.

XV. And

For ascertaining the Proprietorship of Shares in certain Cases.

XV. And whereas in Cases where the Holder or Proprietor of One or more Share or Shares in the said Company shall die, become Insolvent or Bankrupt, or go or be resident out of the Kingdom, or shall transfer his or her Right and Interest to some other Person or Persons, and no Register shall have been made of the Transfer thereof with the Clerk to the said Company, it may not be in the Power of the said Company to know who is or are the Proprietor or Proprietors of such Share or Shares, in order to give him, her, or them, his, her, or their Executors, Administrators, Successors, and Assigns, Notice or Notices of Calls to be made on such Share or Shares, and to maintain any Action or Actions against him, her, or them, his, her, or their Executors, Administrators, Successors, and Assigns, for the Recovery of the same, or for the Purpose of safely paying to him, her, or them, his, her, or their Executors, Administrators, Successors, and Assigns, the Interest or Dividends to which he, she, or they may be entitled; be it therefore further enacted, That in all the Cases aforesaid, where the Right and Property in one or more Share or Shares in the said Company shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons by any other legal Means than by a Transfer or Conveyance thereof, in the Form and Manner herein-before specified, an Affidavit shall be made and sworn to by Two or more credible Persons, before One of His Majesty's Justices of the Peace, and in the said Colony of *New South Wales* before a Judge of some Court of Record, or Two of His Majesty's Justices of the Peace for the said Colony, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, his, her, or their Executors, Administrators, Successors, and Assigns, and such Affidavit shall be delivered to and left with the Clerk for the Time being of the said Company, to the Intent that he may enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors of the said Company to be kept in the Office of the said Company; and until such Time as such Affidavit shall have been so delivered and left with the said Clerk as aforesaid, no such Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend or Dividends in respect thereof.

Directors may make Calls on Subscribers.

XVI. And be it further enacted, That the Directors herein-after mentioned, or the Directors for the Time being, shall have full Power to make such Call or Calls for Money from the several Subscribers and Proprietors of the said Company, their respective Executors, Administrators, Successors, and Assigns, not exceeding in the whole the Sum of One hundred Pounds on each of the Shares in the said Company held by him, her, or them respectively, as the said Directors shall from Time to Time find wanting and necessary for the Purposes of the said Company, so that no one such Call do exceed the Sum of Ten Pounds Sterling for or in respect of any one Share of One hundred Pounds, and so that no Call or Calls be made but at the Distance of Three Months at least from another; and the Sum or several Sums of Money so to be called for shall be paid to or for the Treasurer or Treasurers of the said Company for the Time being; and the said several Sums of Money

so

so called for shall be paid at such Time and Place as shall be appointed by the said Directors, of which Time and Place Twenty Days previous Notice at least shall be given in the *London Gazette*, and in Two or more of the daily *London* Newspapers, as the said Directors shall direct.

In Default of Payment of Calls, Shares to be forfeited;

XVII. And be it further enacted, That if any Subscriber or any Proprietor or Proprietors of any Share or Shares in the said Company, his, her, or their Executors, Administrators, Successors, or Assigns, shall neglect or refuse to pay his, her, or their Part or Portion of the Money to be called for by the Directors as aforesaid, during the Space of Three Calendar Months next after the Time appointed for Payment thereof, together with lawful Interest from the appointed Time of Payment, then and in every such Case such Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share or Shares in the said Company and Capital Stock, and all Profits and Advantages thereof, and all Money theretofore advanced by him, her, or them, on account thereof, to and for the Use and Benefit of the said Company; and all Shares which shall or may be so forfeited, shall or may at any Time or Times thereafter be sold at a public Sale, for the most Money that can be gotten for the same, and the Produce thereof shall go to and make Part of the Capital or Joint Stock of the said Company; but no Advantage shall be taken of such Forfeiture of any Share or Shares until after Thirty Days Notice shall have been given by the said Directors, under the Hand of the Clerk of the said Company, to the Owner or Owners thereof, by Notice in Writing left at his, her, or their usual or last Place of Abode, nor unless the same shall be declared to be forfeited at some General or Special Meeting of the said Proprietors which shall be held not earlier than Three Calendar Months next after the said Forfeiture shall happen; and that every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Proprietor and Proprietors, or his, her, or their Executors, Administrators, Successors, and Assigns, so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, and Assigns, and the said Company, with regard to the future carrying on and Management of the said Company.

but Notice to be given.

Officers appointed to conduct the Affairs of the Company.

XVIII. And be it further enacted, That there shall be Twenty-six of the said Proprietors, qualified in the Manner, and to be nominated and appointed as herein-after is mentioned, who shall be and be called The Governor, Deputy Governor, and Directors of the said Company; and there shall be Four other of the said Proprietors, qualified and to be nominated and appointed as herein-after is mentioned, who shall be and be called The Auditors and Examiners of the Accounts of the said Company; and there shall be one other Person, to be nominated and appointed as herein-after is mentioned, who shall be and be called The Clerk of the said Company.

Qualification of Governor,

XIX. And be it further enacted, That no Owner or Proprietor of Shares in the said Company shall be qualified to be elected, and to

sit and act as Governor, Deputy Governor, Director, or Auditor of the said Company, unless he shall at the Day of the Election *bonâ fide* hold and possess, and continue to hold and be possessed of Fifty Shares, at the least, of the Capital or Joint Stock of the said Company. Deputy Governor, Director, and Auditor.

XX. And be it further enacted, That there shall be held in each Year One General Meeting of the said Company; that is to say, on the Third *Tuesday* in the Month of *January* in each Year, or within Fourteen Days next after; of which Meeting Fourteen Days Notice at the least shall be given by Advertisement in Two or more of the Public Daily Newspapers published in the City of *London* or County of *Middlesex*; and the First General Meeting to be held by virtue of this Act shall be holden on the Third *Tuesday* in the Month of *January* One thousand eight hundred and twenty-five; and at such General Meeting, and at every Special General Meeting to be held in pursuance of, and to be called in the Manner prescribed in this Act, the Governor or Deputy Governor, or One of the Directors of the said Company, to be chosen at such Meeting or Meetings respectively, or, in the Absence of all the Directors, any one Proprietor, to be chosen at such Meeting or Meetings respectively, shall be the Chairman of such Meeting or Meetings respectively; and all such Meetings may be adjourned from Time to Time, and from Place to Place, as shall be found expedient; and the Subscribers and Proprietors, or any Nine or more of them present at such General Meeting, or at any other Special Meeting to be called for that Purpose, of which Fourteen Days Notice shall be given, specifying the Purpose for which such General Meeting is called, or at any Adjournment thereof, shall have Power, as herein is mentioned, to elect Persons, qualified according to this Act, to be the Governor, Deputy Governor, and Directors, and Auditors and Examiners of the Accounts of the said Company, and to serve in the Place of such Person or Persons whose respective Office or Offices shall have become vacant by Death, Resignation, or Want of Qualification, or otherwise; and all Questions at any General or other Meeting of the said Company shall be decided by a Majority of Votes of the Proprietors present, according to their respective Shares; each Proprietor being entitled to a Vote or Votes according to and in the Proportion following; that is to say, for Ten Shares and less than Thirty Shares, One Vote; for Thirty Shares and less than Sixty Shares, Two Votes; for Sixty Shares and less than Ninety Shares, Three Votes; for Ninety Shares and upwards, Four Votes, and not more: Provided always, that no Person shall be entitled to vote at any General or Special General Meeting of the said Company, which shall happen at any Time or Times after the Expiration of Six Calendar Months next after the First General Meeting of the said Company, or at any Adjournment thereof, in respect of any Share or Shares which he or she may possess in the said Company, unless such Person and Persons respectively shall have actually and *bonâ fide* held and possessed such Share or Shares for the full Space of Six Calendar Months next before such General Meeting, or Special General Meeting as aforesaid, and unless such Person shall have fully paid and satisfied all Arrears of Money which shall or may have become due and payable General Meetings to be held in every Year,

payable in pursuance of any Call or Calls made by the said Directors, for and in respect of any such Share or Shares; nor shall any Person vote at any of the Meetings of the said Company, upon any Question or Questions relating to the Concerns of the said Undertaking, in which such Person or Persons shall be individually interested, otherwise than as any other Subscriber or Subscribers, Proprietor or Proprietors, to or of the said Company; and the Chairman for the Time being of such Meeting shall be entitled to vote; and in case the Number of Votes, including the said Chairman's Vote, shall be equal, he shall also have an additional or casting Vote.

Persons not to vote when interested.

Appointment of Governor, Deputy Governor, and Directors.

XXI. And be it further enacted, That *John Smith* Esquire shall be and he is hereby constituted and appointed the First Governor, and *William Manning* Esquire shall be and he is hereby constituted and appointed the First Deputy Governor, and the Honourable *Henry Grey Bennet*, the Honourable *John Thornton Leslie Melville*, Sir *Robert Townsend Farquhar* Baronet, *David Barclay*, *James Brogden*, *George Brown*, *John William Buckle*, *Robert Campbell*, *William Crawford*, *Timothy Abraham Curtis*, *Richard Hart Davis*, *Joseph Hume*, *Simon Halliday*, *George Gerard de Hochepied Larpent*, *John Loch*, *John Mac Arthur*, *Donald Maclean*, *Stewart Marjoribanks*, *George Warde Norman*, *Henry Porcher*, *Richard Mee Raikes*, *John Baker Richards*, *John Goldsborough Ravenshaw*, and *Thomas Tooke*, Esquires, shall be and they are hereby constituted and appointed the First Directors of the Affairs of the said Company.

Governors and Directors to serve Five Years.

XXII. And be it further enacted, That the several Persons hereby nominated, constituted, and appointed the Governor, Deputy Governor, and Directors of the said Company, shall continue in Office, and be respectively the Governor, Deputy Governor, and Directors for the Term of Five Years, from the Third *Tuesday* in the Month of *January* One thousand eight hundred and twenty-five, and until others or another shall be appointed in their or any or either of their stead, in pursuance of this Act; and at the Expiration of the said Term, and also at the Expiration of every succeeding Period of Four Years, Two other Persons shall be elected and appointed, out of the Proprietors of Shares in the said Undertaking, to be the Governor and Deputy Governor of the said Company, who shall continue in their respective Offices for the Space of Four Years, to be computed from the Day of Election, and until others or another shall be duly elected into their or any or either of their Places.

Future Regulation as to the Term for which Directors shall serve.

XXIII. And be it further enacted, That on the Third *Tuesday* in the Month of *January* One thousand eight hundred and thirty, Six of the said Directors, to be determined by Lot amongst themselves, shall go out of the said Office of Director; and on the Third *Tuesday* in the Month of *January* One thousand eight hundred and thirty-one, Six others of the said Directors, to be determined by Lot amongst the first appointed Directors then remaining in Office, shall go out of the said Office of Director; and on the Third *Tuesday* in the

Month of *January* One thousand eight hundred and thirty-two, Six others of the said Directors, to be determined by Lot amongst the first appointed Directors then remaining in Office, shall go out of the said Office of Director; and on the Third *Tuesday* in the Month of *January* One thousand eight hundred and thirty-three, the remaining Six of the said first appointed Directors shall go out of the Office of Director.

Election of Directors.

XXIV. And be it further enacted, That at the General Meeting which shall be holden on the Third *Tuesday* in the Month of *January* One thousand eight hundred and thirty, or within Fourteen Days thereafter, and at the like General Meeting in every succeeding Year, there shall be an Election of Six Proprietors, qualified respectively in Manner herein-before mentioned, who shall thenceforth be Six of the Directors of the Affairs of the said Company for Four Years, to be computed from the Day of Election, and until others or another shall be duly elected into their or any or either of their Places.

Appointment of Auditors.

XXV. And be it further enacted, That *Cornelius Buller*, *William Haldimand*, *George Hathorn*, and *William Ward*, Esquires, shall be and they are hereby constituted and appointed the First Auditors and Examiners of the Accounts of the said Company.

Auditors to serve Four Years.

XXVI. And be it further enacted, That the several Persons hereby nominated, constituted, and appointed the Auditors and Examiners of the Accounts of the said Company, shall continue in Office, and be respectively Auditors and Examiners for the Term of Four Years from the Third *Tuesday* in the Month of *January* One thousand eight hundred and twenty-five, and until others or another shall be appointed in their or any or either of their Stead, in pursuance of this Act; and at the Expiration of the said Term, and also at the Expiration of every succeeding Year, Four other Persons shall be elected and appointed out of the Proprietors of Shares in the said Undertaking, to be the Auditors and Examiners of the Accounts of the said Company, who shall continue in their respective Offices for the Space of One Year, to be computed from the Day of Election, and until others or another shall be duly elected into their or any or either of their Places.

Officers may be re-elected.

XXVII. Provided always, and be it further enacted, That nothing in this Act contained shall be taken or be construed to prevent any Governor, Deputy Governor, Director, or Auditor and Examiner who shall go out of Office on the Days aforesaid, or on any annual Day of Election thereafter, if qualified as aforesaid, from being eligible to be immediately re-elected to the said Offices, or either of them.

Conttracts made by or on Behalf of Governors, or Directors, or Auditors, to be void.

XXVIII. Provided always, and be it further enacted, That all and every Contract or Contracts made or entered into by or on Behalf of any Governor, Deputy Governor, Director, or Auditor or Examiner of Accounts of the said Company, or in which any such Governor, Deputy Governor, Director, or Auditor shall be either directly or indirectly interested or concerned, for doing or causing to

to be done any Work for or on Behalf of the said Company, or for supplying any of the Articles or Materials or Things to or for the Use of the said Company, shall be absolutely null and void to all Intents and Purposes whatsoever; and every such Governor, Deputy Governor, Director, and Auditor and Examiner of Accounts who shall enter into any such Contract or Contracts as aforesaid, shall *ipso facto* cease to be such Governor, Deputy Governor, Director, or Auditor and Examiner, as the Case may be, and a new Election of some other Proprietor duly qualified shall take place in the Manner herein mentioned; and every such Person shall also, for every such Offence, forfeit and pay the Sum of Five hundred Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, to be commenced within Three Calendar Months next after the Offence committed, in which Action or Suit respectively no Protection, Essoign, or Wager at Law, or more than one Imparlance shall be allowed.

In case of Death, Resignation, or want of Qualifications of Governors, Directors, or Auditors, others to be elected.

XXIX. Provided always, and be it further enacted, That so often as it shall happen that any Governor, Deputy Governor, Director, or Auditor and Examiner of Accounts of the said Company shall die, resign, or become disqualified to continue in or hold the said Offices, or any or either of them, a Special General Meeting of the Proprietors shall be convened by the Directors of the said Company for the Time being, for the Purpose of electing some one or more Proprietor or Proprietors, qualified as aforesaid, to fill such Vacancy or Vacancies, and exercise the said Office or Offices, or either of them respectively, for such Time and Times, and with the like Powers and Authorities, as the Person or Persons so dying, having resigned, or become disqualified, would have done respectively, if no such Vacancy as aforesaid had occurred.

Powers of the Directors.

XXX. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to use the same for the Affairs and Concerns of the said Company, and shall have full Power and Authority to meet and adjourn from Time to Time and from Place to Place, and also to direct, manage, and transact the Affairs and Business of the said Company, as well in issuing, receiving, laying out, and disposing of all Sum and Sums of Money to be issued or received, laid out or disposed of for the Purposes of the said Company, as in contracting for and purchasing Messuages, Lands, Tenements, and Hereditaments, situate in the said Colony of *New South Wales* and its Dependencies, and Materials, Goods, and Chattels for the Use of the said Company; and in ordering, directing, and employing the Clerk, Agents, Officers, Servants, Apprentices, Labourers, and Workmen, and each and every of them; and selling and disposing of all or any Messuages, Lands, Tenements, and Hereditaments, situate in the said Colony, and all Materials, Goods, Chattels, and Articles belonging to the said Company; and in making, enforcing, and carrying into Effect all Contracts and Bargains touching or in anywise concerning the same; subject to such Orders, Bye-laws, Rules, and Regulations, as shall at any Time be duly made by the said Company in Restraint, Controul,

Controul, or Regulation of the Powers and Authorities by this Act granted.

Powers of the Directors as to calling the Special General Meetings: Notices of Meetings, &c. how to be given.

XXXI. And be it further enacted, That the said Directors shall and may at any Time or Times, and for such Purpose or Purposes as they may think proper, have Power to call a Special General Meeting or Meetings of the said Company, of which Notice shall be given by Advertisement in Two or more of the public Daily Newspapers published in the City of *London* or County of *Middlesex*, Fourteen Days at the least previous to such Meeting.

Regulations of Directors.

XXXII. And be it further enacted, That the said Governor, Deputy Governor, and Directors shall meet together at the Office of the said Company One Day in every Month at the least, and at such other Times as they shall think proper; and any Two or more of the said Directors may at any Time call a Meeting of the said Directors by Notice in Writing, to be sent to each of the said Directors respectively; but no Business shall be transacted at any such Meeting unless Five at the least of the said Directors shall be present; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by them, shall be decided and determined by the Majority in Number then present; and in case of an equal Division, the Director for the Time being in the Chair shall have an additional or casting Vote besides his own personal Vote; and if on the Day appointed for any such Meeting a sufficient Number of Directors shall not attend, then and in every such Case the said Meeting shall be adjourned to the next Day, by the Director or Directors then present, or if none be present, by the Clerk to the said Company, or such other Person as shall attend in his Place; and the Proceedings of every Meeting of Directors shall be entered in a Book, to be kept by the Clerk for that Purpose, and shall be signed by the Director who shall be in the Chair.

Power to the Directors to appoint Bankers, Treasurers, Collectors, &c.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Governor, Deputy Governor and Directors, and they are hereby authorized and required, from Time to Time to nominate and appoint one or more Banker or Bankers, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of all and singular the Sum and Sums of Money payable or to become due or payable under or by virtue of this Act, and also a fit and proper Person, who shall be and be called the Clerk of the said Company, and such other Officers and Servants, except as aforesaid, as the said Directors shall think proper and expedient for the Purposes of this Act; and also from Time to Time to discharge and dismiss or suspend any such Clerk, Receivers, Collectors, or other Officers or Servants, and to appoint others in their Stead, as there shall be Occasion; and that every such Clerk, Receiver, Collector, or other Officer, who shall at any Time quit or be dismissed from the Service of the said Company, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Directors, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody or

Power of such Clerk, Receiver, Collector, or other Officer, his or their Executors or Administrators respectively, in anywise relating to the said Company.

Clerk and Treasurer not to be the same Person.

XXXIV. Provided always, and be it enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Service or Employ of any such Clerk, to be the Treasurer for the Purposes of this Act; or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or any Person in the Service or Employ of any such Treasurer, to be the Clerk of the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or in the Service or Employ of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or in the Service or Employ of any such Treasurer, shall act as Clerk in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Five hundred Pounds, to any Person or Persons who shall sue for the same, to be sued for and recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

Proceedings to be entered.

XXXV. And be it further enacted, That the Orders and Proceedings of every General or Special General Meeting of the said Company, and of the Governor, Deputy Governor, and Directors of the said Company, shall be entered by the Clerk of the said Company, or such other Person as shall attend in his Place, in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered, and signed by the Governor, Deputy Governor, or such one of the Directors or Proprietors of the said Company, who shall be in the Chair at each respective Meeting, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts and Places whatsoever, and by and before all Judges, Justices, and others.

Business at General Meetings.

XXXVI. And be it further enacted, That no Business shall be transacted at any Special General Meeting, besides the Business for which it shall have been called; and no other Business shall be transacted at any adjourned Special General Meeting than the Business left unfinished at the Meeting from which such Adjournment took place; and if at any Special or General Meeting Ten Proprietors at the least shall not assemble and proceed to Business in One Hour from the Time appointed for such Meeting, or if that Number be not present when the Whole or any Part of the Business to be transacted shall be decided upon, the Meeting shall adjourn to the same Day in the following Week, or to some other Day to be appointed by the Governor, Deputy Governor, and Directors, of which Adjournment or Adjournments Notice shall be given to the several Proprietors of the said Company: Provided always, that the several Notices to be given to the Proprietors of the said Company, of any Adjournment

or Adjournments of a General or Special General Meeting respectively, shall be given in the Manner directed by this Act for Notices of any Special General Meeting of the said Company.

Meetings to declare Dividends.

XXXVII. And be it further enacted, That at the said General Meeting, or some Adjournment thereof, to be holden in every Year, a Dividend or Dividends shall be made, out of the clear Residue (after deducting therefrom, provided the Governor, Deputy Governor, and Directors shall so think fit, any Sum not exceeding Ten *per Cent.* as herein is mentioned, of the Profits or Advantages of the said Company) unless such General Meeting shall declare otherwise; and such Dividend or Dividends shall be at and after the Rate of so much in the Hundred upon all and every the Sum and Sums of Money paid to the said Company by the Members thereof, their Executors, Administrators, Successors, or Assigns, as such Meeting or Meetings shall think fit to appoint and determine: Provided always, that no Dividend shall be paid in respect of any Share or Shares, after any Call for Money in respect of such Share or Shares shall have become due and payable, until such Money be paid: Provided also, that no Dividend shall be made whereby the Capital of the said Company shall be in any Degree reduced or impaired; and the Governor, Deputy Governor, and Directors, who shall make any such Dividends, shall be personally responsible to the Proprietors, and also the Creditors of the said Company, for any Injury that may arise therefrom: Provided also, that no Dividend shall be declared, made, or paid for Twenty-four Calendar Months after the passing of this Act.

No Dividend for 24 Months.

Books to be balanced Yearly.

XXXVIII. And be it further enacted, That the said Governor, Deputy Governor, and Directors shall have Power and Authority, and they are hereby required, to cause to be balanced the Books of the said Company on the Thirty-first Day of *December* in each Year, (the first Balance to be made on the Thirty-first Day of *December* next after the passing of this Act,) or at such other Period of each Year as any General Annual Meeting may from Time to Time appoint; and the same being so balanced shall be examined and signed by Two or more of the Auditors and Examiners, and approved by the said Governor, Deputy Governor, and Directors; and an Abstract of the said Balance, shewing the State of the Debts and Credits of the said Company, shall be signed by Two or more of the Auditors and Examiners, and shall be produced at the General Meeting of the said Company, to be held upon the Third *Tuesday* in the Month of *January* in every Year, or within Fourteen Days thereafter; so that any of the Proprietors attending the said Meeting may have an Opportunity of inspecting the same.

General Meetings to make Bye Laws.

XXXIX. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any of their General Meetings, or Special General Meetings called for that Purpose as aforesaid, to make such Rules, Orders, and Bye Laws, as to them shall seem meet and proper for the good Government of the said Company, and for regulating the Proceedings of the said Governor, Deputy Governor, and Directors, and the Duties and Conduct of the Clerk, and all Officers, Attornies, Agents, Apprentices, Labourers, Workmen, and Servants

Servants to be employed in and about the Affairs and Business of the said Company, as well in the said Colony of *New South Wales* as in the United Kingdom aforesaid, and for the Superintendance, Regulation, and Management of the said Company in all respects whatsoever; and from Time to Time to alter or repeal such Rules, Orders, and Bye Laws, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all such Person or Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Two hundred Pounds for any One Offence, as to the said Company at a General Meeting, or Special General Meeting, shall seem meet and expedient; and all Rules, Orders, and Bye Laws so made as aforesaid, being reduced into Writing, and the Common Seal of the said Company thereto affixed, countersigned by the Clerk to the said Company, shall be binding upon all such Persons, and shall be sufficient Authority in any Court of Law or Equity, as well in the said Colony of *New South Wales* as in the United Kingdom aforesaid, to justify all Persons who shall act under the same: Provided always, that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any of the express Directions or Provisions of this Act: Provided also, that Copies thereof shall be fixed and continued in the Office of the said Company; and all such Rules, Orders, and Bye Laws shall be subject to Appeal in Manner by this Act directed; any Law, Usage, or Custom to the contrary in anywise notwithstanding.

Power for Proprietors to call Special General Meetings in certain Cases.

XL. And be it further enacted, That if at any Time any Nine or more of the Subscribers or Proprietors of the said Company, who shall together be Holders of Ninety Shares at the least, shall deem it necessary or expedient to call a Special General Meeting of the Subscribers or Proprietors at large, for the Purpose of taking their Opinion and Determination upon any Matter or Thing relating to the said Company, and shall sign a Requisition in Writing to the said Governor, Deputy Governor, and Directors for that Purpose, which shall specify the Object of such Meeting, and shall deliver or cause the same to be delivered to the Clerk to the said Company, it shall be lawful for the said Governor, Deputy Governor, and Directors, and they are hereby required to call a Special General Meeting of the Subscribers and Proprietors at large; and in case the said Governor, Deputy Governor, and Directors shall refuse or neglect, for the Space of Thirty Days, to comply with such Requisition, then and in such Case it shall be lawful for the Subscribers or Proprietors who shall have signed the same to call a Special General Meeting of the said Subscribers and Proprietors at large, by Advertisement in the *London Gazette*, and in Four or more of the Newspapers published in the City of *London* or County of *Middlesex*, specifying the Place within the Cities of *London* or *Westminster* where and the Time when such Meeting is to be held, (the Time not being less than Fourteen Days after such Notice), and the Reason for and Intention of calling such Special Meeting; and the Subscribers and Proprietors are hereby authorized to meet pursuant to such Notice, and take into consideration the Matter or Matters to be submitted to them by the Persons calling such Special Meeting, and specified in such Notice;

Notice; and the Decision, Determination, and Order of the Subscribers and Proprietors present at such Meeting, or the Majority of them, according to the Number of Votes they shall have a Right to give respecting such Matter or Matters, shall be as valid, to all Intents and Purposes, as if the same had been made at any General Meeting of the said Company as aforesaid: Provided always, that Ten Proprietors at the least shall be present at such Meeting as herein-before is mentioned.

A Fund to answer Contingencies.

XLI. And be it further enacted, That it shall and may be lawful to and for the said Governor, Deputy Governor, and Directors for the Time being, and they are hereby empowered, provided they shall so think fit, at or previous to each and every General Meeting to be held pursuant to this Act for the Purpose of considering of or for making or declaring a Dividend or Dividends out of the clear Profits of the said Undertaking, to deduct and set apart any Sum not exceeding One-tenth Part of the said clear Profits and Produce of the said Undertaking; and the said Directors shall in such Case forthwith lay out and invest, in the Name of the said Company, such One-tenth Part of the said clear Profits and Produce from Time to Time, as and when the same shall be so deducted and set apart as aforesaid, in such one or more of the Public Parliamentary Funds or Stocks of *Great Britain* as the said Governor, Deputy Governor, and Directors shall in their Discretion deem expedient, until the Monies so set apart and funded as aforesaid shall amount to the Sum of Twenty thousand Pounds; and also from Time to Time and at all Times hereafter, so often as the same Fund or Sum of Twenty thousand Pounds shall be reduced by the Payment of or for any extraordinary Contingencies, to deduct and set apart, at any future or subsequent General Meeting or Meetings, the like One-tenth Part of the said clear Profits and Produce, until the same Fund shall be restored and again amount to the said Sum of Twenty thousand Pounds, and so on from Time to Time and at all Times hereafter, and so often as the same shall be reduced in manner aforesaid; and that the Dividends and Interest to become and be due and payable in respect of the said Funds or Stock so set apart and funded as aforesaid, and each and every of them respectively, shall fall into and become a Part of the said Profits and Produce of the said Undertaking, periodically to become and be divisible as herein mentioned: Provided always, that the said Governor, Deputy Governor, and Directors for the Time being of the said Company shall have full Power and Authority from Time to Time, when and so often as they shall deem it expedient, to vary or transpose the Funds or Stock, or any of them, or any Part thereof, in which the said Monies or Funds shall from Time to Time be invested, and also shall and may sell and dispose of all or any Part or Parts of the said Funds or Stock, and convert the same into Money, for the Purpose of answering every or any extraordinary Contingency or Contingencies, as and when the same or any Part thereof shall by the said Directors be deemed necessary; any thing herein contained to the contrary thereof in anywise notwithstanding.

Treasurer not to issue Money with-

XLII. And be it further enacted, That the Banker or Bankers, Treasurer or Treasurers, to be appointed by the said Company, shall not issue

out an Order, signed by Governor and Directors.

issue any Sum or Sums of Money on account of the said Company, without an Order or Orders in Writing, signed by Three or more of the said Governor, Deputy Governor, and Directors; and that the Receipts of the said Banker or Bankers, for all Monies payable to him or them on account of the said Company, shall be effectual Discharges for the same.

Recovery and Application of Penalties.

XLIII. And be it further enacted, That all Offences whatsoever, which by virtue or under the Authority of this Act, or by or under any Bye-law, Rule, Order, or Regulation to be made in pursuance or by the Authority of this Act, are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is herein-before made, shall and may in every Case be heard, adjudged, and determined by or before Two or more Justices of the Peace in and for the County or Place, or in and for the said Colony, or any District thereof where the Offence shall be committed, in a summary Way, upon Information or Complaint made and exhibited in Writing, (and which shall in every Case be made and exhibited within Six Calendar Months at farthest next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid, the said Justices shall examine into the Matter thereof, and if upon the Confession of the Party or Parties accused, or on the Oath of any one or more credible Witness or Witnesses, the Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then (except in Cases otherwise provided by this Act) the same shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justices (which they are hereby empowered and required to grant), be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, rendering the Overplus of the Money arising by such Sale, if any, to the Party or Parties whose Goods and Chattels shall be distrained; one Moiety of which Penalties, not herein directed to be otherwise applied, shall be paid to the Informer, and the other Moiety shall be paid to the Overseers of the Poor of the Parish where the Offence shall be committed, for the Benefit of the Poor of the said Parish, and in the said Colony to any public Charitable Institution to be named by the said Justices; and it shall and may be lawful for the said Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justices, for his, her, or their Appearance before the said Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Fourteen Days from the Time of taking any such Security, and which Security the said Justices

are hereby empowered to take by Way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, then it shall be lawful for the said Justices, and they are hereby required and empowered, by Warrant or Warrants under their Hands and Seals, to commit such Offender or Offenders to Prison, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and all other Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or shall otherwise be discharged by due Course of Law.

Conviction of Offenders against this Act.

XLIV. And for the more easy Conviction of Offenders, be it further enacted, That every Conviction under this Act shall be in the Form and to the Effect following; *videlicet*,

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord to wit. is [*or* are] convicted before us of His Majesty's Justices of the Peace for by virtue of an Act of Parliament, passed in the Fifth Year of the Reign of King *George* the Fourth, intituled [*here insert the Title of this Act*] of having [*specifying Offence, and the Time and Place when and where the same was committed, as the Case may be*] contrary to the said Act; and for which Offence we do adjudge the said to have forfeited the Sum of . Given under our Hands and Seals the Day and Year first above written.'

Appeal may be made to the Quarter Sessions.

XLV. And be it further enacted, That if any Person or Persons thinking himself, herself, or themselves aggrieved by any Order, Judgment, or Determination relating to any Matter or Thing in this Act mentioned or contained, or by any Order, Judgment, or Determination made or given in pursuance of any Rule, Order, or Bye-law, may, within Three Calendar Months next after such Order, Judgment, or Determination shall have been made or given, (first giving Ten Days Notice of Appeal to the Person or Persons appealed against), complain to the Justices of the Peace at the General Quarter Sessions to be held in and for the City, County, or District, as well in the said Colony as in the United Kingdom aforesaid, in which the Cause of Appeal shall arise, who shall in a summary Way either hear and determine the said Complaint at such General Quarter Sessions, or if they think proper may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for such City, County, or District; and the said Justices may if they see cause mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Order, Judgment, or Determination; but no Proceeding to be had and taken in pursuance of this Act shall be quashed or vacated for want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law, Statute, or Usage to the contrary

contrary notwithstanding; and the said Justices may award and order to the Party for whom such Appeal shall be determined such Costs as they shall judge reasonable and proper; and all Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

For compelling the Attendance of Witnesses, and respecting Service of Notices.

XLVI. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any Justice or Justices of the Peace, touching any Matter contained in any Information or Complaint for any Offence against this Act, either on the behalf of the Prosecutor or on behalf of the Person or Persons accused, and shall refuse or neglect to appear from Time to Time at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, without a reasonable Excuse for his, her, or their Refusal or Neglect of appearing, or appearing shall refuse to be examined upon Oath, or in case of a Quaker or Quakers on solemn Affirmation, (which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer) and to give Evidence before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

What shall be deemed a Service of Notices, &c. on the Company.

XLVII. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other legal Proceedings, the Service upon any Director of the said Company, or left at his last or usual Place of Abode, or on the Clerk of the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Persons giving false Evidence to be punished for Perjury.

XLVIII. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before any Justice of the Peace, or otherwise under this Act, upon Oath, or in case of a Quaker or Quakers on solemn Affirmation, shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he, she, or they so giving false Evidence shall be subject to the same Punishment as if he, she, or they had been convicted of the Crime of wilful and corrupt Perjury.

Public Act.

XLIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall extend to and be in force in the said Colony of *New South Wales* and its Dependencies, and shall be judicially taken Notice of as such by all Judges, Justices, and others, in the United Kingdom aforesaid, and in the said Colony and its Dependencies, without being specially pleaded.

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