

ANNO SEXTO

GEORGII IV. REGIS.

CAP. XXXIX.

An Act for granting certain Powers and Authorities to a Company, to be incorporated by Charter, to be called "The *Van Diemen's Land* Company," for the Cultivation and Improvement of Waste Lands in His Majesty's Island of *Van Diemen's Land*, and for other Purposes relating thereto.

[10th *June* 1825.]

WHEREAS there are in His Majesty's Island of *Van Diemen's Land* divers Waste Lands, which might be cultivated to Advantage, if sufficient Capital were raised for that Purpose: And whereas in the said Island of *Van Diemen's Land* there are a large Number of Convicts, who are at present maintained at the Public Expence, some of whom 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

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; 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,

In case His Majesty shall grant a Charter for forming a Corporation, it shall be called "The Van Diemen's Land Company."

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 Persons and Person as from Time to Time shall be admitted Members into their Corporation, shall be a Body Politic and Corporate, by the Name of "The *Van Diemen's Land* 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 Island of *Van Diemen's Land*, and in any Islands or Territories which may at any future Time be made dependent thereupon, and for such other lawful Purposes as to His Majesty may seem meet; 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 Island of *Van Diemen's Land*, and such Dependencies thereof as aforesaid, as shall or may be granted by His Majesty to them and their Successors, within the said Island or its Dependencies, or as shall be contracted for and purchased or acquired by them therein; and to hold, alienate, sell, exchange 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.

The Company may appoint Agents and Attornies in the Island.

II. And be it further enacted, That it shall 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 Island of *Van Diemen's Land*, and such Dependencies thereof as aforesaid, for the Purpose of conducting and managing, under the Controul and Direction of the Directors of the Company, the Affairs and Business of the Company in the said Island of *Van Diemen's Land*, and such Dependencies thereof as aforesaid, and entering into such Contracts for the Company, as the Directors thereof may lawfully make, and to such Extent, and subject to such Restrictions, as the Directors shall think fit; and every 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 Law or in Equity, within the Island of *Van Diemen's Land*, and such Dependencies thereof as aforesaid, 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, Attorney or Attornies as aforesaid, be made by the said Company under their Common Seal (and do set forth the Powers given by the said Company to such Agent or Agents), and that the same be duly recorded and inrolled in the Supreme Court of the

said Island of *Van Diemen's Land*, 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.* 4 G. 4. c. 96.

Charter of Incorporation, verified on Oath, to be transmitted to Van Diemen's Land, and inrolled in the Supreme Court there.

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 Island of *Van Diemen's Land*, and inrolled in the said Supreme Court in the said Island; and such Inrolment shall, within the said Island of *Van Diemen's Land*, and such Dependencies thereof as aforesaid, 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.

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 Island of *Van Diemen's Land*, and such Dependencies thereof as aforesaid, 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 present Majesty's Reign, in respect to Contracts entered into for the like Purposes with any private Person or Persons; and all such Artificers, and other Person or Persons 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 Island, and such Dependencies thereof as aforesaid, 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.

Shares to be Personal Estate.

V. And be it further enacted, That the Shares in the Capital Stock of the said Company, and in the Profits and Advantages thereof, shall be and be deemed Personal Estate, and as such Personal Estate shall be transmissible accordingly.

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

VI. And be it further enacted, That the said Company, or the Directors thereof, 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 Capital Stock of 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

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.

Payment of Subscriptions.

VII. And be it further enacted, That the several Persons who have subscribed, or may hereafter subscribe for and towards the said Capital Stock of the said Company, 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 of the said Company; 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 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 Capital Stock of the said Company, then from all, any, or either of such Persons.

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

VIII. 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 Capital Stock of 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 Capital Stock of 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 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 Proprietors 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.

IX. And

IX. 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 in the Capital Stock of the said Company, 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, Shares may be transferred.

Form of Transfer.

'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 *Van Diemen's*
'*Land* Company," being Share (*or* Shares) Number
'(*or* Numbers) in the said Undertaking, and all Benefit and
'Advantage to arise from the same; to hold to the said
'Executors, Administrators, and Assigns, subject to the same Rules,
'Orders, 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
'Hand and Seal, 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 thereunto, 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, and he, she, or they shall not 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 after the Expiration of Six Calendar Months after such Transfer shall have been registered; and when and so often as the Transfer of any Share or Shares in the Capital of the Company shall have been duly registered by virtue of this Act, the former Proprietor of such Share or Shares, and his or her Executors and Administrators, shall thenceforth be acquitted and for ever discharged of and from all Claims and Demands on the Part of the Company on account of such Share or Shares, or in anywise relating thereto.

X. 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 Capital Stock of 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

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

Sale or Transfer of any Share or Shares shall be void, and all and every Persons and Person making Default therein, shall be subject and liable to forfeit such his, her, or their Share or Shares in the Capital Stock of the said Company, and all Benefits and Advantage attending the same, 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 Call to be made thereon as aforesaid.

Proofs required where Rights accrue by Marriage or Death.

XI. And be it further enacted, That when any Person or Persons shall claim any Share or Shares in the Capital 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 in *Great Britain* or *Ireland*, or in the said Island of *Van Diemen's Land*, and such Dependencies thereof as aforesaid, before a Judge of some Court of Record, or Two of His Majesty's Justices of the Peace for the said Island of *Van Diemen's Land*, and such Dependencies thereof as aforesaid, 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 Share or Shares in the Capital Stock of the said Company or the Profits thereof, under or by virtue of any Will or Bequest or in course of Administration, the Probate Copy of the Will or Letters of Administration, in case the Proprietor shall have died Intestate, shall be produced and shewn 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 Stock of the said Company, or the 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 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.

XII. And

For ascertaining the Proprietorship of Shares in certain Cases.

XII. And whereas in Cases where the Holder or Proprietor of any One or more Share or Shares in the Capital Stock of 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 or 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, or 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 Capital Stock of 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 in *Great Britain* or *Ireland*, or in the said Island of *Van Diemen's Land*, or in such Dependencies thereof as aforesaid, before a Judge of some Court of Record, or Two of His Majesty's Justices of the Peace for the said Island of *Van Diemen's Land*, or for such Dependencies thereof as aforesaid, 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 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 Proprietor or Proprietors in the Registry Book or List of Subscribers and Proprietors of the said Company, to be kept in the Office of the said Company; and until such Affidavit shall have been so delivered or 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 Interest or Dividends in respect thereof.

Directors may make Calls on Proprietors.

XIII. And be it further enacted, That the Directors of the said Company 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 held by him, her, or them respectively, in the Capital Stock of the said Company, 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 Calendar 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

Treasurers of the said Company, and the said several Sums of Money so called for shall be paid at such Time and Place as shall be appointed by the Directors of the said Company, 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.

XIV. And be it further enacted, That if any Subscriber, or any Proprietor or Proprietors of any Share or Shares in the Capital Stock of 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 Capital Stock of the said Company, 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 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 Directors of the said Company, 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 General 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 managing of the said Company.

Contracts made by or on behalf of Governors, Directors, or Auditors, to be void.

XV. 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 and Examiner of Accounts of the said Company, or any Agent or Servant of the said Company, or in which any such Governor, Deputy Governor, Director, or Auditor and Examiner, or Agent or Servant, shall be either directly or indirectly interested or concerned for doing or causing 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,

Agent and Servant, who shall enter into any such Contract or Contracts as aforesaid, shall *ipso facto* cease to be such Governor, Deputy Governor, Director, or Auditor or Examiner, Agent or Servant, 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.

Proceedings to be entered in a Book to be kept for that Purpose.

XVI. And be it further enacted, That the Orders and Proceedings of every General Meeting of the said Company, and of every Meeting of 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.

Recovery and Application of Penalties.

XVII. 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 or the said Charter, 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 Island of *Van Diemen's Land*, or in such Dependencies thereof as aforesaid, where the Offence shall be committed, in a summary Way, upon Information or Complaint 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 for by this Act) the same shall and may, by Warrant or Warrants under the Hands and Seals of such Justices (which they are hereby empowered and required

quired 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 Island of *Van Diemen's Land*, or in such Dependencies thereof as aforesaid, 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 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.

XVIII. 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; that is to say,

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 Sixth Year of the Reign of King *George* the Fourth, intituled (*here insert the Title of this Act*), of having (*specifying the 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.'

XIX. And

XIX. And be it further enacted, That 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 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 Island of *Van Diemen's Land*, or such Dependencies thereof as aforesaid, 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 Proceedings to be had or 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 notwithstanding; and the said Justices may award and order the Party for whom such Appeal shall be determined such Costs as they shall adjudge 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. Appeal may be made to the Quarter Sessions.

XX. 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, or for any Offence against any Bye Law, Rule, Order, or Regulation to be made in pursuance or by the Authority of this Act or the said Charter, either on the Behalf of the Prosecutor, or on the Behalf of the Person or Persons accused, 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 Quakeress, 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. For compelling the Attendance of Witnesses.

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

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.

XXII. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before any Justice or Justices of the Peace, or otherwise, under this Act, upon Oath, or in case of a Quaker or Quakeress, 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.

XXIII. 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 Island of *Van Diemen's Land*, and such Dependencies thereof as aforesaid; and shall be judicially taken Notice of as such by all Judges, Justices, and others, in the United Kingdom aforesaid, and in the said Island and its Dependencies, without being specially pleaded.

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