

No. XVI.

An Act for regulating the Rates of Tolls or Dues MARKET TOLLS.
to be levied at the Markets of Sydney and
Parramatta. [20th March, 1832.]

WHEREAS an Act of the Governor with the advice of the Legis- Preamble.
lative Council was passed in the sixth year of the reign of
King George the Fourth intituled “ *An Act to continue until further* 6 Geo. IV. No. 20.
“ *provision shall be made certain Duties Tolls Rates Fees and other*
“ *Sums of Money imposed by the Governors of New South Wales and*
“ *for other purposes*” and whereas it is expedient that so much of the
said Act as relates to the tolls or dues levied or collected at the Markets
of Sydney and Parramatta should be repealed and that provision
should be made for levying certain other rates of tolls and dues at the
said markets in future Be it therefore enacted by His Excellency the
Governor of New South Wales with the advice of the Legislative Repealed from 31st
Council thereof That from and after the thirty-first day of March next March so far as
so much of the said recited Act as relates to the levying of tolls and relates to market
dues at markets shall be and the same is hereby repealed and that from
and

Market Tolls.

and the following rates established until further provision.

and after the said thirty-first day of March next and until further provision shall be made the following tolls or market dues and no higher shall be demanded paid and taken at the markets held in the Towns of Sydney and Parramatta respectively that is to say for every horse mare gelding foal ass or mule the sum of one shilling for every head of neat cattle the sum of sixpence for every sheep lamb pig or goat the sum of one penny for every load of hay drawn by one horse or other animal the sum of sixpence and if drawn by two or more horses or other animals the sum of one shilling for every load of straw drawn by one horse or other animal the sum of three-pence and if drawn by two or more horses or other animals the sum of sixpence for every load of wheat or other grain or seeds or potatoes or other esculent roots or vegetables drawn by one horse or other animal the sum of one shilling and if drawn by two horses or other animals the sum of one shilling and sixpence and if drawn by three horses or other animals the sum of two shillings and if drawn by four or more horses or other animals the sum of two shillings and sixpence for every stall in the market-place the sum of one shilling and eight-pence per week for selling or exposing to sale without a stall in the market-place any article or articles upon which market dues have not been otherwise charged the sum of one shilling per week for weighing any article sold the sum of one penny per hundred weight.

Market dues to be let yearly by auction.

2. And be it further enacted That it shall be lawful to and for the Governor from time to time to authorize and direct the tolls or market dues demandable under the authority of this Ordinance to be demised and let to farm by public auction for any time not exceeding twelve calendar months and for that purpose to advertise and give such public notice as he shall direct of the time of letting the same and the conditions thereof and the highest bidder if his bidding be accepted is forthwith to enter into and give bond with two sureties for the due fulfilment of his engagement.

Lessee to fix up a board having the several rates of market dues painted thereon.

3. And be it further enacted That the lessees or collectors of such market dues respectively shall and they are hereby required during the whole time that they shall respectively continue to be the lessees or collectors of any such tolls or market dues to put up or cause to be put up and continued in some conspicuous place at or near to every such market respectively a table painted in distinct legible black letters on a board with a white ground containing at the top thereof the name of the market at which the same shall be put up and also a list of all the tolls or dues payable thereat.

Governor by Proclamation to appoint places where markets shall be held.

4. And be it further enacted That it shall be lawful for the Governor for the time-being by any Proclamation under his hand to appoint certain places in the Towns of Sydney and Parramatta where market-houses may be erected or markets held for the sale of all such goods or articles as shall be appointed by the said Proclamation to be sold therein and any person exposing to sale any of the said enumerated goods or articles in any other place within the said towns shall forfeit and pay a sum not exceeding twenty shillings Provided always that nothing herein contained shall extend to prevent any person from selling in any house shop or other permanent building any goods whatsoever which may be lawfully exposed to sale.

And persons exposing goods to sale in any other place to be fined

but not to prevent selling in shops &c.

Lessee may proceed in a summary way before any Justice of the Peace for recovery of market-dues.

5. And be it further enacted That if any person liable to the payment of any toll or market-dues under this Ordinance shall after demand neglect or refuse to pay the same or any part thereof or shall in any way offend against the provisions of this Ordinance it shall be lawful for any Justice of the Peace upon the complaint of any collector of market dues or of any constable or other person to summon the person

Appropriation.

person so charged before him and summarily to adjudicate the case and on conviction to fine the offender in a sum not exceeding twenty shillings one-half to go to the informer and the other half to the use of His Majesty And if such fine shall not be forthwith paid to issue a warrant of distress to levy the same and in default of sufficient distress to commit the offender to the house of correction or common gaol for a period not exceeding fourteen days.

6. And be it further enacted That no conviction under this Ordinance shall be quashed for want of form or be removed by writ of *certiorari* or otherwise into the Supreme Court and no warrant or commitment shall be held void by reason of any defect therein provided it be therein alleged that the party has been convicted and that there be good and valid conviction to sustain the same. Conviction not to be quashed for informality nor removed by *certiorari*.

7. And be it further enacted That this Ordinance shall be in force and take effect from and after the passing and publication thereof. Commencement of Ordinance.