

DISTRICT COUNCILS.

As the establishment of the District Councils has now become a matter of considerable interest, we this week publish the whole of the clauses in the Act of Parliament for the Government of New South Wales relating thereto.

District Councils to be Established.

Clause 41. And whereas it is expedient that provision be made for the local government of the different parts of the said colony; he it enacted, that it shall be lawful for the Governor, by letters patent under the great seal of the colony of New South Wales, to incorporate the inhabitants of every county within the said colony, or of such parts of counties or other divisions as to him shall seem fit, to form districts for the purposes of this act, and by such several letters patent to establish a council in every such district for the local government thereof, subject to the following provisions; (that is to say), it shall be provided:—

1. That every such district council shall be elective, after the first nomination thereof, as hereinafter mentioned: the elections being made in the several districts, or other fit divisions to be defined by the charter, within the district; so that, until further provision be made in this behalf by the Governor and legislative council of the colony of New South Wales, if the population in such district, according to the last census taken before the charter, be less than seven thousand souls, the number of councillors for such district shall not be more than nine; if the population be seven thousand and less than ten thousand, the number of councillors shall not be more than twelve; if the population be ten thousand and less than twenty thousand, the number of councillors shall not be more than fifteen; if the population be twenty thousand and upwards, the number of councillors shall not be more than twenty-one.

2. That until further provision be made in this behalf by the Governor and legislative council of the colony of New South Wales, the district councillors shall be persons qualified to be elected members of the legislative council, and shall be elected to such office by the persons qualified to vote in the election of members of the legislative council within the district in which the election is made.

3. That no district councillor shall hold any lucrative office or appointment under such district council, or enter into or be concerned or interested in any contract or any pecuniary dealings with such district council, under a penalty or penalties to be fixed in such letters patent of incorporation.

4. That no district councillor shall continue in office for more than three years, unless re-elected.

5. That the district council shall be presided over by a warden, to be appointed and be removable by her Majesty, or by the Governor in the name of her Majesty.

6. That a district surveyor, who shall have passed an examination before a competent tribunal, approved by the Governor, shall be appointed in each district, for superintending the construction of roads and other public works undertaken by authority of the district council; and that the district surveyor, and all other officers needed for the exercise of the powers of the district council, shall be appointed and be removable by the district council, subject to the approval of the Governor.

7. That accounts in detail of all monies expended in every year, by or under the authority of the district councils, be laid before the Governor, and otherwise published in such manner as may be directed by the charter, or provided by any law of the Governor and legislative council of the colony of New South Wales.

The Council may make Bye-Laws for certain purposes.

42. And be it enacted, that it shall be lawful for each of the said councils, in the said districts respectively, to make orders and bye-laws for all or any of the following purposes (that is to say):—

For making, maintaining, or improving any new or existing road, street, bridge, or other convenient communication and means of passage through the district, or for stopping up, altering, or diverting any road, street, or communication within the limits of the district.

For building, repairing, and furnishing public buildings.

For the purchase of such real and personal property situate within the district as shall be required, in the opinion of the council, for the use of the inhabitants thereof.

For the sale of such part of the real and personal property belonging to the district as shall have ceased, in the opinion of the council, to be useful to the inhabitants.

For the management of all property belonging to the district.

For providing the means of defraying such expenses of or connected with the administration of justice and police within the district, as are or shall be hereinafter by law directed to be defrayed by the district, or out of the district funds.

For providing for the establishment and support of schools.

For raising, assessing, levying, and appropriating such monies as shall be required for the purpose of carrying into effect all or any of the objects for which the said district councils respectively shall be empowered to make orders and bye laws, which monies shall be raised either by means of tolls to be paid in respect of any public work within the district, or by means of rates or assessments to be assessed and levied on real and personal property, or both, within the district, or in respect of such property upon the owners and occupiers thereof.

For the collecting of and accounting for all tolls, rates, and assessments imposed or raised under the authority of any such council, and of the revenues belonging to the district.

For imposing and determining reasonable penalties to be recovered from such persons as, having been elected to offices as hereinbefore provided, shall refuse to serve the same, or refuse or neglect to take and subscribe such oaths of office as shall by law be required to be taken by such officers respectively.

For determining the amount and time of payment of all salaries, or other remuneration

of district officers to be appointed under the authority of this act.

For providing for any other matters which shall be specially subjected to the direction and control of the said district councils respectively, by any law of the Governor and legislative council of the colony.

Provided always, that no such bye-law shall impose any punishment of imprisonment, or any penalty exceeding ten pounds.

No Tax to be laid on Property belonging to the Crown.

43. Provided always, and be it enacted, that it shall not be lawful for any such district council as aforesaid to levy any rate or assessment whatever on any lands or tenements, goods or chattels, real or personal estates, belonging to her Majesty, her heirs and successors.

Transmission of Bye-Laws to Governor for assent.

44. And be it enacted, that a copy of every bye-law made by any district council under the authority of this act shall be transmitted by the warden of the district, within fourteen days after the making thereof, to the Governor of the colony of New South Wales; and it shall be lawful for the said Governor, with the advice of his executive council, at any time within two calendar months after the receipt of such copy, to disallow such bye-law, and such disallowance shall without delay be signified to the warden of the district where such bye-law shall have been passed, and thenceforward such bye-law shall be void and of no effect; and no such bye-law shall have effect until the expiration of the said period of two calendar months, unless the said Governor shall have given his assent thereto before the expiration of that period.

Provision for further definition of Powers of District Councils.

45. And be it enacted, that, subject to the provisions herein contained, it shall be lawful for the said Governor to specify in writing, and by the said several charters of incorporation, the metes and bounds of the said several districts, and the number of councillors which shall be for every district, and the time and manner of their election, and to fix the qualification of the councillors, and to nominate, among the persons qualified to vote in the election of councillors, the councillors, being duly qualified, who shall form the first council in every such district, and to appoint the order and manner in which they shall go out of office, and to fix penalties for qualified persons refusing to take office in the council, and to make all other necessary provisions for establishing such district councils, for defining their powers and enabling them to exercise their functions: provided always, that, notwithstanding any such charter, it shall be lawful for the Governor and legislative council of the colony of New South Wales to make further or other provisions respecting the constitution of the said councils, and to extend or limit the powers of such councils in any way which may be found expedient, so that it be not repugnant to this act, or to the law of England, and to alter the number and boundaries of the districts, and to establish a council in each of such new districts.

If no Election, Governor to Appoint.

46. And be it enacted, that in every case of vacancy of the office of district councillor, if a new election shall not be made within the time prescribed by the charter of incorporation, or by any law of the Governor and legislative council of the colony respecting the constitution of such district council, the Governor shall nominate a person duly qualified to fill the vacancy.

Police Expenditure.

47. And be it enacted, that one-half of the expense of the police establishment of the said colony (exclusive of the convict establishment) shall be defrayed out of the general revenue arising from taxes, duties, rates, and imports within the said colony, and the other half shall be defrayed by assessment upon the several districts of the colony, in such proportions as shall be from time to time fixed by the Governor and legislative council, and as soon as any bill shall have passed the legislative council, and shall have been assented to by the Governor for appropriating any sum to the service of the police for the year then next ensuing, and for apportioning an equal sum among the several districts of the said colony, it shall be lawful for the Governor to issue warrants under his hand, directed to the treasurers of the several district councils, requiring them within two calendar months from the receipt of the warrant to pay an amount equal to the sum assessed upon that district, to such person as the Governor shall appoint to receive the same, out of any monies in their hands belonging to the district.

Assessments to be Levied by Local Rate.

48. And be it enacted, that the treasurer of each district council, to whom any such warrant shall come, shall pay the amount mentioned in the warrant out of any monies in his hands belonging to the district, or if there be no monies, or an insufficient sum in his hands, the district council shall

assess and levy the amount by a fair and equal rate upon all property within the district which the legislative council, or until a bill for that purpose shall have been passed by the legislative council, and assented to by the Governor with the advice of his executive council, shall declare to be liable thereunto.

Power of Distress and Sale.

49. And be it enacted, that if the amount ordered by such warrant to be paid by the treasurer of any district shall not be paid within two calendar months after the receipt of the warrant, to such person as the Governor shall appoint to receive the same, it shall be lawful for the public treasurer of the said colony, or other proper officer appointed by the Governor for such purpose, to issue his warrant for levying the amount, or so much thereof as shall be in arrear, with all costs and charges of such proceeding, by distress and sale of the goods of the said treasurer of the district, and of all or any of the members of the said district council; and if no sufficient distress can be thereby made, then by distress and sale of the goods of any of the inhabitants of the said district.

Amount to be Expended for District Police by the Governor.

50. And be it enacted, that the amount so contributed from each district, and an equal sum out of the amount appropriated of the general revenue for the service of the police, shall be expended for the service of the police in that district, under the direction of the Governor; and the surplus, if any, remaining over and above the expenditure in each year shall be carried forward in diminution of the charge for the next year.

SYDNEY NEWS.

Mr. Wills has been appointed town clerk pro tem. There were six candidates for the office of town clerk, viz., Messrs. James M'Eachern, E. S. Hall, Hustler, Rae, J. Baillie, and Johnson. The appointment was to be made on Wednesday last. The Herald suggests that in case the City Council should decide upon appointing a non-professional person to the office that Mr. E. S. Hall would be found a fit and proper person to fill it.

The Governor Phillip arrived from Norfolk Island on Thursday, the 20th instant. Everything was quiet at the settlement. The American whaler Rose had landed a considerable quantity of tobacco at the island, which it was thought would never trouble the customs.

The Sydney Herald recommends that the seat of the Speaker in the new Legislative Council should be a bale of wool, in order that our legislators may be constantly reminded of our staple export.

A dinner was given to Mr. James Macarthur at Parramatta on Wednesday, the 19th instant. The chair was occupied by Dr. Anderson, and the vice presidents were Mr. Coghill, M.C., and Captain Moore, J.P. Between seventy and eighty gentlemen were present, amongst whom were the Attorney General, Mr. H. H. Macarthur, Captain King, Mr. H. Osborne, Major Christie, Dr. Savage, Messrs. Daves, Moore, and Holden.

The Troubadour has been chartered to export horses to India.

On Friday Mr. Robert Selkirk appeared at the police office to answer an information filed against him by H. H. Browne, Esq., one of the inspectors of distilleries, for illegal distillation. The defendant pleaded guilty, and was fined in the sum of £500, and in default of payment within seven days he was to be imprisoned in Sydney gaol for twelve calendar months. The fine was directed to be divided into three equal parts, after deducting £20 for costs; one third to be given to the informer, one third to the purposes of the colony, and the remaining third to the party prosecuting for the same.

Lieutenant Samuel Graves Irwin, of the royal navy, who has for some years resided with his family in West Maitland, has received an official intimation that he has been promoted to the rank of a commander, agreeable to the provisions of the Order in Council, bearing date the 1st November, 1830.—*Chronicle.*

VALUE OF SHEEP.—As a proof of the effect which the boiling down of sheep has had on their value, the Herald of Monday mentions that Mr. H. O'Brien had been offered 7s. a head for 2000 sheep, which came down from Yass on the previous Thursday. Mr. O'Brien had however resolved to boil them down.

Several hackney coaches are now running in Sydney, and it is expected that at the next Quarter Sessions rates and charges to be made by the drivers will be fixed.

THE TIMES.—The number of Supreme Court summonses issued this year exceeds five thousand five hundred; and, taking the expenses at the low rate of £10 each, £55,000 has been expended on this (which the lawyers call unprofitable) branch of legal proceedings. The Sheriff's fees this

year have already amounted to £2000. Is it any wonder that the colony is impoverished, if people will plunge into law expenses in this reckless manner?—*Herald.*

On Saturday last Mr. George Evans, of Pitt-street, appeared before Alderman Broughton and Mr. Windeyer at the police office to answer a charge of working an illicit still. Mr. Nichols appeared for the prosecution, and Mr. Foster for the defence. A great number of witnesses were examined on both sides, and the bench dismissed the case.

The first annual general meeting of the members of the Commercial Reading Rooms and Library was held on Tuesday evening, the 18th instant, at the society's rooms, George-street, the Right Worshipful the Mayor in the chair. The report was read by the secretary, Mr. S. P. Hill, and gave a very favourable account of the progress the institution had made.

COLONIAL INTELLIGENCE.

PORT PHILLIP.

We have received Port Phillip papers to the 14th instant.

His Honor Mr. Justice Jeffcott took the oaths as Resident Judge on Thursday, the 13th instant, in the new court house. The oaths were administered by J. D. Pincock, Esq., Deputy Registrar of the Supreme Court, in the presence of his Honor the Superintendent and several of the magistrates.

About ten o'clock on Thursday morning, the 13th instant, the late Resident Judge left Melbourne in the Vesta steamer, to take his passage on board the Glenbervie, for London. He was accompanied to the wharf by several gentlemen, and a large concourse of people assembled to witness his departure.

A warrant was granted on the 8th of July, on the application of Mr. Ross, and upon the affidavit of the Hon. J. W. Willis, late Resident Judge, against Chas. Fyche, printer of the Port Phillip Herald, for a false, scandalous, and malicious libel upon his Honor.

FLINDERS' ISLAND.—The Flying Fish, Captain Clinch, arrived from Flinders' Island on Tuesday last, whither she had been dispatched with 500 sheep for the use of the aboriginal establishment. The aborigines there are described to us as "fat, happy, and contented." Work they set their faces against, but at marbles, peg-in-the-ring, and other boyish games, they have acquired considerable proficiency. They generally enjoyed good health. Captain Clinch picked up at the island a part of the Industry's figure head, which was lost by that vessel at sea some time since.—*P. P. Patriot.*

SOUTH AUSTRALIA.

We have received South Australian papers to the 11th July. There is nothing of any importance to be gathered from them.

His Honor the Judge was so indisposed that the criminal sittings of the court were put off from the 4th to the 18th July.

A piece of plate, valued at £50, had been presented to John Alexander Jackson, Esq., late Colonial Secretary, who was about to leave the colony.

We have received the second number of the "Adelaide Observer," a new weekly journal, the first number of which was published on the 1st July. It appears to be well got up, and is considerably larger than the other South Australian papers.

EXPEDITION TO THE NORTH.—The Surveyor General sets out to-day on his northern expedition of discovery. He takes with him six or seven men to attend the drays, &c., and we understand will be joined by several volunteers. His Excellency the Governor and Mr. Thomas, his stepbrother (who arrived by the Elizabeth Buckham), will accompany the expedition, but it is uncertain how far they will proceed with it. Of course the operations will be greatly determined by circumstances, but the grand object is understood to be to determine the geography of Lake Torrens, on its eastern and north-eastern shores. From the ability and equipments of the party engaged in this important and interesting undertaking, great results are anticipated, which we earnestly hope will be fully realised.—*Southern Australian, July 4.*

We are gratified to hear that the Governor's recent despatches are of an encouraging nature. His Excellency's drafts for the emigrants have been honored, and he has been authorised still to draw on the home government. His drafts to a considerable amount have been tendered for by one of our banks.—*Ibid.*

THE RAINS.—The colony has been drenched with heavy rains for about ten days. For five years past such continuance of wet weather has scarcely been known. Whatever people may think of it at home, South Australians rejoice in such weather, as highly propitious to the young crops, and as the sure forerunner of a good harvest.—*Ibid.*

THE NATIVES.—On Tuesday, the 27th June, a number of natives robbed the tent

of Messrs. Jefferay and Macbean, at Mount Observation, near Encounter Bay. Having seized the butkeeper and taken his gun from him, they threw him on the ground, and while several of them held him down and stifled his cries with their cloaks, that he might not alarm the shepherd, who was only a short distance off with the sheep, the rest entered the tent, and robbed it of a bag of flour, blankets, sheets, pannikins, powder, lead, and other articles, in fact whatever they could conveniently carry away with them.—*Ibid., July 11.*

PACKING BUTTER.—The increased price of butter in autumn, as well as its scarcity in winter, renders the best mode of packing it a matter of importance. There are several particulars of minor importance to be attended to, to which greater or less attention is given by good butter makers; but the two leading requisites, without which there must be a failure, and with which there cannot easily be, are clean vessels and thorough working. The importance of the former in obtaining perfectly sweet butter must be evident to every one, hence the necessity of washing vessels by scalding; and when they become rusty from disuse of employing chloride of lime. In order to keep the sweetness, it is indispensably necessary that every particle of buttermilk be worked out before packing down. This is ascertained when it ceases to flow from it. Inexperienced butter makers perform this part of the operation very imperfectly. Work the butter four times as long as you think necessary, and then perhaps you will have half completed it. When it is thoroughly worked, pack it down by beating, in a strong pot, cover the top with an inch of very strong brine, and keep it in the coolest part of the cellar, and you need not fear its becoming injured before next winter.—*Ibid.*

GOVERNMENT GAZETTE.

FRIDAY, JULY 21.

The undermentioned prisoners of the crown have obtained tickets of leave since the last day of publication:—

County of Brisbane.—Murrurundi. M'Conachy James, Bengal Merchant. County of Durham.—Paterson. Jarman James, Bussorah Merchant. Dungog.

Cobin John, Heron. Jeannot (a black), Eden. County of Northumberland.—Brisbane Water. Cullen John, John Barry.

Maitland. Byrne John, alias James Lynch, Waterloo 2. Crown Henry, Surry 5. Coffey Martin, William Jardine. Ball Thomas, Bussorah Merchant. Doran Michael, Integrity. Gast John, alias Robinson, Strathfieldsaye. Hare William, or O'Hara, Gullford 8. M'Intosh Alexander, Sarah. O'Keefe Hercules, William Jardine. Stafford Jacob (the younger), Asla 2. Tofts Henry, Bussorah Merchant. Wright William, Lady Kennaway.

Newcastle. Peacock William, Florentia 1. Roe Samuel, Ocean 3.

Patrick's Plains. Cooper John, Parmelia. Horrocks Charles, Mingrel 2. Hutchins Thomas, Sarah. Nichols Richard, John 2. 15th July, 1843.

TERMS.

The "MAITLAND MERCURY" is published every Saturday morning. The terms of subscription are:—In Maitland and Morpeth 1s. 6d. per quarter, if paid in advance 6s. 6d.; in Sydney and the country 8s. per quarter, if paid in advance 1s. The quarters end on the 31st March, 30th June, 30th September, and 31st December respectively, at which periods only subscribers can resign, by giving due notice. Parties residing in the country who do not order the paper through an agent, will be required to pay in advance, or to give a reference to some party in Maitland. For the charges for advertisements, see—For the first inch of space (nine lines) and under, 3s. 6d., and 1s. per inch after, each insertion. Parties sending advertisements must state on them the number of times they are to be inserted, or they will be continued until countermanded, and charged accordingly. No verbal direction for the withdrawal or alteration of advertisements can be attended to. Advertisements will be received until two o'clock on Friday afternoon; orders for withdrawal must be forwarded to the office before two o'clock on Thursday afternoon. Advertisements from non-subscribers must be paid for previous to insertion. All communications must be post paid.

AGENTS.

Black Creek, Mr. Edward Franks, storekeeper. Cassilis, Mr. James Piper. Dungog, Mr. Thomas Abbott. Hinton, Mr. Robert Household, postmaster. Jerry's Plains, Mr. Magney, Robin Hood Inn. Merton, Mr. William Everness. Murrurundi, Mr. A. Wightman, White Hart Inn. Muswellbrook, Mr. Edw. Bennett, poundkeeper. Newcastle, Mr. G. Felton. Paterson, Mr. Wilkinson, auctioneer. Raymond Terrace, Mr. Hutchinson, schoolmaster. Scone, Mr. Thomas Dangar. Singleton, Mr. A. Brown, postmaster. Sydney, Mr. H. Forris, commission agent, York-street. Wollombi, Mr. Michael Byrne.

Printed and published by the proprietors, THOMAS WILLIAM TUCKER and RICHARD JONES, at the Maitland Mercury Office, High-street, West Maitland, county of Northumberland, New South Wales.