

An Ordinance to prevent Persons leaving this Island or its Dependancies without first having obtained a Pass for that purpose.

Whereas great Injustice is often done to Creditors by Persons in their debt privately leaving this Island and its Dependancies. Be it therefore ordained and ordered by His Honor the Lieutenant Governor by and with the advice and Consent of His Majesty's Council. And it is hereby Ordained and Ordered by the authority of the same that all and every Person or Persons intending to leave this Island or its Dependancies shall at least three weeks before their ^{intended} Departure put up a Notice of such their intentions at the Office kept by the Secretary of this Island at Sydney or at the Office of any of his Deputies in any other of the Ports of this Island or its Dependancies. Provided such Person or Persons have been resident at the place at which such Notice shall be put up for at least six weeks before the putting up of the same, and upon the outer door of their respective Habitations and dated on the Day on which such Notice is put up, and at the expiration of the said three weeks in Case it shall not have been made appear to the said Secretary or his Deputy at the place of Residence that the said Person or Persons who have put up such Notice have after putting up the same secreted themselves

Persons intending to leave the Island shall advertise at three Weeks previous to their Departure

and provided no legal
impediment appears the
Secretary may grant a
Pass - for which He may demand
1 Fee

themselves or avoided any process that may
have been issued against them, or that no suit
or suits are depending against such Person
or Persons in which special Bail cannot
be required, It shall and may be lawful for
the said Secretary or his proper Deputy, and they
are hereby required to Grant to such Persons
a Pass for leaving this Island and its Depend-
encies for which Pass the said Secretary or his
proper Deputy is hereby authorised and
impowered to demand and receive the sum
of one shilling and no more.

And Be it further ordained and
ordered by the Authority aforesaid that all
Passes to be granted by the said Secretary or his
Deputy to any Person or Persons for leaving
this Island and its Dependences shall be in
form following viz!

"Island of Cape Miten. Permit A.B. to depart this
Island and its Dependences He (or they) having
complied with the Ordinance of this Government
for that purpose". Sydney day of 1788"

And Be it further Ordained and
ordered by the authority aforesaid that in case
any Person or Persons shall be desirous of leaving
this Island or its Dependences before the Expiration
of the time herein before limited for that purpose
It shall and may be lawful for the said Secretary or
his Deputy and they are hereby authorised and
empowered, on such Person or Persons procuring
sufficient Sureties to become answerable for
and pay all such just Debt Dues and Demands
as may be due owing or payable by the said

Person

Form of Pass

Persons procuring Sureties
for the payment of their
just debts are entitled
to a Pass

Person or Persons to any of the Inhabitants of this Island or its Dependencies to grant such Person or Persons a Pass in the form herein before directed

And Be it further ordained and ordered by the authority aforesaid that no Master of any Ship or Vessel going from any Port or Place in this Island or its Dependencies shall carry away on board his Vessel any Person or Persons whatsoever without such Person or Persons produce a Pass signed by the Secretary of this Island or his Deputy except the Crew or Seamen belonging to such Vessel and brought on board by the said Master on his last arrival in this Island or its Dependencies and the Master of any Ship or Vessel acting contrary to the Tenor of this Ordinance shall be liable to pay all damages Costs and Charges that may be sustained by any of the Inhabitants of this Island or its Dependencies by reason or means thereof to be recovered by Bill Plaint or information in any of His Majesty's Courts of Record in this Island with costs of suit

Provided always that nothing in this Ordinance contained shall extend or be construed to extend to the restraining any Person or Persons from departing this Island or its Dependencies by special permission under the hand of the Governor or Commander in Chief for the time being or the restraining any Military Person or Persons from leaving this Island or its Dependencies having first obtained special permission for that purpose from the Commanding Officer of the Troops.

Approved ordained and ordered accordingly in Council this Tenth day of April 1700. in the Twenty eighth year of His Majesty's Reign.

Passed in Council
10th day of April 1700

Wm. Maccormick

- D. Matthews
- Thos. Wolfe
- C. Graham
- A. Cuyler

A true Copy faithfully compared with the original
A. Cuyler

Captains or Masters of Vessels taking Persons off the Island without Pass to be liable to pay all damages Costs and Charges which Inhabitants may sustain thereby

The Governor may give special permission

Can not be returned to Military Persons

An ordinance further to extend the Powers mentioned in an Ordinance passed the 26th day of January 1786 intitled "An ordinance for the more easy and speedy recovery of small Debts."

Preamble

Whereas from the infant state of this Government and the dispersed situation of the Inhabitants in some of the Districts thereof it is found impracticable in such Districts to appoint Commissioners to try and determine the matters solely made Cognizable before such Commissioners in and by an ordinance passed the 26th day of January 1786 intitled "An Ordinance for the more easy and speedy recovery of small Debts" without making it extremely burthensome to such Commissioners as well as very expensive to suitors.

Be it therefore ordained and ordered by His Honor the Lieutenant Governor by and with the advice and Consent of His Majesty's Council, and it is hereby ordained and ordered by the authority of the same that in all such Districts of this Island or its Dependences in which no such Commissioners as aforesaid are or shall be appointed it shall and may be lawful for any one Justice of the Peace to take Cognizance of: And such Justice is hereby authorized and empowered to hear try and determine all such Suits, Debts and Demands as in and by the said Ordinance herein before mentioned are made Cognizable before such Commissioners as are in the said Ordinance mentioned and to proceed to Judgement and Execution thereon.

In places where the Governor shall not appoint Commissioners for the recovery of small Debts Power shall be given to one Justice of the Peace to hear and determine

And Be it further ordained and ordered by the authority aforesaid that the process and proceedings in all such Suits so to be had before the said Justice shall run in the same manner and form as in and by the said Ordinance is ordained and ordered to be had and pursued before

them to be the same as before Commissioners

before the said Commissioners (accepting always that the process and proceedings to be had before the said Justice shall run in the name of the said Justice) and all process issued by the said Justice in such suits may be directed to any of the Constables in the district in which such Justice shall reside; And they the said Constables and every of them are hereby authorized and empowered to execute the same in the same manner and form as the Provost Marshall or his Deputy or Deputies are empowered and directed in and by the Ordinance aforesaid.

Constables to act by order of a Justice as by the Act. The Provost Marshall was empowered & doubled

And Be it further Ordained and ordered by the authority aforesaid that in all such suits to be had before any Justice of the Peace the Parties thereto both Plaintiff and Defendant shall be intitled to all the Priviledges and advantages as are in and by the said Ordinance given and granted to Parties in suits to be had and prosecuted before the said Commissioners.

Priviledges and advantages to remain as by the Act is ordained

Approved Ordained and ordered according in Council this Tenth day of April 1700 in the Twentry eighth year of His Majesty's Prign

W^m Macarthur

Deposd in Council
the 10th of April 1700
D. Matthews
Thos. Uncle
C. Graham
A. Gwyler

A true Copy faithfully compared with the Original. Houston