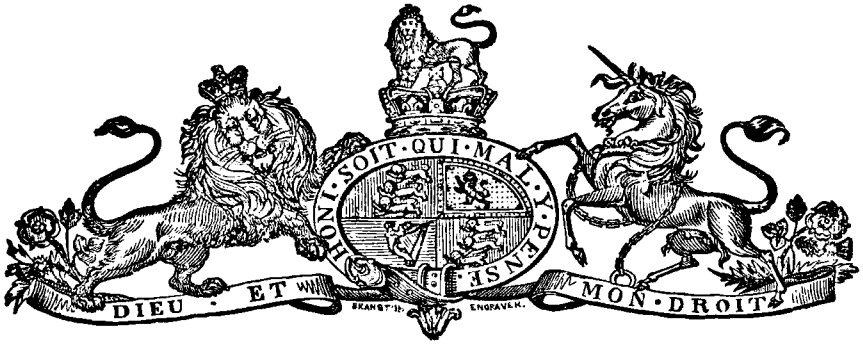


ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

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CAP. LXXIV.

An Act to explain and amend the Act for the Government of *New South Wales* and *Van Diemen's Land.* [6th *August* 1844.]

WHEREAS by an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the Government of* New South Wales *and* Van Diemen's Land, it is amongst other things enacted, that one Half of the Expence of the Police Establishment of the Colony of *New South Wales* (exclusive of the Convict Establishment) shall be defrayed out of the general Revenue arising from Taxes, Duties, Rates, and Imposts 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 of the said Colony: And whereas Doubts have arisen as to what is the Convict Establishment so mentioned and referred to as aforesaid: Now therefore, for the Removal of such Doubts, be it declared and enacted by the Queen'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 the Convict Establishment mentioned and referred to in the said recited Enactment doth comprise and shall be construed to comprise such

5 & 6 Vict. c. 76.

Defining Extent of Convict Establishment.

Gaols and Places of safe Custody only as are or as shall be maintained for the Reception of Convicts actually undergoing therein Sentences or commuted Sentences of Transportation from the United Kingdom, such Gaols or Places of safe Custody being under the Superintendence of Officers for that Purpose appointed by or under the Authority of Her Majesty, and remunerated by Funds for that Purpose appropriated by some Act of Parliament: Provided always, that if at any Time any such Gaol or Place of safe Custody shall be used for the Imprisonment of any other Offenders jointly with such Convicts as aforesaid, then such Gaol or Place of safe Custody shall be taken to be a Convict Establishment within the Meaning of this Act and the said recited Act, so far only as relates to such Convicts as aforesaid.

Proviso.

Repeal of Part of 5 & 6 Vict. c. 76. s. 13.

II. And whereas Doubts have arisen as to the Manner in which the Declaration required by the said recited Act to be made in certain Cases by Candidates at the Election of a Member of the Legislative Council is to be made by Candidates not present at the Election; be it enacted, That so much of the said recited Act as renders any such Candidate incapable of being elected until he shall have made such Declaration shall be repealed.

Declaration of Qualification to be made in the Council.

III. And be it enacted, That every elective Member of the said Legislative Council, before he shall sit or vote in the said Council after the Election of a Speaker, shall make the said Declaration in Writing under his Hand, by delivering to the Clerk of the Council, at the Place where and while the Council is sitting, with the Speaker in the Chair, a Paper signed by such Member containing the said Declaration, and also a Statement of the County or Counties in which the Lands or Tenements are situated out of which his Qualification arises, with such other Description thereof as may serve to identify the same, and the Nature of his Estate or Interest therein or in the Rents and Profits thereof; and the said Papers shall be filed and kept by the Clerk with the other Records of his Office; and every elective Member of the said Council who shall sit and vote in the said Council after the Election of a Speaker before making such Declaration as aforesaid shall be liable, for every Day on which he shall so offend, to a Penalty of Two hundred Pounds; and if he shall not be qualified according to the true Intent and Meaning of the said recited Act, his Election shall be void, and a new Writ shall be issued to elect another Member in his Stead.

Repealing Provision in recited Act as to Payment of Sums to be levied.

IV. And whereas by the said recited Act it is amongst other things enacted, that the Treasurer of each District Council of the said Colony to whom any such Warrant as therein mentioned 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

Executive Council, shall declare to be liable thereunto: And whereas the said recited Enactment hath, by the accidental Omission therein of certain Words, been rendered obscure and ineffectual for the Purposes thereof; be it enacted, That the said last-recited Enactment shall be repealed.

Enabling Treasurer to pay Amount named in the Warrant.

V. And be it enacted, That the Treasurer of each District Council of the said Colony of *New South Wales* to whom any such Warrant as in the said recited Act mentioned 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), which the Governor, with the Advice of his Executive Council, shall declare to be liable thereunto.

Defining Colony.

VI. And whereas it is by the said Act amongst other things provided, that it shall be lawful for the Governor and Legislative Council of the said Colony, in exercise of the Powers to them respectively granted by the said Act, and in the Manner and subject to the Rules therein-before prescribed, to repeal, vary, or alter all or any Part of the Acts therein recited, or any of them, or any Law or Ordinance made in pursuance thereof: And whereas Doubts may arise whether the Colony mentioned in the last said recited Enactment is the Colony of *New South Wales* or the Colony of *Van Diemen's Land;* be it declared and enacted, That by the Colony in the said last-recited Enactment mentioned is and shall be understood the Colony of *New South Wales*, and not the Colony of *Van Diemen's Land.*

Extending the Governor's Powers as to giving or withholding the Royal Assent.

VII. And whereas by the said recited Act it is provided, that certain Bills shall in every Case be reserved by the Governor for the Signification of Her Majesty's Pleasure thereon, and the Intent of such Provision was to ensure that such Bills as aforesaid should not be assented to by the Governor without due Consideration; be it enacted, That it shall not be necessary for the Governor to reserve any such Bill for the Signification of Her Majesty's Pleasure thereon from which in the Exercise of his Discretion, as limited in the said recited Act, he shall declare that he withholds Her Majesty's Assent, or to which he shall have previously received Instructions on the Part of Her Majesty to assent, and to which he shall assent accordingly.

Defining "Governor."

VIII. And be it enacted, That by the Word "Governor," as employed in this Act, shall be understood the Person for the Time being lawfully administering the Government of the said Colony of *New South Wales.*

Commencement of Act.

IX. And be it enacted, That this Act shall be proclaimed by the Governor of *New South Wales* within Six Weeks after a Copy of it shall

shall have been received by him, and shall take effect within the said Colony from the Day of the Proclamation thereof.

Act may be amended this Session.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1844.