

ANNO NONO

GEORGII IV. REGIS.

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CAP. LXXXIII.

An Act to provide for the 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.

[25th *July* 1828.]

WHEREAS an Act was 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;* which said Act was continued until the Thirty-first Day of *December* One thousand eight hundred and twenty-nine, by an Act passed in the Seventh and Eighth Year of His Majesty's Reign: And whereas it is expedient to repeal the said Acts, and to make further Provision for the Administration of Justice in, and for the more effectual Government of His Majesty's Colonies and Settlements in *New South Wales* and *Van Diemen's Land* respectively: Be it therefore 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, That it shall be lawful for His Majesty, His Heirs and Successors, by Charters or Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to erect and establish Courts of Judicature in *New South Wales* and *Van Diemen's*

4 G. 4. c. 96.

His Majesty may establish Courts of Judicature in New South Wales and Van Diemen's Land.

Diemen's Land respectively, which shall be styled "The Supreme Court of *New South Wales*," and "The Supreme Court of *Van Diemen's Land*;" and that each of such Courts respectively shall be holden by One or more Judge or Judges, not exceeding Three, and shall have such ministerial or other Officers as shall be necessary for the Administration of Justice in the said Courts respectively, and for the Execution of the Judgments, Decrees, Orders, and Process thereof; and the said Judges shall from Time to Time be appointed by His Majesty, His Heirs and Successors; and the said ministerial and other Officers of the said Courts respectively shall from Time to Time be appointed to and removed from their respective Offices, in such Manner as His Majesty, His Heirs and Successors, shall by such Charters or Letters Patent as aforesaid direct; and the said Judges shall respectively be entitled to receive such reasonable Salaries as His Majesty, His Heirs and Successors, shall approve and direct, which Salaries shall be in lieu of all Fees or other Emoluments whatsoever; and it shall and may be lawful for His Majesty, His Heirs and Successors, from Time to Time as Occasion may require, to remove and displace any such Judge, and in his Place and Stead to appoint another fit and proper Person: Provided that in case of the Absence, Resignation, or Death of any or either of the Judges of the said Courts in *New South Wales* or *Van Diemen's Land* respectively, or in case of any such Disease or Infirmity as shall render any such Judge incapable of discharging the Duties of his Office, it shall be lawful for the Governor of *New South Wales* or of *Van Diemen's Land* respectively to appoint some fit and proper Person to act in the Place and Stead of any Judge so being absent, resigning, dying, or becoming incapable, until such Judge shall return to the Execution of his Office, or until a Successor shall be appointed by His Majesty, as the Case may require; and in the meantime, until such Judge shall return as aforesaid, or a Successor shall be appointed, and shall actually enter on the Discharge of his Office in the said Courts respectively, the Person so to be appointed by such Governor as aforesaid shall to all Intents and Purposes be and be deemed and taken to be a Judge of the Court to which he may be so appointed.

Judges to be appointed by His Majesty.

Appointment and Removal of Officers of the Courts.

In case of Absence or Death of any of the Judges, the Governor may appoint a Successor pro tempore.

II. Provided always, and be it further enacted, That until His Majesty shall cause such Charters or Letters Patent to be issued as aforesaid, the Supreme Courts of *New South Wales* and *Van Diemen's Land* respectively, instituted by His Majesty's Letters Patent under the Great Seal, bearing Date respectively the Thirteenth Day of *October* in the Fourth Year of His Majesty's Reign, shall retain and exercise the several Jurisdictions and Powers in such Courts vested by His Majesty's said last-mentioned Letters Patent, so far as the same may not be altered by this Act, as fully and effectually as if such Courts respectively had been instituted in virtue and in pursuance of this Act; and the said Letters Patent, and all Orders, Acts, Matters, and Things made and done in pursuance of the Powers and Authorities vested in His Majesty in and by the said Act passed in the Fourth Year of the Reign of His present Majesty, shall be of the same Force and Effect as if the same had respectively been issued, made, done, and performed by virtue and in pursuance of this Act.

The Supreme Courts already constituted to continue until others are appointed.

III. And

III. And be it further enacted, That the said Courts respectively shall be Courts of Record, and shall have Cognizance of all Pleas, Civil, Criminal, or Mixed, and Jurisdiction in all Cases whatsoever, as fully and amply, to all Intents and Purposes, in *New South Wales* and *Van Diemen's Land* respectively, and all and every the Islands and Territories which now are or hereafter may be subject to or dependent upon the respective Governments thereof, as His Majesty's Courts of King's Bench, Common Pleas, and Exchequer, at *Westminster*, or either of them, lawfully have or hath in *England*; and the said Courts respectively shall also be at all Times Courts of Oyer and Terminer and Gaol Delivery in and for *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof respectively; and the said Judges so appointed shall have and exercise such and the like Jurisdiction and Authority in *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof respectively, as the Judges of the Courts of King's Bench, Common Pleas, and Exchequer, in *England*, or any of them, lawfully have and exercise, and as shall be necessary for carrying into Effect the several Jurisdictions, Powers, and Authorities committed to the said Courts respectively. Supreme Courts to be Courts of Record.

IV. And be it further enacted, That the said Supreme Courts in *New South Wales* and *Van Diemen's Land* respectively shall and may inquire of, hear, and determine all Treasons, Piracies, Felonies, Robberies, Murders, Conspiracies, and other Offences of what Nature or Kind soever, committed or that shall be committed upon the Sea, or in any Haven, River, Creek, or Place where the Admiral hath Power, Authority, or Jurisdiction, or committed or that shall be committed in the Islands of *New Zealand*, *Otaheite*, or any other Island, Country, or Place situate in the *Indian* or *Pacific Oceans*, and not subject to His Majesty or to any *European* State or Power, by the Master or Crew of any *British* Ship or Vessel, or any of them, or by any *British* Subject sailing in or belonging to, or that shall have sailed in or belonged to, and have quitted any *British* Ship or Vessel, to live in any Part of the said Islands, Countries, or Places, or that shall be there living; and that all Persons convicted of any of the Offences so to be inquired of, heard, and determined in the said Courts respectively, shall be subject and liable to and shall suffer all such and the same Pains, Penalties, and Forfeitures as by any Law or Laws now in force Persons convicted of the same respectively would be subject and liable to in case the same had been committed and were respectively inquired of, tried, heard, determined, and adjudged in *England*; any Law, Statute, or Usage to the contrary notwithstanding. Jurisdiction of Supreme Courts.

V. And be it further enacted, That until further Provision be made as herein-after directed for proceeding by Juries, all Crimes, Misdemeanors, and Offences, cognizable in the said Courts respectively, shall be prosecuted by Information, in the Name of His Majesty's Attorney General, or other Officer duly appointed for such Purpose by the Governor of *New South Wales* and *Van Diemen's Land* respectively; and all Issues of Fact joined on every such Information shall be tried by One or more of the respective Judges of the said Courts, and Seven Commissioned Officers of His Majesty's Sea or Land Forces, whether on Full or Half Pay; and such Officers shall from His Majesty's Attorney General may proceed by Information until Juries are constituted.

from Time to Time be nominated for the Purpose aforesaid by the Governor of *New South Wales* or *Van Diemen's Land* respectively; and the said Officers shall severally be liable to be challenged or objected to upon the special Ground of direct Interest or Affection, to be specified in open Court at the Time of Challenge; and in case of such Challenge or Objection being allowed by the Judge or Judges of the said Courts respectively, the Officer or Officers so challenged or objected to shall be succeeded by another such Officer or other such Officers as aforesaid, who shall in like Manner be nominated by the Governor as aforesaid, and be liable in the same Manner to Challenge or Objection, until Seven Officers shall appear duly qualified for the Trial of any Offender in the said Courts respectively; and the said Officers shall thereupon severally take and repeat in open Court the same Oath as is taken by Petit Jurors impannelled for the Trial of any Crime or Misdemeanor in any Court of Record in *England*, and shall return their Verdict in open Court, by the Mouth of the senior Officer serving on such Trial; and the Proceedings of the said Courts respectively shall be under the Controul and Direction of the respective Judges thereof; and all Matters of Law arising in the Course of any such Trial shall be determined by such Judges respectively; and the Judgment of the said Courts respectively shall be pronounced by them in the Manner by Law established on the Trial of Persons indicted in any Court of Record in *England*: Provided nevertheless, that if at the Time of the Meeting of the Supreme Court of *Van Diemen's Land* there should not be Seven Commissioned Officers of His Majesty's Sea or Land Forces within the Distance of Ten Miles from the Place of holding such Court, or in case of the Sickness of any such Officers, the Governor of *Van Diemen's Land* shall nominate such Magistrates of the said Island, or of any District or County of the said Island, as to him shall seem meet, to act on the Trial of such Crimes, Misdemeanors, or Offences as aforesaid, together with such and so many Commissioned Officers as aforesaid as may then be within such Distance as aforesaid, and competent to act upon such Trial, so as that there may in every Case be Seven Officers or Magistrates, or Seven Officers and Magistrates, for the Trial of the said Crimes, Misdemeanors, and Offences; and the Magistrates so to be appointed by the Governor of *Van Diemen's Land* shall be liable to be challenged or objected to in such and the same Manner, and shall, if necessary, be succeeded by some other Magistrates, to be nominated by the said Governor of the said Island, and shall severally take and repeat such Oath as is herein-before directed with respect to the said Commissioned Officers of His Majesty's Sea and Land Forces.

Any Person by Leave of the Courts may exhibit a Criminal Information.

VI. Provided always, and be it further enacted, That it shall and may be lawful for any Person or Persons, by Leave of the said Supreme Courts respectively first had and obtained, to exhibit a Criminal Information against any other Person or Persons in the Name of the said Attorney General, or of such other Officer as aforesaid, for any Crime or Misdemeanor not punishable by Death, by him or her or them committed, or alleged to have been committed; and in granting any Rule for exhibiting any such Criminal Information the said Courts shall not be bound to require from the Parties or Party applying

ing for the same any exculpatory Affidavits, unless the Justice of the particular Case may to such Courts appear to require that such Affidavits should be first made; and any Information so exhibited as aforesaid by Leave of the Court shall be heard, tried, and determined in such and the same Manner in every respect as any other Informations are herein-before required to be heard, tried, and determined.

His Majesty may authorize Governors of New South Wales and Van Diemen's Land to convene Courts.

VII. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, by a Warrant or Warrants under His or Their Royal Sign Manual, at any Time hereafter to authorize the Governor of *New South Wales* or of *Van Diemen's Land* respectively for the Time being to convene a Court or Courts as often as Occasion may require, for the Trial of all Crimes and Misdemeanors committed within any Place or Places in *New South Wales* or *Van Diemen's Land*, or the Dependencies thereof, which, by any Order in Council for that Purpose issued or to be issued as after mentioned, hath been or shall be appointed for the Reception of transported Felons and other Offenders; which Court or Courts shall be of Record, and shall have and exercise all the Powers and Authorities incident and belonging to a Court of Record, and shall consist respectively of a Judge, to be appointed by His Majesty, His Heirs and Successors, and such and so many proper Persons, not fewer than Three or more than Five, as shall be appointed for such Purpose by such Governor, by Commission, to be duly made and executed under his Hand and Seal; and such Persons shall be sworn in such and the like Form, and the Verdict of the whole of such Persons shall be taken and recorded in such and the like Manner, and the Proceedings of the said last-mentioned Court or Courts shall be conducted, and the Judgments thereof pronounced by the Judge or Judges presiding at every such Trial, according to such and the like Law and Usage as is herein-before directed with respect to the Trial of Persons prosecuted before the said Supreme Courts of Judicature of *New South Wales* and *Van Diemen's Land* respectively; and in all Cases where the Offence charged against any Person tried before any such Court or Courts so to be established, in any such Place or Places as aforesaid, shall not be punishable with Death, the Judge or Judges of the said Court or Courts respectively shall and he and they is and are hereby authorized to adjudge the Offender to any corporal Punishment, not extending to Life or Limb, as the Circumstances of the Case may require: Provided always, that the Particulars and Grounds of every such Sentence shall in all Cases be made known by the Judge or Judges of the said last-mentioned Court or Courts respectively to the Governor of *New South Wales* or *Van Diemen's Land*, as the Case may be, for his Approbation.

How Issues shall be tried.

VIII. And be it further enacted, That in any Actions at Law to be brought in the said Supreme Courts of *New South Wales* and *Van Diemen's Land* respectively, whenever the Parties Plaintiff and Defendant in any such Action shall join Issue on any Matter of Fact, the Trial of such Issue or Issues shall be by One or more Judge or Judges of the said Courts respectively, and by Two Assessors, being Magistrates or Justices of the Peace in and for the said Colony, or some County or District thereof; and the said Magistrates shall be nominated

from Time to Time, for the Purpose aforesaid, by the Governor for the Time being of *New South Wales* and *Van Diemen's Land* respectively, and shall be liable to Challenge upon such and the same Grounds as may lawfully be alleged as Causes of Challenge against any Person impannelled as a Juror for the Trial of any Issue of Fact joined between the Parties in any Action depending in any of His Majesty's Courts of Record at *Westminster*, and such Challenges shall be made in open Court, and decided by the Judges of the said Supreme Courts respectively; and in case any such Challenge shall be allowed by the said Judges respectively, another Justice of the Peace shall be nominated in manner aforesaid, in the Place of the Justice against whom such Challenge shall have been so allowed, who may in like Manner be challenged, until Two Justices shall appear competent to act as Assessors of the Court upon the Trial of the said Issue or Issues of Fact; and the said Two Assessors shall thereupon severally take and repeat in open Court such and the same Oath as is taken by any Juror sworn upon the Trial of any Issue of Fact in any of His Majesty's said Courts of Record at *Westminster*; and the Judges of the said Supreme Court respectively presiding at any such Trial shall, together with the said Two Assessors, give their Verdict upon every such Issue or Issues of Fact as aforesaid; and in case any such Judge and Assessors cannot agree upon such Verdict, the Verdict of the major Part of them shall be taken, entered, and recorded as the Verdict of all: Provided always, that if either of the Parties Plaintiff and Defendant in any such Action shall be desirous of having any such Issue or Issues of Fact as aforesaid tried by a Jury, and shall apply for that Purpose to the said Supreme Courts respectively, then and in every such Case it shall be lawful for the said Courts respectively to award or to refuse a Trial by Jury, as the Justice of each particular Case may seem to such Courts to require; the Qualifications, Numbers, and Summonses of which Juries, and all other Rules for their Constitution and Proceeding, shall be fixed in each respective Colony by some General Law or Ordinance to be passed by the Governor thereof, with the Advice of his Legislative Council.

Persons to whom Offenders are assigned not to transfer them to other Persons without the Consent of the Governor.

IX. And whereas by a certain Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for the Transportation of Offenders from* Great Britain, Provision is made for vesting in the Governor of the Colony to which Offenders may be transported, or to such other Person as therein mentioned, the Property in the Service of such Offenders, and it is expedient to make further Provision in that Behalf, so far as respects the said Colonies of *New South Wales* and *Van Diemen's Land*; be it further enacted, That any Offender who hath heretofore been or shall hereafter be assigned to any Person or Persons within the said Colonies respectively, under and in pursuance of the said Act, shall not, by any such Assignee or Assignees, be assigned over to any other Person or Persons, except with the written Consent and Licence of the Governors of such Colonies respectively; and that it shall and may be lawful for the Governors of the said Colonies respectively, from Time to Time, as to them shall seem meet, to revoke any such Assignments of Offenders as may have been or as shall hereafter be made in pursuance of the said Act;

and to grant to any Offender or Offenders transported to the said Colonies such temporary or partial Remissions of their Sentences as to such Governors may seem best adapted for the Reformation of such Offenders, and such temporary or partial Remissions from Time to Time to revoke and renew, as Occasion may require; any thing in the said Act, or in any other Act of Parliament, to the contrary in anywise notwithstanding.

Governors of New South Wales and Van Diemen's Land may be authorized to extend and apply the Form of proceeding by Grand or Petit Juries.

X. And be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by any Order to be by Him or Them issued, with the Advice of His or Their Privy Council, at any Time or Times hereafter to authorize the Governor of *New South Wales* and *Van Diemen's Land* respectively, or either of them, with the Advice of the Legislative Council of the said Colonies respectively, or either of them, further to extend and apply the Form and Manner of proceeding by Grand and Petit Juries, or either of them, in the Presentment and Trial of all Crimes, Misdemeanors, Issues, Matters, and Things properly cognizable by Juries, in such Parts of the said Colonies and their Dependencies respectively, at such Times, and with, under, and subject to such Limitations, Modifications, and Rules in respect thereof, as to the said Governors and Councils respectively shall seem meet, and as shall from Time to Time be specified in any Law or Ordinance to be by them made in such Behalf; and whenever and so far as such Manner of proceeding by Juries shall from Time to Time be extended and applied as aforesaid, then the Form and Manner of proceeding herein-before directed, as well in the Prosecution of Offences as in the Trial of Issues, shall cease and determine.

Supreme Courts to be Courts of Equity.

XI. And be it further enacted, That the said Supreme Courts respectively shall be Courts of Equity in *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof respectively, and shall have Power and Authority to administer Justice, and to do, exercise, and perform all such Acts, Matters, and Things necessary for the due Execution of such equitable Jurisdiction, as the Lord High Chancellor of *Great Britain* can or lawfully may within the Realm of *England*, and all such Acts, Matters, and Things as can or may be done by the said Lord High Chancellor within the Realm of *England*, in the Exercise of the Common Law Jurisdiction to him belonging.

Supreme Courts to have Ecclesiastical Jurisdiction.

XII. And be it further enacted, That the said Supreme Courts respectively shall be Courts of Ecclesiastical Jurisdiction, and shall have full Power and Authority to administer and execute, within *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof respectively, such Ecclesiastical Jurisdiction and Authority as hath been or shall be committed to the said Supreme Courts respectively by His Majesty's said Charters or Letters Patent so issued or to be issued as aforesaid; provided that in all Cases where the Executor or Executors of any Will, upon being duly cited, shall refuse or neglect to take out Probate, or where the next of Kin shall be absent, and the Effects of the Deceased shall appear to the said Courts respectively to be exposed and liable to Waste, it shall be lawful for the said Courts respectively to authorize and empower the Registrar, or

or other ministerial Officer of the said Supreme Courts respectively, to collect such Effects, and hold or deposit or invest the same in such Manner and Place, or upon such Security, and subject to such Orders and Directions as shall be made, either as applicable in all such Cases, or specially in any Case, by the said Courts respectively, in respect of the Custody, Controul, or Disposal thereof.

His Majesty may appoint Circuit Courts.

XIII. And be it further enacted, That it shall be lawful for His Majesty, by any such Charters or Letters Patent as aforesaid, or by any Order or Orders to be by Him made, with the Advice of His Privy Council, to institute Circuit Courts, at such Times, and in such Districts or Counties within the said respective Colonies, as shall from Time to Time be deemed necessary; and the said Circuit Courts shall be holden by any One Judge of the said Supreme Courts respectively, and shall have such ministerial Officers as His Majesty shall appoint or direct; and the said Circuit Courts shall be Courts of Record, and shall have Jurisdiction to hear and determine Crimes and Misdemeanors committed within the said Colonies respectively, and to try all Issues in Fact, and to inquire into and assess Damages in any Action at Law commenced in the said Supreme Courts respectively, and shall proceed in the like Form and Manner as the said Supreme Courts, and shall be and stand in the same relation to the said Supreme Courts as Courts of Oyer and Terminer and of Assize and Nisi Prius in *England* are and stand in relation to the King's Superior Courts of Record at *Westminster*.

How Evidence shall be taken on Trial of Issues.

XIV. And be it further enacted, That on the Trial of every Issue of Fact joined between the Parties in any Action at Law by this Act made cognizable in the said Supreme Courts, where the Sum or Matter at Issue shall exceed the Amount or Value of Five hundred Pounds Sterling, and where such Trial shall not be by a Jury, the Judges of the said Supreme Courts respectively presiding at any such Trial shall cause the Evidence to be taken down in Writing by the Clerk or other proper Officer of the said Supreme Courts respectively, and repeated in open Court to the Witnesses respectively giving the same, and the Evidence so taken and repeated shall be entered upon the Proceedings of the Court, and be of Record; and in every Case in which any Appeal to His Majesty in Council shall be made or allowed under the Provisions of this Act, Copies of all Documents and Papers which shall have been produced and given in Evidence at such Trial shall be certified by the said Clerk, or other proper Officer of the Court to be appointed for that Purpose, as authentic; and also Copies of any Documents and Papers which shall have been produced and tendered in Evidence, and rejected, shall, if required by the Party producing the same, be in like Manner authenticated, but marked by such Officer as aforesaid as rejected, in order that all such Copies may be annexed to the Record as Part thereof, in case of Appeal.

Appeal to His Majesty in Council.

XV. And be it further enacted, That it shall and may be lawful for His Majesty, by the said Charters or Letters Patent respectively, or by any Order or Orders of His Majesty in Council, to allow any Person or Persons feeling aggrieved by any Judgment, Decree, Order,

Order, or Sentence of the said Supreme Courts respectively, to appeal therefrom to His Majesty in Council, in such Manner, within such Time, and under and subject to such Rules, Regulations, and Limitations, as His Majesty, by any such Charters or Letters Patent, or Order or Orders in Council respectively, shall appoint and prescribe.

Judges of Supreme Courts may make Rules for regulating such Courts.

XVI. And be it further enacted, That it shall be lawful for the Judges of the said Supreme Courts in *New South Wales* and *Van Diemen's Land* respectively to make and prescribe such Rules and Orders touching and concerning the Time and Place of holding the said Courts respectively, the Forms and Manner of proceeding, and the Practice and Pleadings upon all Indictments, Informations, Actions, Suits, and other Matters to be therein brought, the appointing of Commissioners to take Bail and examine Witnesses, the Form and Manner of Bail, the taking Examinations of Witnesses *de bene esse*, and allowing the same as Evidence, the granting of Probates of Wills and Letters of Administration, the Proceedings of the Sheriff and other ministerial Officers, the Process of Foreign Attachment, and all other the Process of the said Courts and the Mode of executing the same, the Admission of Attornies, Solicitors, and Barristers, the Fees, Poundage, or Perquisites to be lawfully demanded by any Officer, Attorney, or Solicitor in the said Courts respectively, and all other Matters and Things whatsoever, as to His Majesty, His Heirs and Successors, shall seem meet, for the Conduct of Business in the said Courts respectively, and as may be adapted to the Circumstances and Condition of the said Colonies; and such Rules and Orders from Time to Time to alter, amend, or revoke, as to His Majesty, His Heirs and Successors, shall seem requisite; and all Rules and Orders so to be made and prescribed as aforesaid shall be of such and the like Force and Effect as if the same had been inserted in this present Act: Provided always, that all such Rules and Orders shall be subject and liable to be disallowed by His Majesty, and upon such Disallowance being signified through the Governor or Acting Governor of the said Colonies respectively, the same shall become void and of no Effect.

Governors of New South Wales and Van Diemen's Land may appoint Courts of General and Quarter Sessions.

XVII. And be it further enacted, That it shall and may be lawful for the Governors of *New South Wales* and *Van Diemen's Land* respectively, with the Advice and Consent of their respective Legislative Councils, to institute Courts of General and Quarter Sessions within the said Colonies, by Ordinances to be from Time to Time for that Purpose made and enacted as herein-after mentioned, and to give and grant to such Courts Power and Authority to take cognizance, in a summary Way, of all Crimes, Misdemeanors, and other Offences or Misconduct, not punishable by Death, which have been or shall be committed by any Felons or other Offenders who have been or shall be transported to the said Colonies respectively, and whose Sentences have not expired and have not been remitted; and also to give and grant to such Courts Power and Authority to take cognizance of all Matters and Things cognizable in Courts of General and Quarter Sessions in *England*, so far as the Circumstances and Condition of the said Colony shall require and admit: Provided always, that all

Crimes, Offences, and Misdemeanors, not committed by such Felons and other Offenders as aforesaid, shall be prosecuted and tried before the said Courts of General and Quarter Sessions respectively, in such and the same Manner, and subject to all such and the same Rules and Regulations in every respect, as are herein-before made and prescribed with respect to Trials before the said Supreme Courts respectively.

Governors may appoint Courts of Civil Jurisdiction.

XVIII. And be it further enacted, That it shall be lawful for the Governors of *New South Wales* and *Van Diemen's Land* respectively, with the Advice of their said Legislative Councils, by Laws or Ordinances to be from Time to Time for that Purpose made and enacted as herein-after mentioned, to institute Courts of Civil Jurisdiction, to be called "Courts of Requests," in different Parts of *New South Wales* and *Van Diemen's Land*, or the Dependencies thereof, as Occasion shall require, with full Power and Authority to hear and determine in a summary Way all Actions, Plaints, and Suits for the Payment or Recovery of any Debt, Damages, or Matter not exceeding Ten Pounds Sterling, except the Matter in question shall relate to the Title to any Lands, Tenements, or Hereditaments, or to the taking or demanding of any Duty payable to His Majesty, or to any Fee of Office, Annual Rent, or other such Matter, where Rights in future may be bound, or to any general Right or Duty, and to award Costs therein; and the Determination and Award of such Courts of Requests, in all Cases within the Jurisdiction thereof, shall be final, and shall be carried into Execution by Attachment and Sale of the Goods and Effects, or by corporal Arrest of the Party or Parties against whom such Determination or Award shall be made; and each of the said Courts of Requests respectively shall be holden by a Commissioner to be appointed by His Majesty, with such Salary as His Majesty shall think proper to appoint, which Salary shall be in lieu of all Fees, Profits, or Emoluments whatever in respect of the Office of such Commissioner as aforesaid.

Governors may settle Forms of Process and Rules of Practice.

XIX. And be it further enacted, That the Governors of *New South Wales* and *Van Diemen's Land* respectively shall and may, with the Assistance of the Judges of the said Supreme Courts respectively, from Time to Time settle such Forms of Process, and such Rules of Practice and Proceeding, for the Conduct and Dispatch of Business in the said Courts of Sessions and Requests respectively, and appoint such reasonable Fees to be taken, as shall seem necessary and proper for expediting the Business of the said Courts with most Convenience and least Expence to the Parties concerned therein; and such Rules and Forms shall be followed, and such Fees shall be paid accordingly, and no other.

Appointment of Council.

XX. And whereas it may be necessary to make Laws and Ordinances for the Welfare and good Government of the said Colonies of *New South Wales* and *Van Diemen's Land*, and the Dependencies thereof, the Occasions of which cannot be foreseen, nor without much Delay and Inconvenience be provided for, without entrusting that Authority for a certain Time, and under proper Restrictions, to Persons resident there: And whereas it is not at present expedient to

call a Legislative Assembly in either of the said Colonies: Be it therefore enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by Warrants under His or Their Sign Manual, to constitute and appoint, in *New South Wales* and *Van Diemen's Land* respectively, a Council, to consist of such Persons resident in the said Colonies respectively, not exceeding Fifteen nor less than Ten, as His Majesty, His Heirs and Successors, shall be pleased to nominate.

Proceedings of Council.

XXI. And be it further enacted, That neither of the said Councils shall be competent to act unless Two Thirds at the least of the whole Number of Members on the List of such Council, exclusive of the said Governor or presiding Member, shall be actually present and assisting at the Deliberations thereof; and the Votes, Acts, and Resolutions of the major Part of the Members so present shall be deemed and taken to be the Votes, Acts, and Resolutions of the whole of such Council; and upon the Death, Resignation, Removal, or Absence of any of the Members of the said Councils, it shall be lawful for His Majesty in like Manner to constitute and appoint such and so many other Person or Persons as shall be necessary to supply the Vacancy or Vacancies; and the Governors for the Time being of the said Colonies respectively, with the Advice of the Legislative Councils, to be appointed as aforesaid, shall have Power and Authority to make Laws and Ordinances for the Peace, Welfare, and good Government of the said Colonies respectively, such Laws and Ordinances not being repugnant to this Act, or to any Charter or Letters Patent or Order in Council which may be issued in pursuance hereof, or to the Laws of *England*: Provided always, that no Law or Ordinance shall be passed or made, unless the same shall first, by the said Governors respectively, be laid before the said respective Councils, nor unless Notice of the general Objects thereof shall have been sent by the Governor of the Colony for which such Law or Ordinance shall be proposed, to One or more of the Newspapers of such Colony for Insertion, Eight clear Days at least before such Law or Ordinance shall be passed, or unless, in case there be no Newspaper, such Notice shall be given by some other Mode of Public Advertisement, except when the Governor of such Colony shall consider the Circumstances of that Colony to be such as to make it probable that actual Danger would arise from the said Delay of Eight Days, in which Case the Governor and Council shall have Power to pass such Law or Ordinance in such Emergency as they shall deem requisite without any such Notice as aforesaid: Provided also, that in case all or the major Part of the Members of either of the said Councils present at any such Meeting shall dissent from any Law or Ordinance proposed by such Governor, the Members of the said Council so dissenting shall enter upon the Minutes of such Council the Grounds and Reasons of such their Dissent, and in every such Case such proposed Law or Ordinance shall not pass into a Law; and that in any Case where either of the said Governors respectively shall refuse to lay any Proposal of any Law or Ordinance before his respective Council, he shall, on the Request of any Member of such Council, lay before the said Council a Copy of his Refusal thereof, in which Copy the Proposal so refused shall be recited verbatim; and every

every Member or Members who may disapprove such Refusal shall be at liberty to enter upon the said Minutes the Grounds of such Disapprobation.

Laws and Ordinances to be transmitted to the Supreme Court, to be there enrolled.

XXII. And be it further enacted, That every Law or Ordinance so to be made as aforesaid shall, within Seven Days from the Date thereof, be transmitted by the Governors of the said Colonies respectively to the said Supreme Courts, to be there enrolled and recorded, and at the Expiration of Fourteen Days from the Day of the Date thereof every such Law or Ordinance so to be made as aforesaid shall take effect and be binding upon all His Majesty's Subjects and others within the said Colonies respectively, until His Majesty's Pleasure shall be known; but if before the Expiration of the said Term of Fourteen Days the Judges of the said Supreme Courts respectively, or either of such Judges, shall transmit to such Governor a Representation that any such Law or Ordinance is repugnant to this Act, or to any Charter or Letters Patent, or Orders in Council issued in pursuance hereof, or to the Laws of *England*, then and upon the Receipt of any such Representation such Governor shall suspend the Operation of such Law or Ordinance, until the same hath been brought by him, together with such Representation as aforesaid, under the Review of the said Legislative Council; and if upon a Review by the said Governor in Council of the said Ordinance the said Governor in Council shall adhere to such Ordinance, a written Notice of such Resolution shall forthwith be transmitted by the said Governor to the Judges of the said Supreme Court; and such Ordinance shall thenceforward take effect and be binding upon all His Majesty's Subjects within the said Colonies, until His Majesty's Pleasure shall be known, any Repugnancy or supposed Repugnancy of such Law or Ordinance to this Act, or to any such Charter, Letters Patent, or Orders in Council as aforesaid, or to the Laws of *England*, notwithstanding; and such Judges shall and they are hereby required, in any such Representation as aforesaid, to state fully and at length the Grounds of such their Opinions; which Representation shall be forthwith transmitted by such Governor to His Majesty through One of His Majesty's Principal Secretaries of State.

Governor to preside at Sittings of Council.

XXIII. And be it further enacted, That the Governor for the Time being of the said Colonies respectively shall in Person preside at all the Meetings of the said respective Legislative Councils, except when prevented by Illness or some other adequate Cause; and that in his Absence such other Member of the said Council as His Majesty shall be pleased to appoint shall preside at such Meetings; and that such Governor or presiding Member shall be entitled to vote upon all Questions proposed at any such Meeting, and when the Votes are equally divided shall also have an additional or casting Vote.

Laws of England to be applied in the Administration of Justice.

XXIV. Provided also, and be it further enacted, That all Laws and Statutes in force within the Realm of *England* at the Time of the passing of this Act, (not being inconsistent herewith, or with any Charter or Letters Patent or Order in Council which may be issued in pursuance hereof,) shall be applied in the Administration of Justice in

in the Courts of *New South Wales* and *Van Diemen's Land* respectively, so far as the same can be applied within the said Colonies; and as often as any Doubt shall arise as to the Application of any such Laws or Statutes in the said Colonies respectively, it shall be lawful for the Governors of the said Colonies respectively, by and with the Advice of the Legislative Councils of the said Colonies respectively, by Ordinances to be by them for that Purpose made, to declare whether such Laws or Statutes shall be deemed to extend to such Colonies, and to be in force within the same, or to make and establish such Limitations and Modifications of any such Laws and Statutes within the said Colonies respectively as may be deemed expedient in that Behalf: Provided always, that in the meantime and before any such Ordinances shall be actually made, it shall be the Duty of the said Supreme Courts, as often as any such Doubts shall arise upon the Trial of any Information or Action, or upon any other Proceeding before them, to adjudge and decide as to the Application of any such Laws or Statutes in the said Colonies respectively.

Governors and Councils not to impose Taxes, except for local Purposes.

XXV. Provided also, and be it further enacted, That the said Governors and Councils shall not impose any Tax or Duty, except only such as it may be necessary to levy for local Purposes; and the Purposes for which every such Tax or Duty may be so imposed, and to or towards which the Amount thereof is to be appropriated and applied, shall be distinctly and particularly stated in the Body of every Law or Ordinance imposing every such Tax or Duty.

59 G. 3. c. 114. and 3 G. 4. c. 96. allowing certain Powers of Taxation to the Governor, made perpetual.

XXVI. And whereas an Act was made in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to stay Proceedings against any Governor or other Person concerned in imposing and levying Duties in* New South Wales; *to continue, until the First Day of* January *One thousand eight hundred and twenty-one, certain Duties; and to empower the said Governor to levy a Duty on Spirits made in the said Colony*: And whereas the said Act hath been continued from Time to Time by divers Acts of Parliament, and was varied and altered by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to continue, until the First Day of* January *One thousand eight hundred and twenty-four, an Act passed in the Fifty-ninth Year of His late Majesty, relating to imposing and levying Duties in* New South Wales; *to authorize the imposing and levying other Duties on Goods imported into the said Colony; and to suspend, for Ten Years, the Payment of Duty on the Importation of certain Goods the Produce of* New South Wales; and it is expedient that the said Act of the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third should be made perpetual; be it therefore enacted, That the said Act passed in the Fifty-ninth Year of His said late Majesty King *George* the Third shall be and the same is hereby made perpetual; and that nothing in this Act contained shall extend or be construed to extend to repeal, alter, or affect the said last-mentioned Act, or the said Act passed in the Third Year of the Reign of His present Majesty; any thing herein contained to the contrary in anywise notwithstanding.

Powers vested in Governors by former Acts to continue.

XXVII. Provided nevertheless, and be it further enacted, That all and every the Powers and Authorities vested by the said Acts, or either of them, in the Governor of *New South Wales*, or the Person administering the Government thereof, shall henceforward be vested in and exercised by the Governors of *New South Wales* and *Van Diemen's Land* respectively, acting with the Advice and Consent of the respective Legislative Councils of the said Colonies; and that the Produce of the several Duties imposed and made payable under or by virtue of the said Acts of Parliament, or either of them, or under and by virtue of this Act, shall be applied in such Manner and to such Purposes as the said Governors and Councils may from Time to Time by any such Law or Ordinance appoint, and the Application thereof shall be accounted for to His Majesty in such Manner as the Lord High Treasurer or the Commissioners of His Majesty's Treasury shall appoint.

Produce of Duties to be applied as Governor may appoint by any Law or Ordinance.

Laws and Ordinances to be transmitted to His Majesty's Secretary of State.

XXVIII. And be it further enacted, That every Law or Ordinance so to be made as aforesaid shall, within Six Months from the Date thereof, be transmitted by the Governors for the Time being of the said Colonies respectively to One of His Majesty's Principal Secretaries of State for the Time being; and that it shall and may be lawful for His Majesty, His Heirs and Successors, from Time to Time, as He or They shall think necessary, to signify, through One of His or Their Principal Secretaries of State, His or Their Approbation or Disallowance of all such Laws and Ordinances; and that from and immediately after the Time when such Disallowance shall be published in the said Colonies respectively, by Proclamation to be for that Purpose issued by the said Governors, all such Laws and Ordinances shall be null and void; but in case His Majesty, His Heirs and Successors, shall not, within the Space of Four Years from the making of such Laws and Ordinances, signify His or Their Disapprobation or Disallowance thereof as aforesaid, then and in that Case all such Laws and Ordinances shall be valid and effectual and have full Force.

Laws and Ordinances to be laid before Parliament.

XXIX. Provided also, and be it further enacted, That all Laws and Ordinances to be made in the said Colonies respectively, and all Orders to be made by His Majesty, His Heirs and Successors, with the Advice of His and Their Privy Council, in pursuance of this Act, shall be laid before both Houses of Parliament within Six Weeks at latest next after the Commencement of each Session.

Members of the Council to be Justices of the Peace.

XXX. And be it further enacted, That the Members for the Time being of the said Councils respectively shall, by virtue of such their Office, be Justices of the Peace in and for the whole of the said Colonies of *New South Wales* and *Van Diemen's Land* respectively, and their Dependencies; and the said Members of the Council shall, before they enter upon and discharge the Duties of such their Office, severally take and subscribe, before and in the Presence of the Governor or Acting Governor thereof for the Time being, an Oath in the following Words; that is to say,

Members to take the following Oath.

'I Do

'I Do swear, That I will, to the best of my Judgment and Ability, faithfully advise and assist the Governor of the Colony of *New South Wales* and its Dependencies [*or*, *Van Diemen's Land* and its Dependencies,] in all such Matters as shall be brought under my Consideration as a Member of the Council of the said Colony.

'So help me GOD.'

In case of Death or Resignation of Members of Council, Governors may fill up Vacancies.

XXXI. And be it further enacted, That in case of the Death, Resignation, Absence, or Incapacity of any Member or Members of the said Legislative Councils, the Governors of the said Colonies respectively shall and may appoint some fit and proper Person to act in the Place and Stead of such Person or Persons, until the Vacancy or Vacancies so created shall be filled up by an Appointment to be made by His Majesty, His Heirs and Successors, in manner aforesaid.

Remission of Sentence by Governor to have full Force and Effect, although not included in a General Pardon.

XXXII. And whereas by an Act passed in the Thirtieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enabling His Majesty to authorize the Governor or Lieutenant Governor of such Places beyond the Seas, to which Felons or other Offenders may be transported, to remit the Sentences of such Offenders*, after reciting several Orders made by His Majesty, with the Advice of His Privy Council, whereby His Majesty had declared and appointed that the Eastern Coast of *New South Wales*, and the Islands thereunto adjacent, should be the Place or Places beyond Sea to which certain Felons and other Offenders should be conveyed and transported, it was enacted, that it should be lawful for His Majesty, by His Commission under the Great Seal, to authorize the Governor or Lieutenant Governor for the Time being of such Place or Places as aforesaid, by any Instrument in Writing under the Seal of the Government in which such Place or Places should be situated, to remit, either absolutely or conditionally, the Whole or any Part of the Time or Term for which any such Felons or Offenders should have been or should thereafter be respectively conveyed or transported to such Place or Places; and it was further enacted, that such Governor or Lieutenant Governor should, by the first Opportunity, transmit to One of His Majesty's Principal Secretaries of State Duplicates of every Instrument as aforesaid, and that the Names of such Felons or other Offenders respectively, which should be contained in such Duplicate, should be inserted in the next General Pardon which should pass under the Great Seal of *Great Britain* after the Receipt of such Duplicates: And whereas in virtue of the said Act, and of His Majesty's Commission under the Great Seal, the Governors of *New South Wales* for the Time being have from Time to Time remitted the Time or Term for which divers Felons and other Offenders have been transported to the said Places, but the Duplicates of the several Instruments by which such Times or Terms of Transportation were remitted have not been regularly transmitted to *England*, and the Names of the Felons or other Offenders respectively therein contained have not been inserted in any General Pardon under the Great Seal of *Great Britain*: Be it further enacted, That all Instruments in Writing made in conformity with the said Act before the First Day of *January* One thousand eight hundred and twenty-

twenty-four, whereby any Governor or Lieutenant Governor of *New South Wales* for the Time being remitted or shortened the Time or Term of Transportation of any Felons or Offenders as aforesaid, shall have and shall be deemed and taken to have had within *New South Wales* and *Van Diemen's Land*, and their Dependencies, from the Days of the respective Dates of such several Instruments, such and the like Force and Effect in the Law, to all Intents and Purposes, as any General Pardon, if passed under the Great Seal aforesaid, and including the Names of such Felons or other Offenders respectively, could or would have had; and the same Instruments, whenever they shall be ratified by His Majesty, if His Majesty shall be pleased to ratify the same, and such Ratification shall be notified in Writing by One of His Majesty's Principal Secretaries of State, shall have the same Force and Effect within this Realm, and all other His Majesty's Dominions, from the Days of the respective Dates of such several Instruments, or from such other Days as shall be expressed in such Ratifications respectively.

Regulations as to Remissions of Sentences of Transportation.

XXXIII. And be it further enacted, That all Instruments in Writing, whereby any Governor of *New South Wales* or *Van Diemen's Land* respectively shall hereafter remit or shorten the Time or Term of Transportation of any Felons or other Offenders, in pursuance of the said Act passed in the Thirtieth Year of the Reign of His said late Majesty King *George* the Third, shall by such Governor be transmitted to His Majesty, His Heirs and Successors, for His and Their Approbation or Allowance; and in case His Majesty, His Heirs and Successors, shall, through One of His or Their Principal Secretaries of State, signify His or Their Approbation or Allowance of any such Remission or shortening of any such Time or Term of Transportation as aforesaid, then and in such Case only every such Instrument so transmitted as aforesaid shall be valid and effectual, and shall have and shall be deemed and taken from the Date thereof to have had within *New South Wales* and the Dependencies thereof, but not elsewhere, such and the same Effect in the Law, to all Intents and Purposes, as if a General Pardon had passed under the Great Seal aforesaid, on the Days of the Dates of such Instruments respectively, in which the Names of such Felons or Offenders as aforesaid had been included.

Penalty for aiding Escape of Felons from Van Diemen's Land or New South Wales.

XXXIV. And be it further enacted and declared, That any Person or Persons who shall in any Manner contrive, aid, abet, or assist in the Escape or intended Escape from any Part of *New South Wales* or *Van Diemen's Land*, or the Dependencies thereof, of any Person or Persons there being under or by virtue of any Judgment or Sentence of Transportation, for any Term not then expired, or of any Judgment or Sentence pronounced in any Court of competent Jurisdiction in the said Colony or its Dependencies, is, and is and are and shall be and be deemed and taken to be, guilty of a Misdemeanor, and shall incur and be liable to a Fine not exceeding Five hundred Pounds, or to Imprisonment for any Time not exceeding Two Years, or to both, at the Discretion of the Court before which any such Person or Persons may be convicted; and such Misdemeanor shall and may be tried and inquired of by the Supreme Courts of *New*

South Wales or of *Van Diemen's Land* respectively, or by His Majesty's Court of King's Bench at *Westminster*, or by any Court of Record in any of His Majesty's Colonies, Plantations, or Foreign Dominions.

Artificers, &c. may bind themselves to serve for certain Periods.

XXXV. And be it further enacted, That it shall and may be lawful for any Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry or other Labourer, not being under the Age of Eighteen Years, by Indenture duly executed, and without a Stamp, to contract with any Person or Persons about to proceed to or actually resident in *New South Wales* or *Van Diemen's Land*, or the respective Dependencies thereof, or with the Agent or Agents of such Person or Persons, faithfully to serve, or to proceed to and faithfully serve such Person or Persons in the said Colonies, or the respective Dependencies thereof, for any Period not exceeding the full Term of Seven Years, to be computed from the Day of the Date of such Indenture.

Persons to whom Artificers are bound may bring Actions against Parties concealing or harbouring such Artificers.

XXXVI. And be it further enacted, That it shall and may be lawful for any Person or Persons with whom such Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, shall have so contracted to serve as aforesaid, to maintain an Action on the Case against any Person or Persons who shall employ, retain, harbour, or conceal any such Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, with Intent to deprive the Employer of any such Person or Persons of his, her, or their Services, or otherwise with Intent to defraud or injure such Employer; and in case the Plaintiff or Plaintiffs in any such Action shall recover a Verdict, he, she, or they shall, in addition to the Damages found by such Verdict, recover and have Treble Costs.

Court of Session or Justice of the Peace may punish Violation of Indenture.

XXXVII. And be it further enacted, That it shall and may be lawful for the Court of Sessions, or any Two or more Justices of the Peace in *New South Wales* or *Van Diemen's Land*, or the respective Dependencies thereof, upon Complaint made upon Oath, to punish by Fine or Imprisonment, or both, any wilful Violation of the Provisions of such Indentures as aforesaid by, or any Misdemeanor, Miscarriage, or Ill-behaviour of, such Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, in such his Service or Employment as aforesaid; and also to hear and determine all Complaints, Differences, and Disputes which shall happen and arise between any such Artificer, Clerk, Domestic Servant, Handicraftsman, Mechanic, Gardener, Servant in Husbandry, or other Labourer, and the Person or Persons whom he or she shall have so contracted to serve as aforesaid, and to make such Order or Award in every such Case as to such Courts of Sessions or Justices respectively shall seem just, and every such Order or Award to enforce by Execution against the Goods, Effects, or other Property of the Party or Parties against whom such Order or Award shall be made, or by Arrest of the Persons, and Imprisonment for any Time not exceeding Three Calendar Months.

Not to affect Contracts entered into by Artificers with Australian Company.

XXXVIII. Provided always, and be it further enacted, That nothing herein contained shall invalidate or be construed to invalidate any Contract which shall have been heretofore entered into by any Artificer, Handicraftsman, Clerk, Mechanic, Gardener, Servant in Husbandry, or other Labourer, with any Person or Persons, Body Politic or Corporate, in pursuance or by virtue of the said Act passed in the Fourth Year of His Majesty's Reign, or in pursuance or by virtue of an Act passed in the Fifth Year of His Majesty's Reign, intituled *An Act for granting certain Powers and Authorities to a Company to be incorporated by Charter, to be called "The* Australian *Agricultural Company," for the Cultivation and Improvement of Waste Lands in the Colony of* New South Wales, *and for other Purposes relating thereto;* or in pursuance or by virtue of an Act passed in the Sixth Year of His Majesty's Reign, intituled *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;* and all such Artificers, and other Persons or Person as aforesaid, having entered into any such Contract as aforesaid, shall be subject and liable to be proceeded against in such and the same Manner as is provided in like Cases in and by this 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 Colony, it shall be lawful for any Persons or Person, Body Politic or Corporate, with whom such Contract shall have been entered into, 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 this Act.

5 G. 4. c. 86.

6 G. 4. c. 39.

Commencement of Act.

XXXIX. And be it further enacted, That this Act shall commence and take effect in the said Colonies of *New South Wales* and *Van Diemen's Land* respectively upon and from the First Day of *March* One thousand eight hundred and twenty-nine, and from and after that Day the said Act so passed as aforesaid in the Fourth Year of His Majesty's Reign shall be and the same is hereby repealed.

In the Absence of the Governors, the other Officers to act as such.

XL. And be it further enacted and declared, That for the Purposes and within the Intent and Meaning of this Act, the Officers for the Time being administering the Government of the said Colonies respectively shall, in the Absence of the Governors thereof respectively, be deemed and taken to be the Governors of such Colonies respectively.

Continuance of Act.

XLI. And be it further enacted, That this Act shall continue and be in force until the Thirty-first Day of *December* in the Year One thousand eight hundred and thirty-six, and thenceforward until the End of the next ensuing Session of Parliament.

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