CAP. LIV.

An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of *New South Wales*, "to confer a Constitution on *New South Wales*, and to grant a Civil List to Her Majesty." [16th *July* 1855.]

'WHEREAS the Legislative Council of the Colony of *New South Wales*, constituted and assembled by virtue of and under the Authority of an Act of Parliament passed in the Fourteenth Year of Her Majesty, Chapter Fifty-nine, intituled *An Act for the better Government of Her Majesty's* Australian *Colonies*, did, in the Year One thousand eight hundred and fifty-three, pass a Bill, intituled *An Act to confer a Constitution on* New South Wales, *and to grant a Civil List to Her Majesty*; of which Bill, amended as herein-after provided, a Copy is contained in Schedule (A.) to this present Act annexed: And whereas the said Bill was presented for Her Majesty's Assent to the then Governor of the said Colony of *New South Wales*, and the said Governor did thereupon declare that he reserved the said Bill for the Signification of Her Majesty's Pleasure thereon: And whereas it is by the said reserved Bill provided, that the Provisions thereof shall have no Force or Effect until so much and such Parts of certain Acts of Parliament in the said Bill specified as relate to the said Colony, and are repugnant to the said reserved Bill, shall have been repealed, and the entire Management and Control of the Waste Land belonging to the Crown in the said Colony, and also the Appropriation of the gross Proceeds of the Sales of any such Lands, and of all other Proceeds and Revenues of the same, from whatever Source arising within the said Colony, including all Royalties, Mines, and Minerals, shall be vested in the Legislature of the said Colony: And whereas it is not competent to Her Majesty to assent to the said reserved Bill without the Authority of Parliament for that Purpose: And whereas it is expedient that Her Majesty should be authorized to assent to the said reserved Bill, amended by the Omission of certain Provisions thereof, respecting the Assent of the Governor to the Bills which may be passed by the Legislative Councils and Assemblies of the said Colony, and Her Majesty's Power to disallow the same, and respecting the Boundaries of the *Australian* Colonies, and that so much and such Parts as aforesaid of the said specified Acts of Parliament should thereupon be repealed, and that the entire Management and Control of the said Waste Lands and Proceeds should be vested in the Legislature of the said Colony: And whereas a Copy of the said Bill, as amended as aforesaid, is set forth in the Schedule (1.) to this Act:' Be it therefore 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, as follows:

13 & 14 Vict. c. 59.

Power to Her Majesty to assent to the Bill in Schedule (1.)

I. It shall be lawful for Her Majesty in Council to assent to the said reserved Bill, as amended as aforesaid, and contained in Schedule (1.) to this present Act annexed, anything in the said specified Acts of Parliament, or any other Act, Law, Statute, or Usage, to the contrary in anywise notwithstanding.

So much of the Acts in Schedule (2.) to this Act as relates to the Colony of New South Wales repealed.

II. From the Day of the Proclamation of this Act in the said Colony of *New South Wales* (the said reserved Bill, as amended as aforesaid, having been previously assented to by Her Majesty in Council as aforesaid,) so much and such Parts of the several Acts of Parliament mentioned in the Schedule (2.) of this Act as severally relate to the said Colony of *New South Wales*, and are repugnant to the said reserved Bill, amended as aforesaid, shall be repealed; and the entire Management and Control of the Waste Lands belonging to the Crown in the said Colony, and also the Appropriation of the gross Proceeds of the Sales of any such Lands, and of all other Proceeds and Revenues of the same, from whatever Source arising within the said Colony, including all Royalties, Mines, and Minerals, shall be vested in the Legislature of the said Colony: Provided, that so much of the Acts of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Fifty-nine, and Fifth and Sixth Years of Her Majesty, Chapter Seventy-six, mentioned in the said Schedule, as relates to the Constitution, Appointment, and Powers of the Legislative Council of the said Colony of *New South Wales* shall continue in force until the First Writs shall have issued for the Election of Members to serve in the House of Assembly, in pursuance of the Provisions of

the said reserved Bill, amended and assented to as aforesaid, but no longer: Provided, that nothing herein contained shall affect or be construed to affect any Contract or to prevent the Fulfilment of any Promise or Engagement made by or on behalf of Her Majesty, with respect to any Lands situate in the said Colony, in Cases where such Contracts, Promises, or Engagements shall have been lawfully made before the Time at which this Act shall take effect within the said Colony, nor to disturb or in any way interfere with or prejudice any vested or other Rights which have accrued or belong to the licensed Occupants or Lessees of any Crown Lands within or without the settled Districts, under and by virtue of the Provisions of any of the Acts of Parliament so repealed as aforesaid, or of any Order or Orders of Her Majesty in Council issued in pursuance thereof.

Provisions of former Acts respecting the Allowance and Disallowance of Bills preserved.

III. The Provisions of the before-mentioned Act of the Fourteenth Year of Her Majesty, Chapter Fifty-nine, and of the Act of the Sixth Year of Her Majesty, Chapter Seventy-six, intituled *An Act for the Government of* New South Wales *and* Van Diemen's Land, which relate to the giving and withholding of Her Majesty's Assent to Bills, and the Reservation of Bills for the Signification of Her Majesty's Pleasure thereon, and the Instructions to be conveyed to Governors for their Guidance in relation to the Matters aforesaid, and the Disallowance of Bills by Her Majesty, shall apply to Bills to be passed by the Legislative Council and Assembly constituted under the said reserved Bill and this Act, and by any other Legislative Body or Bodies which may at any Time hereafter be substituted for the present Legislative Council and Assembly.

Power to repeal and alter the Provisions of the reserved Bill.

IV. It shall be lawful for the Legislature of *New South Wales* to make Laws altering or repealing all or any of the Provisions of the said reserved Bill, in the same Manner as any other Laws for the good Government of the said Colony, subject, however, to the Conditions imposed by the said reserved Bill on the Alteration of the Provisions thereof in certain Particulars, until and unless the said Conditions shall be repealed or altered by the Authority of the said Legislature.

Boundaries of the Colonies of New South Wales and Victoria along the River Murray defined.

V. 'And whereas by the before-mentioned Act of the Fourteenth Year of Her Majesty, 'Chapter Fifty-nine, it is amongst other things enacted, that the Territories therein described 'as bounded on the North and North-east by a straight Line drawn from *Cape Howe* to the 'nearest Source of the River *Murray*, and thence by the Course of that River to the Eastern 'Boundary of the Colony of *South Australia*, should be erected into a separate Colony to be 'known and designated as the Colony of *Victoria:* And whereas Doubts have been entertained 'as to the true Meaning of the said Description of the Boundary of the said Colony:' It is hereby declared and enacted, that the whole Watercourse of the said River *Murray*, from its Source therein described to the Eastern Boundary of the Colony of *South Australia*, is and shall be within the Territory of *New South Wales:* Provided nevertheless, that it shall be lawful for the Legislatures and for the proper Officers of Customs of both the said Colonies of *New South Wales* and *Victoria* to make Regulations for the levying of Customs Duties on Articles imported into the said Two Colonies respectively by way of the River *Murray*, and for the Punishment of Offences against the Customs Laws of the said Two Colonies respectively committed on the said River, and for the Regulation of the Navigation of the said River by Vessels belonging to the said Two Colonies respectively: Provided also, that it shall be competent for the Legislatures of the said Two Colonies, by Laws passed in concurrence with each other, to define in any different Manner the Boundary Line of the said Two Colonies along the Course of the River *Murray*, and to alter the other Provisions of this Section.

Provision for the Separation of Portions of the Territory of New South Wales.

VI. If Her Majesty shall at any Time exercise the Power given to Her by the said reserved Bill of altering the Northern Boundary of *New South Wales*, and if She shall in the Exercise of such Power separate from the said Colony any entire Electoral Districts, the Electoral Districts so separated shall cease to return Members to the Assembly of *New South Wales;* and if She shall, in the Exercise of such Power as aforesaid, separate from the said Colony any Portions of Electoral Districts, the remaining Portions not separated shall continue to return to the said Assembly the same Number of Members as if no such Separation had taken place, until the Legislature of *New South Wales* shall otherwise provide; and the said Assembly shall retain, so far as concerns the Colony of *New South Wales*

Wales as constituted after such Separation, all the Powers and Functions vested in it, though it may not thereafter consist of the same Number of Members as before.

Portions so separated may be erected into separate Colonies.

VII. It shall be lawful for Her Majesty, by Letters Patent to be from Time to Time issued under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to erect into a separate Colony or Colonies any Territories which may be separated from *New South Wales* by such Alteration as aforesaid of the Northern Boundary thereof; and in and by such Letters Patent or by Order in Council to make Provision for the Government of any such Colony, and for the Establishment of a Legislature therein, in manner as nearly resembling the Form of Government and Legislature which shall be at such Time established in *New South Wales* as the Circumstances of such Colony will allow; and full Power shall be given in and by such Letters Patent or Order in Council to the Legislature of the said Colony to make further Provision in that Behalf.

Commencement of the Act.

VIII. This Act shall be proclaimed in *New South Wales* by the Governor thereof, within One Month after a Copy thereof shall have been received by such Governor, and this Act and the said reserved Bill, as amended as aforesaid (such Bill being first assented to by Her Majesty in Council), shall take effect in the said Colony from the Day of such Proclamation.

Interpretation of Terms.

IX. In the Construction of this Act the Term "Governor shall mean the Person for the Time being lawfully administering the Government of *New South Wales;* and the Word "Legislature" shall include as well the Legislature to be constituted under the said reserved Bill and this Act, as any future Legislature which may be established in the said Colony under the Powers in the said reserved Bill and this Act contained.

SCHEDULES to which this Act refers.

SCHEDULE (1.)

ANNO DECIMO SEPTIMO VICTORIÆ REGINÆ.

By His Excellency Sir Charles Augustus Fitzroy, Knight Companion of the Royal Hanoverian Guelphic Order, Governor General of all Her Majesty's Australian Possessions, and Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, with the Advice and Consent of the Legislative Council.

No. XLI.

An Act to confer a Constitution on New South Wales, and to grant a Civil List to Her Majesty.

Recital of 32d Clause of 13 & 14 Vict. c. 39.

'WHEREAS by the Thirty-second Clause of the Imperial Act passed in the Session holden 'in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled '"An Act for the better Government of Her Majesty's Australian Colonies," it was among 'other things enacted, that notwithstanding anything therein-before contained, it should be 'lawful for the Governor and Legislative Council of this Colony, from Time to Time, by any 'Act or Acts, to alter the Provisions or Laws for the Time being in force under the said 'Imperial Act or otherwise, concerning the Election of the Elective Members of such Legislative Council, and the Qualification of Electors and Elective Members, or to establish in the 'said Colony, instead of the Legislative Council, a Council and a House of Representatives, 'or other separate Legislative Houses, to consist of such Members, to be appointed or elected 'by such Person and in such Manner, as by such Act or Acts should be determined, and to 'vest in such Council and House of Representatives, or other separate Legislative Houses, 'the Powers and Functions of the Legislative Council for which the same may be substituted: 'And whereas it is expedient that the Powers vested by the said Act in the said Governor 'and Legislative Council should be exercised, and that a Legislative Council and a Legislative 'Assembly, as constituted by this Act, should be substituted for the present Legislative 'Council, with the increased Powers and Functions herein-after contained:' Be it therefore enacted by His Excellency the Governor of New South Wales, with the Advice and Consent of the Legislative Council thereof, as follows:

J. There

Parliament of New South Wales. General Powers of the Parliament. Assent to Bills. Taxation and Appropriation Bills to originate in Assembly.

I. There shall be, in place of the Legislative Council now subsisting, One Legislative Council and One Legislative Assembly, to be severally constituted and composed in the Manner herein-after prescribed; and within the said Colony of New South Wales Her Majesty shall have Power, by and with the Advice and Consent of the said Council and Assembly, to make Laws for the Peace, Welfare, and good Government of the said Colony in all Cases whatsoever: Provided, that all Bills for appropriating any Part of the Public Revenue, for imposing any new Rate, Tax, or Impost, subject always to the Limitation contained in Clause Sixty-two of this Act, shall originate in the Legislative Assembly of the said Colony.

Appointment of Legislative Councillors.

II. For the Purpose of composing the Legislative Council of New South Wales, it shall be lawful for Her Majesty, before the Time to be appointed for the First Meeting of the said Legislative Council and Assembly, by an Instrument under the Sign Manual, to authorize the Governor, with the Advice of the Executive Council, in Her Majesty's Name, by an Instrument or Instruments under the Great Seal of the said Colony, to summon to the said Legislative Council of the said Colony such Persons, being not fewer than Twenty-one, as the said Governor and Executive Council shall think fit; and it shall also be lawful for Her Majesty from Time to Time to authorize the Governor in like Manner to summon to the said Legislative Council such other Person or Persons as the said Governor and Executive Council shall think fit, and every Person who shall be so summoned shall thereby become a Member of the Legislative Council of the said Colony: Provided always, that no Person shall be summoned to the said Legislative Council who shall not be of the full Age of Twenty-one Years, and a natural-born Subject of Her Majesty, or naturalized by an Act of the Imperial Parliament, or by an Act of the Legislature of the said Colony: Provided also, that not less than Four Fifths of the Members so summoned to the Legislative Council shall consist of Persons not holding any Office of Emolument under the Crown, except Officers of Her Majesty's Sea and Land Forces on Full or Half Pay, or retired Officers on Pensions.

Tenure of Office of Councillors.

III. The Members of the First Legislative Council of the said Colony who shall be so summoned by the Governor, with the Advice of the Executive Council, shall hold their respective Seats therein for Five Years from the Date of the First Summonses to the said Legislative Council; but all future Members of the said Legislative Council who shall be summoned thereto, after the Expiration of the said Five Years, by the Governor, with the Advice of the Executive Council as aforesaid, shall hold their Seats therein for the Term of their natural Lives, subject, nevertheless, to the Provisions herein-after contained for vacating the same, and for altering and amending the future Constitution of the said Colony as established by this Act.

Resignation of Councillors.

IV. It shall be lawful for any Member of the Legislative Council to resign his Seat therein by a Letter to the Governor, and upon the Receipt of any such Letter by the Governor the Seat of such Legislative Councillor shall become vacant.

Vacating Seat by Absence.

V. If any Legislative Councillor shall, for Two successive Sessions of the Legislature of the said Colony, fail to give his Attendance in the said Legislative Council, without the Permission of Her Majesty or of the Governor of the Colony, signified by the said Governor to the Legislative Council, or shall take any Oath or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or shall do, concur in, or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or whereby he may become entitled to the Rights, Privileges, or Immunities of a Subject or Citizen of any Foreign State or Power, or shall become bankrupt, or take the Benefit of any Law relating to Insolvent Debtors, or become a Public Contractor or Defaulter, or be attainted of Treason, or be convicted of Felony or of any infamous Crime, his Seat in such Council shall thereby become vacant.

Trial of Questions of Vacancy.

VI. Any Question which shall arise respecting any Vacancy in the Legislative Council, on occasion of any of the Matters aforesaid, shall be referred by the Governor to the said Legislative Council, to be by the said Legislative Council heard and determined: Provided always, that it shall be lawful either for the Person respecting whose Seat such Question shall have arisen, or for Her Majesty's Attorney General for the said Colony, on Her Majesty's Behalf, to appeal from the Determination of the said Council in such Case to Her

Her Majesty, and that the Judgment of Her Majesty, given with the Advice of Her Privy Council, thereon shall be final and conclusive to all Intents and Purposes.

Appointment of President. President may take Part in Debates.

VII. The Governor of the Colony shall have Power and Authority from Time to Time, by an Instrument under the Great Seal of the said Colony, to appoint One Member of the said Legislative Council to be President thereof, and to remove him and appoint another in his Stead; and it shall be at all Times lawful for the said President to take Part in any Debate or Discussion which may arise in the said Legislative Council.

Quorum, Division, Casting Vote

VIII. The Presence of at least One Third of the Members of the said Legislative Council, exclusive of the President, shall be necessary to constitute a Quorum for the Despatch of Business; and all Questions which shall arise in the said Legislative Council shall be decided by a Majority of Votes of the Members present, other than the President, and when the Votes shall be equal, the President shall have the Casting Vote: Provided always, that if the whole Number of Members constituting the said Legislative Council shall not be exactly divisible by Three, the Quorum of the said Legislative Council shall consist of such whole Number as is next greater than One Third of the Members of the said Legislative Council.

Convoking Assembly.

IX. For the Purpose of constituting the Legislative Assembly of the said Colony, it shall be lawful for the Governor thereof, within the Time herein-after mentioned, and thereafter from Time to Time as Occasion shall require, in Her Majesty's Name, by an Instrument or Instruments under the Great Seal of the said Colony, to summon and call together a Legislative Assembly in and for the said Colony.

Number of Members of Assembly.

X. The Legislative Assembly shall for the present consist of Fifty-four Members, to be elected by the Inhabitants of the said Colony, having any of the Qualifications mentioned in the next succeeding Clause of this Act.

Qualification of Electors.

XI. The Qualifications for Electors of the Legislative Assembly shall be as follows:— Every Man of the Age of Twenty-one Years, being a natural-born or naturalized Subject of Her Majesty, or legally made a Denizen of New South Wales, and having a Freehold Estate in possession, situate in the District for which his Vote is to be given, of the clear Value of One hundred Pounds Sterling Money, above all Charges and Incumbrances in any way affecting the same, of or to which he has been seised or entitled, either at Law or in Equity, for at least Six Calendar Months next before the last Registration of Electors, or being a Householder within such District, occupying any House, Warehouse, Counting House, Office, Shop, or other Building, of the clear annual Value of Ten Pounds Sterling Money, and having occupied the same for Six Calendar Months next before such Registration as aforesaid, or having a Leasehold Estate in possession, situate within such District, of the Value of Ten Pounds Sterling Money per Annum, held upon a Lease which at the Time of such Registration has not less than Three Years to run, or having a Leasehold Estate so situate and of such Value as aforesaid, of which he has been in possession for Three Years or upwards next before such Registration, or holding at the Time of such Registration a Licence from the Government to depasture Lands within the District for which his Vote is to be given, or having a Salary of One hundred Pounds a Year, and having enjoyed the same for Six Calendar Months next before such Registration, or being the Occupant of any Room or Lodging, and paying for his Board and Lodging Forty Pounds a Year, or for his Lodging only at the Rate of Ten Pounds a Year, and having occupied the same Room or Lodging for Six Calendar Months next before such Registration as aforesaid, shall be entitled to vote at the Election of a Member of the Legislative Assembly: Provided always, that no Man shall be entitled to vote who has been attainted or convicted of Treason, Felony, or other infamous Offence in any Part of Her Majesty's Dominions, unless he have received a free or conditional Pardon for such Offence, or have undergone the Sentence passed on him for such Offence; and provided also, that no Man shall be entitled to vote, unless at the Time of such Registration of Electors he shall have paid up all Rates and Taxes which shall have become payable by him as Owner or Leaseholder in respect of such Estate, or as Occupier in respect of such Occupancy, or as the Holder of a Licence in respect of such Licence, except such as shall have become payable during Three Calendar Months next before such Registration.

XII. Where

When joint Owners and Occupiers shall be entitled to be registered as Voters and to vote.

XII. Where any Premises are jointly owned, occupied, or held on Lease within the Meaning of the last preceding Clause, by more Persons than One, each of such joint Owners, Occupiers, or Leaseholders shall be entitled to be registered as a Voter and to vote in respect of the said Premises in case the Value of his individual Interest therein, separately considered, would, under the first Four Provisions of the said last preceding Section, entitle such Owner, Occupier, or Leaseholder to be registered as a Voter and to vote.

Division of the Colony into Electoral Districts, and the Number of Members to be returned by each.

XIII. Until further Provision shall be made by the Legislature of the said Colony all the Provisions contained in "The Electoral Act of 1851," passed by the late Legislative Council in the Fourteenth Year of Her Majesty's Reign, numbered Forty-seven, except so much of the First Clause thereof as relates to the Number and Constitution of the present Legislative Council, and so much of the Third and other Clauses thereof as is repugnant to this Act, shall be in force and apply to the Election of Members to serve in the Legislative Assembly constituted under this Act, except as follows:

Electoral Districts.

The Electoral Districts of East Camden and West Camden shall each return Two Members instead of One Member to serve in the said Legislative Assembly; the Electoral District of the united Counties of Cook and Westmoreland shall return Two Members; the Counties of Murray, Saint Vincent, Roxburgh, and Wellington shall each form an Electoral District, and each return One Member; the County of Cumberland shall be divided into Two Ridings, to be called the North and South Ridings, the North Riding commencing where the great Western Road crosses Johnstone's Creek, and bounded on the South by the Centre of that Road, bearing westerly to where it crosses the Southern Boundary of the Electoral District of Parramatta, near Beckett's Bridge, thence by Part of the Southern, by the Eastern, Northern, and Western Boundaries of the said Electoral District to the great Western Road near the Toll Bar, thence again by the Centre of that Road, bearing westerly to Emu Ferry on the Nepean River; on the West and North by the Nepean and Hawkesbury Rivers to Broken Bay, and on the East by the Sea Coast and the Southern Shores of Port Jackson to Johnstone's Creek, and by Johnstone's Creek to the Point of Commencement, exclusive of the Hamlets of Saint Leonard's and Balmain, and also excluding so much of the Cumberland Boroughs as is embraced by the Towns of Windsor and Richmond, and also so much of the Borough of Penrith as is situated on the North Side of the Western Road, and the South Riding, commencing where the great Western Road crosses Johnstone's Creek, and bounded on the North by the Centre of that Road, bearing westerly to where it crosses the Southern Boundary of the Electoral District of the Town of Parramatta near Beckett's Bridge, thence by Part of the Southern Boundary of the said Electoral District, bearing westerly to the great Western Road near the Toll Bar, thence again by the Centre of that Road, bearing westerly to Emu Ferry on the Nepean River; on the West by that River upwards to the Confluence of the Cataract River; on the South by that River upwards to its Source, and thence by a Line bearing East Twenty Degrees South to the Coast at Bulli, being the Southern Boundary of the County of Cumberland; on the East by the Sea Coast to Port Jackson, and again on the North by the Southern Shores of Port Jackson to Johnstone's Creek, and by Johnstone's Creek to the Point of Commencement, exclusive of the City of Sydney and the Hamlets of Paddington, Surry Hills, Redfern, Chippendale, O'Connell Town, Camperdown, and Glebe, and also excluding so much of the Cumberland Boroughs as is embraced by the Towns of Liverpool and Campbell Town, and also so much of the Borough of Penrith as is situated on the South Side of the Western Road; and each of the said Ridings shall return Two Members; the united Counties of Northumberland and Hunter shall return Three Members instead of Two; the County of Durham shall return Three Members instead of Two; the City of Sydney shall return Four Members instead of Three; the Sydney Hamlets, the Town of Parramatta, the Northumberland Boroughs, and the Stanley Boroughs, shall each return Two Members instead of One Member; the Electoral Districts of the pastoral Districts of the Murrumbidgee, of the Lachlan and Lower Darling, of Liverpool Plains and the Gwydir, and of New England and the M'Leay, shall each return Two Members instead of One Member to serve in the said Legislative Assembly as aforesaid.

XIV. T

Electoral Lists.

XIV. The new Classes of Electors entitled to vote by this Act at the Election of Members of the Legislative Assembly shall be inserted in the Electoral Lists appointed to be made by "The Electoral Act of 1851," in the Electoral Districts in which they shall be respectively resident; and all such Lists shall specify the Christian and Surnames of all such Electors, the Nature of the Qualification, and the Place where they respectively reside; and all such Lists shall be signed, delivered, printed, and hung up for public Inspection by the Persons and in the Way in the said Act prescribed, and shall be subject to the like Claims and Notice from any Person whose Name shall have been omitted therein, and to the like Objections and Notice as to the Names of any Person inserted therein, and to the like Modes of altering, amending, or continuing any such Lists as are in these said several respects provided for in the said Electoral Act of 1851, as nearly as may be consistently with the Rights of such new Electors.

Power to alter System of Representation.

XV. It shall be lawful for the Legislature of the Colony, by any Act or Acts to be hereafter passed, to alter the Divisions and Extent of the several Counties, Districts, Cities, Towns, Boroughs, and Hamlets which shall be represented in the Legislative Assembly, and to establish new and other Divisions of the same, and to alter the Apportionment of Representatives to be chosen by the said Counties, Districts, Cities, Towns, Boroughs, and Hamlets respectively, and to alter the Number of Representatives to be chosen in and for the Colony and in and for the several Electoral Districts in the same, and to alter and regulate the Appointment of Returning Officers, and make such new and other Provision as they may deem expedient for the issuing and Return of Writs for the Election of Members to serve in the said Legislative Assembly and the Time and Place of holding such Elections: Provided always, that it shall not be lawful to present to the Governor of the Colony, for Her Majesty's Assent, any Bill by which the Number or Apportionment of Representatives in the Legislative Assembly may be altered, unless the Second and Third Readings of such Bill in the Legislative Council and the Legislative Assembly respectively shall have been passed with the Concurrence of a Majority of the Members for the Time being of the said Legislative Council and of Two Thirds of the Members for the Time being of the said Legislative Assembly; and the Assent of Her Majesty shall not be given to any such Bill unless an Address shall have been presented by the Legislative Assembly to the Governor stating that such Bill has been so passed.

Qualification of Members of Assembly.

XVI. Any Person absolutely free (except as is herein-after excepted) who shall be qualified and registered as a Voter in and for any Electoral District within the said Colony, shall be qualified to be elected a Member of the Legislative Assembly for any Electoral District within the said Colony.

Members of Legislative Council incapable of being Members of Legislative Assembly.

XVII. No Person being a Member of the Legislative Council shall be capable of being elected, or of sitting or voting as a Member of the Legislative Assembly.

Disqualifying Clause of Members of Assembly.

XVIII. Any Person holding any Office of Profit under the Crown, or having a Pension from the Crown during Pleasure or for Term of Years, shall be incapable of being elected, or of sitting or voting as a Member of the Legislative Assembly, unless he be One of the following official Members of the Government, that is to say, the Colonial Secretary, Colonial Treasurer, Auditor General, Attorney General, and Solicitor General, or One of such additional Officers, not being more than Five, as the Governor, with the Advice of the Executive Council, may from Time to Time, by a Notice in the Government Gazette, declare capable of being elected a Member of the said Assembly.

Further disqualifying Clause of Members of Assembly. Pensions of Officers of the Navy and Army.

XIX. If any Member of the said Assembly shall accept of any Office of Profit or Pension from the Crown during Pleasure or for Term of Years, his Election shall be thereupon and is hereby declared to be void, and a Writ shall forthwith issue for a new Election: Provided, that nothing in this Act contained shall extend to any Person in receipt only of Pay, Half Pay, or a Pension as an Officer in Her Majesty's Navy or Army, or who shall receive any new or other Commission in the Navy or Army respectively, or any Increase of Pay on such Commission, or to any of the official Members of the Government, or other Officers referred to in the last preceding Clause of this Act who may accept any other Office.

Disqualifying Ministers of Religion.

XX. No Person shall be capable of being elected a Member to serve in the said Assembly, and of sitting and voting therein, who shall be a Minister of the Church of England, or a Minister, Priest, or Ecclesiastic, either according to the Rites of the Church of Rome, or under any other Form or Profession of Religious Faith or Worship.

Duration of Assembly.

XXI. Every Legislative Assembly of the said Colony hereafter to be summoned and chosen shall continue for Five Years from the Day of the Return of the Writs for choosing the same, and no longer; subject, nevertheless, to be sooner prorogued or dissolved by the Governor of the said Colony.

Election of the Speaker.

XXII. The Members of the Legislative Assembly shall, upon the first assembling after every General Election, proceed forthwith to elect One of their Number to be Speaker; and in case of his Death, Resignation, or Removal by a Vote of the said Legislative Assembly, the said Members shall forthwith proceed to elect another of such Members to be such Speaker; and the Speaker so elected shall preside at all Meetings of the said Legislative Assembly, except as may be provided by the Standing Rules and Orders herein-after authorized to be made.

Quorum, Division, Casting Vote.

XXIII. The Presence of at least Twenty Members of the Legislative Assembly, exclusive of the Speaker, shall be necessary to constitute a Meeting of the said Legislative Assembly for the Despatch of Business; and all Questions (except as herein is excepted) which shall arise in the said Assembly shall be decided by the Majority of Votes of such Members as shall be present other than the Speaker, and when the Votes shall be equal the Speaker shall have the Casting Vote.

Assembly may proceed to Business, although Writs not exceeding Five shall not have been returned.

XXIV. Upon any General Election, the Legislative Assembly shall be competent to proceed to the Despatch of Business at the Time appointed by the Governor for that Purpose, notwithstanding that any of the Writs of Election (not exceeding Five) shall not have been returned, or that in any of the Electoral Districts the Electors shall have failed to elect a Member to serve in the said Assembly.

Resignation of Seats in the Assembly.

XXV. It shall be lawful for any Member of the Assembly, by Writing under his Hand, addressed to the Speaker of the said House, to resign his Seat therein, and upon the Receipt of such Resignation by the Speaker the Seat of such Member shall become vacant.

Vacating Seats of Members of Assembly in certain Cases.

XXVI. If any Member of the Assembly shall for One whole Session of the Legislature, without the Permission of the Assembly, entered upon its Journals, fail to give his Attendance in the said House, or shall take any Oath or make Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or do or concur in or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or become entitled to the Rights, Privileges, or Immunities of a Subject of any Foreign State or Power, or shall become bankrupt or an Insolvent Debtor within the Meaning of the Laws in force within the said Colony relating to Bankrupts or Insolvent Debtors, or shall become a Public Defaulter, or be attainted of Treason, or be convicted of Felony or any infamous Crime, his Seat in such Assembly shall thereby become vacant.

Election to take place on Vacancies.

XXVII. When and so often as a Vacancy shall occur as aforesaid, upon a Resolution by the Assembly declaring such Vacancy and the Causes thereof, the Speaker shall cause a Writ to be issued for supplying such Vacancy: Provided, that the Speaker may issue such Writ without such preceding Resolution when the Assembly is not in Session.

Disqualifying Contractors and Persons interested in Contracts from being Members of either House.

XXVIII. Any Person who shall directly or indirectly, himself, or by any Person whatsoever in trust for him, or for his Use or Benefit, or on his Account, undertake, execute, hold, or enjoy, in the whole or in part, any Contract or Agreement for or on account of the Public Service, shall be incapable of being summoned or elected, or of sitting or voting, as a Member of the Legislative Council or Legislative Assembly during the Time he shall execute, hold, or enjoy any such Contract, or any Part or Share thereof, or any Benefit or Emolument arising from the same; and if any Person, being a Member of such Council or Assembly, shall enter into any such Contract or Agreement, or having entered into it shall continue to hold it, his Seat shall be declared by the said Legislative Council or Legislative Assembly, as the Case may require, to be void, and thereupon the same shall become and be void accordingly: Provided always, that nothing herein contained shall extend to any Contract or Agreement made, entered into, or accepted by any Incorporated Company, or any

Proviso exempting from Disqualification

any Trading Company, consisting of more than Twenty Persons, where such Contract or Agreement shall be made, entered into, or accepted for the general Benefit of such Incorporated or Trading Company. Members of Companies exceeding Twenty in Number.

XXIX. If any Person by this Act disabled or declared to be incapable to sit or vote in the Legislative Council or Legislative Assembly shall nevertheless be summoned to the said Council, or elected and returned as a Member to serve in the said Assembly for any Electoral District, such Summons, or Election and Return, shall and may be declared by the said Council and Assembly, as the Case may require, to be void, and thereupon the same shall become and be void to all Intents and Purposes whatsoever; and if any Person, under any of the Disqualifications mentioned in the last preceding Section, shall, whilst so disqualified, presume to sit or vote as a Member of the said Council or Assembly, such Person shall forfeit the Sum of Five hundred Pounds, to be recovered by any Person who shall sue for the same in the Supreme Court of New South Wales. Election of disqualified Persons void. Penalty on their sitting or voting.

XXX. It shall be lawful for the Governor of the Colony for the Time being to fix such Place or Places within any Part of the Colony, and such Times for holding the First and every other Session of the Legislative Council and Assembly of the said Colony, as he may think fit, such Times and Places to be afterwards changed or varied as the Governor may judge advisable and most consistent with general Convenience and the public Welfare, giving sufficient Notice thereof; and also to prorogue the said Legislative Council and Assembly from Time to Time, and to dissolve the said Assembly by Proclamation or otherwise, whenever he shall deem it expedient. Place and Time of holding Parliament.

XXXI. There shall be a Session of the Legislative Council and Assembly once at least in every Year, so that a Period of Twelve Calendar Months shall not intervene between the last Sitting of the Legislative Council and Assembly in One Session and the First Sitting of the Legislative Council and Assembly in the next Session. One Session of Parliament to be held in each Year.

XXXII. The Legislative Council and Assembly shall be called together for the First Time at some Period not later than Six Calendar Months next after the Proclamation of this Act by the Governor of the said Colony. First calling together of Parliament.

XXXIII. No Member either of the Legislative Council or of the Legislative Assembly shall be permitted to sit or vote therein until he shall have taken and subscribed the following Oath before the Governor of the Colony or before some Person or Persons authorized by such Governor to administer such Oath: No Member to sit or vote until he has taken the following Oath of Allegiance.

'I A.B. do sincerely promise and swear, That I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Colony of New South Wales, dependent on and belonging to the said United Kingdom. So help me GOD.'

And whensoever the Demise of Her present Majesty (whom may God long preserve) or of any of Her Successors to the Crown of the said United Kingdom shall be notified by the Governor of the Colony to the said Council and Assembly respectively, the Members of the said Council and Assembly shall, before they shall be permitted to sit and vote therein, take and subscribe the like Oath of Allegiance to the Successor for the Time being to the said Crown.

XXXIV. Provided that every Person authorized by Law to make an Affirmation instead of taking an Oath may make such Affirmation in every Case in which an Oath is herein-before required to be taken. Affirmation may be made instead of Oath.

XXXV. The said Legislative Council and Assembly in the First Session of each respectively, and from Time to Time afterwards as there may be occasion, shall prepare and adopt such Standing Rules and Orders as shall appear to the said Council and Assembly respectively best adapted for the orderly Conduct of such Council and Assembly respectively, and for the Manner in which such Council and Assembly shall be presided over in case of the Absence of the President or the Speaker, and for the Mode in which such Council and Assembly shall confer, correspond, and communicate with each other relative to Votes or Bills passed by or pending in such Council and Assembly respectively, and for the Manner in which Notices of Bills, Resolutions, and other Business intended to be submitted to Standing Rules and Orders to be made.

such Council and Assembly respectively at any Session thereof may be published for general Information, and for the proper passing, entitling, and numbering of the Bills to be introduced into and passed by the said Council and Assembly, and for the proper Presentation of the same to the Governor for the Time being for Her Majesty's Assent; all of which Rules and Orders shall, by such Council and Assembly respectively, be laid before the Governor, and, being by him approved, shall become binding and of force.

Legislature, as constructed by this Act, empowered to alter any of its Provisions.

XXXVI. Notwithstanding anything herein-before contained, the Legislature of the said Colony, as constituted by this Act, shall have full Power and Authority, from Time to Time, by any Act or Acts, to alter the Provisions or Laws for the Time being in force under this Act or otherwise, concerning the Legislative Council, and to provide for the Nomination or Election of another Legislative Council, to consist respectively of such Members to be appointed or elected respectively by such Person or Persons, and in such Manner, as by such Act or Acts shall be determined: Provided always, that it shall not be lawful to present to the Governor of the said Colony, for Her Majesty's Assent, any Bill by which any such Alteration in the Constitution of the said Colony may be made, unless the Second and Third Readings of such Bill shall have been passed with the Concurrence of Two Thirds of the Members for the Time being of the said Legislative Council and of the said Legislative Assembly respectively: Provided also, that every Bill which shall be so passed for any of such Purposes shall be reserved for the Signification of Her Majesty's Pleasure thereon, and a Copy of such Bill shall be laid before both Houses of the Imperial Parliament for the Period of Thirty Days at the least before Her Majesty's Pleasure thereon shall be signified.

Appointment to Offices under the Government of the Colony to be vested in the Governor.

XXXVII. The Appointment to all Public Offices under the Government of the Colony hereafter to become vacant or to be created, whether such Offices be salaried or not, shall be vested in the Governor, with the Advice of the Executive Council, with the Exception of the Appointments of the Officers liable to retire from Office on political Grounds as hereinafter mentioned, which Appointments shall be vested in the Governor alone: Provided always, that this Enactment shall not extend to minor Appointments, which by Act of the Legislature, or by Order of the Governor and Executive Council, may be vested in Heads of Departments, or other Officers or Persons within the Colony.

As to Continuance of the Judges in the Enjoyment of their Offices;

XXXVIII. The Commissions of the present Judges of the Supreme Court of the said Colony, and of all future Judges thereof, shall be, continue, and remain in full Force during their good Behaviour, notwithstanding the Demise of Her Majesty (whom may God long preserve), or of Her Heirs and Successors, any Law, Usage, or Practice to the contrary thereof in anywise notwithstanding.

and as to their Removal.

XXXIX. It shall be lawful, nevertheless, for Her Majesty, Her Heirs or Successors, to remove any such Judge or Judges upon the Address of both Houses of the Legislature of this Colony.

Their Salaries secured during the Continuance of their Commissions.

XL. Such Salaries as are settled upon the Judges for the Time being by Act of Parliament or otherwise, and also such Salaries as shall or may be in future granted by Her Majesty, Her Heirs and Successors, or otherwise, to any future Judge or Judges of the said Supreme Court, shall in all Time coming be paid and payable to every such Judge and Judges for the Time being, so long as the Patents or Commissions of them or any of them respectively shall continue and remain in force.

Existing Law saved.

XLI. All Laws, Statutes, and Ordinances which at the Time of the passing of this Act shall be in force within the said Colony shall remain and continue to be of the same Force, Authority, and Effect as if this Act had not been made, except in so far as the same are repealed or varied by this Act, or in so far as the same shall or may hereafter, by virtue and under the Authority of this Act, be repealed or varied by any Act or Acts of the Legislature of the said Colony.

Courts of Justice, Commissions, Officers, &c.

XLII. All the Courts of Civil and Criminal Jurisdiction within the said Colony, and all Charters, legal Commissions, Powers and Authorities, and all Officers, judicial, administrative, or ministerial, within the said Colony respectively, except in so far as the same may be abolished, altered, or varied by or may be inconsistent with the Provisions of this Act, or shall be abolished, altered, or varied by any Act or Acts of the Legislature of the Colony, or

or other competent Authority, shall continue to subsist in the same Form and with the same Effect as if this Act had not been made.

Legislature may make Laws regulating Sale of Lands.

XLIII. Subject to the Provisions herein contained, it shall be lawful for the Legislature of this Colony to make Laws for regulating the Sale, Letting, Disposal, and Occupation of the Waste Lands of the Crown within the said Colony.

Duties not to be levied on Supplies for Troops, nor any Duties inconsistent with Treaties.

XLIV. It shall not be lawful for the Legislature of the Colony to levy any Duty upon Articles imported bonâ fide for the Supply of Her Majesty's Land or Sea Forces, nor to levy any Duty, impose any Prohibition or Restriction, or grant any Exemption from any Drawback or other Privilege upon the Importation or Exportation of any Articles, nor to enforce any Dues or Charges upon Shipping, contrary to or at variance with any Treaty or Treaties concluded by Her Majesty with any Foreign Power.

Customs Duties may be imposed, not differential, though contrary to existing Acts of Parliament.

XLV. Subject to the Provisions of this Act, and notwithstanding any Act or Acts of the Imperial Parliament now in force to the contrary, it shall be lawful for the Legislature of the Colony to impose and levy such Duties of Customs, as to them may seem fit, on the Importation into the Colony of any Goods, Wares, and Merchandise whatsoever, whether the Produce of or exported from the United Kingdom, or any of the Colonies or Dependencies of the United Kingdom, or any Foreign Country: Provided always, that no new Duty shall be so imposed upon the Importation into the said Colony of any Article the Produce or Manufacture of or imported from any particular Country or Place which shall not be equally imposed on the Importation into the said Colony of the like Article the Produce or Manufacture of or exported from all other Countries and Places whatsoever.

Boundaries of the Colony

XLVI. For the Purpose of this Act, the Boundaries of the Colony of New South Wales shall, except as herein-after excepted, comprise all that Portion of Her Majesty's Territory of Australia or New Holland lying between the One hundred and twenty-ninth and One hundred and fifty-fourth Degrees of East Longitude, reckoning from the Meridian of Greenwich, and Northward of the Fortieth Degree of South Latitude, including all the Islands adjacent in the Pacific Ocean within the Latitude aforesaid, and also including Lord Howe Island, being in or about the Latitude of Thirty-one Degrees Thirty Minutes South and the One hundred and fifty-ninth Degree of East Longitude, reckoning from the said Meridian of Greenwich, save and except the Territories comprised within the Boundaries of the Province of South Australia and the Colony of Victoria, as at present established: Provided always, that nothing herein contained shall be deemed to prevent Her Majesty from altering the Boundary of the Colony of New South Wales on the North in such Manner as to Her Majesty may seem fit, nor from detaching from the said Colony that Portion of the same which lies between the Western Boundary of South Australia and the One hundred and twenty-ninth Degree of East Longitude, reckoning from the said Meridian of Greenwich.

Preamble to Civil List Clauses.

'And whereas the Legislative Council of New South Wales, constituted under the Imperial 'Act passed in the Session holden in the Thirteenth and Fourteenth Years of the Reign of 'Her present Majesty, intituled "An Act for the better Government of Her Majesty's 'Australian Colonies," are desirous that Her Majesty should owe to the spontaneous 'Liberality of Her People in this Colony such Grant by way of Civil List, in lieu of the 'Provision contained in the Schedule to that Act, as shall be sufficient to give Stability and 'Security to the Civil Institutions of the Colony, and to provide for the adequate Remune- 'ration of able and efficient Officers in the executive, judicial, and other Departments of Her 'Majesty's Colonial Service, the granting of which Civil List belongs constitutionally only to 'Her Majesty's faithful People through their Representatives in the said Legislative Council; 'and Her Majesty's most dutiful and loyal Subjects, the Members of the said Legislative 'Council in Council assembled, being desirous that a certain competent Revenue for the 'Purpose may be settled upon Her Majesty, (to whom may God grant a long and happy 'Reign,) as a Testimony of their unfeigned Affection to Her Majesty's Person and Govern- 'ment, have accordingly freely resolved, in lieu of the aforesaid statutable Provision for the 'like Purpose, to grant to Her Majesty, Her Heirs and Successors, a certain Revenue payable 'out of the Consolidated Revenue Fund of this Colony:' Be it therefore enacted as follows:

All Duties and Revenues to form Consoli-

XLVII. All Taxes, Imposts, Rates, and Duties, and all territorial, casual, and other Revenues of the Crown (including Royalties) from whatever Source arising within this Colony,

dated Revenue Fund.

Colony, and over which the present or future Legislature has or may have Power of Appropriation, shall form One Consolidated Revenue Fund, to be appropriated for the Public Service of this Colony in the Manner and subject to the Charges herein-after mentioned.

Such Fund permanently charged with Expenses of Collection.

XLVIII. The Consolidated Revenue Fund of this Colony shall be permanently charged with all the Costs, Charges, and Expenses incident to the Collection, Management, and Receipt thereof, such Costs, Charges, and Expenses being subject nevertheless to be reviewed and audited in such Manner as shall be directed by any Act of the Legislature.

Civil List of 64,300*l.* payable to Her Majesty.

XLIX. There shall be payable in every Year to Her Majesty, Her Heirs and Successors, out of the Consolidated Revenue Fund of this Colony, the several Sums, not exceeding in the whole the Sum of Sixty-four thousand and three hundred Pounds, for defraying the Expense of the several Services and Purposes named in the Schedules A. B. and C. to this Act annexed, the said several Sums to be issued by the Colonial Treasurer in discharge of such Warrant or Warrants as shall be from Time to Time directed under the Hand of the Governor; and the said Treasurer shall account to Her Majesty for the same through the Lords Commissioners of Her Majesty's Treasury, in such Manner and Form as Her Majesty shall be graciously pleased to direct.

Civil List to be accompanied by Surrender of all Revenues of the Crown.

L. The said several Sums mentioned in Schedules A. B. and C. shall be accepted and taken by Her Majesty, Her Heirs and Successors, by way of Civil List, instead of all territorial, casual, and other Revenues of the Crown (including all Royalties) from whatever Source arising within the said Colony, and to the Disposal of which the Crown may be entitled either absolutely or conditionally, or otherwise howsoever.

Pensions payable to Judges of Supreme Court.

Pensions payable to certain Officers liable to Removal from Office on Political Grounds.

Provisoes in reference to Judges and such Officers.

LI. Not more than Four thousand five hundred and fifty Pounds in each Year shall be payable for Pensions to the Judges of the Supreme Court out of the Sum set apart for Pensions in the said Schedule B.; and not more than Five thousand nine hundred Pounds in each Year shall be payable by way of Pension or Retiring Allowance for the present Incumbents of any Office or Department mentioned in the said Schedule B. who, on political Grounds, may retire or be released from any such Office or Department: Provided always, that Pensions shall be demandable by such Judges, to the Amount of Seven Tenths of their actual Salaries, on permanent Disability or Infirmity, or after Fifteen Years Service as such Judge in this Colony; and that so far as the present Judges are concerned, every Three Years Service in any judicial Office in this Colony, other than the Office of a Judge of the Supreme Court, shall be equivalent to One Year's Service as such Judge of the Supreme Court; provided also, that the Officers so liable to retire or be released shall be the Attorney General, and Solicitor General, the Colonial Secretary, Colonial Treasurer, and Auditor General; and upon the Retirement or Release from Office of any of the present Officers, they shall be entitled by way of Pension or Retiring Allowance to the full Amount of the Salaries respectively received by them at the Time of the passing of this Act: Provided also, that if after the Assignment of any such Pension or Retiring Allowance any of such Judges or Officers shall accept any new Appointment under the Crown, then and in every such Case the Pension or Retiring Allowance of any such Judge or Officer shall merge or be reduced pro tanto during the Tenure of such Appointment, according as the Salary or Emoluments of any such new Appointment are of greater or less Amount than the Pension or Retiring Allowance of such Judge or Officer.

Superannuation Pensions to certain other Officers not liable to Removal upon Political Grounds.

To be regulated by Superannuation Act. 4 & 5 W.4. c. 24.

LII. Not more than Three thousand five hundred Pounds in each Year shall be payable for Pensions to superannuated Officers: Provided always, that the Amount of all such Pensions for such superannuated Officers shall be according to the several Scales and Rates fixed by the Superannuation Act of the Parliament of Great Britain and Ireland, passed in the Session of the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, and that a List of all Pensions granted under this Act, and of the Persons to whom the same shall have been granted, shall be laid in every Year before both Houses of the Legislature of the Colony.

Consolidated Revenue to be appropriated by Act of the

LIII. After and subject to the Payments to be made under the Provisions herein-before contained, all the Consolidated Revenue Fund herein-before mentioned shall be subject to be appropriated to such specific Purposes as by any Act of the Legislature of the Colony shall

shall be prescribed in that Behalf: Provided, that the Consolidation of the Revenues of this Colony shall not affect the Payment of the annual Interest, or the Principal Sums mentioned in any outstanding Debentures or other Charge upon the territorial Revenue as such Interest, Principal, or other Charge severally becomes due, nor shall such Consolidation affect the Payment of any Sum or Sums heretofore charged upon the Taxes, Duties, Rates, and Imposts now raised, levied, and collected, or to be raised, levied, and collected, to and for the Use of this Colony, for such Time as shall have been appointed by any Acts of the said Legislature by which any such Charge was authorized.

Legislature. Debenture or any other Charges on Consolidated Revenue Fund not to be affected by such Consolidation.

LIV. It shall not be lawful for the Legislative Assembly to originate or pass any Vote, Resolution, or Bill, for the Appropriation of any Part of the said Consolidated Revenue Fund, or of any other Tax or Impost, to any Purpose which shall not have been first recommended by a Message of the Governor to the said Legislative Assembly during the Session in which such Vote, Resolution, or Bill shall be passed.

No Money Vote or Bill lawful unless recommended by Governor.

LV. No Part of Her Majesty's Revenue in the said Colony, arising from any of the Sources aforesaid, shall be issued, or shall be made issuable, except in pursuance of Warrants under the Hand of the Governor of the Colony directed to the Public Treasurer thereof.

Public Revenue not to be issued except on Warrants from Governor.

LVI. This Act shall be proclaimed in New South Wales by the Governor thereof within One Calendar Month after official Information of the Royal Assent thereto shall have been received by such Governor, and shall take effect within the said Colony from the Day of the Proclamation thereof.

Proclamation and Commencement of Act.

LVII. In the Construction of this Act, the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of the Colony of New South Wales.

Interpretation of Term "Governor."

LVIII. The foregoing Provisions of this Act shall have no Force or Effect until so much and such Parts of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, intituled "An Act for the better Government of the Australian Colonies," and the First, Second, and Third Parts of the Schedule A. therein referred to; and of another Act passed in the Fifth and Sixth Years of Her Majesty's Reign, intituled "An Act for the Government of New South Wales and Van Diemen's Land;" and of another Act passed in the said Fifth and Sixth Years of Her Majesty's Reign, intituled "An Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies;" and of another Act passed in the Eighth Year of Her Majesty's Reign, intituled "An Act to clear up Doubts as to the Regulation and Audit of the Customs of New South Wales;" and of another Act passed in the same Year, intituled "An Act to explain and amend the Act for the Government of New South Wales and Van Diemen's Land;" and of another Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled "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;" and of another Act passed in the Ninth and Tenth Years of Her Majesty's Reign, intituled "An Act to amend an Act for regulating the Sale of Waste Land belonging "to the Crown in the Australian Colonies, and to make further Provision for the "Management thereof," as severally relate to the Colony of New South Wales, and as are repugnant to this Act, shall have been repealed; and the entire Management and Control of the Waste Lands belonging to the Crown in the said Colony of New South Wales, and also the Appropriation of the gross Proceeds of the Sales of any such Lands, and of all other Proceeds and Revenues of the same, from whatever Source arising within the said Colony, including all Royalties, Mines, and Minerals, shall be vested in the Legislature of the said Colony: Provided, that nothing herein contained shall affect or be construed to affect any Contract, or to prevent the Fulfilment of any Promise or Engagement made by or on behalf of Her Majesty, with respect to any Lands situate within the said Colony, in Cases where such Contracts, Promises, or Engagements shall have been lawfully made before the Time at which this Act shall take effect within this Colony, nor to disturb or in any way interfere with or prejudice any vested or other Rights which have accrued or belong to the licensed Occupants or Lessees of any Crown Lands within or without the settled Districts, under

Provisions of this Act to have no Force until so much of 13 & 14 Vict. c. 59., 5 & 6 Vict. c. 76.; 5 & 6 Vict. c. 36.; 7 & 8 Vict. c. 72.; 7 & 8 Vict. c. 74.; 9 G. 4. c. 83.; and 9 & 10 Vict. c. 104.; as relates to this Colony, and is repugnant to reserved Bills, be repealed. And the entire Management of Crown Lands and all Revenues thence arising be vested in the Local Legislature. This Provision not to affect any previous Contracts of Her Majesty respecting any such Lands, nor any vested Rights which have arisen under 9 & 10 Vict. c. 104., nor any

vested Right or Interest which has accrued under any Order of Council issued by Her Majesty in Council in pursuance thereof.

under and by virtue of the aforesaid Act of the Parliament passed in the Ninth and Tenth Years of Her Majesty's Reign, or of any Order or Orders of Her Majesty in Council issued in pursuance thereof.

Passed the Legislative Council, this Twenty-first Day of December One thousand eight hundred and fifty-three.

CHARLES NICHOLSON, Speaker.
W. MACPHERSON, Clerk of the Council.

In the Name and on the Behalf of Her Majesty, I reserve this Bill for the Signification thereon of Her Majesty's Pleasure.

Government House, Sydney,
December 22, 1853.

CHAS. A. FITZROY,
Governor General.

SCHEDULE (A.)

	Salaries payable whilst the present Incumbents are in Office.			Salaries to be paid in future, as Vacancies occur.		
	£	s.	d.	£	s.	d.
To be placed at the Disposal of Her Majesty, for the Salary of the Governor-General, if Her Majesty see fit; otherwise to revert to the Consolidated Revenue Fund - -	7,000	0	0	7,000	0	0
One Chief Justice - - - - - - -	2,000	0	0	2,000	0	0
Three Judges, including One for Moreton Bay - -	4,500	0	0	4,500	0	0
Colonial Secretary - - - - - -	2,000	0	0	2,000	0	0
Colonial Treasurer - - - - - -	1,250	0	0	1,250	0	0
Auditor General - - - - - -	900	0	0	900	0	0
Attorney General - - - - - -	1,500	0	0	1,500	0	0
Solicitor General - - - - - -	1,000	0	0	1,000	0	0
Governor's Private Secretary - - - -	400	0	0	400	0	0
Master in Equity and Curator of Intestate Estates and Chief Commissioner of Insolvent Estates - -	1,000	0	0	—		
Chairman of Quarter Sessions and Commissioner of Court of Requests - - - - - - -	800	0	0	—		
	22,350	0	0	20,550	0	0

SCHDUULE (B.)

	£	s.	d.
Pensions to Judges on their ceasing to hold Office (until demandable and claimed, this Amount, or any unclaimed Portion of it, to revert to the Consolidated Revenue Fund) - - - - - - -	4,550	0	0
Pensions to existing Officers of the Government liable on political Grounds to retire or be released from Office, upon their Retirement or Release (upon the Demise of these Officers, or until their Retirement or Release, their respective Pensions, or this Amount (as the Case may be), to revert to the Consolidated Revenue Fund) - - - - - - -	5,900	0	0
Pensions to Officers of Government not liable on political Grounds to retire or be released from Office, according to the Scales and Rates fixed by the Superannuation Act of the Imperial Parliament, 4 & 5 W. 4. c. 24. (any Portion of this Fund which may not be drawn during any Year to revert to the Consolidated Revenue Fund) - - - - - - -	3,500	0	0
	13,950	0	0

SCHEDULE (C.)

	£	s.	d.
Public Worship - - - - - - - - -	28,000	9	0

SCHE-

SCHEDULE (2.)

59 G. 3. c. 114. -	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 1st Day of January 1821, certain Duties, and to empower the said Governor to levy a Duty on Spirits made in the said Colony.
3 G. 4. c. 96. - -	An Act to continue until the 1st Day of January 1824, 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.
9 G. 4. c. 83. - -	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.
5 & 6 Vict. c. 76. -	An Act for the Government of New South Wales and Van Diemen's Land.
7 & 8 Vict. c. 72. -	An Act to clear up Doubts as to the Regulation and Audit of the Accounts of the Customs in New South Wales.
7 & 8 Vict. c. 74. -	An Act to explain and amend the Act for the Government of New South Wales and Van Diemen's Land.
13 & 14 Vict. c. 59.	An Act for the better Government of Her Majesty's Australian Colonies.

CAP. LV.

An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of *Victoria*, to establish a Constitution in and for the Colony of *Victoria*.

[16th *July* 1855.]

'WHEREAS the Legislative Council of the Colony of *Victoria*, constituted and assembled by virtue of and under the Authority of an Act of Parliament passed in the Fourteenth Year of Her Majesty, Chapter Fifty-nine, intituled *An Act for the better Government of Her Majesty's* Australian *Colonies*, did, in the Year One thousand eight hundred and fifty-four, pass a Bill, intituled *An Act to establish a Constitution in and for the Colony of* Victoria: And whereas the said Bill was presented for Her Majesty's Assent to the then Lieutenant Governor of *Victoria*, and the said Lieutenant Governor did thereupon declare that he reserved the said Bill for the Signification of Her Majesty's Pleasure thereon: And whereas it is by the said reserved Bill provided, that the Provisions thereof shall have no Force or Effect until so much and such Parts of certain Acts of Parliament in the said Bill specified as severally relate to the said Colony, and are repugnant to the said reserved Bill, shall have been repealed, and the entire Management and Control of the Waste Lands belonging to the Crown in the said Colony, and of the Proceeds thereof, including all Royalties, Mines, and Minerals, shall be vested in the Legislature of the said Colony: And whereas it is not competent to Her Majesty to assent to the said reserved Bill without the Authority of Parliament for that Purpose: And whereas it is expedient that Her Majesty should be authorized to assent to the said reserved Bill, amended by the Omission of certain Provisions thereof, respecting the Assent of the Governor to the Bills which may be passed by the Legislative Councils and Assemblies of the said Colony, and Her Majesty's Power to disallow the same, and respecting the Boundaries of the *Australian* Colonies, and that so much and such Parts as aforesaid of the said specified Acts of Parliament, and of certain other Acts of Parliament herein-after mentioned, should thereupon be repealed, and that the entire Management and Control of the said Waste Lands and Proceeds should be vested in the Legislature of the said Colony: And whereas a Copy of the said Bill, as amended as aforesaid, is set forth in the Schedule (1.) to this Act:' Be it therefore enacted by the Queen's most Excellent

13 & 14 Vict. c. 59.