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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 [PAGE 1 OF ORIGINAL ENDS HERE] 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 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 [PAGE 2 OF ORIGINAL ENDS HERE] 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 [PAGE 3 OF ORIGINAL ENDS HERE] and purposes be and be deemed and taken to be a judge of the court to which he may be so appointed **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 **And** be it further **enacted** that the said [PAGE 4 OF ORIGINAL ENDS HERE] 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 **And** be it further **enacted** that the said supreme courts in New South Wales [PAGE 5 OF ORIGINAL ENDS HERE] 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 [PAGE 6 OF ORIGINAL ENDS HERE] committed and were respectively inquired of tried heard determined and adjudged in England any law statute or usage to the contrary notwithstanding **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 not determined and seven commissioned officers of his majesty's sea or land forces whether on full or half pay and such officers shall 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 [PAGE 7 OF ORIGINAL ENDS HERE] 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 impanelled 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 [PAGE 8 OF ORIGINAL ENDS HERE] 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 with 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 hereinbefore directed with respect to the said commissioned officers of his majesty's sea and land forces **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 [PAGE 9 OF ORIGINAL ENDS HERE] 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 appearing 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 hereinbefore required to be heard tried and determined **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 [PAGE 10 OF ORIGINAL ENDS HERE] 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 and 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 [PAGE 11 OF ORIGINAL ENDS HERE] the judge or judges presiding at every such trial according to such and the like law and usage as is hereinbefore 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 and Van Diemen's Land as the case may be for his approbation **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 [PAGE 12 OF ORIGINAL ENDS HERE] 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 [PAGE 13 OF ORIGINAL ENDS HERE] 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 court 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 **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 and 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 or 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 [PAGE 15 OF ORIGINAL ENDS HERE] 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 **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 and 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 [PAGE 16 OF ORIGINAL ENDS HERE] 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 hereinbefore directed as well in the prosecution of offences as in the trial of issues shall cease and determine **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 [PAGE 17 OF ORIGINAL ENDS HERE] **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 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 [PAGE 18 OF ORIGINAL ENDS HERE] said courts respectively in respect of the custody controul or disposal thereof **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 court 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 prins in England are and stand in relation to the King's [PAGE 19 OF ORIGINAL ENDS HERE] superior courts of Record at Westminster **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 trail shall not be by a jury the judges of the 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 officers of the court to be appointed for that purpose as authentic and also copies of any documents and papers which shall have been [PAGE 20 OF ORIGINAL ENDS HERE] 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 **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 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 **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 [PAGE 21 OF ORIGINAL ENDS HERE] 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 [PAGE 22 OF ORIGINAL ENDS HERE] 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 **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 hereinafter 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 [PAGE 23 OF ORIGINAL ENDS HERE] 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 hereinbefore made and prescribed with respect to trials before the said supreme courts respectively **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 hereinafter 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 [PAGE 24 OF ORIGINAL ENDS HERE] 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 debts damages or matter not exceeding ten pounds sterling except the matter in question shall relate to the title of 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 [PAGE 25 OF ORIGINAL

ENDS HERE] in respect of the office of such commissioner as aforesaid **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 expense to the parties concerned therein and such rules and forms shall be followed and such fees shall be paid accordingly and no other **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 to be provided for without entrusting that authority for a certain time and under proper restrictions to persons [PAGE 26 OF ORIGINAL ENDS HERE] 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 **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 [PAGE 27 OF ORIGINAL ENDS HERE] 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

◆and that in any case where wither 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

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 ◆ [PAGE 28 OF ORIGINAL ENDS HERE]

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

lay before the said council a copy of his refusal thereof in which copy the proposal so refused shall be recited verbatim and every member or members who may disapprove such refusal shall be at liberty to enter upon the said minutes the grounds of such disapprobation

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 to him together with such representation as aforesaid under the review of the said legislative council and [PAGE 29 OF ORIGINAL ENDS HERE] 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 [PAGE 30 OF ORIGINAL ENDS HERE]

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 **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 [PAGE 31 OF ORIGINAL ENDS HERE] administration of justice 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 [PAGE 32 OF ORIGINAL ENDS HERE] to adjudge and decide as to the application of any such laws or statutes in the said colonies respectively

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 **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 [PAGE 33 OF ORIGINAL ENDS HERE] 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 [PAGE 34 OF ORIGINAL ENDS HERE] 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 **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 **And** be it further **enacted** that every Law or Ordinance so to be made [PAGE 35 OF ORIGINAL ENDS HERE] 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 **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 [PAGE 36 OF ORIGINAL ENDS HERE] and successors with the advice of his and their privy council in pursuance of this act shall be paid

before both houses of parliament within six weeks at latest next after the commencement of each session **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

“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”

And be it further **enacted** that [PAGE 37 OF ORIGINAL ENDS HERE] 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 **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 [PAGE 38 OF ORIGINAL ENDS HERE] 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 [PAGE 39 OF ORIGINAL ENDS HERE] place but the duplicates of the several instruments by which such times or terms to 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 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 [PAGE 40 OF ORIGINAL ENDS HERE] 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 **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 [PAGE 41 OF ORIGINAL ENDS HERE] 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 **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 [PAGE 42 OF ORIGINAL ENDS HERE] 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 **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 **And** be it further **enacted** that it shall and may be lawful [PAGE 43 OF ORIGINAL ENDS HERE] 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 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 **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 [PAGE 44 OF ORIGINAL ENDS HERE] 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 **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 [PAGE 45 OF ORIGINAL ENDS HERE] 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 [PAGE 46 OF ORIGINAL ENDS HERE] 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 **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 **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 [PAGE 47 OF ORIGINAL ENDS HERE] **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.

END TRANSCRIPTION