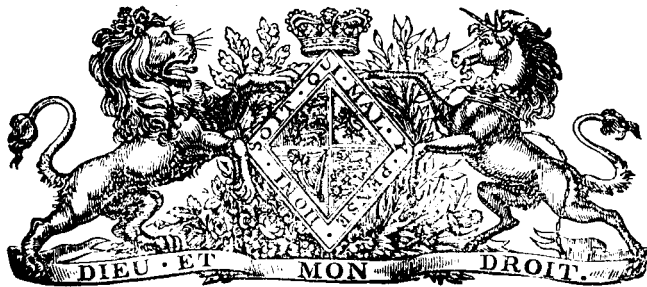


New South Wales.



ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

No. I.

An Act for shortening Acts of the Legislative Council. [26th July, 1852.] ACTS SHORTENING.

BE it enacted and declared by His Excellency the Governor of New South Wales by and with the advice and consent of the Legislative Council thereof as follows—

1. Every Act of the said Governor and Legislative Council of New South Wales to be passed after the commencement of this Act may be altered amended or repealed in the same Session of Council any law or usage to the contrary notwithstanding. Acts of the Governor and Council may be altered &c. in the same Session.

2. Such Acts shall be divided into sections if there be more enactments than one which sections shall be deemed to be substantive enactments without any introductory words. Acts to be divided into sections without introductory words.

3. All Acts of the Governor and Legislative Council of New South Wales including prospective enactments may be referred to by the term "Act of Council" and when any Act of Parliament or any former Act of Council or any section therein shall be referred to in any Act it shall be sufficient to cite the same by the year of the reign in which such Act was made and the chapter or number of such Act and the number of such section without reciting the title of such Act or the provisions of such section so referred to and the references in all cases shall be made according to the copies of such Acts printed by the Government Printer Provided that where it is only intended to amend or repeal a portion only of a section it shall still be necessary either to recite such portion or to set forth the matter or thing intended to be amended or repealed. References to former enactments.

4. Wherever any Act shall be made repealing in the whole or in part any former Act and substituting some provision or provisions in lieu thereof such provision or provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation. Repealed enactments.

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operation by force of the last made Act and such repeal shall not without express words affect any act matter or thing commenced to be done under the repealed Act but the same may be continued under the said repealed Act unless the provisions of the repealing Act shall be adapted to such continuation.

All Acts to be deemed Public Acts.

5. Every Act made after the commencement of this Act shall be deemed and taken to be a Public Act and shall be judicially taken notice of as such unless the contrary be expressly provided and declared by such Act.

Interpretation of certain words in Acts.

6. In all Acts words importing the masculine gender shall be deemed and taken to include females and the singular to include the plural and the plural the singular unless the contrary as to gender or number is expressly provided and the word "person" or "party" to include bodies politic or corporate as well as individuals if the context be applicable thereto and the word "month" to mean calendar month unless words be added shewing lunar month to be intended and the word "land" shall include messuages tenements and hereditaments corporeal or incorporeal of any tenure or description and whatever may be the estate or interest therein unless where there are words to exclude houses and buildings or to restrict the meaning to tenements of some particular tenure or to some particular estate or interest and the words "estate" shall include any estate or interest charge right title claim demand lien or incumbrance at Law or in Equity unless a more limited meaning is indicated by the context and the words "oath" "swear" and "affidavit" shall include affirmation declaration affirming and declaring in the case of persons by law allowed to declare or affirm instead of swearing.

Meaning of the words "Her Majesty" "Governor" &c.

7. Whenever the word "Her" or "His" Majesty shall be used in any Act the same shall be taken to include the Successors to the Crown of England and whenever the word "Governor" shall be used the same shall be construed to mean the Governor or other person for the time being lawfully administering the Government of this Colony and whenever any person holding or occupying a particular office or position shall be mentioned or referred to in general terms such mention or reference shall be taken to include all persons who shall at any time thereafter occupy for the time being the said office or position unless a contrary intention shall appear.

Words "in for or of the Colony of New South Wales" to be implied.

8. When any officer or office is referred to in any enactment the same shall be taken to refer to the officer or office of the description designated within and for the Colony of New South Wales and all references to localities jurisdictions and other matters and things shall be taken to relate to such localities jurisdictions and other matters and things within and of the said Colony unless in any such case the contrary shall appear to have been intended by the Legislature.

Power to appoint implies power to remove re-appoint &c.

9. Whenever power shall be given by any Act to Her Majesty or to the Governor of the Colony or to any officer or person to make appointments to any office or place it shall unless there are words to shew a contrary intention be intended that such power shall be capable of being exercised from time to time as occasion may require and that Her said Majesty and the said Governor or such officer or person shall have power to remove or suspend the person appointed and to appoint permanently or temporarily as the case may require another person in his stead or in the place of any deceased sick or absent holder of such appointment.

From time to time.

10. Whenever power shall be given to do perform or submit to any act matter or thing such power shall be capable of being exercised from time to time as occasion may require unless the nature of the thing or the words used shall indicate a contrary intention.

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11. In every enactment whereby power shall be given to any officers or persons to make any rules orders or regulations it shall be implied that such officers or persons may revoke alter or vary the same from time to time as occasion may require unless the terms used or the nature and objects of the power shall indicate that such power is intended to be exercised finally in the first instance.

Power to revoke and alter rules and regulations to be inferred from power to make them.

12. Whenever any Court Judge Justice Officer Commissioner Arbitrator or other person shall be authorized by law or by consent of parties to hear and determine any matter or thing such Court Judge Justice Officer Commissioner Arbitrator and other person shall have authority to receive and examine evidence and are hereby empowered to administer an oath to or take an affirmation from all such witnesses as are legally called before them respectively.

Power to administer oath implied from power to hear and determine.

13. In all cases in which an oath or affirmation shall be authorized to be administered or taken any false evidence given by a party to whom such oath shall have been administered or who shall have made such affirmation shall be deemed to be a misdemeanor and punishable as perjury and in all cases where a solemn declaration shall be required to be taken or authorized to be received a false declaration made by any person shall be deemed to be a misdemeanor and punishable with fine or imprisonment at the discretion of the Court before which such misdemeanor shall have been tried.

False oath or affirmation or declaration punishable.

14. Whenever by any Act any penalty fine or forfeiture is made recoverable before or is authorized to be imposed by or before any Justice or Justices of the Peace otherwise than in General or Quarter Sessions and whenever by any Act a Justice or Justices is or are empowered to hear and determine otherwise than in General or Quarter Sessions any matter or to make any order or do any act of a judicial character such Act shall be taken to empower such Justice or Justices to adjudicate order and act therein accordingly in a summary way and such Act shall be taken to have enacted that no conviction or order made by any Justice or Justices of the Peace under the authority of said Act shall be quashed for want of form.

All judicial powers conferred on Justices to be exercised summarily.

15. Whenever any fine penalty or forfeiture shall be imposed or authorized to be imposed by any Act of Council such Act shall be taken to provide that the same when recovered shall be paid one moiety to Her Majesty Her Heirs and Successors for the public uses of this Colony and in support of the Government thereof and that the same shall be applied in such manner as may from time to time be directed by any Act or Acts of the Governor and Legislative Council of New South Wales and that the other moiety thereof shall be paid to the informer or person prosecuting or suing for the same unless the Act imposing the said fine penalty or forfeiture shall otherwise direct.

Appropriation of penalties when Act silent.

16. Any fine penalty or forfeiture so imposed may be sued and proceeded for by any person whomsoever unless by the Act imposing the same such right to sue or proceed shall be expressly given to any officer or person by name or designation.

Who may in general sue for penalties.

17. Whenever any Act of Council shall be passed in the nature of a Private Act and whereby the property of any individual may be affected nothing herein contained shall be deemed to affect the rights of Her Majesty Her Heirs or Successors or of any bodies politic or corporate or of any person excepting those at whose instance or for whose especial benefit such Act may have been passed and those claiming by through or under them but all such rights shall be deemed to be saved in any such Act in the same manner as if a proviso for that purpose had been expressly contained therein and enacted thereby.

No Private Act to affect property of Crown or individuals not named.

18. This Act shall commence and take effect from and immediately after the passing thereof.

Commencement of Act.