



ANNO UNDECIMO

VICTORIÆ REGINÆ,

No. 1.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,
Lieutenant-Governor of the Island of Van Diemen's Land and
its Dependencies, with the Advice of the Legislative Council.*

*AN ACT to remove Doubts respecting the Validity and
Legality of Acts of the Lieutenant-Governor and
Legislative Council of Van Diemen's Land.*

WHEREAS by an Act of the Imperial Parliament made and 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* it was amongst other things enacted that it should 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 should be pleased to nominate—And it was thereby further enacted that the Governors for the time being of the said Colonies respectively with the advice of the Legislative Councils to be appointed as aforesaid should 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 that Act or to any Charter or Letters Patent or Order in Council which might be issued in pursuance thereof or to the Laws of England—And it was thereby also further enacted that every Law or Ordinance so to be made as

PREAMBLE.
9 Geo. 4, c. 83.

aforsaid should within seven days from the date thereof be transmitted by the Governors of the said Colonies respectively to the Supreme Courts of the said Colonies respectively to be there enrolled and recorded and that at the expiration of fourteen days from the day of the date thereof every such Law or Ordinance so to be made as aforesaid should take effect and be binding upon all His Majesty's subjects and others within the said Colonies respectively until His Majesty's pleasure should 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 should transmit to such Governor a representation that any such Law or Ordinance was repugnant to that Act or to any Charter or Letters Patent or Orders in Council issued in pursuance thereof or to the Laws of England then and upon the receipt of any such representation such Governor should suspend the operation of such Law or Ordinance until the same had been brought by him together with such representation as aforesaid under the review of the said Legislative Council and if upon a review by the said Governor in Council of the said Ordinance the said Governor in Council should adhere to such Ordinance a written notice of such resolution should forthwith be transmitted by the said Governor to the Judges of the said Supreme Court and such Ordinance should thenceforward take effect and be binding upon all His Majesty's subjects within the said Colonies until His Majesty's pleasure should be known any repugnancy or supposed repugnancy of such Law or Ordinance to that Act or to any such Charters Letters Patent or Orders in Council as aforesaid or to the Laws of England notwithstanding—And it was by the said Act further enacted that every Law or Ordinance so to be made as aforesaid should 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 should and might be lawful for His Majesty his heirs and successors from time to time as he or they should 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 should be published in the said Colonies respectively by Proclamation to be for that purpose issued by the said Governors all such Laws and Ordinances should be null and void but in case His Majesty his heirs and successors should 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 should be valid and effectual and have full force—AND WHEREAS in pursuance of the power and authority in the said Act contained a Legislative Council hath been duly constituted and appointed in this Colony and the Lieutenant-Governors thereof for the time being have from time to time with the advice of the said Legislative Council made Laws and Ordinances for the peace welfare and good government of the said Colony—AND WHEREAS doubts have arisen as to the validity of certain of such Laws and Ordinances so made by the said Lieutenant-Governors and Council as last aforesaid on the ground that such Laws and Ordinances are in some particular or particulars repugnant to the herein-before recited Act or to the Charter or Letters Patent or some Order in Council issued in pursuance thereof or to the Laws of England as in the said Act specifically mentioned and such doubts have so arisen and still exist notwithstanding that such Laws and Ordinances as last aforesaid have been transmitted by the Lieutenant-Governor for the

time being to the Supreme Court of Van Diemen's Land to be there enrolled and recorded and the same have been there enrolled and recorded and notwithstanding that before the expiration of the said term of fourteen days the Judges of the said Supreme Court for the time being have not nor hath either of them transmitted to the said Lieutenant-Governor for the time being any representation whatsoever that such Laws and Ordinances as last aforesaid or any or either of them have or hath been or are or is repugnant to the herein-before recited Act or to the Charter or Letters Patent or some Order in Council issued in pursuance thereof or to the Laws of England as in the said Act specifically mentioned and notwithstanding that His Majesty his heirs and successors have or hath not signified his or their disallowance of such Laws and Ordinances as last aforesaid or any or either of them as by the said herein-before recited Act is provided—AND WHEREAS it is expedient that all such doubts be forthwith removed and set at rest—

BE IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council of the said Island that from and after the passing of this Act all Laws and Ordinances whatsoever heretofore or hereafter passed by the Lieutenant-Governor of this Island for the time being with the advice of the Legislative Council thereof and which said Laws and Ordinances shall have been and shall be within the time for that purpose limited as aforesaid transmitted to the Supreme Court of Van Diemen's Land to be there enrolled and recorded and shall have been and shall be there enrolled and recorded and against which said Laws and Ordinances no such representation of repugnancy as aforesaid shall have been or shall be transmitted to the Lieutenant-Governor for the time being by the Judges of the said Supreme Court for the time being or either of them before the expiration of the said term of fourteen days for that purpose limited as aforesaid and of which said Laws and Ordinances no such disallowance by His Majesty his heirs and successors shall have been or shall be signified as aforesaid shall be deemed and taken to have been and to be and shall be from the dates respectively at which the said Laws and Ordinances respectively provide either expressly or impliedly for their coming into operation valid and binding Laws and Ordinances to all intents and purposes whatsoever any repugnancy or supposed repugnancy of such Laws and Ordinances or any or either of them to the said hereinbefore recited Act or to the said Charter or Letters Patent or any Order in Council issued in pursuance thereof or to the Laws of England in any wise notwithstanding.

Laws and Ordinances enrolled in the Supreme Court and not certified against by the Judges thereof or either of them nor disallowed by the Queen to be valid and binding Laws and Ordinances.

W. T. DENISON.

Passed the Legislative Council, this seventh day of February, one thousand eight hundred and forty-eight,

J. W. KIRWAN, *Clerk of the Council.*

