

21<sup>o</sup> VICTORIÆ, 1857.

## A B I L L

To amend and extend the Act passed for shortening Acts of  
the Legislature.

WHEREAS doubts have arisen whether the Act passed in the six- Preamble.  
teenth year of Her Majesty's reign intituled "*An Act for shortening Acts* 16 Vict. No. 1.  
"*of the Legislative Council*" extends to or will embrace Acts passed or  
to be passed by the Legislature as at present constituted and whether  
5 Acts commence by law (where no time is expressed) from the day of  
their receiving the Royal Assent or at an earlier date Be it therefore  
enacted by the Queen's Most Excellent Majesty by and with the advice  
and consent of the Legislative Council and Legislative Assembly of New  
South Wales in Parliament assembled and by the authority of the same  
10 as follows :—

1. The several provisions of the said Act applicable to any Act of Provisions of the  
Council shall extend to every Act passed or to be passed by the Legisla- said Act extended.  
ture of this Colony for the time being however constituted and the term  
"Session of Council" shall be taken to mean any Legislative Session  
15 And every Act passed in this Colony by whatsoever Legislature may be  
cited or referred to by the term "Act of the Legislature of New South  
"Wales."

2. Every Act heretofore or hereafter passed by the Legislature for Time of commence-  
the time being (the Act No. 5 of the last Session excepted) shall be ment of Acts.  
20 deemed to have commenced and shall take effect on the day on which  
such Act received or shall receive the Royal Assent unless a contrary  
intention be expressed therein or shall otherwise appear thereby And  
the date purporting to be that of such Assent which shall appear on the  
copy of any such Act printed by the Government Printer or purporting so  
25 to be or which shall be printed on the copy of any such Act in the New  
South Wales *Government Gazette* shall be received for all purposes as  
evidence of the date of such Assent.



Proviso Reserved  
Acts.

3. Provided that every Act reserved for the signification of Her Majesty's pleasure shall commence only on the day on which the fact of Her Majesty's assent shall be proclaimed by the Governor in the New South Wales *Government Gazette* or on such day thereafter if any as the Act itself shall have prescribed.

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Repealed or expired  
enactments.

4. The repeal of an Enactment by which a previous Enactment was repealed shall not have the effect of reviving such last mentioned Enactment without express words. And neither the repeal nor the expiry of an Enactment shall affect Proceedings commenced under the same before such repeal or expiry but every such Proceeding may be continued 10 and every thing in relation thereto be done in all respects as if the Enactment continued in force.

Term "Act" or  
"Statute."

5. In all Indictments and Informations and all Pleadings and Proceedings Civil or Criminal the word Statute or the word Act applied to indicate any Enactment shall equally be taken to mean and include an 15 Act of the Imperial Parliament or an Act of the Legislature of this Colony—as the context or the case may require.

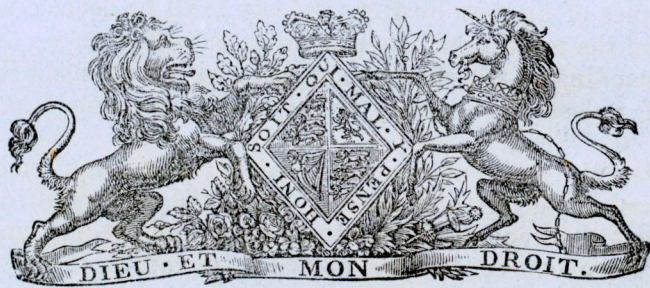


This PUBLIC BILL, having been this day passed by the LEGISLATIVE COUNCIL, is ready for presentation to the LEGISLATIVE ASSEMBLY, for its concurrence.

Legislative Council Chamber,  
Sydney, December, 1857. }

Clerk of the Legislative Council.

New South Wales.



ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

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No. .

An Act to amend and extend the Act passed for shortening Acts of the Legislature.

WHEREAS doubts have arisen whether the Act passed in the sixteenth year of Her Majesty's reign intituled "*An Act for shortening Acts* 16 Vict. No. 1. "*of the Legislative Council*" extends to or will embrace Acts passed or to be passed by the Legislature as at present constituted and whether 5 Acts commence by law (where no time is expressed) from the day of their receiving the Royal Assent or at an earlier date Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same 10 as follows:—

1. The several provisions of the said Act applicable to Acts of Council shall extend to every Act passed or to be passed by the Legisla- Provisions of the said Act extended.  
ture of this Colony for the time being however constituted and the term "Session of Council" shall be taken to mean any Legislative Session 15 And every Act passed in this Colony by whatsoever Legislature may be cited or referred to by the term "Act of the Legislature of New South Wales."

2. Every Act heretofore or hereafter passed by the Legislature for the time being shall be deemed to have commenced and shall take Time of commence- ment of Acts.  
20 effect on the day on which such Act received or shall receive the Royal Assent unless a contrary intention be expressed therein And the date purporting to be that of such Assent which shall appear on the copy of any such Act printed by the Government Printer or purporting so to be or which shall be printed on the copy of any such Act in the New 25 South Wales *Government Gazette* shall be received for all purposes as evidence of the date of such Assent.



*Acts Shortening Act Amendment Act.—1857.*

3. Provided that every Act reserved for the signification of Her Majesty's pleasure shall commence only on the day on which the fact of Her Majesty's assent shall be proclaimed by the Governor in the New South Wales *Government Gazette* or on such day thereafter if any as the Act itself shall have prescribed. Proviso Reserved Acts.
4. The repeal of an Enactment by which a previous Enactment was repealed shall not have the effect of reviving such last mentioned Enactment without express words. And neither the repeal nor the expiration of an Enactment shall affect Proceedings previously commenced under the same but every such Proceeding may be continued and every thing in relation thereto be done in all respects as if the Enactment continued in force. Repealed or expired enactments.
5. The disallowance of an Act by Her Majesty shall be deemed a repeal of the same within the meaning of the preceding section. Acts disallowed.
6. Every Act amending an Act shall be construed with the amended Act and as part thereof unless the contrary be declared in the amending Act. Amending Acts.
7. In all Indictments and Informations and all Pleadings and Proceedings Civil or Criminal the word Statute or the word Act applied to indicate any Enactment shall equally be taken to mean and include an Act of the Imperial Parliament or an Act of the Legislature of this Colony—as the context or the case may require. Term "Act" or "Statute."
8. Where in any enactment to be passed after the present Session a power is conferred on any Officer or person by the word "may" or by the words "it shall be lawful" applied to the exercise of that power such word or words shall be taken to import that the power may be exercised or not at discretion but where the word "shall" is applied to the exercise of any such power the construction shall be that the power conferred must be exercised. When a power is discretionary and when not.

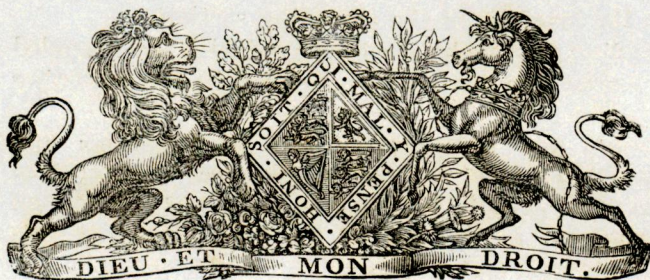


This PUBLIC BILL, having been this day passed by the LEGISLATIVE COUNCIL, is ready for presentation to the LEGISLATIVE ASSEMBLY, for its concurrence.

Legislative Council Chamber,  
Sydney, 11th December, 1857. }

WM. MACPHERSON,  
Clerk of the Legislative Council.

## New South Wales.



ANNO VICESIMO PRIMO

## VICTORIÆ REGINÆ.

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No. .

An Act to amend and extend the Act passed for shortening Acts of the Legislature.

WHEREAS doubts have arisen whether the Act passed in the sixteenth year of Her Majesty's reign intituled "*An Act for shortening Acts of the Legislative Council*" extends to or will embrace Acts passed or to be passed by the Legislature as at present constituted and whether Acts commence by law (where no time is expressed) from the day of their receiving the Royal Assent or at an earlier date Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The several provisions of the said Act applicable to Acts of Council shall extend to every Act passed or to be passed by the Legislature of this Colony for the time being however constituted and the term "Session of Council" shall be taken to mean any Legislative Session And every Act passed in this Colony by whatsoever Legislature may be cited or referred to by the term "Act of the Legislature of New South Wales."

2. Every Act heretofore or hereafter passed by the Legislature for the time being shall be deemed to have commenced and shall take effect on the day on which such Act received or shall receive the Royal Assent unless a contrary intention be expressed therein And the date purporting to be that of such Assent which shall appear on the copy of any such Act printed by the Government Printer or purporting so to be or which shall be printed on the copy of any such Act in the New South Wales Government Gazette shall be received for all purposes as evidence of the date of such Assent.



*Acts Shortening Act Amendment Act.—1857.*

3. Provided that every Act reserved for the signification of Her Majesty's pleasure shall commence only on the day on which the fact of Her Majesty's assent shall be proclaimed by the Governor in the New South Wales *Government Gazette* or on such day thereafter if any as the Act itself shall have prescribed.

4. The repeal of an Enactment by which a previous Enactment was repealed shall not have the effect of reviving such last mentioned Enactment without express words. And neither the repeal nor the expiration of an Enactment shall affect Proceedings previously commenced under the same but every such Proceeding may be continued and every thing in relation thereto be done in all respects as if the Enactment continued in force.

5. The disallowance of an Act by Her Majesty shall be deemed a repeal of the same within the meaning of the preceding section.

6. Every Act amending an Act shall be construed with the Act and as part thereof unless the contrary be declared in the amending Act.

7. In all Indictments and Informations and all Pleadings and Proceedings Civil or Criminal the word Statute or the word Act applied to indicate any Enactment shall equally be taken to mean and include an Act of the Imperial Parliament or an Act of the Legislature of this Colony—as the context or the case may require.

8. Where in any enactment to be passed after the present Session a power is conferred on any Officer or person by the word "may" or by the words "it shall be lawful" applied to the exercise of that power such word or words shall be taken to import that the power may be exercised or not at discretion but where the word "shall" is applied to the exercise of any such power the construction shall be that the power conferred must be exercised.