

**No. XVI.**

LEGISLATIVE  
CONTROL OVER  
ORDINARY REVENUE.

**An Act to repeal so much of the Local Ordinances**  
second William the Fourth number twelve  
sixth Victoria number fifteen seventh Victoria  
number nineteen eighth Victoria number four  
and eleventh Victoria number twenty as  
assumes to vest the appropriation of the  
Ordinary Revenue elsewhere than in the  
Legislative Council. [22nd December, 1851.]

Preamble.  
5 & 6 Vic. cap. 76.

9 Geo. IV. cap. 31.

2 Wm. IV. No. 12.

WHEREAS by the fifteenth section of the fifth and sixth Victoria cap. seventy-six intituled “*An Act for the Government of New South Wales and Van Diemen’s Land*” it is enacted that with the deductions and subject to the provisions hereinafter contained the whole of Her Majesty’s Revenue within the Colony of New South Wales arising from taxes duties rates and imposts levied on Her Majesty’s subjects within the said Colony shall be appropriated by Ordinances to be for that purpose enacted by the Governor with the advice and consent of the Legislative Council of the said Colony and in no other manner And whereas by the fifty-third section of the said Act after reciting that an Act was 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*” which Act was continued by three Acts passed successively in the seventh year of the reign of His late Majesty in the first and in the second years of the reign of Her Majesty and was afterwards continued with amendments by two Acts passed in the third and in the fourth years of the reign of Her Majesty it is provided that nothing therein contained shall extend or be construed to extend to repeal or abrogate any Law or Ordinance made in pursuance of the said recited Acts or any of them but that every such Law or Ordinance shall thereupon be as valid and effectual as if every part of the said recited Acts had thereby been made permanent and it was also provided in and by the said fifty-third section of the same Act that it shall be lawful for the Governor and Legislative Council of the said Colony in exercise of the powers to them respectively granted by that present Act and in the manner and subject to the rules thereinbefore prescribed to repeal vary or alter all or any part of the same recited Acts or of any of them or any Law or Ordinance made in pursuance thereof And whereas it was by the said Act further enacted that it should take effect within the said Colony from the day of the Proclamation thereof And whereas the said Act was proclaimed on the fifth day of January in the year of our Lord one thousand eight hundred and forty-three And whereas by the thirty-fourth section of the Law or Ordinance passed in the second year of the reign of His late Majesty King William the Fourth intituled “*An Act for repealing so much of an Act intituled ‘An Act to continue until further provision shall be made certain Duties Tolls Rates Fees and other sums of money imposed by the Governors of New South Wales and for other purposes as relates to the levying Tolls in New South Wales and for raising a Fund towards making repairing and upholding Public Roads Bridges and Ferries and for regulating the collection of Tolls thereon’*” and by the thirty-ninth section of the Law or Ordinance passed by the Governor and Legislative Council

*Legislative Control over Ordinary Revenue.*

Council of the said Colony in the sixth year of Her Majesty's reign intituled "An Act to consolidate and amend the Law relating to Courts of Requests and to extend the Jurisdiction of such Courts in the County of Cumberland" certain duties tolls rates and fees are authorized to be levied taken and applied in the manner in the said two several Laws or Ordinances directed And whereas by the fourth section of a certain other Law or Ordinance passed in the seventh year of Her Majesty's reign intituled "An Act to amend an Act intituled 'An Act for giving relief to Insolvent Persons and providing for the administration of Insolvent Estates and to abolish Imprisonment for Debt'" the fees authorized to be thereby taken are declared to be payable to Her Majesty and Her Successors for the support of the Commissioners and other Officers of the Insolvent Court thereby created and their necessary contingent expenses And whereas by the thirteenth section of a certain other Law or Ordinance passed in the eighth year of Her Majesty's reign intituled "An Act to amend the Laws regulating Trial by Jury in New South Wales in so far as they relate to the Trial of Civil Causes" and also by the thirty-second section of a certain other Law or Ordinance passed in the eleventh year of Her Majesty's reign intituled "An Act to consolidate and amend the Laws relative to Jurors and Juries in New South Wales" two several funds are created composed of certain fees and fines for the payment of Jurors in civil cases which the Sheriff for the time being is directed to apply in the manner in the two last recited Laws or Ordinances directed And whereas a question has arisen in regard to the said two Laws or Ordinances so passed in the second year of the reign of His late Majesty King William the Fourth and in the sixth year of the reign of Her Majesty whether the appropriation or delegation of appropriation thereby made be still in force or be repealed by the fifteenth section of the said Act passed in the fifth and sixth year of Her Majesty's reign for the Government of New South Wales and Van Diemen's Land And whereas it is expedient to determine the said question and it is also expedient that the said fourth section of the said Law or Ordinance so passed in the seventh year of Her Majesty's reign the thirteenth section of the said Law or Ordinance so passed in the eighth year of Her Majesty's reign and the thirty-second section of the said Law or Ordinance so passed in the eleventh year of Her Majesty's reign be repealed in order to establish a uniform mode of appropriation of the Ordinary Revenue of the said Colony Be it declared and enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act so much of the said five recited Laws or Ordinances passed respectively in the second year of the reign of His late Majesty King William the Fourth and in the sixth seventh eighth and eleventh years of the reign of Her present Majesty as permanently appropriates any duties tolls rates or fees authorized to be levied taken and applied by any or either of the said five recited Laws or Ordinances shall be and the same are hereby repealed.

2. And be it further declared and enacted That all duties tolls rates and fees so permanently appropriated by the said several Laws or Ordinances passed respectively in the second year of the reign of His late Majesty King William the Fourth and in the sixth seventh eighth and eleventh years of the reign of Her present Majesty shall be paid to Her Majesty Her Heirs and Successors for the public uses of the said Colony and in support of the Government therof and shall be applied in such manner as may be from time to time directed by any Act of the said Governor and Legislative Council and in no other manner.

S. 34 2 Wm. IV.

No. 12

S. 39 6 Vic. No. 15

S. 4 7 Vic. No. 19

S. 13 8 Vic. No. 4

S. 32 11 Vic. No. 20

Repealed.

All such duties tolls  
rates &c. to be paid  
to Her Majesty.