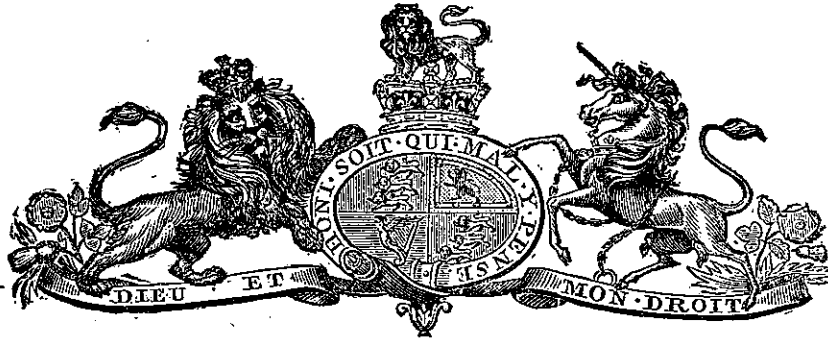


New Zealand.



ANNO QUARTO

VICTORIÆ REGINÆ.

SESSION I. No. I.

AN ORDINANCE to declare that the Laws of New South Wales so far as they can be made applicable shall extend to and be in force in Her Majesty's Colony of New Zealand from and subsequent to the date of Her Majesty's Royal Charter and Letters Patent erecting into a separate Colony the Islands of New Zealand, and to indemnify the Lieutenant-Governor and other Officers thereof for certain acts done and performed between the date of the said Royal Charter and Letters Patent and the day of passing this Ordinance. [3rd June, 1841.]

NEW SOUTH WALES
LAWS ADOPTED.

WHEREAS by an Act of the Governor and Legislative Council of New South Wales, made and passed in the third year of the reign of Her present Majesty, intituled "An Act to declare that the Laws of New South Wales extend to Her Majesty's dominions in the Islands of New Zealand and to apply the same as far as applicable in the administration of Justice therein, and to indemnify certain Officers for acts already done," after reciting that Her Majesty had been pleased to annex Her Majesty's dominions of New Zealand to the Government of New South Wales, it is enacted that all Laws and Acts or Ordinances of the Governor and Legislative Council of New South Wales which then were or thereafter might be in force within the said Colony should extend to and be applied in the administration of

Preamble.

3 Vict., No. 28.

of

New South Wales Laws Adopted.

4 Vict., No. 62.

of justice within Her Majesty's dominions in the said Islands of New Zealand so far as they could be applied therein: And whereas under and by virtue of an Act of Parliament made and passed in the fourth year of Her said Majesty's reign, intituled "*An Act to continue until the thirty-first day of December, one thousand eight hundred and forty-one, and to the end of the then next ensuing Session of Parliament, the provisions of any Act to provide for the administration of Justice in New South Wales and Van Dieman's Land, and for the more effectual government thereof, and for other purposes relative thereto,*" Her Majesty did, by Her Royal Charter and Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the sixteenth day of November, one thousand eight hundred and forty, erect into a separate Colony the Islands of New Zealand theretofore comprised within or dependencies of the Colony of New South Wales, with all other Islands lying between certain latitude and longitude therein mentioned, and did further provide that from thenceforth the said Islands should be known and designated as the Colony of New Zealand: And whereas by Her said Royal Charter and Letters Patent Her Majesty did constitute a Legislative Council for the said Colony of New Zealand, with full power and authority to make and ordain all such Laws and Ordinances as might be required for the peace order and good government of the said Colony: And whereas it is expedient until such Laws and Ordinances can be well considered and ordained that all such Laws Acts or Ordinances of New South Wales as are applicable to the Colony of New Zealand should continue to be acted upon and be applied therein.

And in order to remove any doubt which may exist, whether the said Laws Acts or Ordinances of the said Governor and Legislative Council of New South Wales are and continue in force within the said Colony of New Zealand from and subsequent to the date and proclamation of such Her Majesty's said Royal Charter and Letters Patent:

So much of all Laws of New South Wales as have already been and can be applied to the Colony of New Zealand adopted.

1. Be it therefore enacted and ordained by His Excellency the Governor in and over the Colony of New Zealand, with the advice of the Legislative Council thereof, That so much of all and every of the Laws Acts or Ordinances heretofore made by the Governor and Legislative Council of New South Wales, and now in force therein, as have already been and can hereafter during the continuance of this Ordinance be applied within the said Colony of New Zealand, shall be and the same are hereby adopted and declared and directed to be extended to and applied in the administration of justice in the said Colony of New Zealand in the like manner as all other the Laws of England and as if the same had been repealed and re-enacted in this Ordinance.

And whereas doubts may arise as to the validity of Acts done and performed in the said Colony of New Zealand, since the date of Her said Majesty's Royal Charter and Letters Patent, by His Excellency as the Lieutenant-Governor of the same, and by Justices of the Peace, officers of Customs, constables, and other officers, under and by virtue of the said partly recited Act of the Governor and Legislative Council of New South Wales, for the removal whereof,—

Indemnity for acts done since 16th November, 1840.

2. Be it therefore further enacted, That the said Lieutenant-Governor of the Colony of New Zealand, and all Justices of the Peace, officers of Customs, constables, and other officers, and all persons whomsoever therein who may have acted under and by virtue of any commission or appointment of Her Majesty, or of the Governor of New South Wales, or of the said Lieutenant-Governor of the said Colony of New Zealand, or under any orders and directions of the

New South Wales Laws Adopted.

same Lieutenant-Governor or of His Excellency the Governor since his assuming the government of the said Colony of New Zealand, previous and up to the passing of this Ordinance, shall be and they and each and every one of them are hereby indemnified against and freed and discharged from all damages penalties and forfeitures to which they or any one of them may have heretofore or may now otherwise be liable for any act so done or performed.

3. And be it further enacted, That no act done or performed by any such officer or other person aforesaid shall be questioned or avoided in any Court of Law by reason of any supposed want of power and authority, and that all such acts so done and performed shall be and they are declared to be as valid and effectual in law to all intents and purposes as if each of such officers and persons aforesaid had done and performed such acts within and under or by virtue of any Law or Statute of the Parliament of Great Britain and Ireland. Such acts declared valid.

4. And be it further enacted and ordained, That in all or any of the said Acts of the Governor and Legislative Council of New South Wales, which shall under and by virtue of this Ordinance be brought into operation and extended to and applied in the said Colony of New Zealand, whenever the words "Governor, with the advice of the Executive Council," "Governor," "Justice or Justices of the Peace," or "Government Gazette of New South Wales," are used in such Act or Acts, the same words shall be construed to mean and shall include and extend to "The Governor, with the advice of the Executive Council of New Zealand," or "Governor for the time being," and "all or any Justice or Justices of the Peace," and to the "Government Gazette of the said Colony of New Zealand," and that all words and expressions referring or having relation to New South Wales shall be and the same are hereby directed to be applied and construed to extend to the said Colony of New Zealand. Interpretation clause.