



ANNO DECIMO-SEPTIMO

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 and Consent of the Legislative Council.

AN ACT for shortening and explaining the Language used in Acts of Council, Legal Proceedings, Deeds and other Documents. [5th August, 1853.]

BE it declared and enacted by His Excellency Sir WILLIAM THOMAS DENISON, Knight, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the Advice and Consent of the Legislative Council of the said Island, That every Act of Council to be passed after the Commencement of this Act may be altered, amended, or repealed in the same Session of Council, any Law or Usage to the contrary notwithstanding.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 Council may be altered, &c. in the same Session.

II. Be it enacted, That all Acts of Council 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 of Council to be divided into Sections without introductory Words.

III. Be it enacted, That in all Acts of Council, Legal Proceedings, Deeds, and other Documents, when any Act of Parliament is referred to, it shall be sufficient to cite the Year of the Reign, and when there are more Statutes or Sessions than One in the same Year the Statute or the Session (as the Case may require), and when there are more Chapters or Sections than One the Chapter or Section or Chapter and Section (as the Case may require), without reciting the Title of such Act of Parliament, or the Provision of such Section so referred to; and when any Act of Council is referred to, it shall be sufficient to cite

Where any Act is referred to, it shall be sufficient to cite the Year of the Reign and Section, &c.

the Year of the Reign and the Number, and where there are more Sections than One, the Section or Sections (as the Case may require), without reciting the Title of such Act of Council, or the Provision of such Section or Sections so referred to : Provided, that, in any Act of Council where it is only intended thereby to amend or repeal any Portion only of such Section or Sections, it shall be necessary still either to recite such Portion, or to set forth the Matter or Thing intended to be amended or repealed.

Interpretation of certain Terms in Acts of Council. "Governor," "Lieutenant-Governor."

As to Gender and Number.

"Oath," "swear," "Affidavit."

Interpretation of certain Words in Acts of Council, Legal Proceedings and Documents.

"Month."  
"Land."

Repealed Acts not to be revived in virtue of the Repeal of the repealing Act.

Repealed Provisions of any Act to remain in force until the substituted Provisions come into force.

Acts to be deemed Public Acts.

When Things to be done fall on a Sunday, &c. may be done on following Day.

IV. Be it declared and enacted, That in all Acts of Council, whether made before or after the commencement of this Act, the terms "Governor" and "Lieutenant-Governor" shall be deemed and taken to mean and include the Person for the Time being lawfully administering the Government of this Colony, and (unless the contrary shall appear from the Context) 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; 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.

V. Be it enacted, That in all Acts of Council, Legal Proceedings, Deeds, and other Documents, the word "Month" shall be deemed to mean Calendar Month, unless Words be added showing Lunar Month to be intended; and the Word "Land" shall include Messuages, Tenements, and Hereditaments, Houses and Buildings, with their Appurtenances, unless where there are Words to exclude Houses and Buildings.

VI. Be it enacted, That where any Act of Parliament or Act of Council repealing in Whole or in Part any former Act of Parliament or Act of Council is itself repealed, such last Repeal shall not revive the Act or Provisions before repealed, unless Words be added reviving such Act or Provisions.

VII. Be it enacted, That whenever any Act of Council shall be made repealing in Whole or in Part any former Act, and substituting some Provision or Provisions instead of the Provision or Provisions repealed, such Provision or Provisions so repealed shall remain in force until the substituted Provision or Provisions shall come into operation by force of the last made Act.

VIII. Be it enacted, That every Act of Council 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.

IX. Be it enacted, That whenever by any Act of Council any Act, Matter, or Thing is directed or authorised to be done or performed on a certain Day, and that Day shall happen to be Sunday, Good Friday, or Christmas-day, every such Act, Matter, or Thing shall

and may, unless otherwise directed by such Act of Council, be done and performed on the Day next succeeding such Sunday, Good Friday, or Christmas-day.

X. Be it enacted, That in referring to the Act of Council, intituled *An Act to regulate Summary Proceedings before Justices of the Peace*, in other Acts of Council, and in legal Proceedings and otherwise, it shall be sufficient to use the Expression *The Summary Proceedings Act*. Summary Proceedings Act.

XI. Be it enacted, That, unless otherwise expressly provided, every Schedule to any Act of Council annexed shall be deemed and taken to be Part and Parcel of the Act to which it is so annexed, and shall have the same Operation and Effect as if the Matters therein contained had been enacted in the Body of the Act. Schedules annexed to an Act to be deemed Part thereof.

XII. Be it enacted, That this Act shall commence and take effect from and immediately after the passing thereof. Commencement of Act.

RICHARD DRY, *Speaker*.

Passed the Legislative Council this twenty-eighth day of July one thousand eight hundred and fifty-three.

FR. HARTWELL HENSLOWE,  
*Clerk of the Council.*

In the name and on the behalf of Her Majesty I assent to this Act.

*Government House, Hobart Town,  
5th August, 1853.*

W. DENISON,  
*Lieut.-Governor.*