

BEGIN TRANSCRIPTION

An Act to provide for the better Government of South Australia [30th July 1842] Anno 5^o et 6^o Victoriae

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Whereas an act was passed in the fifth year of the reign of his late majesty intituled “An act to empower his majesty to erect South Australia into a British Province or Provinces and to provide for the colonization and government thereof” And whereas an act was passed in the second year of the reign of her present majesty intituled “An act to amend an act of the fourth and fifth years of his late majesty empowering his majesty to erect South Australia into a British province or provinces” And whereas it is expedient that the said acts should be repealed and that provision should be made for the better government of the said colony Be it therefore enacted by the queen’s most excellent majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled and by the authority of the same that the said acts shall be repealed Provided always and be it enacted that all laws and ordinances heretofore passed under the authority and in pursuance of the said recited acts or either of them and that all things heretofore lawfully done in virtue of the said acts or of either of them shall hereafter be of the same validity as if the said acts had not been repealed (save only, so far as respects any such laws ordinances or things relating to the future appropriation of the revenue of the said colony or such casual or territorial revenue as may accrue to her majesty within the same or future liability of such revenues to any charges to which the same may have been made subject) And be it enacted that any suits or actions heretofore brought or hereafter to be brought by or against the colonization commissioners for South Australia in respect for any thing done before the passing of this act may notwithstanding the repeal of the said acts be prosecuted and proceeded with in the same manner in every respect as if the said acts had not been repealed and that in respect of any thing done before the repeal of the said acts the said commissioners shall be competent to sue and be liable to be sued in the same manner in all respects as if the said acts had not been repealed And be it enacted that no person or persons convicted in any court of justice in Great Britain or Ireland, or elsewhere, shall at any time or under any circumstances, be transported as a convict to any place within the said province And be it enacted that it shall be lawful for her majesty by any commission or commissions to be by her majesty from time to Time issued under the great seal of the united kingdom or by any instructions under her majesty’s signet and sign manual to be from time to time issued with the advice of her majesty’s privy council to constitute within the said colony a legislative council consisting of the governor and of seven other persons at the least which legislative council shall be authorized to make laws for the peace order and good government of the said colony and it shall be lawful for her majesty by any such commission or commissions or instructions as aforesaid either to appoint such councillors by name or otherwise to provide for the selection and appointment of them as to her majesty shall seem meet and it shall also be lawful for her majesty in manner aforesaid to prescribe all such rules and orders as to her majesty shall seem meet respecting the tenure of the offices of such councillors and respecting the course and manner of proceeding to be by the said legislative council observed in the enactment of laws and respecting the transmission of such laws for the confirmation or disallowance of her majesty or the reservation of them for the signification of her majesty’s pleasure and respecting the effect of any such disallowance or reservation all which rules and orders shall within the said colony have the force and effect of law until the same shall have been revoked or altered by her majesty in manner aforesaid And be it enacted that it shall be lawful for her majesty by any such commission or commissions or instructions as aforesaid to convene a general assembly to be elected by freeholders

and other inhabitants of the said colony in such and the same manner as if this act and the said recited acts had not been passed and to authorize the governor for the time being of the said colony with the advice and consent of the said general assembly and of a legislative council to be by her majesty for that purpose appointed to make laws for the peace order and good government of the said colony or it shall be lawful for her majesty in manner aforesaid to constitute a general assembly for the purposes aforesaid consisting of a single house of general assembly alone which one house of general assembly shall be composed in such proportions as to her majesty may seem meet of members to be nominated by her majesty and of other members to be elected by such freeholders or other inhabitants and it shall be lawful for her majesty by any such commission or commissions or instructions aforesaid to establish such rules and orders as to her majesty shall seem meet for the nomination or election of the members of the said general assembly as the case may be and to determine how and where such election shall be holden and for that purpose to divide or to provide for the division of the said colony into electoral districts and to determine what shall be the qualification of the persons so to be elected and of the voters at any such elections and to regulate all other things for which it may be expedient to provide in order to the meeting of any such general assembly and it shall also be lawful for her majesty by any such commission or instructions as aforesaid to reserve to the governor of the said colony the exclusive right of initiating all votes of public money in such general assembly and to establish all such rules and orders in reference to any laws to be made by the said general assembly as are hereinbefore mentioned in reference to any laws to be made by the said legislative council And whereas by the hereinbefore recited acts the colonization commissioners for South Australia were authorized and empowered for defraying the necessary costs charges and expences of founding the said intended colony and for providing for the expences of the said commissioners and for defraying all costs charges and expences incurred in carrying the said acts into execution and in applying for and obtaining the same from time to time to borrow and take up at interest not exceeding ten pounds per centum per annum any sum or sums of money not exceeding in the whole two hundred thousand pounds by granting or issuing to any person

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or persons willing to advance such monies bonds or obligatory writings under their hands and seals to be termed "South Australia Colonial Revenue Securities" or by selling or granting perpetual annuities or annuities for any life or lives or for any term or terms of years on such terms as to the said commissioners should appear to be reasonable and it was further provided and declared that all such sum or sums of money so borrowed or taken up and all such annuities to be granted as aforesaid should be a charge upon the ordinary revenue or produce of all rates duties and taxes to be levied and collected within the said province and should be deemed and taken to be a public debt owing by the said province and it was also provided that it should be lawful for the said commissioners at any time to borrow or take up any sum or sums of money for the said purposes at a lower rate of interest than any security or securities previously given by them might bear and therewith to pay off and discharge such previously existing security or securities bearing a higher rate of interest and likewise to repurchase and redeem the said annuities so often as it should appear that the charge created thereby could be reduced And whereas in pursuance of the said powers the said commissioners did from time to time borrow and take up several sums of money at the said yearly rate of interest of ten pounds by the hundred and did grant certain annuities with power to redeem the same by payment at the rate of one hundred pounds for every six pounds of such annuities and did give or grant certain bonds or writings obligatory for the sums so borrowed or taken up or for securing the said annuities which said bonds are still outstanding and unpaid And whereas the holders of the said bonds or writings obligatory have signified in writing their consent to receive instead of the said rates of interest or annuity one uniform yearly rate of three pounds ten shillings by the hundred upon the principal sums secured by the said bonds or payable in redemption of the said annuities provided the regular payment of the said reduced rate of interest or annuity be duly assured to them and it is expedient that such assurance should be given, and that provision should be made for the due and regular payment of the said reduced interest or annuities

Be it therefore enacted that from and after the passing of this act the holders of the said bonds or writings obligatory shall be entitled to receive interest or annuities on the several sums so secured or covenanted to be paid as aforesaid and which said sums amount in all to eighty five thousand eight hundred pounds at one uniform yearly rate of three pounds ten shillings by the hundred only And for the better and more perfect assurance of the due payment of the said interest or annuities **Be** it enacted that it shall be lawful for the lord high treasurer or the commissioners of her majesty's treasury of the united kingdom of Great Britain and Ireland for the time being or any three or more of them if he or they shall be satisfied that the general revenue of the said province of South Australia is insufficient (after defraying the necessary costs and charges of the civil government and of the due administration of justice and the maintenance of peace order and good government therein) for the payment of the interest or annuities upon the said sums secured or covenanted to be paid by the said bonds or writings obligatory or any part thereof to authorize and direct the issue out of the consolidated fund of the united kingdom of Great Britain and Ireland or out of the growing produce of the said fund to such person or persons as they shall appoint, of such sum or sums as shall be required for paying such interest or annuities as above mentioned as the several respective rates at which the same are now payable at shall have accrued or become due previously to the passing of this act and shall not have been paid or that may hereafter accrue and become due at the reduced rate before mentioned or for paying any part thereof Provided always that the several principal sums secured by the said bonds or writings obligatory shall remain and be a charge on the revenues of the said colony and nothing herein contained shall be taken to relieve the said revenues from the said charge or from the charge of the interest or annuities due or that may hereafter become due in respect thereof or of any portion or portions of such interest or annuities as shall be paid out of the consolidated fund of the united kingdom in the manner before mentioned or from repaying to the said consolidated fund under such regulations as may be from time to time made in that respect by the said lord high treasurer or commissioners of her majesty's treasury such sums as may have been from time to time paid out of the said consolidated fund on account thereof And whereas from the insufficiency or failure of the means provided by the said before-recited acts for defraying the costs charges and expences of founding the said colony and of providing for the government thereof and for the other expences costs and charges mentioned in the said first recited act it became necessary that further aid should be granted for that purpose and by an act passed in the fourth year of her majesty's reign intituled "An act to authorize the advance of a sum of money out of the consolidated fund on account of the colony of South Australia" the commissioners of her majesty's treasury were empowered to advance and lend to the colonization commissioners for South Australia for the time being out of the consolidated fund of the united kingdom of Great Britain and Ireland any sum or sums of money not exceeding one hundred and fifty five thousand pounds in the whole at such rate of interest as the said commissioners of her majesty's treasury should direct the same to be applied for the payment of bills drawn and expences incurred on account of the colony of South Australia and it was further enacted, that the repayment of all advances so made with the interest accruing thereon should be secured in such manner as might be provided by any act passed for that purpose in the then session of parliament And whereas in pursuance of the said act certain advances have been made for the purposes therein mentioned but it is not expedient that any further claim should be made upon the said colonization commissioners or upon the revenues of the said province in respect of such advances or of any interest thereon **Be** it therefore enacted that the said sum of one hundred and fifty five thousand pounds shall be taken to have been granted in aid of the revenues of South Australia and that all further claim for the repayment thereof or for interest thereon shall be abandoned And whereas certain other debts and engagements have been incurred and contracted in respect of the said colony under the powers of the said recited acts and it is necessary to make provision for the liquidation thereof and for payment of interest thereon in the meantime **Be** it therefore enacted that it shall be lawful for the governor of the colony of South Australia by and with the consent of the lord high treasurer, or of any three or more of the commissioners of her majesty's treasury to make out and issue in satisfaction of the said debts or of any claims arising from or in respect thereof debentures to be

charged upon and payable from the revenues of the said colony and to bear interest in the meantime at a yearly rate not exceeding five pounds by the hundred to be in like manner payable from the said revenues Provided always that nothing herein contained shall be taken to relieve from responsibility any party or parties who may have become or shall hereafter become accountable for the application of any portion or portions of the said sums so raised or of any other sums raised under the said recited acts or any of them or in respect of any of the said debts or engagements remaining to be liquidated

And be it enacted that in the event of any such general assembly being so convened as aforesaid it shall be lawful for her majesty by any such commission or commissions or instructions as aforesaid to reserve and set apart from her majesty's revenue arising within the said colony such an annual sum of money by way of civil list as may be necessary for the maintenance and support of the civil government and the administration of justice within the said colony provided that the same shall in no case exceed the annual sum or sums that shall have been previously assigned for the said purposes by the legislative council aforesaid by and with the approbation and consent of her majesty and likewise such further annual sum or sums of money as shall be required for payment of the interest or annuities herein provided for or any portion thereof or the interest on any such debenture or debentures as aforesaid that may be issued under the provisions of this act and which said several sums shall be reserved issued and applied at such time or times and in such order and manner as her majesty shall by such commission or instructions authorize and direct And be it enacted that this act shall come into force and take effect within the said colony from a day to be for that purpose appointed by the governor of the said colony by a proclamation to be by him for that purpose issued which time shall not be more than one calendar month after the receipt by such governor of a copy of this act And be it enacted that within the meaning of this present act any person lawfully administering the government of the said colony shall be taken to be the governor thereof And be it enacted that this act may be amended or repealed by any act to be passed in this session of parliament

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