



SUPPLEMENT

TO THE

NEW SOUTH WALES

GOVERNMENT GAZETTE

OF WEDNESDAY, JUNE 27, 1838.

Published by Authority.

SATURDAY, JUNE 30, 1838.

ANNO PRIMO.
VICTORIA REGINÆ.
No. 1.

By His Excellency Sir George Gipps, Knight, Captain General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same with the Advice of the Legislative Council.

"An Act to further continue for a limited time, an Act, intituled, 'An Act for regulating the Constitution of Juries, and for the Trial of Issues in certain Cases in the Supreme Court of New South Wales.'"

WHEREAS an Act of the Governor and Council of New South Wales was passed in the Second Year of the Reign of His late Majesty King William the Fourth, intituled, 2 Gul. IV., "An Act for regulating the Constitution of Juries, and for the Trial of Issues in certain cases in the Supreme Court of New South Wales," which said Act was by a certain other Act of the said Governor and Council passed in the Fourth year of His said Majesty, intituled, "An Act to continue for a limited time, an Act of the Governor and Council of New South Wales, intituled 'An Act for regulating the Constitution of Juries and for the trial of Issues in certain cases in the Supreme Court of New South Wales, and to make further provision for Trial by Jury in Criminal cases in the said Colony,'" continued until the Thirtieth day of June One thousand eight hundred and thirty-five: And whereas the said first recited Act was by a certain other Act

of the said Governor and Council, passed in 5 Gul. IV. the Fifth year of the Reign of His said Majesty, further continued until the Thirtieth day of June, One thousand eight hundred and thirty-five: And whereas the said first recited Act was by a certain other Act of the said Governor and Council, passed in 6 Gul. IV. the Sixth year of the Reign of His said Majesty, further continued until the Thirtieth day of June, One thousand eight hundred and thirty-seven; And whereas, the said first recited Act was by a certain other Act of the said Governor and Council passed in 7 Gul. IV. the Seventh year of the Reign of His said Majesty, further continued until the Thirtieth day of June, One thousand eight hundred and thirty-eight: And it is expedient further to continue the said first recited Act as hereinafter provided: Be it therefore enacted by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council, That the said first recited Act passed in the Second year of the Reign of His said Majesty, as altered and amended by any of the Acts herein last recited, shall be, and the same is hereby continued, in force, from and after the said Thirtieth day of June next, until the Thirtieth day of June, One thousand eight hundred and forty.

"G. GIPPS."

Passed the Legislative Council
this Twelfth day of June,
one thousand eight hundred
and thirty-eight.

WM. MACPHERSON,
Clerk of Council.

ANNO PRIMO.
VICTORIA REGINÆ.
No. 2.

By His Excellency Sir George Gipps, Knight, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, with the Advice of the Legislative Council:

"An Act further to continue for a limited time, an Act, intituled 'An Act to facilitate the Apprehension of Transported Felons and Offenders, illegally at large, and of Persons found with Arms and suspected to be Robbers.'"

WHEREAS, an Act of the GOVERNOR and Council of New South Wales, was passed in the Fifth year of the Reign of his late Majesty King William the Fourth, intituled "An Act to facilitate the Apprehension of Transported Felons and Offenders illegally at large, and of Persons found with Arms and suspected to be Robbers," which said Act was, by a certain other Act of the said GOVERNOR and Council, passed in the Sixth year of the Reign of His said late Majesty, intituled, 6 Gul 4, "An Act to continue for a limited time, No. 17- "an Act entitled, 'An Act to facilitate the Apprehension of Transported Felons and Offenders illegally at large, and of Persons found with Arms and suspected to be Robbers,'" continued until the Thirty-first day of August, One thousand eight hundred and thirty-eight, and it is expedient further to continue the said first recited Act, in manner and to the extent hereinafter provided: Be it therefore enacted, by Continued His Excellency the GOVERNOR of New South Wales, with the advice of the August Legislative Council thereof, that the said 1840. first recited Act, passed in the Fifth year of the Reign of His said late Majesty, shall be, and the same is hereby continued in force, except as to so much of the said Act as relates to the time of passing, and execution of, any sentence of death, as, in the said Act is mentioned, from and after the said Thirty-first day of August next, until the Thirty-first day of August, One thousand eight hundred and forty.

"G. GIPPS."

Passed the Legislative Council
this 13th day of June, One
thousand eight hundred and
thirty-eight.

WM. MACPHERSON,
Clerk of Council.

ANNO PRIMO
VICTORIA REGINÆ.
No. 3.

By His Excellency Sir George Gipps, Knight, Captain General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, with the advice of the Legislative Council.

"An Act to provide for the attendance of Medical Witnesses at Coroner's Inquests, and Inquiries held by Justices of the Peace."

WHEREAS an Act was passed in England in the Sixth and Seventh year of His late

Majesty's Reign, intituled, "An Act to provide 16 & 17, Wm for the attendance and remuneration of IV. c. 89, Medical Witnesses at Coroner's Inquests," and it is expedient to extend the several provisions of the said Act to this Colony, in the manner hereinafter mentioned: Be it, therefore enacted, by His Excellency the Governor of New South Wales, with the advice of the Legislative Council thereof, that after the passing of this Act, whenever, upon the summoning or holding of any Coroner's Inquest, or upon the holding of any Inquiry by a Justice or Justices of the Peace, touching the death of any person, it shall appear to the Coroner, Justice, or Justices, (as the case may be) that the deceased person was not, at, or, immediately before his death, attended by, any legally qualified Medical Practitioner, it shall be lawful for such Coroner, Justice, or Justices to issue a summons for the attendance, as a witness, at such Inquest or Inquiry, of some legally qualified Medical Practitioner, in actual practice, who shall reside near to the place where such Inquest or Inquiry is holden: But that where, the deceased person was attended by any such Practitioner, the Coroner, Justice or Justices shall issue a summons for his attendance only, or, if the deceased was attended by more than one such Practitioner, the Coroner, Justice or Justices may cause all, or any of them to be summoned, at his or their discretion.

(Coroner or Justice may order a post mortem examination, either with or without an analysis of contents of stomach or intestines.)

II. And be it enacted, That it shall be lawful for the Coroner, Justice or Justices, either in such summons, as aforesaid, or, by an order in writing, at any time before the termination of the Inquest or Inquiry, to direct any legally qualified Medical Practitioner to perform a post mortem examination of the body of the deceased, either with or without an analysis of the contents of the stomach or intestines: Provided, that if in any case it appear to the Coroner, Justice or Justices (as the case may be) that the death of such deceased person was probably caused, partly or entirely, by the improper or negligent treatment of any Medical Practitioner or other person, then such Practitioner or other person shall not be allowed to perform or assist at any such examination, or analysis, although he shall, in every such case, be allowed to be present thereat.

(Additional Medical Evidence in cases where the cause of death is not satisfactorily explained by first examination.)

III. And be it enacted, That whenever it shall appear to the Coroner, or to a majority of the Jury at any such Inquest, or to the Justice or Justices, or a majority of them, at any such Inquiry that the cause of death has not been satisfactorily explained by the Practitioner or Practitioners examined in the first instance at such Inquest or Inquiry the Coroner, Justice or Justices shall forthwith cause any other legally qualified Practitioner or Practitioners to be summoned as a witness or witnesses, at such Inquest or Inquiry, and shall direct him, or them to perform a post mortem examination, with or without such analysis, as aforesaid, whether, such an examination shall have been previously performed or not: Provided, that where such additional evidence is at the instance of a majority of

the Jury, it shall be lawful for such majority to name to the Coroner any particular Practitioner or Practitioners whom they wish to attend, and in that case such Practitioner or Practitioners shall be summoned and no other.

(Remuneration to Medical Witnesses.)

IV. And be it enacted, That when any legally qualified Medical Practitioner has attended at an Inquest or Inquiry in obedience to any such summons, as aforesaid, he shall, for such attendance, and for giving evidence at such Inquest or Inquiry be entitled to receive the remuneration of One Guinea, and (in addition thereto) for the making of any such *post mortem* examination, the remuneration of Two Guineas, and if the place of his residence shall be more than ten miles distant from the place where the Inquest or Inquiry is holden, then such Practitioner shall be entitled to a sum of One Shilling, for every mile of such extra distance, in addition: Provided that no remuneration shall be paid for the performance of any *post mortem* examination instituted without the previous direction of the Coroner, Justice or Justices (as the case may be): Provided also, that where the death shall have happened in any Public Hospital, Gaol, or other Public building, no Medical Officer, appointed with salary to attend such Hospital, Gaol, or Building, shall be entitled to any such remuneration.

(Medical Witnesses neglecting to attend, to forfeit and pay not less than three nor more than twenty pounds.)

V. And be it enacted, That where any such summons or order of any Coroner, Justice or Justices as aforesaid, shall have been served upon any Medical Practitioner to whom the same was directed, or shall have been left at his usual residence, in sufficient time for him to obey the same, and he shall, nevertheless, not obey such summons or order, he shall, for such neglect, forfeit and pay a penalty, or sum, of not less than Three Pounds, nor more than Twenty, to be recovered in a summary way, before any two Justices of the Peace, unless he shall, at the hearing of the case, shew a good and sufficient excuse for such neglect to the satisfaction of such Justices: And every proceeding under this section shall be had before such Justices, and every such penalty be awarded, levied, and distributed, and the party convicted be entitled to appeal in the manner respectively provided by an Act of the Governor and Council, passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, intituled, "*An Act to regulate Summary Proceedings before Justices of the Peace.*"

"G. GIPPS."

Passed the Legislative Council
this 13th day of June, One
thousand eight hundred and
thirty-eight.

WM. MACPHERSON,
Clerk of Council.

ANNO PRIMO.
VICTORIA REGINÆ.
No. 4.

By His Excellency Sir George Gipps, Knight, Captain-General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, with the Advice of the Legislative Council.

"An Act for the Investment of Monies belonging to Intestate Estates, by the Supreme Court, in the New South Wales, Savings' Bank, at Sydney."

WHEREAS it is expedient that all monies belonging to the Estates of Intestate Persons, collected and received, or which may hereafter be collected and received, by the Registrar of the Supreme Court, or any other Person or Persons, under the direction of the said Court, be invested at interest for the benefit of the parties respectively who may ultimately be entitled thereto: Be it therefore enacted, by His Excellency the Governor of New South Wales, with the advice of the Legislative Council thereof, That it shall and may be lawful for the Judges of the said Court, from time to time, and at all times hereafter, by any order or orders of the said Court, to direct that any sum or sums of money belonging to the Estate or Estates of any Intestate Person or Persons, over which the Court now has, or hereafter may have the direction or controul, shall from time to time be invested in the New South Wales Savings' Bank, at Sydney, by the said Registrar, or by such other Person or Persons, in such manner, and on such account or accounts, and for such purpose or purposes as the said Court shall by its order or orders direct; and that all, and each, of such sums, and sum of money, so to be invested as aforesaid, shall from the time of being so invested, respectively, until the period when the same shall be withdrawn from the said Savings' Bank, bear interest at and after the rate allowed by the rules and regulations of the said Bank: Provided always, that no such sum or sums of money, nor the interest from time to time due thereon, shall be paid out by, or withdrawn from, the said Court only Savings' Bank, otherwise than by order or orders of the said Court, for that purpose, first had and obtained.

"G. GIPPS."

Passed the Legislative Council
this 13th day of June, One
thousand eight hundred and
thirty-eight.

WM. MACPHERSON,
Clerk of Council.

