



ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

By His Excellency SIR CHARLES AUGUSTUS FITZ ROY, Knight Companion of the Royal Hanoverian Guelphic Order, 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 and consent of the Legislative Council.

No. XLV.

An Act to preserve the jurisdiction and authority of Public Officers and Magistrates within the Colony of Victoria until new Commissions shall have issued. [Assented to, 2nd May, 1851.]

WHEREAS by an Act of the Imperial Parliament, passed in the Session of the thirteenth and fourteenth years of the Reign of Her present Majesty Queen Victoria, intituled, "*An Act for the better Government of Her Majesty's Australian Colonies*," it is amongst other things enacted, that after such provisions for establishing Electoral Districts as therein mentioned shall have been made by the Governor and Legislative Council of New South Wales, and upon the issuing of the Writs for the first Election in pursuance thereof, the Territories comprised within the District of Port Phillip shall be separated from the Colony of New South Wales, and that thereupon the powers of the Governor of New South Wales over and in respect of the Colony of Victoria shall cease: And whereas by the said recited Act it is provided that until a Court of Judicature, to be styled

Preamble.
13 & 14 Vict., c. 69.

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Victoria Public Officers' Jurisdiction.—1851.

“The Supreme Court of the Colony of Victoria,” shall be established by Her Majesty within the said Colony of Victoria, all the authorities, powers, and jurisdictions of the Supreme Court of New South Wales, and of the Judges thereof, within and in respect of the said Colony of Victoria shall remain as if the said recited Act had not been passed, or until the same shall be varied by an Act of the Governor and Council of the said Colony of Victoria: And whereas no such or the like provision is made by the said recited Act of Parliament in respect of any other powers, authorities, and jurisdictions, within the said Colony of Victoria: And whereas doubts may arise whether the authorities, powers, and jurisdictions, duties and obligations, of Justices of the Peace and of all Civil Officers within the said District of Port Phillip holding Commissions and Appointments under the Government of New South Wales, will not, by reason of such separation, be thereupon suspended until revived by new Commissions and Appointments under the future Government of the said Colony of Victoria: And whereas it is expedient to prevent such doubts, and to make provision for the preservation of all such jurisdictions, powers, authorities, duties, and obligations: Be it therefore enacted, by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That all Justices of the Peace for the Territory of New South Wales, who at the time when this Act shall receive the Royal Assent, shall be commonly resident within the District of Port Phillip; and all persons who at the said time shall hold Commissions as Justices of the Peace for the City of Melbourne and for the Town of Geelong respectively, and all and every Public Officer or Servant who at the said time shall hold any office or employment within the said District of Port Phillip, shall and may lawfully continue to act in their several capacities, and to discharge their respective duties, and shall and may hold and exercise, in the same manner and subject to the like obligations as if the said recited Act had not been passed, their several authorities, jurisdictions, and powers within the Territorial limits now comprised within the said District of Port Phillip, or within the said City of Melbourne and Town of Geelong respectively, or at or within the places to which their several duties relate or appertain, as the case may require, until new Commissions and Appointments shall have been issued under the Government of the Colony of Victoria, in the place of the previous Commissions and Appointments of such Justices, Officers, and Public Servants, or whereby or by the effect whereof such previous Commissions and Appointments shall have been revoked, or until and unless any such Justice, Officer, or Public Servant shall have been removed from his office or place by the Governor or Officer administering the Government for the time being within the said Territorial limits of the District of Port Phillip, anything in any law contained to the contrary notwithstanding.

Jurisdiction of Public Functionaries at Port Phillip to continue until new Commissions and Appointments shall have been issued and made under the Government of the Colony of Victoria.

*Passed the Legislative Council, this twenty-ninth }
day of April, one thousand eight hundred }
and fifty-one.*

WM. MACPIERSON, CLERK OF THE COUNCIL.

CHARLES NICHOLSON,
Speaker.

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

CH^S. A. FITZ ROY,

Govt. House, Sydney, 2nd May, 1851.

GOVERNOR.