

No. XLV.

VICTORIAN PUBLIC
OFFICERS AND
MAGISTRATES.

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

Preamble.
13 & 14 Vic. c. 59.

WHEREAS by an Act of the Imperial Parliament passed in the Session of the thirteenth and fourteen 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 "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

Sydney City and Lighting Rates.

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.