



ANNO QUINTO
GULIELMI IV. REGIS.

No. 16.

By His Excellency Colonel GEORGE ARTHUR, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

AN ACT to provide for the Appointment of Commissioners of The Supreme Court and to define the Powers of such Commissioners.

WHEREAS the appointment of Commissioners of "The Supreme Court of Van Diemen's Land" for the several purposes hereinafter mentioned would conduce materially to the convenience of divers of His Majesty's Subjects in this Colony and especially of persons residing at a distance from Hobart Town— PREAMBLE.

AND WHEREAS no new office can be created in the said Court but upon the recommendation of the Chief Justice and with the approbation of the Lieutenant-Governor for the time being and every appointment to any such office is by His Majesty's Royal Charter vested in such Lieutenant-Governor—

BE IT THEREFORE ENACTED by His Excellency Colonel GEORGE ARTHUR Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that upon the recommendation at any time or from time to time in that behalf of the Chief Justice of the said Court for the time being it shall be lawful for the Lieutenant-Governor (if he shall be pleased to approve thereof) to appoint such and so many persons to be severally Commis-

Appointment and Powers of Commissioners.

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sioners of the said Court at or for any places or districts or place or district within this Island or its Dependencies as shall in that behalf be deemed expedient and every such person so appointed shall during his continuance in office (without any actual Commission issued by the said Court in that behalf) be deemed to be for the several purposes of this Act a Ministerial Officer of the said Court and be designated a "Commissioner" thereof and shall have and execute all such powers and authorities in the administering of Oaths the taking of Recognizances and Affidavits and the issuing of Writs and otherwise as are or may by law be executed by the Master and Registrar of the said Court or either of them or by any Surrogate of or in any Ecclesiastical Court in England.

Proviso.

II. PROVIDED ALWAYS that the particular powers and authorities to be possessed and executed by any or every such Commissioner so appointed as aforesaid shall or lawfully may from time to time be defined and appointed by the said Supreme Court either in and by the Commission (if any) issued by the said Court to such Commissioner or by some General Rule or Rules from time to time by the said Court made and published for that purpose and the exercise of such powers and authorities shall or may be made subject respectively to such modifications and restrictions in particular cases or otherwise as the said Court shall by any such Rule or Rules appoint—AND PROVIDED ALSO that every such Commissioner shall be liable to be removed from his office by the said Court for just cause shewn any thing in this Act to the contrary notwithstanding.

Fees.

III. AND BE IT ENACTED that every such Commissioner shall or lawfully may demand and receive for his own use for the performance of the several duties entrusted to him as such Commissioner such reasonable fees as the said Court shall from time to time in that behalf appoint.

Registration Act
8 G. 4. No. 5.

IV. AND WHEREAS by the Act of this Island passed in the eighth year of His late Majesty to provide for the Registration of Deeds Wills Judgments and Conveyances affecting real property it is enacted that every Memorial intended for the purposes of Registration shall be verified by Oath taken before either the Registrar of Deeds or some Judge or Master in Chancery—AND by the Act passed in the ninth year of His said Majesty to regulate the Printing and Publishing of Newspapers it is enacted that an Affidavit or Affirmation shall in certain cases be taken before the Colonial Secretary and that a Recognizance shall in certain cases be entered into in the Supreme Court before the Chief Justice—AND also by the Act passed in the eleventh year of His said Majesty for simplifying Proceedings by or against the Directors

Newspaper Act
9 G. 4. No. 7.Cornwall Bank,
Act 11 G. 4.
No. 1.

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and Company of the Cornwall Bank the Memorial which that Act requires to be delivered in certain cases to the Registrar of the Supreme Court is directed to be verified upon Oath made before such Registrar—
BE IT ENACTED that after the passing of this Act every Oath for verifying any such Memorial as first aforesaid and every such Affidavit or Affirmation relating to any Newspaper and also every oath for verifying every such Memorial as last aforesaid may be respectively made and taken and also any such Recognizance as aforesaid (if the said Chief Justice shall in any case so order) may be acknowledged or entered into before any such Commissioner so appointed as aforesaid anything in the said recited Acts or either of them to the contrary notwithstanding.

GEORGE ARTHUR.

Passed the Legislative Council this third
day of April one thousand eight hundred and thirty-five.

ADAM TURNBULL, *Clerk of the Council.*

JAMES BARNARD, GOVERNMENT PRINTER, HOBART TOWN. 1839.

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