

VICTORIA.



ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

By His Excellency CHARLES JOSEPH LA TROBE, ESQUIRE, Lieutenant Governor of the Colony of Victoria and its Dependencies, with the advice and consent of the Legislative Council.

No. I.

An Act to confirm the adoption and use of a Seal, as the Seal of the Colony of Victoria, and to indemnify all persons acting by authority of the same. [Assented to 27th July, 1852.]

WHEREAS by virtue of an Act of the Imperial Parliament of Great Britain and Ireland, passed in 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*," and also an Act of the Governor and Legislative Council of the Colony of New South Wales, passed in the fourteenth Year of the Reign of Her present Majesty Queen Victoria, known as "*The Victoria Electoral Act of 1851*," and of certain Writs, Proclamations, and Proceedings, issued, performed, had and made in pursuance of such Acts respectively, the Territories comprised within the district of Port Phillip were from and after the first day of July, in the Year of our Lord, One thousand eight hundred and fifty-one, separated from the said Colony of New South Wales and erected into a separate Colony known and designated as the Colony of Victoria: And whereas a seal bearing the Royal Arms of England, and having inscribed on the label or exergue thereof the words "Lieutenant Governor of Victoria" was adopted by the Lieutenant Governor of the said Colony of Victoria and has been used as and for the Seal of the said Colony: And whereas a public seal of the said Colony of Victoria has been received by the said Lieutenant Governor, accompanied with a Warrant under Her Majesty's Royal Sign Manual, directed to Sir Charles Augustus Fitz Roy, Knight, Captain General and Governor in Chief in and over the Colony of Victoria and its Dependencies, or in his absence to the Lieutenant Governor or officer administering the Government of the said Colony and its Dependencies for the time being, whereby Her Majesty the Queen was graciously pleased to declare that therewith would be received a seal prepared by Her order, for the use of the said Colony of Victoria and its Dependencies, and Her will and pleasure to be, and Her Majesty did thereby authorize and direct that the Seal should be used in sealing all public instruments which should be made

Preamble.

No. 1.—B. and

Adoption and Use of
Seal declared valid.

and passed in Her name and for Her service in the said Colony of Victoria and its Dependencies: And whereas upon the receipt of such Public Seal by the said Lieutenant Governor, the said Seal so adopted as aforesaid, was forthwith damasked and destroyed: And whereas it is expedient to confirm and render valid the adoption of such Seal so adopted as aforesaid, and the use thereof, as the Seal of the said Colony; and all public Instruments sealed therewith, and to indemnify all persons having acted or to act by authority thereof. Be it therefore enacted by His Excellency the Lieutenant Governor of the said Colony of Victoria, by and with the advice and consent of the Legislative Council thereof, that the adoption of such Seal, and the use thereof as and for the Seal of the said Colony of Victoria, as aforesaid, shall be and the same are hereby confirmed and declared to be valid and effectual to all intents and purposes whatsoever.

Public Instruments
without re-sealing
and all Acts done
thereunder declared
valid.

II. That all public Instruments sealed with such adopted Seal, or to which such adopted Seal may have been affixed or appended shall be as valid and effectual, to all intents and purposes, as if the same had been sealed with the Public Seal of the said Colony, or as if such Public Seal had been affixed or appended thereto, without any necessity whatsoever for the re-sealing of any such instruments with such Public Seal or the affixing or appending the same thereto: and all offices already created, and all acts whatsoever done, or hereafter to be done under any such Instrument shall be and be deemed and taken to be valid and effectual to all intents and purposes whatsoever.

Persons acting in-
demnified.

III. That any person having acted in any office, discharged any duty, or done any act or who shall hereafter act in any office, discharge any duty, or do any act under any such Public Instrument, as aforesaid, is and shall be indemnified, freed and discharged from and against all penalties, fines, forfeitures, costs, charges and liabilities incurred or to be incurred for or by reason or on account thereof.

Defendant may plead
general issue and
give Act and spe-
cial matter in evi-
dence.

IV. That in any action, plaint, suit, bill, indictment, information or other proceeding which hath been, or shall or may be instituted, brought, carried on, prosecuted or taken against any person for, or on account of, or to recover any such penalty, fine, forfeiture, cost, charge or liability as aforesaid, such person may plead the general issue and give this Act, and the special matter in evidence on any trial to be had thereupon.

Interpretation clause.

V. That the words "Public Instrument," in this Act, shall be taken to mean all appointments, proclamations, commissions, writs, warrants, letters patent, or close, grants, accounts, conveyances, deeds, documents, instruments and writings; and the word "acts," shall be taken to mean all acts, deeds, duties, documents, grants assurances, process, instruments, and writings; and the word "do," shall be taken to mean do, make, perform, discharge, issue, execute, sign, seal, or deliver; and the word "under," shall be taken to mean under, by virtue, means, license, authority, or color of, and whether mediately, immediately, derivatively or otherwise.