



# WESTERN AUSTRALIA.

ANNO QUINTO

GULIELMI IV. REGIS,

No. 2.

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**An Act to amend certain Acts of the Governor, with the Advice of the Legislative Council, so far as the same relate to the mode of appointment, and tenure of Office, of certain Officers thereby respectively constituted.**

**W**HEREAS by an Act of the Governor, with the advice of the Recital of Act of Council  
2d Wm. IV. No. 1. Legislative Council, passed in the Second year of the Reign of his present Majesty, intituled "*An Act for establishing a Court of Civil Judicature,*" it was enacted, that the Court thereby constituted should be held before one Judge or Commissioner, to be appointed by his Excellency the Governor by Warrant under the

Public Seal of the said Colony, and that such Commissioner should hold his office during good behaviour; and it was thereby further enacted that the said Court should have, among other Officers, a Registrar Clerk, to be appointed by the written order of His said Excellency, and to be removed, on proof of misconduct, by the same authority, and in like manner. And whereas by another Act of the Governor, with the advice of the said Council, passed in the same year, and intituled "*An Act to regulate the Constitution of Juries, and the Office of Sheriff,*" it is provided that it shall be lawful for the Governor annually, to appoint by Warrant under his Hand and Seal, some fit and proper person to be Sheriff of this Colony, and that such Sheriff shall be removable from his office on account of misconduct: And whereas by a certain other Act of the Governor, with the advice of the said Council, passed in the same year, and intituled "*An Act to provide for the Registration of Deeds, Wills, Judgments, and Conveyances, affecting Real Property,*" it was enacted, that a fit and proper person should be appointed by the Governor to be Registrar of the Public Office for Registration thereby established: And whereas it is expedient that the mode or form of appointment, and duration of office of the said several officers, as directed and ordained by the said several Acts of Council, should be altered or modified in manner hereinafter provided:—

Recital of Act of Council  
2d Wm. IV. No. 3.

Recital of Act of Council  
2d Wm. IV. No. 6.

Expediency of altering the  
said Acts.

Appointment of certain  
public Officers, made un-  
der the said Acts, declared  
void.

Power to the Governor to  
appoint the said Officers,  
in the first instance, but  
subject to the approval of  
His Majesty.

All subsequent appoint-  
ments of the said Officers  
to be made by His Ma-  
jesty.

Be it therefore enacted by His Excellency the Governor of Western Australia, with the advice of the Legislative Council, that all and every the Appointments heretofore made, by His said Excellency, in pursuance of the said recited Acts, of any person or persons to fill any of the said offices of Commissioner of the Civil Court, Registrar Clerk of the said Court, Sheriff of the said Colony, and Registrar of the Registrar Office aforesaid, shall be and are hereby declared to be null and void.

II. AND be it further enacted, that from and immediately after the passing of this Act, it shall be lawful for the said Governor, by warrant under his hand and the Public Seal of the said Colony, to nominate and appoint some fit and proper person to fill the present vacancy of each of the said offices: Provided that every such Nomination and Appointment be made expressly subject to the approval of His Majesty, his Heirs or Successors.

III. AND be it further enacted, that as often as the said offices, or any of them, shall, after the present vacancy thereof has been filled up by the said Governor in manner aforesaid, again become vacant, the power of appointing a fit and proper person to fill the same is hereby exclusively reserved to His Majesty, his Heirs and Successors: Provided, always, that, on the occurrence of any such future vacancy

in any of the said offices, it shall be lawful for the said Governor, by warrant under his hand, to authorize and empower any person or persons, by him selected for that purpose, to exercise and discharge the powers and duties of the office so becoming vacant, until some other person duly nominated and appointed thereto by His Majesty, his Heirs or Successors, shall arrive in the said colony.

IV. AND be it further enacted, that all and every the said offices shall be held during the pleasure of His Majesty, his Heirs and Successors, and not longer, or otherwise. The said Officers to hold their Offices during the Royal pleasure.

JAMES STIRLING,  
GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council }  
the 25th day of August, 1834. }*

PETER BROWN,  
Clerk of the Council.