

ORDER IN COUNCIL⁽¹⁾ REVOKING ORDERS IN COUNCIL DATED 17.5.1888 AND 24.11.1891.

AT THE COURT AT ST. JAMES'S,
The 6th day of March, 1902.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD JAMES OF HEREFORD.

EARL OF KINTORE.

SIR ARTHUR WILSON.

WHEREAS by an Order of Her late Majesty Queen Victoria in Council, bearing date the 17th day of May, 1888, made under the provisions of the *British Settlements Act*, 1887, it was provided that an appeal should lie from any Court of the possession of British New Guinea to the Supreme Court of Queensland at Brisbane in such manner as is in the said Order in Council more specifically set forth.

And whereas by a further Order of Her late Majesty in Council, bearing date the 24th day of November, 1891, it was provided that in all Admiralty matters an appeal should lie from the Colonial Court of Admiralty of the said possession of British New Guinea to the said Supreme Court of Queensland.

And whereas by the *Commonwealth of Australia Constitution Act*, 1900, it is provided that the Parliament of the Commonwealth of Australia may make laws for the government of any territory placed by His Majesty the King under the authority of and accepted by the Commonwealth.

And whereas the Senate and House of Representatives of the Commonwealth of Australia have respectively passed Resolutions authorising the acceptance of British New Guinea as a territory of the Commonwealth.

And whereas His Majesty has this day been pleased, by and with the advice of His Privy Council to direct that Letters Patent be passed under the Great Seal of the United Kingdom to make provision for placing British New Guinea under the authority of the Commonwealth of Australia, and for the revocation of certain Letters Patent,

(1) Published in *British N.G. Govt. Gaz.* of 26.5.1902.

ADMINISTRATION AND GOVERNMENT—

and instructions of Her late Majesty Queen Victoria relating to British New Guinea, and for such other purposes as in the said Letters Patent are more fully described.

And whereas it is expedient that so soon as the Parliament of the Commonwealth has made laws providing for the hearing of appeals from the Courts of the possession of British New Guinea, the said Orders in Council of the 17th day of May, 1888, and the 24th day of November, 1891, shall be revoked.

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered as follows:—

1. The Governor-General of the Commonwealth of Australia, so soon as the Parliament of the Commonwealth has made laws providing for the hearing of appeals from the Courts of the possession of British New Guinea shall issue a Proclamation⁽²⁾ signifying and declaring that the Parliament of the Commonwealth has made such laws accordingly, and thereupon the aforesaid Orders in Council of the 17th day of May, 1888, and the 24th day of November, 1891, shall be revoked and shall cease to have effect without prejudice to anything lawfully done thereunder, provided that any appeals from any Court of the possession of British New Guinea to the Supreme Court of Queensland at Brisbane under the provisions of the said Orders in Council which shall be pending at the date of such Proclamation shall be heard and determined by the Supreme Court of Queensland at Brisbane in the same manner and in all respects as though the aforesaid Orders in Council had not been revoked.
2. This Order shall be laid before Parliament.

A. W. FITZROY.

(2) See Proclamation dated 1.9.1906, published in *Papua Govt. Gaz.* of 1.9.1906, and printed on p. 73.