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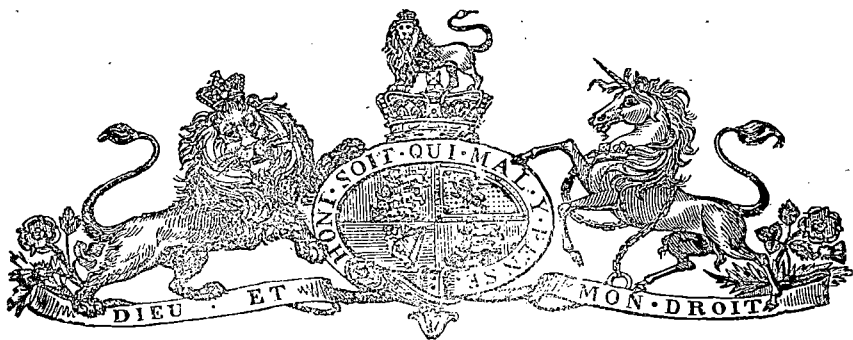
T A S M A N I A.

LEGISLATIVE COUNCIL.

T H E G O V E R N O R :

1. LETTERS PATENT AND INSTRUCTIONS.
 2. SIR J. H. LEFROY'S COMMISSION.
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Laid upon the Table by Mr. Moore, and ordered by the Council to be printed,
October 21, 1880.



LETTERS PATENT passed under the Great Seal of the United Kingdom, constituting the Office of Governor and Commander-in-Chief of the Colony of Tasmania and its Dependencies.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India: To all to whom these Presents shall come, Greeting. *Letters Patent dated 17th June, 1880.*

WHEREAS We did, by certain Letters Patent, under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the Twenty-seventh day of August, 1874, in the Thirty-eighth year of Our Reign, constitute and appoint Our trusty and well-beloved Frederick Aloysius Weld, Esquire, now Companion of Our Most Distinguished Order of Saint Michael and Saint George, to be, during Our pleasure, Our Governor and Commander-in-Chief in and over Our Colony of Tasmania as therein described, and its Dependencies; And whereas We are desirous of making permanent provision for the Office of Governor and Commander-in-Chief in and over Our said Colony of Tasmania and its Dependencies, without making new Letters Patent on each demise of the said Office. Now know ye that We do by these presents revoke and determine the said recited Letters Patent, and everything therein contained: And further know ye that We, of Our special grace, certain knowledge, and mere motion, do by these presents constitute, order, and declare that there shall be a Governor and Commander-in-Chief in and over Our Colony of Tasmania and its Dependencies (comprising Our Island of Tasmania, and all islands and territories lying to the southward of Wilson's Promontory, in the Province of Victoria, in thirty-nine degrees twelve minutes of south latitude, and to the northward of the forty-fifth degree of south latitude, and between the one hundred and fortieth and one hundred and fiftieth degrees of longitude east from Greenwich, and also Macquarrie Island, lying to the south-east of the said Island of Tasmania, which said Colony of Tasmania and its Dependencies are hereinafter called The Colony), and that appointments to the said Office, when vacant, shall be made by Commission under Our Sign Manual and Signet.

Preamble.

Recites Governor F. A. Weld's Commission dated 27th August, 1874.

Revocation of Governor's Commission.

Office of Governor constituted.

Boundaries.

II. We do hereby authorize, empower, and command Our said Governor and Commander-in-Chief (hereinafter called the Governor) to do and execute all things that belong to his said Office, according to the tenor of these Our Letters Patent and of such Commission as may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to him under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us, through one of Our Principal Secretaries of State, and to such Laws as are now or shall hereafter be in force in the Colony.

Governor's powers and authorities.

III. We do also by these Our Letters Patent declare Our will and pleasure as follows:—

IV. Every person appointed to fill the Office of Governor shall, with all due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor to be read and published at the seat of Government, in the presence of the Chief Justice, or some other Judge of the Supreme Court of the Colony, and of the Members of the Executive Council thereof, which being done, he shall then and there take before them the Oath of Allegiance, in the form provided by an Act passed in the Session holden in the Thirty-first and Thirty-second years of Our Reign, intituled an Act to amend the Law relating to Promissory Oaths; and likewise the usual Oath for the due execution of the Office of Governor, and for the due and impartial administration of justice; which Oaths the said Chief Justice or Judge is hereby required to administer.

Publication of Governor's Commission.

Oaths to be taken by Governor. Imperial Act 31 & 32 Vict. c. 72.

Public Seal.

V. The Governor shall keep and use the Public Seal of the Colony for sealing all things whatsoever that shall pass the said Public Seal.

**Executive Council :
constitution of.**

VI. There shall be an Executive Council for the Colony, and the said Council shall consist of such persons as are now or may at any time be Members thereof in accordance with any Law enacted by the Legislature of the Colony, and of such other persons as the Governor shall, from time to time, in Our name and on Our behalf, but subject to any Law as aforesaid, appoint under the Public Seal of the Colony to be Members of Our said Executive Council.

Grant of lands.

VII. The Governor, in Our name and on Our behalf, may make and execute, under the said Public Seal, grants and dispositions of any lands which may be lawfully granted and disposed of by Us within the Colony.

**Appointment of
Judges, Justices, &c.**

VIII. The Governor may constitute and appoint, in Our name and on Our behalf, all such Judges, Commissioners, Justices of the Peace, and other necessary Officers and Ministers of the Colony as may be lawfully constituted or appointed by Us.

Grant of pardons.

IX. When any crime has been committed within the Colony, or for which the offender may be tried therein, the Governor may as he shall see occasion, in Our name and on Our behalf, grant a pardon to any accomplice in such crime who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders if more than one; and further, may grant to any offender convicted in any Court, or before any Judge, or other Magistrate, within the Colony, a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence for such period as the Governor thinks fit; and further may remit any fines, penalties, or forfeitures due or accrued to Us. Provided always that the Governor shall in no case, except where the offence has been of a political nature unaccompanied by any other grave crime, make it a condition of any pardon or remission of sentence that the offender shall absent himself or be removed from the Colony.

**Remission of fines.
Political offenders.
Proviso. Banishment
from Colony pro-
hibited.****Suspension or
removal from office.**

X. The Governor may, so far as We Ourselves lawfully may, upon sufficient cause to him appearing, remove from his office, or suspend from the exercise of the same, any person exercising any office or place within the Colony, under or by virtue of any Commission or Warrant granted, or which may be granted, by Us, in Our name, or under Our authority.

**Summoning, pro-
roguing, or dissolving
any Legislative Body.**

XI. The Governor may exercise all powers lawfully belonging to Us in respect of the summoning, proroguing, or dissolving any Legislative Body, which now is or hereafter may be established within Our said Colony.

**Succession to the
Government.
Lieutenant Governor.
Administrator.
Proviso. Lieutenant
Governor, &c., to take
Oaths of Office before
administering the
Government.
Duties and autho-
rities under Letters
Patent.**

XII. In the event of the death, incapacity, or removal of the Governor, or of his departure from the Colony, Our Lieutenant Governor, or, if there be no such Officer in the Colony, then such person or persons as We may appoint, under Our Sign Manual and Signet, shall, during Our pleasure, administer the Government of the Colony, first taking the Oaths herein-before directed to be taken by the Governor, and in the manner herein prescribed; which being done, We do hereby authorise, empower, and command Our Lieutenant Governor, and every other such Administrator as aforesaid, to do and execute during our pleasure all things that belong to the Office of Governor and Commander-in-Chief according to the tenor of these Our Letters Patent, and according to Our Instructions as aforesaid, and the Laws of the Colony.

**Governor may
appoint a Deputy
during his temporary
absence.**

XIII. In the event of the Governor having occasion to be temporarily absent for a short period from the Colony, he may in every such case, by an Instrument under the Public Seal of the Colony, constitute and appoint our Lieutenant Governor, or if there be no such Officer, then any other person to be his Deputy during such temporary absence, and in that capacity to exercise, perform, and execute for and on behalf of the Governor during such absence, but no longer, all such powers and authorities vested in the Governor, by these Our Letters Patent, as shall in and by such Instrument be specified and limited, but no others. Provided, nevertheless, that, by the appointment of a Deputy as aforesaid, the power and authority of the Governor shall not be abridged, altered, or in any way affected, otherwise than We may at any time hereafter think proper to direct.

**Officers and others to
obey and assist the
Governor.**

XIV. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the inhabitants of the Colony, to be obedient, aiding, and assisting unto the Governor, or to such person or persons as may from time to time, under the provisions of these Our Letters Patent, administer the Government of the Colony.

**Power reserved to
Her Majesty to
revoke, alter, or
amend the present
Letters Patent.**

XV. And We do hereby reserve to Ourselves, Our heirs and Successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent as to Us or Them shall seem meet.

XVI. And We do direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places within Our said Colony as the Governor shall think fit. Publication of Letters Patent.

In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the Seventeenth day of June, in the Forty-third year of Our Reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

INSTRUCTIONS passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of Tasmania and its Dependencies.

VICTORIA R.

INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Colony of Tasmania and its Dependencies, or, in his absence, to Our Lieutenant-Governor or the Officer for the time being administering the Government of Our said Colony and its Dependencies. Dated 17th June, 1880.

Given at Our Court at Balmoral, this Seventeenth day of June, 1880, in the Forty-third year of Our Reign.

WHEREAS by certain Letters Patent, bearing even date herewith, We have constituted, ordered, and declared that there shall be a Governor and Commander-in-Chief (therein and hereinafter called the Governor) in and over Our Colony of Tasmania and its Dependencies (which said Colony and its Dependencies are therein and hereinafter called the Colony): And whereas We have thereby authorised and commanded the Governor to do and execute all things that belong to his said Office according to the tenor of Our said Letters Patent and of such Commission as may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to him, under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such Laws as are now or shall hereinafter be in force in the Colony. Now; therefore, We do, by these Our Instructions under Our Sign Manual and Signet, direct and enjoin and declare Our will and pleasure as follows:—

Preamble.
Recites Letters Patent, constituting the Office of Governor.

I. The Governor may, whenever he thinks fit, require any person in the public service to take the Oath of Allegiance, together with such other Oath or Oaths as may from time to time be prescribed by any Law in force in the Colony. The Governor is to administer such Oaths or cause them to be administered by some Public Officer of the Colony. Oaths to be administered by the Governor.

II. The Governor shall forthwith communicate these Our Instructions to Our Executive Council for the Colony, and likewise all such others, from time to time, as he shall find convenient for Our service to impart to them. Governor to communicate Instructions to Executive Council.

III. The said Executive Council shall not proceed to the despatch of business unless duly summoned by authority of the Governor, nor unless two members at the least (exclusive of himself or of the member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be dispatched. Executive Council not to proceed to business unless summoned by the Governor's authority.
Quorum.

IV. The Governor shall attend and preside at the meetings of the Executive Council, unless prevented by some necessary or reasonable cause, and in his absence such member as may be appointed by him in that behalf, or in the absence of such member the senior member of the Executive Council holding a Ministerial Office and actually present shall preside; the seniority of the members of the said Council being regulated according to the order of their respective appointments as members thereof. Governor to preside.
Governor to appoint President.
Senior Member to preside in the absence of the Governor and President.
Seniority of Members.

V. A full and exact journal or minute shall be kept of all the deliberations, acts, proceedings, votes, and resolutions of the Executive Council; and at each meeting of the said Council the Minutes of the last meeting shall be read over and confirmed or amended, as the case may require, before proceeding to the dispatch of any other business. Journals and Minute to be kept.

VI. In the execution of the powers and authorities granted to the Governor by Our said Letters Patent, he shall in all cases consult with the Executive Council, excepting only in cases which are of such a nature that, in his judgment, Our service would sustain material prejudice by consulting the said Council thereupon, or when the matters to be Governor to consult Executive Council.

- decided are too unimportant to require their advice, or too urgent to admit of their advice being given by the time within which it may be necessary for him to act in respect of any such matters. In all such urgent cases he shall at the earliest practicable period communicate to the said Council the measures which he may so have adopted, with the reasons thereof.
- Proviso: Urgent cases.**
- May act in opposition to Executive Council.**
- Reporting the grounds for so doing.**
- Rules to be observed in assenting to, dissenting from, or reserving Bills. Different subjects not to be mixed in the same law. No clause to be introduced foreign to what the title imports. Temporary laws. Description of Bills not to be assented to.**
- Powers in urgent Cases.**
- Laws sent home to have marginal Abstracts.**
- Journals and Minutes.**
- Regulation of power of pardon in capital cases.**
- Judge's Report to be laid before the Executive Council.**
- Governor to take the advice of the Executive Council in such cases. May exercise his own judgment. Entering his reasons on the Council Minutes.**
- Judges, &c., to be appointed during pleasure.**
- VII. The Governor may act in the exercise of the powers and authorities granted to him by Our said Letters Patent in opposition to the advice given to him by the members of the Executive Council if he shall in any case deem it right to do so, but in any such case he shall fully report the matter to Us, by the first convenient opportunity, with the grounds and reasons of his action.
- VIII. In the execution of such powers as are vested in the Governor by law for assenting to or dissenting from, or of reserving for the signification of Our pleasure, Bills which have been passed by the Legislature of the Colony, he shall take care, as far as may be practicable, that in the passing of all Laws each different matter be provided for by a different Law, without intermixing in one and the same Law such things as have no proper relation to each other; and that no clause be inserted in or annexed to any Law which shall be foreign to what the title of such Law imports, and that no perpetual clause be part of any temporary Law.
- IX. The Governor shall not assent in Our name to any Bill of any of the classes hereafter specified (that is to say):—
1. Any Bill for the divorce of persons joined together in holy matrimony.
 2. Any Bill whereby any grant of land or money, or other donation or gratuity, may be made to himself.
 3. Any Bill affecting the currency of the Colony.
 4. Any Bill imposing differential duties (other than as allowed by the Australian Colonies Duties Act, 1873).
 5. Any Bill, the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty.
 6. Any Bill interfering with the discipline or control of Our forces in the Colony by land or sea.
 7. Any Bill of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of Our subjects not residing in the Colony, or the trade and shipping of the United Kingdom and its Dependencies, may be prejudiced.
 8. Any Bill containing provisions to which Our assent has been once refused, or which have been disallowed by Us;
- Unless such Bill shall contain a clause suspending the operation of such Bill until the signification in the Colony of Our pleasure thereupon, or unless the Governor shall have satisfied himself that an urgent necessity exists requiring that such Bill be brought into immediate operation, in which case he is authorised to assent in Our name to such Bill, unless the same shall be repugnant to the Law of England, or inconsistent with any obligations imposed upon Us by Treaty. But he is to transmit to Us by the earliest opportunity the Bill so assented to, together with his reasons for assenting thereto.
- X. The Governor is to take care that all Laws assented to by him in Our name, or reserved for the signification of Our pleasure therein, shall, when transmitted by him, be fairly abstracted in the margins, and be accompanied, in such cases as may seem to him necessary, with such explanatory observations as may be required to exhibit the reasons and occasions for proposing such laws; and shall also transmit fair copies of the Journals and Minutes of the proceedings of the Legislative Bodies of the Colony, which he is to require from the clerks, or other proper officers in that behalf, of the said Legislative Bodies.
- XI. Whenever any offender shall have been condemned to suffer death by the sentence of any Court, the Governor shall call upon the Judge who presided at the trial to make to him a written Report of the case of such offender, and shall cause such Report to be taken into consideration at the first meeting thereafter which may be conveniently held of the Executive Council, and he may cause the said Judge to be specially summoned to attend at such meeting and to produce his notes thereat. The Governor shall not pardon or reprieve any such offender unless it shall appear to him expedient so to do, upon receiving the advice of the said Executive Council thereon; but in all such cases he is to decide either to extend or to withhold a pardon or reprieve, according to his own deliberate judgment, whether the members of the said Executive Council concur therein or otherwise; entering nevertheless, on the Minutes of the said Executive Council, a Minute of his reasons at length in case he should decide any such question in opposition to the judgment of the majority of the members thereof.
- XII. All Commissions granted by the Governor to any persons to be Judges, Justices of the Peace, or other officers, shall, unless otherwise provided by law, be granted during pleasure only.

XIII. The Governor shall forward to Us punctually from year to year, through one of Our Principal Secretaries of State, such annual Returns as have been customarily transmitted to Us from the Colony relative to the revenue and expenditure, defence, public works, legislation, civil establishments, pensions, population, schools, course of exchange, imports and exports, agricultural produce, manufactures, and other matters in the said "Returns" more particularly specified, with reference to the state and condition of the Colony. Blue Book.

XIV. The Governor shall not quit the Colony without having first obtained leave from Us for so doing under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, except for the purpose of visiting the Governor of any neighbouring Colony for periods not exceeding one month at any one time, nor exceeding in the aggregate one month for every year's service in the Colony. Governor's absence.
Temporary leave of absence.

XV. The temporary absence of the Governor for any period not exceeding one month shall not, if he have previously informed Our Executive Council, in writing, of his intended absence, and if he have duly appointed a Deputy in accordance with Our said Letters Patent, be deemed a departure from the Colony within the meaning of the said Letters Patent. Governor's absence and departure from the Colony. Interpretation Clause.

V. R.

COMMISSION passed under the Royal Sign Manual and Signet, appointing Lieutenant-General SIR JOHN HENRY LEFROY, K.C.M.G., C.B., to administer the Government of the Colony of Tasmania and its Dependencies.

VICTORIA R.

VICTORIA, by the Grace of GOD of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India: To Our Trusty and Well-beloved SIR JOHN HENRY LEFROY, Knight Commander of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Honourable Order of the Bath, Lieutenant-General in Our Army, Greeting. Dated 21st August, 1880.

WE do by this Our Commission, under Our Sign Manual and Signet, appoint you, the said SIR JOHN HENRY LEFROY, to administer the Government of Our Colony of Tasmania and its Dependencies, during Our pleasure, with all the powers, rights, privileges, and advantages to the same belonging or appertaining. Appointment of SIR J. H. LEFROY to administer the Government.

II. And We do hereby authorize, empower, and command you to exercise and perform all and singular the powers and directions contained in Our Letters Patent bearing date at Westminster, the Seventeenth day of June, 1880, constituting the Office of Governor and Commander-in-Chief in and over Our Colony of Tasmania, according to such Orders and Instructions as Our said Governor hath already received from Us, and to such further Orders and Instructions as you shall hereafter receive from Us. His duties and powers under Letters Patent dated 17th June, 1880.

III. And further We do hereby appoint that, so soon as you shall have taken the prescribed Oaths and have entered upon the duties of your Office, this Our present Commission shall supersede Our Commission under Our Sign Manual and Signet, dated the Twenty-eighth day of August, 1874, appointing the Chief Justice or the Senior Judge of Our said Colony to administer the Government thereof in the events specified in Our said Commission. Commission to Chief Justice or Senior Judge, dated 28th August, 1874, superseded.

IV. And We do hereby command all and singular Our Officers, Ministers, and loving Subjects in Our said Colony and its Dependencies, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly. Officers, &c., to give their obedience.

Given at Our Court at Osborne House, Isle of Wight, this Twenty-first day of August, 1880, in the Forty-fourth year of Our reign.

By Her Majesty's Command,

KIMBERLEY.