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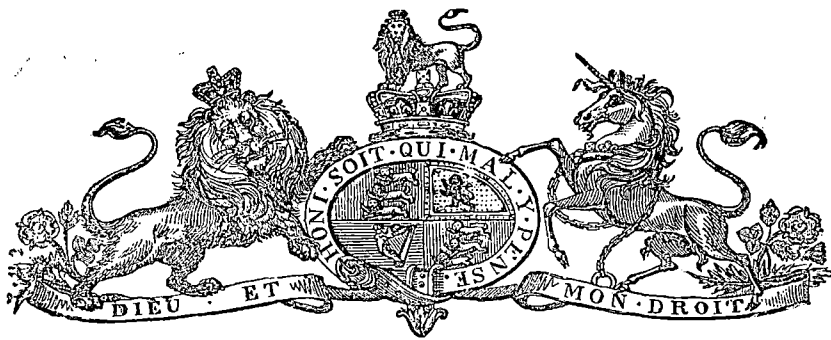


1862.

T A S M A N I A.

THE GOVERNOR'S COMMISSION,

Laid upon the Table by Mr. Henty, and ordered by the Council to be printed,
22 July, 1862.



THE GOVERNOR'S COMMISSION.

(L.S.)

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. To Our trusty and well-beloved THOMAS GORE BROWNE, Esquire, Companion of Our Most Honorable Order of the Bath, Colonel in Our Army.

GREETING—

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 Eighth day of September, One thousand eight hundred and fifty-five, in the Nineteenth Year of Our Reign, constitute and appoint Our trusty and well-beloved Sir Henry Edward Fox Young, Knight, to be, during Our pleasure, Captain-General and Governor-in-Chief in and over Our Island of Tasmania and its Dependencies, as by the same recited Letters Patent, relation thereunto had, may more fully and at large appear :

Now know you that We have revoked and determined, and by these presents do revoke and determine, the said recited Letters Patent, and every clause, article, and thing therein contained :

And further know you that We, reposing especial trust and confidence in the prudence, courage, and loyalty of you the said Thomas Gore Browne, of Our especial grace, certain knowledge, and mere motion, have thought fit to constitute and appoint, and by these presents do constitute and appoint, you to be, during Our pleasure, Our Captain-General and Governor-in-Chief in and over Our Island of Tasmania, and of 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 of Macquarie Island, lying to the South East of the said Island of Tasmania (all which Islands and Territories We declare to constitute Our Colony of Tasmania), and of all Forts and Garrisons erected and established, or which shall be erected and established, within Our said Colony of Tasmania or within any of its said Dependencies :

And We do hereby authorise, empower, require, and command you, in due manner, to do and execute all things that shall belong to your said Command and the trust We have reposed in you according to the several powers, provisions, and directions granted or appointed you by virtue of this present Commission, and according to such Instructions as are herewith given to you, or which may from time to time hereafter be given to you 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 according to such Laws as are or shall hereafter be in force in Our Colony aforesaid :

And We do hereby authorise and empower you to keep and use the Public Seal of Our said Colony for sealing all things whatsoever that shall pass the said Seal :

And We do hereby authorise and empower you to make and execute in Our name and on Our behalf, under the said Public Seal, Grants and Dispositions of any Lands which may be lawfully granted or disposed of by Us within Our said Colony :

And We do hereby authorise and empower you, by Instruments to be passed under the Public Seal aforesaid, in Our name and on Our behalf, from time to time to nominate and appoint such persons as to you shall seem fit to be Members of Our Executive Council for Our said Colony :

And We do hereby authorise and empower you to constitute and appoint Judges, and, in cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in Our said Colony, for the due and impartial administration of Justice and for putting the Laws into execution :

And We do hereby give and grant unto you full power and authority, as you shall see occasion, in Our name and on Our behalf, to grant to any Offender convicted of any crime in any Court, or before any Judge, Justice, or Magistrate, within Our said Colony, a Pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such Offender for such period as to you may seem fit, and to remit any fines, penalties, or forfeitures which may become due and payable to Us :

And we do hereby give and grant unto you, so far as We lawfully may, full power and authority, upon sufficient cause to you appearing, to remove from his Office, or to suspend from the exercise of the same, any person exercising any office or place within Our said Colony under or by virtue of any Commission or Warrant granted, or which may be granted, by Us or in Our name or under Our authority :

And in the event of the death, incapacity, or absence of you out of Our said Island of Tasmania and its Dependencies, We do hereby provide and declare Our pleasure to be, that all and every the powers and authorities herein granted to you shall be, and the same are, hereby vested in such person as may be appointed by Us, by Warrant under Our Sign Manual and Signet, to be the Lieutenant-Governor of Our said Colony, or in such person or persons as may be appointed by Us in like manner to administer the Government of the same in such contingency, or, in the event of there being no person or persons within Our said Colony so appointed by Us as aforesaid, then Our pleasure is, and We do hereby provide and declare that, in any such contingency, all the powers and authorities herein granted to you shall be, and the same are, hereby granted to the Senior Military Officer in Command of Our Forces within Our said Colony for the time being ; and such Lieutenant-Governor, or such person or persons as aforesaid, or such Senior Military Officer, as the case may be, shall exercise all and every the powers and authorities herein granted until Our further pleasure shall be signified therein :

And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the inhabitants of Our said Colony, to be obedient, aiding and assisting unto you, or in the event of your death or absence, to such person or persons as may, under the provisions of this Our Commission, assume and exercise the functions of Captain-General and Governor-in-Chief of Our said Colony.

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourselves, at Westminster, the Thirteenth day of March, in the Twenty-fifth Year of Our Reign.

By Warrant under the Queen's Sign Manual,

C. ROMMILLY.

INSTRUCTIONS TO GOVERNOR BROWNE.

(L. S.)

VICTORIA REG.

INSTRUCTIONS to Our trusty and well-beloved THOMAS GORE BROWNE, Esquire, Companion of the Most Honorable Order of the Bath, Colonel in Our Army, Our Captain-General and Governor-in-Chief in and over Our Island of Tasmania and its Dependencies, or, in his absence, to Our Lieutenant-Governor, or the Officer or Officers Administering the Government of Our said Island and its Dependencies for the time being. Given at Our Court at Windsor, this Thirteenth day of March, One thousand eight hundred and sixty-two, in the Twenty-fifth Year of Our Reign.

First. WHEREAS, by a Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, and bearing even date herewith, We have constituted and appointed you to be Our Captain-General and Governor-in-Chief of Our Colony of Tasmania, as therein described, and have further authorised, empowered, required, and commanded you in due manner to do and execute all things that shall belong to your said Command and the trust We have reposed in you according to the several powers, provisions, and directions granted or appointed you by virtue of Our said Commission, and according to such Instructions as are therewith given to you, and according to such other Instructions and Laws as therein are mentioned: Now, therefore, by these Our Instructions, under Our Royal Sign Manual and Signet, being the Instructions so referred to in and accompanying Our said Commission, We do declare Our pleasure to be that you shall, with all due solemnity, cause Our said Commission to be read and published in the presence of the Chief Justice of Our said Colony for the time being, and of the Members of the Executive Council thereof; and you shall then and there take the Oath appointed to be taken by an Act passed in the Twenty-first and Twenty-second Years of Our Reign, intituled *An Act to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration, and for the Relief of Her Majesty's Subjects professing the Jewish Religion*; and likewise that you take the usual Oath for the due execution of the Office of Our Captain-General and Governor-in-Chief in and over Our said Colony, and for the due and impartial administration of Justice; which said Oaths the Chief Justice for the time being, or in his absence any Judge of the Supreme Court of Our said Colony, shall, and he is hereby required to, tender and administer unto you.

Second. And We do authorise and require you from time to time, and at any time hereafter, by yourself or by any other person to be authorised by you on that behalf, to administer and give to all and every such person or persons as you shall think fit, who shall hold any Office or place of trust or profit, or who shall at any time or times pass into Our said Colony, or be resident therein, the Oath commonly called "The Oath of Allegiance," together with such other Oaths as may from time to time be prescribed by any Laws or Statutes in that behalf made and provided.

Third. You are to communicate forthwith to Our Executive Council for Our said Colony these Our Instructions, and any additional Instructions which may be in like manner hereafter given to you by Us.

Fourth. And We do hereby declare, and it is Our pleasure, that Our said Executive Council shall not proceed to the despatch of business unless duly summoned by your authority, and unless Two Members at the least (exclusive of yourself or the Member presiding) be present and assisting throughout the whole of the Meetings at which any such business shall be despatched.

Fifth. And it is Our pleasure that you do attend and preside at the Meetings of Our said Executive Council, unless when prevented by some necessary or reasonable cause: And you are hereby further authorised to appoint, by an Instrument under the Public Seal of Our said Colony, One Member of the said Executive Council to preside in your absence, and to remove him and appoint another in his stead; and if, during your absence, the Member so appointed shall also be absent, then the senior Member of the said Executive Council actually present shall preside at all such Meetings, the seniority of the Members of the Council being regulated according to the priority of their appointments as Members of the said Council.

Sixth. And We do further direct and command that a full and exact Journal or Minute be kept of all the deliberations, acts, proceedings, votes, and resolutions of Our said Council; and that at each Meeting of the said Council the Minutes of the last Meeting be read over, confirmed or amended as the case may require, before proceeding to the despatch of any other business.

Seventh. And it is Our further will and pleasure, and We do hereby command you, that, in the execution of the several powers and authorities committed to you by your said Commission, you

do in all cases consult with the Executive Council, excepting only when the matters to be decided shall be too unimportant to require their advice, or too urgent to admit of such advice being given by the time within which it may be necessary for you to act in respect of any such matters: Provided that, in all such urgent cases, you do subsequently, and at the earliest practicable period, communicate to the said Executive Council the measures which you may so have adopted, with the reasons thereof.

Eighth. And We do further authorise you in your discretion, and if it shall in any case appear right, to act in the exercise of the power committed to you by Our said Commission in opposition to the advice which may in any such case be given to you by the Members of Our said Executive Council: Provided, nevertheless, that in any such case you do fully report to Us, by the first convenient opportunity, every such proceeding, with the grounds and reasons thereof: And we do direct that, twice in each year, a full transcript of all the Minutes of Our said Council for the preceding half-year be transmitted to Us through one of Our Principal Secretaries of State.

Ninth. And whereas it has been appointed by Parliament that the provisions of the Act of the Fourteenth Year of Our Reign, Chapter Fifty-nine, and of the Act of the Fifth and Sixth Years of Our Reign, Chapter Seventy-six, which relate to the giving and withholding Our Assent to Bills, the reservation of Bills for the signification of Our pleasure thereon, and the Instructions to be conveyed to Governors for their guidance in relation to the matters aforesaid, shall apply to, and be in force in, Our said Colony: We do, by these Our Instructions, under Our Sign Manual and Signet, declare Our pleasure to be that, until further Order shall be made by Us in that behalf, you do guide yourself in the exercise of the powers vested in you by the said recited Act of assenting to, or dissenting from, or for reserving for the signification of Our pleasure, such Bills as may be passed by the Legislative Council and Assembly of Our said Colony, as far as may be practicable by the following rules, directions, and instructions; that is to say,—

Tenth. You are, as much as possible, to observe, in the passing of all Laws, that each different matter be provided by a different Law, without intermixing in one and the same Act such things as have no proper relation to each other; and you are more especially to take care that no Clause or Clauses be inserted in or annexed to any Act which shall be foreign to what the title of such Act imports, and that no perpetual Clause be part of any temporary Law.

Eleventh. When any Bill is presented to you for Our Assent of either of the classes hereinafter specified, you shall (unless you shall think proper to withhold Our Assent from the same,) reserve the same for the signification of Our pleasure thereon; subject, nevertheless, to your discretion, in case you shall be of opinion that an urgent necessity exists requiring that such Bill be brought into immediate operation; in which case you are authorised to assent to such Bill in Our name transmitting to Us, by the earliest opportunity, the Bill so assented to, together with your reasons, for assenting thereto; that is to say,—

- I. Any Bill for the Divorce of persons joined together in Holy Matrimony:
- II. Any Bill, whereby any Grant of Land or Money, or other Donation or Gratuity may be made to yourself:
- III. Any Bill, whereby any Paper or other Currency may be made a legal Tender, except the Coin of the Realm or other Gold or Silver Coin:
- IV. Any Bill imposing Differential Duties:
- V. Any Bill, the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty:
- VI. Any Bill interfering with the discipline or control of Our Forces in Our said Colony by Land and Sea:
- VII. 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:
- VIII. Any Bill containing provisions to which Our Assent has been once refused, or which have been disallowed by Us.

Twelfth. You shall take care that all Laws assented to by you in Our name, or reserved for the signification of Our Royal pleasure thereon, shall, when transmitted by you, be fairly abstracted in the margins, and accompanied with fitting explanations respecting the reasons and occasion for proposing them; and you shall also transmit fair Copies of the Journals and Minutes of the Proceedings of the said Legislative Council and Assembly, which you are to require from the Clerks, or other proper Officers in that behalf, of the said Legislative Council and Assembly.

Thirteenth. And whereas, by Our said Commission, We have given and granted unto you full power and authority, as you shall see occasion, in Our name and on Our behalf, to grant to any Offender, convicted of any crime in any Court, or before any Judge, Justice, or Magistrate, within Our said Colony, a Pardon, either free or subject to lawful conditions, or any respite of the sentence

of any such Offender for such period as to you may seem fit: Now, We do hereby require and enjoin you to call upon the Judge presiding at the trial of any such Offender who may from time to time be condemned to suffer Death by any sentence of any Court within the said Colony to make to you a written Report of the case of such Offender; and such Report of the said Judge shall, by you, be taken into consideration at the first Meeting thereafter which may be conveniently held of Our said Executive Council, where the said Judge shall be specially summoned to attend; and you shall not pardon or reprieve any such Offenders as aforesaid, unless, upon receiving the advice of Our Executive Council therein, it shall appear to you expedient so to do: but, in all such cases, you are to decide either to extend or to withhold a Pardon or Reprieve according to your own deliberate judgment, whether the Members of Our said Executive Council concur therein or otherwise, entering, nevertheless, on the Minutes of the said Council a Minute of your reasons at length, in case you should decide any such question in opposition to the judgment of the majority of the Members thereof.

Fourteenth. And it is Our further will and pleasure that all Commissions granted by you to any person or persons to be Judges, Justices of the Peace, or other necessary Officers, shall, unless otherwise provided by Law, be granted during pleasure only.

Fifteenth. And it is Our pleasure that all Writs be issued in Our name throughout Our said Colony.

Sixteenth. And whereas you will receive, through one of Our Principal Secretaries of State, a Book of Tables in blank, commonly called the "Blue Book," to be annually filled up with certain Returns relative to the Revenue and Expenditure, Militia, Public Works, Legislation, Civil Establishments, Pensions, Population, Schools, Course of Exchange, Imports and Exports, Agricultural Produce, Manufactures, and other matters in the said "Blue Book" more particularly specified, with reference to the state and condition of Our said Colony: Now, We do hereby signify Our pleasure that all such Returns be accurately prepared, and punctually transmitted to Us from year to year through one of Our Principal Secretaries of State.

Seventeenth. And whereas great prejudice may happen to Our Service, and to the security of Our said Colony and its Dependencies, by the absence of the Governor, you shall not, upon any pretence whatever, quit the said 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.

V. REG.