



VICTORIA GOVERNMENT GAZETTE.

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TUESDAY, DECEMBER 31.

[1901.]

HIS Excellency the Governor of the State of Victoria directs the publication of the following Letters Patent under the Great Seal of the United Kingdom, and also the publication of the Commission appointing Sir John Madden to be Lieutenant-Governor of the aforesaid State of Victoria.

A. J. PEACOCK.

Government Offices,
Melbourne, 16th December, 1901.

VICTORIA.

LETTERS PATENT PASSED UNDER THE GREAT SEAL OF THE UNITED KINGDOM CONSTITUTING THE OFFICE OF GOVERNOR OF THE STATE OF VICTORIA AND ITS DEPENDENCIES IN THE COMMONWEALTH OF AUSTRALIA.

Letters Patent,
dated 29th October,
1900.

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.

WHEREAS, by certain Letters Patent, under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the Twenty-first day of February, 1879, We did constitute the Office of Governor and Commander-in-Chief in and over Our Colony of Victoria as therein described, and its Dependencies: And whereas, in virtue of the provisions of the Commonwealth of Australia Constitution Act 1900, and of our Proclamation issued thereunder, by and with the advice of Our Privy Council on the Seventeenth day of September, 1900, We have by certain Letters Patent under the said Great Seal of Our United Kingdom of Great Britain and Ireland, bearing even date herewith, made provision for the Office of Governor-General and Commander-in-Chief in and over Our Commonwealth of Australia: And whereas it has become necessary to make permanent provision for the Office of Governor in and over Our State of Victoria and its Dependencies in the Commonwealth of Australia, 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 first-recited Letters Patent of the Twenty-first day of February, 1879, and everything therein contained, from and after the proclamation of these Our Letters Patent as hereinafter provided: And further know ye that We do by these presents constitute, order, and declare that there shall be a Governor in and over Our State of Victoria (comprising the territories bounded on the west by Our State of South Australia, on the south by the sea, and on the east and north by a straight line drawn from Cape Howe to the nearest source of the River Murray, and thence by the course of that river to the Eastern Boundary of Our State of South Australia) and its Dependencies in the Commonwealth of Australia (which said State of Victoria and its Dependencies are hereinafter called the State), and that appointments to the said Office shall be made by Commission under Our Sign Manual and Signet.

II. We do hereby authorize, empower, and command Our said 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 State.

Preamble.

Recites Letters
Patent of 21st
February, 1879.

Recites Imperial Act
63 & 64 Vict., c.
12, Proclamation of
17th September,
1900, and Letters
Patent of 29th
October, 1900.

Revocation of
Letters Patent of
21st February, 1879.
Office of Governor
constituted.

Boundaries.

Governor's powers
and authorities.

Publication of Governor's Commission.	III. We do also by these Our Letters Patent declare our will and pleasure as follows :—
Oath to be taken by Governor.	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 State, 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.
Imperial Act 31 & 32 Vict. c. 72.	V. The Governor shall keep and use the Public Seal of the State for sealing all things whatsoever that shall pass the said Public Seal: and until a Public Seal shall be provided for the State the Public Seal formerly used in Our Colony of Victoria shall be used as the Public Seal of the State.
Public Seal.	VI. There shall be an Executive Council for the State, and the said Council shall consist of such persons as were, immediately before the coming into force of these Our Letters Patent, Members of the Executive Council of Victoria, or as may at any time be Members of the Executive Council for Our said State in accordance with any Law enacted by the Legislature of the State, 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 State to be Members of Our said Executive Council for the State.
Executive Council: constitution of.	VII. The Governor, in Our name and on Our behalf, may make and execute, under the said Public Seal, grants and dispositions of any land which may be lawfully granted and disposed of by Us within the State.
Grant of lands.	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 State as may be lawfully constituted or appointed by Us.
Appointment of Judges, Justices, &c.	IX. When any crime or offence has been committed within the State against the laws of the State, 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 or offence 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 of the State, or before any Judge or other Magistrate of the State, within the State, 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 State.
Grant of pardons.	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 under the State, under or by virtue of any Commission or Warrant granted, or which may be granted, by Us, in Our name, or under Our authority.
Remission of fines. Political offenders. Proviso. Banishment from State prohibited.	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 State.
Suspension or removal from office.	XII. In the event of the death, incapacity, or removal of the Governor, or of his departure from the State, Our Lieutenant-Governor, or, if there be no such officer in the State, then such person or persons as We may appoint, under Our Sign Manual and Signet, shall during Our pleasure, administer the Government of the State, first taking the Oaths hereinbefore directed to be taken by the Governor, and in the manner herein prescribed; which being done, We do hereby authorize, 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 according to the tenor of these Our Letters Patent, and according to Our Instructions as aforesaid, and the Laws of the State.
Summoning, proroguing, or dissolving any Legislative Body.	XIII. In the event of the Governor having occasion to be temporarily absent for a short period from the Seat of Government or from the State, he may in every such case, by an Instrument under the Public Seal of the State, constitute and appoint Our Lieutenant-Governor, or, if there be no such Officer, or if such Officer be absent or unable to act, 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.
Succession to the Government.	
Lieutenant-Governor.	
Administrator.	
Proviso. Lieutenant-Governor, &c., to take Oaths of office before administering the Government.	
Duties and authorities under Letters Patent.	
Governor may appoint a Deputy during his temporary absence from seat of Government or from the State.	

December 31, 1901.

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

Officers and others to obey and assist the Governor.

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.

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

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 State 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, this Twenty-ninth day of October, in the Sixty-fourth year of our Reign.

By Warrant under the Queen's Sign Manual.

MUIR MACKENZIE.