



FOURTH SUPPLEMENT

TO THE

VICTORIA

GOVERNMENT GAZETTE

OF FRIDAY, DECEMBER 28, 1900.

Published by Authority.

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WEDNESDAY, JANUARY 2.

[1901.

THE Lieutenant-Governor of Victoria directs the publication of the following Letters Patent under the Great Seal of the United Kingdom.

ISAAC A. ISAACS.

Government Offices,
Melbourne, 2nd January, 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.

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.

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.

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

Publication of Governor's Commission.

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.

Oath 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 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.

Executive Council : constitution of.

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.

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 land which may be lawfully granted and disposed of by Us within the State.

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 State as may be lawfully constituted or appointed by Us.

Grant of pardons.

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.

Remission of fines.

Political offenders. Proviso. Banishment from State prohibited.

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 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.

Summoning, proroguing, or dissolving any Legislative Body. Succession to the Government.

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.

Lieutenant-Governor. Administrator. Proviso. Lieutenant-Governor, &c., to take Oaths of office before administering the Government. Duties and authorities under Letters Patent.

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.

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.

Governor may appoint a Deputy during his temporary absence from seat of Government or from the State.

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.

THE Lieutenant-Governor of Victoria directs the publication of the following Commission under the Royal Sign Manual and Signet.

ISAAC A. ISAACS.

Government Offices,
Melbourne, 2nd January, 1901.

VICTORIA.

COMMISSION PASSED UNDER THE ROYAL SIGN MANUAL AND SIGNET, APPOINTING SIR JOHN MADDEN, K.C.M.G., CHIEF JUSTICE OF VICTORIA, TO BE LIEUTENANT-GOVERNOR OF THE STATE OF VICTORIA AND ITS DEPENDENCIES, IN THE COMMONWEALTH OF AUSTRALIA.

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 Madden, Knight Commander of Our Most Distinguished Order of Saint Michael and Saint George, Chief Justice of the Supreme Court of Victoria, Greeting.

Dated 29th October, 1900.

We do, by this Our Commission under Our Sign Manual and Signet, appoint you, the said Sir John Madden, to be during Our pleasure Our Lieutenant-Governor of Our State of Victoria and its Dependencies, in the Commonwealth of Australia, with all the powers, rights, privileges, and advantages to the said Office belonging or appertaining.

Appointment of Sir J. Madden, K.C.M.G., to be Lieutenant-Governor.

II. And further, in case of the death, incapacity, or removal of Our Governor of Our said State, or of his departure from Our said State, We do hereby authorize and require you to administer the Government thereof, with all and singular the powers and authorities contained in Our Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the Twenty-ninth day of October 1900, constituting the Office of Governor in and over Our said State of Victoria and its Dependencies, in Our Commonwealth of Australia, or in any other Our Letters Patent adding to, amending, or substituted for the same, and according to such Instructions as Our said Governor for the time being may receive from Us, or through one of Our Principal Secretaries of State, and according to such Laws as are now or shall hereafter be in force in Our said State.

To administer Government during Governor's absence.

Recites Letters Patent constituting Office of Governor.

Powers and authorities.

III. And We do hereby appoint that this Our present Commission shall supersede Our Commission under Our Sign Manual and Signet bearing date the Twenty-ninth day of April, 1899, appointing you the said Sir John Madden to be Lieutenant-Governor of Our Colony of Victoria and its Dependencies.

Commission of 29th April, 1899, superseded.

IV. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in Our said State 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 take notice.

Given at Our Court at Saint James's, this Twenty-ninth day of October 1900, in the Sixty-fourth year of Our Reign.

By Her Majesty's Command,

J. CHAMBERLAIN.

THE Lieutenant-Governor of Victoria directs the publication of the following Instructions, passed under the Royal Sign Manual and Signet, to the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia.

ISAAC A. ISAACS.

Government Offices,
Melbourne, 2nd January, 1901.

VICTORIA.

INSTRUCTIONS PASSED UNDER THE ROYAL SIGN MANUAL AND SIGNET TO THE GOVERNOR OF THE STATE OF VICTORIA AND ITS DEPENDENCIES, IN THE COMMONWEALTH OF AUSTRALIA.

VICTORIA R.I.

Dated 29th October, 1900. INSTRUCTIONS to Our Governor in and over Our State of Victoria and its Dependencies, in the Commonwealth of Australia, or to Our Lieutenant-Governor, or other Officer for the time being administering the Government of Our said State and its Dependencies.

Given at Our Court at St. James's, this Twenty-ninth day of October 1900, in the Sixty-fourth year of Our Reign.

Preamble. WHEREAS by certain Letters Patent bearing even date herewith, We have constituted, ordered, and declared that there shall be a Governor in and over Our State of Victoria and its Dependencies, in the Commonwealth of Australia (which said State of Victoria and its Dependencies are therein and hereinafter called the State):

Recites Letters Patent constituting the Office of Governor.

And whereas We have thereby authorized 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 hereafter be in force in the State:

Recites instructions of 9th July, 1892. And whereas We did issue certain Instructions under Our Sign Manual and Signet to Our Governor and Commander-in-Chief in and over Our Colony of Victoria and its Dependencies bearing date the Ninth day of July, 1892:

Revokes aforesaid Instructions. Now know you that We do hereby revoke the aforesaid Instructions, and We do by these Our Instructions under Our Sign Manual and Signet direct and enjoin and declare Our will and pleasure as follows:—

Interpretation. I. In these Our Instructions, unless inconsistent with the context, the term "the Governor" shall include every person for the time being administering the Government of the State, and the term "the Executive Council" shall mean the members of Our Executive Council for the State who are for the time being the responsible advisers of the Governor.

Oaths to be administered. II. 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 State. The Governor is to administer such Oaths or cause them to be administered by some Public Officer of the State.

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

Governor to preside. Governor to appoint a President. Senior Member to preside in the absence of the Governor and President. Seniority of Members. 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 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 take advice of Executive Council. V. The 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 the Governor or of the member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be despatched.

VI. In the execution of the powers and authorities vested in him, the Governor shall be guided by the advice of the Executive Council, but if in any case he shall see sufficient cause to dissent from the opinion of the said Council, he may act in the exercise of his said powers and authorities in opposition to the opinion of the Council, reporting the matter to Us without delay, with the reasons for his so acting.

In any such case it shall be competent to any Member of the said Council to require that there be recorded upon the Minutes of the Council the grounds of any advice or opinion that he may give upon the question.

Description of Bills not to be assented to. VII. The Governor shall not, except in the cases hereunder mentioned, assent in Our name to any Bill of any of the following classes:—

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 State.
4. Any Bill the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty.

5. Any Bill of an extraordinary nature and importance, whereby Our prerogative or the rights and property of Our subjects not residing in the State, or the trade and shipping of the United Kingdom and its Dependencies, may be prejudiced.

6. Any Bill containing provisions to which Our assent has been once refused, or which have been disallowed by Us ;

Unless he shall have previously obtained Our Instructions upon such Bill through one of Our Principal Secretaries of State, or unless such Bill shall contain a clause suspending the operation of such Bill until the signification in the State 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 authorized 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.

Powers in urgent cases.

VIII. The Governor shall not pardon or reprieve any offender without first receiving in capital cases the advice of the Executive Council, and in other cases the advice of one, at least, of his Ministers ; and in any case in which such pardon or reprieve might directly affect the interests of Our Empire, or of any country or place beyond the jurisdiction of the Government of the State, the Governor shall, before deciding as to either pardon or reprieve, take those interests specially into his own personal consideration in conjunction with such advice as aforesaid.

Regulation of power of pardon.

IX. 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.

Judges, &c., to be appointed during pleasure.

X. The Governor shall not quit the State 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 State or the Governor-General, for periods not exceeding one month at any one time, nor exceeding in the aggregate one month for every year's service in the State.

Governor's absence. Temporary leave of absence.

XI. The temporary absence of the Governor for any period not exceeding one month shall not, if he have previously informed the 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 State within the meaning of the said Letters Patent.

Governor's absence and departure from the State. Interpretation clause.

V. R. I.

PROCLAMATION

By His Excellency the Honorable Sir JOHN MADDEN, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Lieutenant-Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia.

WHEREAS Her Majesty was graciously pleased by Letters Patent passed under the Great Seal of the United Kingdom, bearing date at Her Majesty's Court, at Westminster, the twenty-ninth day of October, One thousand nine hundred, to make provision for the office of Governor-General and Commander-in-Chief in and over the Commonwealth of Australia, and by the said Letters Patent to make permanent provision for the office of Governor in and over the State of Victoria and its Dependencies in the Commonwealth of Australia aforesaid : And whereas Her Majesty was pleased by Commission under Her Royal Sign Manual and Signet, bearing date at Her Majesty's Court at Saint James's the twenty-ninth day of October, One thousand nine hundred, to appoint me to be, during Her Majesty's pleasure, Lieutenant-Governor of the said State of Victoria and its Dependencies in the said Commonwealth of Australia, with all the powers, rights, privileges, and advantages to the said office belonging or appertaining, and further, in case of the death, incapacity, or removal of the Governor of the said State, or of his departure from the said State, to authorize and require me to administer the Government thereof : Now therefore I, Sir John Madden, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, the Chief Justice of the Supreme Court of the State of Victoria in the Commonwealth of Australia aforesaid, having duly taken and subscribed the necessary oaths before His Honour Sir Hartley Williams, a Judge of the Supreme Court of the said State, and in the presence of the Executive Council of the said State, do hereby proclaim that all the powers and authorities by the said Letters Patent granted to and exercised by the Governor in and over the State of Victoria aforesaid and its Dependencies, became and are now vested in me as Lieutenant-Governor of the said State now residing therein, to be by me exercised and enjoyed in accordance with the terms of the aforesaid Commission bearing date the twenty-ninth day of October, One thousand nine hundred ; and in Her Majesty's name, I do require and command all officers, civil and military, and all others, the inhabitants of the said State of Victoria, to be obedient, aiding and assisting in the exercise of the functions assigned by the Commission aforesaid to me as the Lieutenant-Governor of the said State of Victoria.

Given under my Hand and the Seal of the State of Victoria, at the Government Offices, Melbourne this second day of January, in the year of our Lord One thousand nine hundred and one, and in the sixty-fourth year of Her Majesty's reign.

JOHN MADDEN.

(L.S.)

By His Excellency's Command,

ISAAC A. ISAACS,

GOD SAVE THE QUEEN!

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