

**PROCLAMATION OF LETTERS PATENT CONSTITUTING THE
OFFICE OF GOVERNOR OF THE STATE OF QUEENSLAND.**

A PROCLAMATION.

By His Excellency the Right Honourable Sir MATTHEW NATHAN, Major on the Retired List of His Majesty's Corps of Royal Engineers, having the Brevet Rank of Lieutenant-Colonel in His Majesty's Army, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Governor of the State of Queensland and its Dependencies, in the Commonwealth of Australia.

[L.S.]

MATTHEW NATHAN,
Governor.

WHEREAS by Letters Patent under the Great Seal of the United Kingdom, bearing the date at Westminster the tenth day of June, 1925, His Majesty was graciously pleased to order and declare that there should be a Governor in and over the State of Queensland and its Dependencies in the Commonwealth of Australia, and that appointments to the said office should be made by Commission, under His

*Letters Patent Constituting the Office of Governor of the
State of Queensland.*

Majesty's Sign Manual and Signet, and that the said Letters Patent should be proclaimed at such place or places as the Governor of the said State should think fit within the said State: Now, therefore, I, the Governor aforesaid, do, by this my Proclamation, proclaim and make known the said Letters Patent, which are in the words following, that is to say:—

QUEENSLAND.

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

Dated 10th June, 1925.

George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To all to whom these Presents shall come, Greeting:

Recites Letters Patent, 6th June, 1859.—Whereas Her Majesty Queen Victoria did by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Sixth day of June, 1859, in the Twenty-second year of Her reign, erect certain territories therein described into a Colony by the name of the Colony of Queensland:

For the Letters Patent referred to, see this title, *ante*.

Recites Letters Patent of 13th March, 1862.—And whereas Her said Majesty did by certain other Letters Patent under the said Great Seal, bearing date at Westminster the Thirteenth day of March, 1862, in the Twenty-fifth year of Her Reign, annex to the said Colony of Queensland so much of the Colony of New South Wales as then lay to the Northward of the Twenty-sixth parallel of South latitude, and between the One hundred and forty-first and the One hundred and thirty-eighth Meridians of East longitude, together with all and every the adjacent Islands, their members and appurtenances in the Gulf of Carpentaria:

For power to make the Letters Patent here recited, see The Australian Colonies Act, 1861, s. 2, *ante*.

Recites Letters Patent of 30th May, 1872.—And whereas Her said Majesty did by certain other Letters Patent under the said Great Seal, bearing date at Westminster the Thirtieth day of May 1872, in the Thirty-fifth year of Her Reign, amongst other things, appoint the Governor, for the time being, of the said Colony of Queensland to be the Governor of all Islands within sixty miles from the coast of the said Colony, with power to surrender the said Islands to the Colony of Queensland:

Recites Proclamation and Deed of Transfer of Islands to the Colony, dated 22nd August, 1872.—And whereas by Proclamation and Deed of Transfer, under the hand and seal of the said Governor, both bearing date the Twenty-second day of August 1872, the said Islands were annexed to and now form part of the said Colony of Queensland:

Recites Letters Patent of 10th October, 1878.—And whereas by certain other Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Tenth day of October 1878, Her said Majesty did authorise the Governor for the time being of the said Colony of Queensland, by Proclamation under his hand and the Public Seal of the said Colony, to declare that, from and after a day to be therein mentioned, certain islands in Torres Straits, and lying between the Continent of Australia and the Island of New Guinea, as are more particularly described in the said Letters Patent of the Tenth day of October 1878, should be annexed to and form part of the said Colony: And whereas the said Governor did, by a Proclamation under his hand and the Public Seal of the said Colony, bearing date the Eighteenth day of July 1879, notify and proclaim that from and after the First day of August 1879 the said Islands should be annexed to and become part of the Colony of Queensland:

See also The Queensland Coast Islands Act of 1879, *ante*; *R. v. Gomez* (1880), 5 S.C.R. 189.

Recites Imperial Act 63 and 64 Vict. c. 12, Proclamation of 17th September, 1900, and Letters Patent of 29th October, 1900.—And whereas in virtue of the provisions of the Commonwealth of Australia Constitution Act, 1900, and of the Proclamation issued thereunder by Her said Majesty, by and with the advice of Her Privy Council, on the Seventeenth day of September 1900, Her said Majesty did, by certain Letters Patent under the said Great Seal of the United Kingdom of Great Britain and Ireland bearing date at Westminster the Twenty-ninth day of October 1900, make provision for the Office of Governor-General and Commander-in-Chief in and over Our Commonwealth of Australia:

For the Commonwealth of Australia Constitution Act, 1900, see title COMMONWEALTH AND STATES. The Proclamation referred to is set out in the notes to s. 3 of that Act.

And whereas by certain other Letters Patent under the said Great Seal also bearing date at Westminster the Twenty-ninth day of October 1900 the Office of Governor in and over Our State of Queensland and its Dependencies, in the Commonwealth of Australia, was constituted as therein provided:

And whereas we deem it expedient to make other provision in lieu thereof:

Revocation of Letters Patent of 29th October, 1900.—Now know ye that we have revoked and determined and by these presents do revoke and determine, the said last recited Letters Patent of the Twenty-ninth day of October 1900, constituting the Office of Governor in and over Our State of Queensland and its Dependencies, and every clause, article, and thing therein contained, from and after the Proclamation of these Our Letters Patent as hereinafter provided:

Letters Patent Constituting the Office of Governor of the State of Queensland. cls. 1-5.

Office of Governor constituted.—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 Queensland and its Dependencies, in the Commonwealth of Australia (comprising the Territories and Islands hereinbefore described), which said State of Queensland 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. Governor's powers and authorities. Order in Council, 6th June, 1859.—We do hereby authorise and command Our said Governor to do and execute all things that shall belong to his said Office, according to the tenour of these Our Letters Patent and of such Commission as may be issued to him under Our Sign Manual and Signet, and of a certain Order made by Her Majesty Queen Victoria in Her Privy Council, bearing date the Sixth day of June 1859, 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 Our said State.

For the Order in Council of June 6, 1859, see this title, *ante*.

For the Royal Instructions to the Governor, see this title, *post*.

III. Public Seal.—And we do hereby authorise and empower Our said Governor to keep and use the Public Seal of Our said 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 Great Seal formerly used for the Colony of Queensland shall be used as the Public Seal of the State.

IV. Executive Council, constitution of.—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 Queensland, or as may at any time be Members of the Executive Council of Our said State in accordance with any Law enacted by the Legislature of the State, and of such other persons as Our said 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 Our said State to be Members of Our said Executive Council for the State.

See also Royal Instructions to the Governor, clauses 4-6, *post*.

V. Grant of lands.—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 State.

See also The Land Act of 1910, s. 6, title LAND.

VI. Appointment of Judges, Justices, &c.—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.

See also Royal Instructions to the Governor, clause 9, *post*; Constitution Act of 1867, ss. 14-16, *ante*.

VII. Grant of pardons. Remission of fines. Political offenders. Proviso. Banishment from State prohibited.—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 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 respite of the execution of the sentence passed on such offender, 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.

See also Royal Instructions to the Governor, clause 8, *post*; The Criminal Code (1899), ss. 21, 672A, 675-677, title CRIMINAL LAW.

VIII. Suspension or removal from office.—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.

See Constitution Act of 1867, s. 14, *ante*; Acts Shortening Act of 1867, s. 17, title Acts.

IX. Summoning, proroguing, or dissolving any Legislative Body. Appointment of members of any such Legislative Body.—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, and in respect of the appointment of Members thereto.

See also Constitution Act of 1867, s. 12, *ante*.

X. Succession to the Government. Lieutenant-Governor. Administrator. Proviso. Lieutenant-Governor, &c., to take Oaths of Office before administering the Government.—In the event of the death, incapacity, or removal of the Governor, or of his departure from the State, all the powers and authorities herein granted to him shall (subject to the proviso and condition hereinafter contained), be vested during

Letters Patent Constituting the Office of Governor cls. 10-12.
of the State of Queensland.

Our pleasure in Our Lieutenant-Governor of the State, or if there be no such Officer in the State, then in such person or persons as may be appointed by Us under Our Sign Manual and Signet to administer the Government of the State. And We do hereby (subject as aforesaid) give and grant all such powers and authorities to such Lieutenant-Governor or person or persons accordingly: Provided always and subject to this condition that before any such powers or authorities shall vest in such Lieutenant-Governor, or such other person or persons, he or they shall have taken the Oaths hereinafter directed to be taken by the Governor of the State, and in the manner by these Letters Patent provided.

See also Royal Instructions to the Governor, clauses 10, 11, *post*; Commission of May 23, 1933, appointing the Lieutenant-Governor, *post*; Dormant Commission, dated October 29, 1900, appointing a Person to Administer the Government in Certain Events, *ante*.

XI. Governor may appoint a Deputy during his temporary absence from the seat of Government or from the State.—And whereas it may be necessary or expedient that the Governor should absent himself occasionally for a short period from the seat of Government or from the State, whereby the affairs of the State might be exposed to detriment if there were no person on the spot authorised to exercise the powers and authorities by these Our Letters Patent granted to the Governor or some of them: Now We do hereby authorise and empower the Governor, in every such case as occasion shall require, by an Instrument under the Public Seal of the State, to constitute and appoint our Lieutenant-Governor for the time being of the State, 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 in the State 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 of the State shall not be abridged, altered, or in any way affected, otherwise than We may at any time hereafter think proper to direct.

See also the instruments referred to in the note to s. 10, *ante*.

XII. Publication of Governor's Commission. Oaths to be taken by Governor. Imperial Act 31 & 32 Vict. c. 72.—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 the next superior Judge 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 the Reign of Her Majesty Queen Victoria, 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.

The Act referred to is the Promissory Oaths Act, 1868. See *ibid.*, s. 2, Halsbury's Statutes of England, Vol. 3, p. 381.

XIII. Officers and others to obey and assist the Governor.—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 in the event of his death, incapacity, removal, absence, or departure, 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.

XIV. Power reserved to His Majesty to revoke, alter, or amend the present Letters Patent.—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.

XV. Publication of Letters Patent.—And We do further direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places within Our said State of Queensland, as the Governor shall think fit, and shall thereupon come into operation.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the Tenth day of June, in the Sixteenth year of Our reign.

By Warrant under the King's Sign Manual.

SCHUSTER.

Given under My Hand and Seal, at Government House, Brisbane, this third day of September, in the year of Our Lord one thousand nine hundred and twenty-five, and in the sixteenth year of His Majesty's reign.

By Command,

W. N. GILLIES.

GOD SAVE THE KING!
