

COMMISSION

OF

HIS EXCELLENCY SIR G. F. BOWEN, G.C.M.G.

TOGETHER WITH

THE ROYAL INSTRUCTIONS ACCOMPANYING THE SAME.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF
HIS EXCELLENCY.

WELLINGTON.

—
1868.

COMMISSION OF HIS EXCELLENCY SIR G. F. BOWEN, G.C.M.G.

COMMISSION passed under the Great Seal of the United Kingdom appointing Sir GEORGE FERGUSON BOWEN, G.C.M.G., to be Governor and Commander-in-Chief of the Colony of NEW ZEALAND.

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 Sir George Ferguson Bowen, Knight Grand Cross of Our Most Distinguished Order of St. Michael and St. George, Greeting.

Letters-Patent,
Dated 14th Novem-
ber, 1867.

1. 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 Twelfth Day of August, 1861, in the Twenty-fifth Year of Our Reign, Constitute and appoint Our Trusty and Well-Beloved Sir George Grey, Knight Commander of Our Most Honourable Order of the Bath, to be Governor and Commander-in-Chief in and over Our Colony of New Zealand and its Dependencies, as upon relation being had to the said recited Letters Patent will more fully and at large appear.

Governor Sir George
Grey's Commission,
12th August, 1861,
cited.

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 Sir George Ferguson Bowen, of Our special Grace, certain Knowledge, and mere Motion, have thought fit to Constitute and Appoint, and by these Presents do Constitute and Appoint you to be Our Governor and Commander-in-Chief in and over Our Colony of New Zealand for and during Our Will and Pleasure. And We do hereby Authorize and Command you to Do and Execute all Things in due manner that shall belong to your said Command, and the Trust We have reposed in you, according to and in pursuance of an Act of the Session holden in the Fifteenth and Sixteenth Years of Our Reign, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," and according to the several Powers and Directions granted or appointed you by this Our present Commission and the Instructions and Authorities herewith given you, or by such further Powers, Instructions, and Authorities as shall at any time hereafter be granted or appointed 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 now or shall hereafter be in force in Our said Colony.

Revocation of Go-
vernor Sir George
Grey's Commission,
12th August, 1861.

Act 15 and 16 Vic-
toria cited.

2. And Whereas it is expedient that an Executive Council should be appointed to advise and assist you in the Administration of the Government of our said Colony: Now We do Declare Our Pleasure to be that there shall be an Executive Council for our said Colony, and that the said Council shall consist of such Persons as you shall, by Instruments to be passed under the Public Seal of Our said Colony in Our Name and on Our Behalf, from time to time Nominate and Appoint to be Members of the same.

Executive Council,
Constitution of.

3. And We do hereby Authorize and Empower you to Keep and Use the Public Seal for Sealing all things whatsoever that shall pass the Seal of Our said Colony.

Public Seal.

4. And We do hereby Authorize and Empower you to Make and Execute in Our Name and on Our Behalf, under the Public Seal of Our said Colony, Grants and Dispositions of any Lands which may be lawfully granted and disposed of by Us within Our said Colony.

Grants of Land.

5. And we do further Authorize 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 of Our said Colony of New Zealand, for the due and impartial Administration of Justice, and for putting the Laws into execution.

Appointment of
Judges and Justices,
&c.

6. And We do hereby Authorize and Empower you 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.

Grant of pardons
and remission of
fines.

7. And we hereby Authorize and Empower You, so far as We lawfully may, upon sufficient cause to you appearing, to Remove from his Office, or to suspend from the exercise of the same, any Person exercising any such Office or Place within Our said Colony, under or by virtue of any Commission or Warrant granted or which may be granted by us in Our Name, or by Our Authority.

Suspension or re-
moval from office.

8. And Whereas it has been represented to Us, that the Necessities of Our Service in Our said Colony occasionally require that you should Absent yourself from the Seat of Government in the Province of Wellington, whereby the Affairs of the said Province might be exposed to detriment if there were no Person in the place who should be Authorized to exercise the Powers and Authorities which We have by this Our present Commission given and granted to you, Our Governor: Now We do hereby Authorize and Empower you, from time to time, as occasion shall require, by an instrument under the Public Seal of Our said Colony, to Assign, Constitute, and Appoint any Person to be your Deputy in the said Province of Wellington, and in that capacity to Exercise, Perform, and Execute during your Pleasure, but no longer, all such Powers, Directions, and Authorities as are vested in you by this Our Commission and the Instructions under Our Sign Manual and Signet herein referred to. Provided Nevertheless, that by the appointment of a Deputy, as aforesaid, your Power and Authority as Governor of Our said Colony, shall not be abridged, altered, or in any way affected, otherwise than We may at any time hereafter think proper to Direct.

Governor may ap-
point a Deputy
during his tempo-
rary absence from
Seat of Government.

Succession to the Government.

9. And we do hereby Declare Our Pleasure to be that in the event of your Death, Incapacity, or Absence out of the said Colony, 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 under Our Sign Manual and Signet, to be Our Lieutenant-Governor of Our said Colony of New Zealand, or to Administer the Government of the same; and in case there shall be no Person within Our said Colony so Appointed by Us, in the Senior Officer for the time being in Command of Our Regular Troops, in our said Colony; and such Lieutenant-Governor or such other Person or Persons who may by Us be Appointed to Administer the Government of our said Colony, or such Officer, as the case may be, shall have and exercise all and every the Powers and Authorities herein granted, until Our further Pleasure shall be signified therein.

Officers and others to obey and assist the Governor.

10. And We do hereby Require and Command all Our Officers and ministers, Civil and Military, and all other the Inhabitants of the said Colony, to be Obedient, Aiding, and Assisting unto you, or in the event of your Death, Incapacity, or Absence, to such Person or Persons as may, from time to time, under the provisions of this Our Commission, Administer the Government of Our said Colony.

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

Witness Ourselves at Westminster, the fourteenth day of November, in the thirty-first year of our reign.

By warrant under the Queen's Sign-manual.

C. ROMILLY.

(L.S.)

VICTORIA R.

Dated 14th November, 1867.

INSTRUCTIONS to Our Trusty and Well-beloved Sir George Ferguson Bowen, Knight Grand Cross of Our Most Distinguished Order of St. Michael and St. George, Our Governor and Commander-in-Chief in and over Our Colony of New Zealand, or, in his absence, to Our Lieutenant-Governor, or the Officer Administering the Government of Our said Colony for the time being. Given at Our Court at Windsor, this Fourteenth Day of November, 1867, in the Thirty-first Year of Our Reign.

Preamble.

Instructions to Sir George Ferguson Bowen, G.C.M.G., as Governor and Commander-in-chief of the Colony of New Zealand.

Publication of Commission.

Oath to be taken by Governor.

1. Whereas by a Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing even Date herewith, We have Constituted and Appointed you to be Our Governor and Commander-in-Chief in and over Our Colony of New Zealand for and during Our Will and Pleasure, and have further Authorized and Commanded you to Do and Execute all Things in due manner that shall belong to your said Command, and the Trust thereby reposed in you, according to the several Powers, Authorities, and Instructions therein-mentioned, and particularly according to such Instructions as should therewith be given to you. Now, therefore, We do by these Our Instructions under Our Sign Manual and Signet, being the Instructions so referred to as aforesaid, 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 for the time being or other Judge of the Supreme Court of Our said Colony, 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 year of Our Reign, intituled "An Act to substitute for one Oath the Oaths of Allegiance, Supremacy, and Abjuration, and for the Relief of Her Majesty's Subjects professing the Jewish Religion," or, in lieu thereof, an Oath appointed to be taken by an Act passed in the Tenth Year of His late Majesty King George the Fourth, intituled "An Act for the Relief of His Majesty's Roman Catholic Subjects" likewise; and that you do take the Oath for the due execution of the Office and Trust of Our Governor and Commander-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 of Our said Colony, 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.

Oaths to be Administered by the Governor.

2. And We do Authorize and Require you from time to time, and at any time hereafter, by yourself or by any other Person to be Authorized by you in that behalf, to Administer to all and to every 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 said Oath of Allegiance, save only in cases wherein any other Oath or Oaths is or are prescribed by the Statutes in that behalf made, or by any of them; in which case it is Our Pleasure, and We do hereby Direct, that you do Administer or cause to be Administered to such Persons such other Oath or Oaths as aforesaid.

Legislative Council, Constitution of.

3. And whereas by an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Our Reign, intituled, "An Act to Grant a Representative Constitution to the Colony of New Zealand," it is amongst other things enacted that it shall be lawful for Us, by an Instrument under our Sign Manual, to authorize the Governor in Our Name to summon to the Legislative Council of the said Colony such Person or Persons as We shall think fit, subject to the provisions of the said Act thereunto appertaining: Now therefore, in pursuance of the said recited Act, and in the exercise of the powers thereby vested in Us, We do by these Our Instructions under our Sign Manual, Authorize you in our Name to Summon to the Legislative Council from time to time such Person or Persons as you shall deem to be prudent and discreet men, either in addition to the present Members of the said Council, or for supplying any Vacancies which may take place therein by Death or Otherwise, subject as aforesaid to the provisions of the said Act.

Governor to communicate Instructions to Executive Council.

4. And We do require you to communicate forthwith to Our Executive Council for Our said Colony these Our Instructions, and likewise all such others from time to time as you shall find convenient for Our Service to be imparted to them.

Council not to proceed to Business unless summoned by authority of Governor.

5. And we do hereby direct and enjoin, 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.

6. And we do further Direct and Enjoin that you do Attend and Preside at the Meetings of Our said Executive Council, unless when prevented by some necessary or reasonable cause; and that in your Absence such Member as may be Appointed by you in that behalf, or, in the absence of any such Member, 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 Order of their respective Appointments as Members of Our said Council.

Governor to Preside.

7. And We do further direct and Enjoin 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.

Journals and Minutes of Council to be kept.

8. And we do hereby Direct and Enjoin that in the execution of the Powers and Authorities committed to you by Our said Commission, you do in all cases Consult with our said Executive Council, Excepting only in cases which may be of such a nature that, in your judgment, Our Service would sustain material prejudice by Consulting Our Council thereupon, or when the matters to be decided shall be 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 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 Council the Measures which you may so have adopted, with the Reasons thereof.

Governor to consult Executive Council.

9. And We do authorize 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.

Governor may act in opposition to Council.

10. And for the execution of so much of the Powers as are vested in you by the said recited Act of the Session holden in the Fifteenth and Sixteenth Years of Our Reign, for Assenting to, Dissenting from, or Reserving for the signification of Our Pleasure, Bills which have been passed by the said Legislative Council and House of Representatives, We do, in the exercise of the powers in Us vested, by these Our Instructions under Our Sign Manual and Signet, Enjoin and Require you to guide yourself, as far as may be practicable, by the following Rules, Directions, and Instructions (that is to say).

Rules to be observed in assenting to, dissenting from, or reserving Bills.

11. You are as much as possible to observe in the passing of all Laws that 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 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.

Different subjects not to be mixed in the same law.

12. If any Bill of either of the Classes hereinafter specified should be presented to you for Our Assent, you are (unless you should think proper to withhold Our Assent from the same) to Reserve the same for the signification of Our Pleasure thereon; Subject, Nevertheless, to your discretion, in case you should be of opinion that an Urgent Necessity exists requiring that such Bill be brought into Immediate Operation, in which case you are Authorized 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:

Description of Bills to be reserved.

- (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 yourself.
- (3.) 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.
- (4.) Any Bill imposing Differential Duties.
- (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 and 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.

13. You shall take care that all Laws Assented to by You in Our Name, or Reserved for the Signification of Our Pleasure thereon, shall, when transmitted by you, be fairly Abstracted in the Margins, and be accompanied with explanatory Observations upon each of them, exhibiting the Reasons and Occasion for proposing such Laws, and you shall also transmit fair Copies of the Journals and Minutes of the Proceedings of the said Legislative Council and House of Representatives, which you are to require from the Clerks or other proper Officers in that behalf of the said Legislative Council and House of Representatives.

Laws sent home to have Marginal Abstracts, and to be accompanied by explanations and proceedings of Legislature in passing them.

14. And Whereas We have by Our said Commission Authorized and Empowered you as you shall see occasion, in Our Name and on Our Behalf, to grant to any Person 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: Now We do hereby Direct and Enjoin you to call upon the Judge who presided at the trial of any Offender who shall have been Condemned to suffer Death by the Sentence of any Court within Our 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 Offender as aforesaid, unless it shall appear to you expedient so to do, upon receiving the Advice of Our Executive Council therein, but in all such cases you are to decide either to extend or to withhold a

Pardon Power, Regulation of.

To take the Advice of the Council in such cases; but may

exercise his own judgment, entering his Reasons in the Minutes of Council.

Delegation of certain powers to the Governor.

Removal of Superintendents of Provinces.

Establishment of Municipal Corporations.

Preservation of Aboriginal Laws, Customs, and Usages.

Purchase or acquisition, &c., of Lands belonging to the Aboriginal Natives.

Governor's absence.

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.

15. Whereas by the said recited Act of the Session holden in the Fifteenth and Sixteenth Years of Our Reign, it was, among other things, provided that at any time during the continuance of the Office of any Superintendent of a Province, it should be Lawful for Us to Remove him from such Office, on receiving an Address signed by the Members of the Provincial Council of such Province praying for such Removal: And Whereas it was by the said Act further enacted, that it should be Lawful for Us, in and by any Letters Patent to be issued under the Great Seal of the United Kingdom, from time to time to Constitute and Establish within any District or Districts of New Zealand one or more Municipal Corporation or Corporations, and to grant to any such Corporation all or any of the Powers which, in pursuance of the Statutes in that behalf made and provided, it is competent to Us to grant to the Inhabitants of any Town or Borough in England and Wales, incorporated in virtue of such Statutes, or any of them, and to qualify and restrict the exercise of any such Powers in such and the same manner as by the Statutes aforesaid, or any of them, We may qualify or restrict the exercise of any such Powers as aforesaid in England: Provided always that all provisions of any such Letters Patent, and all Bye-Laws or Regulations made by any such Corporation, should be subject to Alteration or Appeal by any Ordinance or Act of the Provincial Council for the Province in which any such Corporation might be established, or of the General Assembly, according to their respective Powers therein before declared: And Whereas it was by the said Act further enacted, that whereas it might be expedient that the Laws, Customs, and Customs, and Usages of the Aboriginal or Native Inhabitants of New Zealand, so far as they are not repugnant to the general principles of humanity, should for the present be maintained for the government of themselves in all their relations to and dealings with each other, and that particular Districts should be set apart within which such Laws, Customs, or Usages should be so observed, it should be lawful for us, by any Letters Patent to be issued under the Great Seal of the United Kingdom, from time to time, to make provision for the purposes aforesaid, any repugnancy of any such Laws, Customs, or Usages to the Law of England, or to any Law, Statute, or Usage in force in New Zealand, or in any part thereof, in anywise notwithstanding: And whereas it was by the said Act further enacted, that it should be lawful for Us, by any such Letters-Patent as therein mentioned, or Instructions under our Sign-Manual and Signet, or signified through one of Our Principal Secretaries of State, to Delegate to the Governor any of the powers thereinbefore reserved to Us, respecting (amongst other things) the removal of Superintendents of Provinces, the establishment of Municipal Corporations, and the preservation of Aboriginal Laws, Customs, and Usages: And whereas it was by the said Act further provided, that it should not be lawful for any person other than Ourselves, Our Heirs or Successors, to Purchase, or in anywise Acquire or Accept from the Aboriginal Natives land of or belonging to, or used or occupied by, them in common as Tribes or Communities, or to accept any Release or Extinguishment of the Rights of such Aboriginal Natives in any such land as aforesaid, and that no Conveyance, or Transfer, or Agreement for the conveyance or transfer of any such Land, either in perpetuity, or for any term or period, either absolutely or conditionally, and either in Property, or by way of Lease or Occupancy, and no such Release or Extinguishment as aforesaid should be of any Validity or Effect unless the same were made to, or entered into with and accepted by Us, Our Heirs or Successors: Provided always, that it should be lawful for Us, Our Heirs and Successors, by Instructions under Our Sign Manual and Signet, or signified through one of Our Principal Secretaries of State, to Delegate our Powers of Accepting such Conveyances or Agreements, Releases or Relinquishments, to the Governor of New Zealand, or the Superintendent of any Province within the Limits of such Province.

Now we do hereby Delegate to you all and every the said Powers by the said Act reserved to Us which are hereinbefore recited.

16. And Whereas great Prejudice may happen to Our Service and to the Security of Our said Colony 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. R.