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Letters Patent 1839

15th June, 1839.

**ANNEXATION TO NEW SOUTH WALES AS EXISTING ON 1
1879**

Letters Patent altering and enlarging the limits of the territory of New South Wales, so as to include Norfolk Island and any territory which may be acquired in sovereignty by Her Majesty, her heirs or successors, within that group of islands in the Pacific Ocean commonly called New Zealand, lying between the latitudes of 94° 30' and 47° 10' S, and 166° 5' and 179° E longitude from the meridian of Greenwich, &c.

PROCLAMATIONS

By His Excellency Sir George Gipps, Knight, Captain-General and Governor-in-Chief in and over Her Majesty's Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c, &c, &c.

WHEREAS Her Majesty was graciously pleased, by letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the 5th day of October, 1837, to constitute and appoint me, Sir George Gipps, Knight, to be Captain-General and Governor-in-Chief in and over the territory called New South Wales, comprised within the limits therein mentioned: AND WHEREAS, by certain other letters patent under the Great Seal of the said United Kingdom, bearing date the 15th day of June, 1839, Her said Majesty has been pleased to alter and enlarge the limits of the said territory in manner hereinafter mentioned, and to revoke so much of the said first-mentioned letters patent as relates to the limits of the said territory under my government, and to constitute and appoint me, Sir George Gipps, Knight, to be Captain-General and Governor-in-Chief in and over the territory called New South Wales, extending (save and except as therein is excepted) from the Northern Cape, or extremity of the coast called Cape York, in the latitude of 10 degrees 37 minutes South, to the southern extremity of the said territory of New South Wales, or Wilson's Promontory, in the latitude of 39 degrees 12 minutes South, and of all the country inland to the westward, as far as the 129th degree of East longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean within the latitude aforesaid of 10 degrees 37 minutes South and 39 degrees 12 minutes South: and also including Norfolk Island, lying in or about the latitude of 29 degrees 3 minutes South and 168 degrees of East longitude from the said meridian of Greenwich: and also including any territory which is or may be acquired in sovereignty by Her said Majesty, Her heirs, or successors, within that group of islands in the Pacific Ocean, commonly called New Zealand, lying between the latitude of 34 degrees 30 minutes and 47 degrees 10 minutes South, and 166 degrees 5 minutes and 179 degrees East longitude from the said meridian of Greenwich, and of all forts and garrisons erected and established, or which shall be erected and established, within the said territories, or within any of the said islands, except that part of Her Majesty's said territory which is called and known by the name of the Province of South Australia, and which lies between the meridians of the 132nd and the 141st degree of East longitude, and between the Southern Ocean and 26th degree of South latitude, with all (and every) the islands adjacent thereto, and the bays and gulfs thereof, as therein is excepted as aforesaid: Now I, the said Captain-General and Governor-in-Chief aforesaid, do hereby proclaim and declare that Her Majesty has been pleased to extend the said territory accordingly.

Letters Patent 1839

Given under my hand and seal, at Government House, Sydney, this 14th day of January, 1840, and in the third year of Her Majesty's reign,

GEORGE GIPPS,

Governor-in-Chief.

By his Excellency's command,

E DEAS THOMPSON.

God save the Queen!

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1840 Charter of 1840

Charter of 1840

Charter of 1840

Constitutional Charter of New Zealand

CHARTER FOR ERECTING THE COLONY OF NEW ZEALAND, AND FOR CREATING AND ESTABLISHING A LEGISLATIVE COUNCIL AND AN EXECUTIVE COUNCIL, AND FOR GRANTING CERTAIN POWERS AND AUTHORITIES TO THE GOVERNOR FOR THE TIME BEING OF THE SAID COLONY.

VICTORIA, &c. to all whom these presents shall come, greeting.

Whereas by an Act of Parliament made and passed in the fourth year of our reign, intituled, "An Act to continue, until the 31st day of December 1841, and to the end of the then next Session of Parliament, and to extend the provisions of an Act to provide for the administration of justice in New South Wales and Van Diemen's Land, and for the more effectual government thereof, and for other purposes relating thereto," after reciting amongst other things that the said colony of New South Wales is of great extent, and that it may be fit that certain dependencies of the said colony should be formed into separate colonies, and provision made for the temporary administration of the government of any such newly-erected colony, it is enacted, that it shall be lawful for us, by letters patent to be from time to time issued under the great seal of the United Kingdom, to erect into a separate colony or colonies any islands which now are or which hereafter may be comprised within and be dependencies of the said colony of New South Wales; and whereas the islands of New Zealand, at the time of the passing of the above recited Act, were comprised within and were dependencies of the said colony of New South Wales. Now know ye that we, in pursuance of the said recited Act of Parliament, and in exercise of the powers thereby vested in us, of our especial grace, certain knowledge, and mere motion, have thought fit to erect, and do hereby erect the said islands of New Zealand, and all other islands adjacent thereto, and lying between the 34th degree 30 minutes north to the 47th degree 10 minutes south latitude, and between the 166th degree 5 minutes to the 172d degree of east longitude (reckoning from the meridian of Greenwich), into a separate colony, accordingly. And we do hereby declare, that from henceforth the said islands shall be known and designated as the colony of New Zealand, and the principal adjacent islands, heretofore known as or commonly called the "Northern Island," the "Middle Island," and "Stewart's Island," shall henceforward be designated and known respectively as "New Ulster," "New Munster," and "New Leinster."

2. And whereas by the said recited Act of Parliament it is further enacted, that in case we shall by any letters patent as aforesaid establish any such new colony or colonies as aforesaid, it shall be lawful for us, by any such letters patent, to authorize any number of persons, not less than seven, including the governor or lieutenant-governor of any such new colony or colonies, to constitute a Legislative Council or Legislative Councils for the same, and that every such Legislative Council shall be composed of such persons as shall from time to time be named or designated by us for that purpose, and shall hold their places therein at our pleasure, and that it shall be lawful for such Legislative Council to make and ordain all such laws and ordinances as may be required for the peace, order, and good government of any such colony as aforesaid, for which such Legislative Council may be so appointed; and that in the making all such laws and ordinances, the said Legislative Council shall conform to and observe all such instructions as we, with the advice of our Privy Council, shall from time to time make for their guidance therein. Provided always, that no such instructions and that no such laws or ordinances as aforesaid shall be repugnant to the law of England, but consistent therewith so far as the circumstances of any such colony may admit; provided also, that all such laws and

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ordinances shall be subject to our confirmation or disallowance, in such manner and according to such regulations as we by any such instructions as aforesaid shall from time to time see fit to prescribe; provided also, that all instructions which shall, in pursuance of the said recited Act, be made by us, with the advice of our Privy Council, and that all laws and ordinances which shall be made in pursuance of the said recited Act, by any such Legislative Council of any such newly-erected colony as last aforesaid, shall be laid before both Houses of Parliament within one month from the date of any such instructions, or from the arrival in this kingdom of the transcript of any such laws or ordinances, if Parliament shall then be in session sitting, or if not, then within one month of the commencement of the next ensuing session of Parliament. Now, therefore in pursuance and further exercise of the powers so vested in us as aforesaid in and by the said recited Act of Parliament, we do by these our letters patent authorize the governor, or the lieutenant-governor for the time being, of the said colony of New Zealand and such other persons, not less than six, as are hereinafter designated, to constitute and be a Legislative Council for the said colony; and in further exercise of the powers aforesaid, we do hereby declare that, in addition to the said governor or lieutenant-governor, the said Legislative Council shall be composed of such public officers within the said colony, or of such other persons as shall from time to time be named or designated for that purpose by us, by any instruction or instructions or warrant of warrants to be by us for that purpose issued under our signet and sign manual and with the advice of our Privy Council, all of which Councillors shall hold their places in the said Council at our pleasure.

3. And we do hereby require and enjoin that such Legislative Council shall, in pursuance of the said Act of Parliament, make and ordain all such laws and ordinances as may be required for the peace, order, and good government of the said colony of New Zealand, and that in the making all such laws and ordinances the said Legislative Council shall conform to and observe all such instructions as we, with the advice of our Privy Council, shall from time to time make for their guidance therein.
4. And whereas it is expedient that an Executive Council should be appointed to advise and assist the governor of our said colony of New Zealand for the time being in the administration of the government thereof, we do therefore, by these our letters patent, authorize the governor of our said colony for the time being to summon as an Executive Council such persons as may from time to time be named or designated by us in any instructions under our signet and sign manual, addressed to him in that behalf.
5. And we do hereby authorize and empower the governor of our said colony of New Zealand for the time being to keep and use the public seal appointed for the sealing of all things whatsoever that shall pass the seal of our said colony.
6. And we do hereby give and grant to the governor of our said colony of New Zealand for the time being full power and authority, with the advice and consent of our said Executive Council, to issue a proclamation or proclamations, dividing our said colony into districts, counties, hundreds, towns, townships and parishes, and to appoint the limits thereof respectively.
7. And we do hereby give and grant to the governor of our said colony of New Zealand for the time being, full power and authority, in our name and on our behalf, but subject nevertheless to such provisions as may be in that respect contained in any instructions which may from time to time be addressed to him by us for that purpose, to make and execute, in our name and on our behalf, under the public seal of our said colony, grants of waste land, to us belonging within the same, to private persons, for their own use and

benefit, or to any persons, bodies politic or corporate, in trust for the public uses of our subjects there resident, or any of them.

8. Provided always, that nothing in these our letters patent contained shall affect, or be construed to affect, the rights of any aboriginal natives of the said Colony of New Zealand, to the actual occupation or enjoyment in their own persons, or in the persons of their descendants, of any lands in the said Colony now actually occupied or enjoyed by such natives.
9. And we do hereby authorise and empower the Governor of our said Colony of New Zealand for the time being, 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 to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of these offices and places, and for the clearing of truth in judicial matters.
10. And we do hereby give and grant unto the Governor of our said Colony of New Zealand for the time being, full power and authority, as he shall see occasion, in our name and on our behalf, to remit any fines, penalties, or forfeitures, which may accrue or become payable to us, provided the same do not exceed the sum of fifty pounds sterling in any one case, and to respite and suspend the payment of any such fine, penalty, or forfeiture exceeding the said sum of fifty pounds, until our pleasure thereon shall be made known and signified to such Governor.
11. And we do hereby give and grant unto the Governor of the said Colony of New Zealand for the time being, full power and authority, as he shall see occasion, in our name and 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 free and unconditional pardon, or a pardon subject to such conditions as by any law or ordinance hereafter to be in force in our said Colony may be thereunto annexed, or any respite of the execution of the sentence of any such offender for such period as to such Governor may seem fit.
12. And we do hereby give and grant unto the Governor of our said Colony of New Zealand for the time being, full power and authority, upon sufficient cause to him appearing, to suspend from the exercise of his office, within our said Colony, any person exercising any office or place 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; which suspension shall continue and have effect only until our pleasure therein shall be made known and signified to such Governor. And we do hereby strictly require and enjoin the Governor of our said Colony for the time being, in proceeding to any such suspension, to observe the directions in that behalf given to him by our instructions under our signet and sign manual accompanying his commission of appointment as Governor of the said Colony.
13. And in the event of the death or absence out of our said Colony of New Zealand of such person as may be commissioned and appointed by us to be the Governor thereof, we do hereby provide and declare our pleasure to be, that all and every the powers and authorities herein granted to the Governor of our said Colony of New Zealand for the time being shall be, and the same are hereby vested in such person as may be appointed by us by warrant under our signet and sign manual, to be the Lieutenant-Governor of our said Colony, or, in the event of there being no person within our said Colony commissioned and appointed by us to be Lieutenant-Governor thereof, then our pleasure

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and authorities herein granted to the Governor or Lieutenant-Governor of our said Colony shall be, and the same are hereby granted to the Colonial Secretary of our said Colony for the time being, and such Lieutenant-Governor, or such Colonial Secretary, as may be, shall possess all and every the powers and authorities herein granted until our further pleasure shall be signified therein.

14. And we do hereby require and command all our officers and ministers, civil and military, and all other the inhabitants of our said Colony of New Zealand, to be obedient, aiding and assisting to such person as may be commissioned and appointed by us to be the Governor of our said Colony, or, in the event of his death or absence, to such person as may under the provisions of these our letters patent assume and exercise the functions of such Governor.
15. And we do hereby reserve to us, 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.

In witness, &c.

16th November, 1840.

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and be regulated according to the rules and in the manner and form prescribed and provided for in and by the said instructions, and that the qualifications of the members of the said municipal corporations shall in like manner be ascertained according to the rules and in the manner and form prescribed and provided for in and by the said instructions.

III.—And whereas it is by the said recited act further enacted, that it shall be lawful for us, in and by any letters patent to be issued as aforesaid, from time to time, to divide the said Islands of New Zealand into two or more separate provinces, and to constitute and establish within the same two or more separate assemblies, that is to say, one such assembly in and for each of such separate provinces, and that each of the said assemblies shall consist of and be holden by a Governor, a Legislative Council, and a House of Representatives: Now, therefore, in further pursuance of the said recited act, and in exercise of the powers thereby in us vested, we do hereby grant, ordain, and appoint, that the said Islands of New Zealand shall be divided into two separate provinces, to be called respectively the "Province of New Ulster" and the "Province of New Munster;" and we do hereby divide the said Islands accordingly; and we do hereby constitute and establish a separate assembly within each of the said two provinces, to consist of and be holden by a Governor, Legislative Council, and a House of Representatives; and we do hereby declare, ordain, and appoint, that the limits of the said provinces respectively, and the time at which in each of the said provinces respectively, the said assemblies shall be convened or holden, shall be determined in the manner and form prescribed and provided for by the said instructions hereinbefore mentioned.

IV.—And whereas it is by the said recited act further enacted, that each of the said Legislative Councils, when constituted, shall consist of such persons as we shall for that purpose appoint; and that the elections of the members of the said Houses of Representatives shall take place in such manner and form, and under such regulations, as shall for that purpose be prescribed in any such letters patent as aforesaid: Now, therefore, in pursuance and exercise of the powers aforesaid, we do hereby grant, appoint, and ordain, that the said Legislative Councils shall consist of such persons as are for that purpose appointed or designated by us in the said instructions hereinbefore mentioned, and that the elections of members of the said Houses of Representatives respectively shall take place in the manner and form and under the regulations prescribed and provided for in and by the said instructions hereinbefore mentioned.

V.—And whereas it is by the said recited act further enacted, that it shall be lawful for us, in and by any such letters patent to be issued as aforesaid, to constitute and establish a General Assembly in and for the said Islands of New Zealand, to be called the General Assembly of New Zealand, which said General Assembly shall consist of and be holden by the Governor-in-Chief of the said islands, and a Legislative Council, and a House of Representatives; and that such Legislative Council shall consist of such persons as we shall for that purpose appoint; and that such House of Representatives shall consist of members of the respective Houses of Representatives of the several provinces into which the said Islands may be divided, which members so to serve in the said General Assembly shall be elected, nominated, and appointed by such persons in such manner and form, and upon and subject to such rules and conditions as we by any such letters patent as aforesaid shall direct: Now, therefore, in further pursuance of the said recited act, and in exercise of the powers thereby in us vested, we do hereby constitute and establish a General Assembly in and for the Islands of New Zealand, to be called the General Assembly of New Zealand, and to consist of and be holden by the Governor-in-Chief of the said islands, a Legislative Council, and a House of Representatives; and we do hereby grant, appoint, and ordain that the Legislative Council of the said General Assembly of New Zealand shall consist of such persons as are for that purpose appointed or designated by us in the said instructions hereinbefore mentioned; and that the House of Representatives of the said General Assembly

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shall consist of members of the respective Houses of Representatives of the said provinces, to be for that purpose elected, nominated, and appointed by the persons appointed or designated, and in the manner and form prescribed and provided for in and by the said instructions hereinbefore mentioned.

VI.—And whereas it is by the said recited act further enacted, that it shall be lawful for us, by any such letters patent to be issued as first aforesaid, to make and prescribe all such rules as to us shall seem fit, for ascertaining the qualifications of the members of any such Assembly or General Assemblies as aforesaid, and for determining the length of time for which every such Assembly or General Assemblies shall be holden from the time of the election of the members of the said House of Representatives, and how and by what authority the same shall be dissolved or prorogued, and for prescribing the oaths to be taken or the affirmation to be made by the members of the said Corporations, Assemblies, or General Assembly, or any of them, before entering on the discharge of the duties of their respective offices, and for prescribing the course of proceeding to be followed in the said respective Assemblies and in the said General Assembly, in regard to the enactment of laws, statutes, and ordinances therein, and for determining in what cases the Governor-in-Chief for the time being of the said islands of New Zealand, or the Governor for the time being of any separate province, shall, in our name and on our behalf, assent to any such laws, statutes, or ordinances, or reserve the signification of our pleasure thereon, together with all such rules as shall be necessary for determining the effect of the disallowance by us of any such law, statute, or ordinance, although not so reserved as aforesaid, together with all such other rules, not being repugnant to the said act, as it may be necessary to make and establish for carrying into effect the purposes and objects thereof : Now, therefore, in further pursuance of said act, and in exercise of the powers so thereby vested in us as aforesaid, we do hereby declare our pleasure to be that upon and in respect to all and each of the matters and things last mentioned and referred to in the said recited act, such rules shall be observed and followed as are for those several purposes prescribed in and by the said instructions hereinbefore mentioned.

VII.—And whereas it is by the said recited act further enacted, that it shall be lawful for us, by any such letters patent as first aforesaid, to appropriate and set apart from and out of the revenues of any such separate provinces as aforesaid, by way of civil list, for the maintenance of the administration of justice, and the principal officers of the civil government, or of such separate provinces as aforesaid, such sums of money as shall not exceed £6000 by the year, in any one of the said separate governments : Now, therefore, in pursuance of the said act, and in exercise of the powers thereby vested in us, we do hereby appropriate and set apart, from and out of the revenue of each of the said separate provinces respectively, by way of civil list, for the purposes last aforesaid, the sum of £6000 in each of the said governments respectively, which said several sums of £6000 shall, in each of the said governments respectively, be appropriated, and applied, and accounted for in the manner and form for that purpose appointed and prescribed in and by said instructions hereinbefore mentioned.

VIII.—And whereas it is by the said recited act, among other things enacted, that it shall be lawful for us, by such letters patent as first aforesaid, to prohibit the grant or appropriation of any public money by either of the said Assemblies, or by the said General Assembly, in cases in which such grant or appropriation shall not first have been recommended by us, or on our behalf, with a view to, or in aid of, some specific public service to be performed within the said provinces respectively, or within the said islands of New Zealand collectively : Now, therefore, in farther pursuance of the said recited act, and in exercise of the powers thereby in us vested as aforesaid, we do hereby prohibit the grant or appropriation of any public money by either the said Assemblies, or by the said General Assembly, in any case in which such grant or

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appropriation shall not first have been recommended by us, or on our behalf, with a view to, or in aid of, some specific public purpose to be performed within the said islands of New Zealand collectively.

IX.—And whereas by the said letters patent of the 16th of November, in the fourth year of our reign, we did reserve to us, our heirs and successors, full power and authority from time to time to revoke, alter, or amend the same as to us or them shall seem meet: Now, therefore, in exercise and in pursuance of the powers so reserved to us, we do hereby revoke the said last-mentioned letters patent; provided always, that all laws and ordinances made and all acts done under and in pursuance of the said last-mentioned letters patent, in so far as such laws, ordinances and acts are not repugnant to these presents, and do not interfere with or prevent the operation thereof, shall be as valid and effectual as though these presents had not been made.

X.—And we do hereby require and enjoin, that the said General Assembly of New Zealand, and the said respective Assemblies of the said respective provinces, shall in pursuance of the said recited act, make and enact all such laws, statutes, and ordinances as by the said recited act they are severally authorized and empowered to make and enact, and that the course of proceeding to be followed in the said General Assembly, and in the said Assemblies of the said respective provinces, in regard to the making and enactment of such laws, statutes, and ordinances, shall be according to such rules as are in that behalf prescribed and provided for in the said-instructions hereinbefore mentioned.

XI.—And we do further authorize and require the Governor of each of the said provinces to summon as an Executive Council for each of the said provinces respectively, such and so many persons as are for that purpose appointed and designated by us in the said instructions hereinbefore mentioned, or as shall at any time hereafter be by us appointed or designated in any other instructions under our signet and sign manual addressed to him in that behalf.

XII.—And we do hereby authorize, empower, and require the Governor-in-Chief of New Zealand, and the respective Governors of each of the said provinces respectively, to keep and use a public seal for the sealing of all things whatsoever that shall pass the seal of the said General Government or the seal of either of the said provinces respectively.

XIII.—And we do hereby grant to the respective Governors of the said provinces respectively full power and authority, with the advice and consent of the Executive Council of the said respective provinces, from time to time to issue a proclamation or proclamations dividing the same into counties, hundreds, towns, townships, and parishes, and to appoint the limits thereof respectively.

XIV.—And we do hereby give and grant to the respective Governors of the said provinces respectively full power and authority to make and execute in our name and on our behalf, under the public seal of the said respective provinces, grants of waste land to us belonging within the same, either to private persons for their own use and benefit, or to any persons, bodies politic or corporate, in trust, for the public uses of our subjects there resident or any of them.

XV.—Provided always, that in the exercise of the powers last aforesaid, the respective Governors of the said provinces respectively shall strictly conform to and observe the rules for their guidance prescribed in and by the said instructions hereinbefore mentioned.

XVI.—And we do hereby authorize, empower, and require the respective Governors of the said provinces respectively, from time to time, in our name and on our behalf, to constitute and appoint judges, and, in cases requisite, commissioners of Oyer and Terminer, justices of peace, and other necessary officers for the administration of justice within the said respective provinces, and for the putting in force therein all laws made or to be made for the government thereof, and all such

officers as may be requisite for the due administration of the civil government therein. And we do further authorize the same Governors, as occasion shall require, to suspend from the exercise of his office or employment, until our pleasure shall be known, any person or persons within their respective provinces holding any public office or employment therein at our pleasure.

XVII.—Provided always, that in the exercise of such power of appointment and suspension of public officers, the same Governors shall observe the rules in that behalf prescribed for their guidance in and by the said instructions hereinbefore mentioned.

XVIII.—And we do hereby authorize, empower, and require the respective Governors of the said provinces respectively, to administer, or cause to be administered, to all our officers, civil and military, and to all other persons within the said provinces respectively, such oaths for the due execution of their respective offices and employments as are usually taken by such officers, and the oath of allegiance.

XIX.—And we do hereby give and grant unto the respective Governors of the said provinces respectively full power and authority, in our name and on our behalf, to grant to any offender convicted of any crime, or sentenced to the payment to us of any fine, penalty, or forfeiture, by any court or by or before any judge, justice, or magistrate, within the said provinces respectively, a free and unconditional pardon, or a pardon subject to such conditions as by any law then in force may be thereunto annexed, or any respite of the execution of the sentence of any such offender for such period as to such Governor may seem meet, or a remission, either total or partial, absolute or conditional, of any such fine, penalty, or forfeiture.

XX.—And in the event of the death of the Governor-in-Chief of New Zealand for the time being, or of his absence from the New Zealand Islands, or of his bodily or mental incapacity for the discharge of the duties of his office, any person being within the said islands, holding a commission from us to be Governor of the province of New Ulster, shall, upon the occurrence of such death, absence, or incapacity, enter upon, and during such vacancy by death, or during the continuance of such absence or incapacity, or until our pleasure be known, discharge all the powers, authorities, privileges, and duties of such Governor-in-Chief as fully as if a commission for the exercise of that office during that period had by us been addressed to him. But if there should not happen to be within the said islands on the occurrence of any such vacancy by death, or during the continuance of any such absence or incapacity, any person holding our commission as Governor of the province of New Ulster, then upon the occurrence, and during the continuance of such absence or incapacity, or until our pleasure be known, the exercise of the said office of Governor-in-Chief shall be assumed by any person being within the said island and holding a commission from us to be Governor of the province of New Munster; and failing any such Governor of New Munster, then and in such cases by the chief officer in command of our military forces within the said island for the time being.

XXI.—And we do further declare our pleasure to be, that Lieutenant-Governors of the said respective provinces shall by us from time to time be appointed by commissions under our signet and sign manual; but that in the event of the death, absence, or resignation, bodily or mental incapacity, or suspension from office by the said Governor-in-Chief of any such Lieutenant-Governor, it shall be competent to the said Governor-in-Chief, and he is hereby authorized and empowered, upon the occurrence and during the continuance of such last-mentioned vacancy, by a commission under the public seal of the General Government of New Zealand, in our name and on our behalf, to constitute and appoint any proper person to be the Lieutenant-Governor of such province until our pleasure be known.

XXII.—And we do hereby declare our pleasure to be, that the Lieutenant-Governor for the time being of each of the said provinces (whether so appointed by such a direct commission from us

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aforesaid, or by such a commission as aforesaid from the Governor-in-Chief of New Zealand,) shall have, exercise, and enjoy all powers, privileges, and authorities hereby or the said instructions hereinbefore mentioned, or otherwise howsoever vested in the Governor for the time being of any such province, save only that the temporary and provisional administration of the office of Governor-in-Chief of New Zealand, or any such vacancy by death or absence, or incapacity, as aforesaid, shall pass to and become vested in the Governor of the province of New Munster in preference to the Lieutenant-Governor of the province of New Ulster, and in the Lieutenant-Governor of the province of New Ulster in preference to the Lieutenant-Governor of the province of New Munster; and that such provisional administration of the said office of Governor-in-Chief of New Zealand, shall, on any such vacancy by death, absence, or incapacity, as aforesaid, pass to and become vested in such chief military officer as aforesaid, in preference, or any Lieutenant-Governor, not in virtue of a commission issued directly by us, but in virtue of a commission so issued as aforesaid, in our name and behalf, by any such Governor-in-Chief.

XXIII.—And we do further reserve to ourselves full power and authority, in our discretion, to appoint one and the same person to occupy at the same the said several offices of Governor-in-Chief and of Governor of each of the said respective provinces, or any two of those offices, and in our discretion to appoint one and the same person to occupy at the same time both of the said offices of Lieutenant-Governor of the said respective provinces.

XXIV.—And whereas it is by the said recited act further provided, that it shall be lawful for us from time to time to amend, and for that purpose to add to, or if necessary to repeal, any such letters patent or instructions as therein mentioned: now we do hereby reserve to ourselves, our heirs and successors, full power and authority from time to time to amend, and for that purpose to add to, or if necessary to repeal, these presents and the said instructions hereinbefore mentioned.

XXV.—And we do hereby further declare our will and pleasure to be, that these presents shall not take effect or come into operation in the said Islands of New Zealand, until the same shall have been published and made known to the inhabitants of the said islands, by a proclamation to be for that purpose issued by the person commissioned by us to be Governor-in-Chief for the time being of the said islands.

In witness whereof, we have caused these our letters to be made patent.

Witness ourself, at Westminster, the 23rd day of December, in the tenth year of our reign.

By writ of Privy Seal,

EDMUNDS.

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1917 Letters Patent introduces the term Governor General

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Letters Patent Relating to the Office of Governor-General
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Letters Patent Relating to the Office of Governor-General 1917

SR 1917 No 1

LETTERS PATENT PASSED UNDER THE GREAT SEAL OF THE UNITED KINGDOM, CONSTITUTING THE OFFICE OF GOVERNOR-GENERAL AND COMMANDER-IN-CHIEF OF THE DOMINION OF NEW ZEALAND.

Letters Patent, dated 11th May, 1917.

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 Imperial Act 26 & 27 Viet, c 23.

WHEREAS by an Act passed in the Session holden in the Twenty-sixth and Twenty-seventh years of the reign of Her Majesty Queen Victoria, entitled "An Act to alter the Boundaries of New Zealand", the Colony of New Zealand was defined as comprising all Territories, Islands, and Countries lying between the one hundred and sixty-second degree of East Longitude and the one hundred and seventy-third degree of West Longitude and between the thirty-third and fifty-third parallels of South Latitude:

Recites Governor's Proclamation of 21st July, 1887.

And whereas by a Proclamation bearing date the twenty-first day of July 1887, issued by the Governor of New Zealand under authority of Letters Patent passed under the Great Seal of Our United Kingdom, bearing date the eighteenth day of January 1887, the Islands situate in the South Pacific Ocean between the parallels of 29 degrees and 32 degrees South Latitude and the meridians of 177 degrees and 180 degrees West Longitude, known as the Kermadec Group, were, from and after the first day of August, 1887, annexed to and became part of the Colony of New Zealand:

Recites Governor's Proclamation of 10th June, 1901.

And whereas by a Proclamation bearing date the tenth day of June 1901, issued by the Governor of New Zealand by authority of an Order by His late Majesty King Edward the Seventh in His Privy Council dated the thirteenth day of May 1901, made by virtue and in exercise of the powers vested in Him by the Colonial Boundaries Act 1895, the Boundaries of the Colony of New Zealand were on and after the eleventh day of June 1901 extended so as to include the Islands of the Cook Group, and all other the Islands and Territories which were then or might thereafter form part of Our Dominions situate within the following boundary line, viz: A line commencing at a point at the intersection of the 23rd degree of South Latitude and the 156th degree of Longitude West of Greenwich, and proceeding due North to the point of intersection of the 8th degree of South Latitude and the 156th degree of Longitude West of Greenwich, thence due West to the point of intersection of the 8th degree of South Latitude and the 167th degree of Longitude West of Greenwich:

Recites Royal Proclamation of 9th September, 1907.

And whereas by Royal Proclamation, bearing date the ninth day of September, 1907, His said Majesty did ordain, declare, and command that on and after the Twenty-sixth day of September

(Brookers Public Law Handbook, 2012)

NEW ZEALAND
LEGISLATION

1907 the Colony of New Zealand and the territory belonging thereto should be called and known by the title of the Dominion of New Zealand:

Recites Letters Patent of 18th November, 1907.

And whereas, by certain Letters Patent, under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the Eighteenth day of November 1907, His said Majesty did constitute, order, and declare that there should be a Governor and Commander-in-Chief in and over the Dominion of New Zealand (therein called the Dominion) and that appointments to the said Office when vacant should be made by Commission under the Royal Sign Manual and Signet:

And whereas it has been represented to Us that it is expedient that the designation of the Officer administering the Government of Our Dominion of New Zealand should be changed from Governor and Commander-in-Chief to Governor-General and Commander-in-Chief and it has accordingly become necessary to make provision for the office of Governor-General and Commander-in-Chief in and over Our Dominion of New Zealand:

Revokes Letters Patent of 18th November, 1907. Constitutes the Office of Governor-General and Commander-in-Chief of the Dominion. Boundaries.

I. Now therefore We do by these presents revoke and determine the above-recited Letters Patent of the Eighteenth day of November 1907 but without prejudice to anything lawfully done thereunder. And We do by these presents constitute, order, and declare that there shall be a Governor-General and Commander-in-Chief in and over Our Dominion of New Zealand (herein-after called the Dominion), comprising the Territories, Islands, and Countries forming the Colony of New Zealand as defined in the above-recited Act, passed in the Session holden in the Twenty-sixth and Twenty-seventh Years of the Reign of Her Majesty Queen Victoria, entitled "An Act to alter the Boundaries of New Zealand", together with the further Islands and Territories included within the Boundaries of the Colony of New Zealand by the above-recited Proclamations of the Governor thereof, dated respectively the Twenty-first day of July, 1887, and the Tenth day of June 1901; and that appointments to the said office when vacant shall be made by Commission under Our Sign Manual and Signet.

Governor-General's powers and authorities.

II. We do hereby authorize, empower, and command Our said Governor-General and Commander-in-Chief (herein-after called the Governor-General) 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 Dominion.

Publication of Governor-General's Commission. Oaths to be taken by Governor-General.
Imperial Act 31 & 32 Vict, c 72.

III. Every person appointed to fill the Office of Governor-General shall, with all due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor-General 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 Dominion, 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-General and for the due and impartial administration of justice; which Oaths the said Chief Justice or Judge is hereby required to administer.

Public Seal.

IV. The Governor-General shall keep and use the Public Seal of the Dominion for sealing all things whatsoever that shall pass the said Public Seal.

Executive Council: Constitution of.

V. There shall be an Executive Council for the Dominion, 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 New Zealand, or as may at any time be Members of the Executive Council of the Dominion in accordance with any Law enacted by the Legislature of the Dominion, and of such other persons as the Governor-General 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 Dominion to be Members of the Executive Council of the Dominion.

Grant of lands.

VI. The Governor-General, 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 Dominion.

Appointment of Judges, Justices, etc.

VII. The Governor-General 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 Dominion as may be lawfully constituted or appointed by Us.

Grant of pardons. Remission of fines. Proviso. Banishment.

VIII. When any crime has been committed within the Dominion, or for which the offender may be tried therein, the Governor-General may as he shall see occasion, in Our name and on Our behalf, grant a pardon to any accomplice in such crime 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, or before any Judge, or other Magistrate, within the Dominion, 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-General thinks fit; and further may remit any fines, penalties, or forfeitures, due or accrued to Us. Provided always that the Governor-General 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 Dominion.

Suspension or removal from office.

IX. The Governor-General 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 within the Dominion 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. Appointment of Members.

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X. The Governor-General 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 the Dominion, and in respect of the appointment of Members thereto.

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

XI. In the event of the death, incapacity, or removal of the Governor-General, or of his departure from the Dominion, Our Lieutenant Governor, or, if there be no such officer in the Dominion, then such person or persons as We may appoint under Our Sign Manual and Signet, shall, during Our pleasure, administer the Government of the Dominion, first taking the Oaths herein-before directed to be taken by the Governor-General, and in the manner herein prescribed; which being done, We do hereby authorise, 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-General and Commander-in-Chief according to the tenor of these Our Letters Patent, and according to Our Instructions as aforesaid, and the Laws of the Dominion.

Governor-General may appoint a Deputy during his temporary absence.

XII. In the event of the Governor-General having occasion to be temporarily absent for a short period from the seat of Government or from the Dominion, he may in every such case, by an Instrument under the Public Seal of the Dominion, constitute and appoint Our Lieutenant Governor, or if there be no such officer, 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-General during such absence, but no longer, all such powers and authorities vested in the Governor-General 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-General shall not be abridged, altered, or in any way affected, otherwise than We may at any time hereafter think proper to direct.

Officers and others to obey and assist the Governor-General.

XIII. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the inhabitants of the Dominion, to be obedient, aiding, and assisting unto the Governor-General, or such person or persons as may from time to time, under the provisions of these Our Letters Patent, administer the Government of the Dominion.

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

XIV. 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.

Publication of Letters Patent.

XV. And We do direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places within Our Dominion as the Officer administering the Government thereof shall think fit, and shall commence and come into operation on the day fixed by him by Proclamation.

In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the Eleventh day of May in the Eighth year of Our Reign.

Warrant under the King's Sign Manual.

SCHUSTER.

NEW ZEALAND
LEGISLATION

Letters Patent Amending Letters Patent Relating to the
Office of Governor-General 1918

**Letters Patent Amending Letters Patent Relating
to the Office of Governor-General 1918**

SR 1918 No 1

LETTERS PATENT PASSED UNDER THE GREAT SEAL OF THE UNITED KINGDOM,
AMENDING THE LETTERS PATENT CONSTITUTING THE OFFICE OF GOVERNOR-
GENERAL AND COMMANDER-IN-CHIEF OF THE DOMINION OF NEW ZEALAND.

Letters Patent dated 18th December, 1918.

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.

WHEREAS by certain Letters Patent bearing date the Eleventh day of May 1917, We did
constitute the Office of Governor-General and Commander-in-Chief in and over Our Dominion
of New Zealand:

And whereas by the Fifteenth Clause of the said Letters Patent provision was made for the
publication and the coming into operation of the said Letters Patent:

And whereas We are minded to make other provision in lieu of the said Clause:

Now know ye that We do hereby declare Our Will and Pleasure and direct and ordain as
follows:—

REGULATIONS

I. The aforesaid Fifteenth Clause of the aforesaid Letters Patent of the Eleventh day of May 1917
is hereby repealed and revoked, and the aforesaid Letters Patent shall be construed and take effect
as if the following Clause had been inserted in lieu thereof:—

Publication. Commencement.

XV. And We do direct and enjoin that these Our Letters Patent shall be published within Our
Dominion at such time and in such manner as the Officer administering the Government thereof
shall think fit. They shall commence and come into operation as from the Twenty-eighth day
of June 1917, and that date shall be deemed for all purposes to be the date of their
commencement."

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

II. 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.

Publication of Letters Patent.

III. And we do direct and enjoin that these Our Letters Patent shall be published within Our
Dominion at such time and in such manner as the Officer administering the Government thereof
shall think fit.

Letters Patent Amending Letters Patent Relating to the
Office of Governor-General 1918

In witness whereof we have caused these Our Letters to be made Patent. Witness Ourselves at
Westminster, the Eighteenth day of December in the Ninth year of Our Reign.
By Warrant under the King's Sign Manual.

SCHUSTER.

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SR 1917 No 2

INSTRUCTIONS PASSED UNDER THE ROYAL SIGN MANUAL AND SIGNET TO THE GOVERNOR-GENERAL AND COMMANDER-IN-CHIEF OF THE DOMINION OF NEW ZEALAND.

GEORGE VI

Dated 11th May, 1917.

Instructions to Our Governor-General and Commander-in-Chief in and over Our Dominion of New Zealand, or in his absence to Our Lieutenant Governor or other Officer for the time being administering the Government of Our said Dominion.

Preamble. Recites Letters Patent, constituting the Office of Governor-General.

WHEREAS by certain Letters Patent bearing even date herewith We have constituted, ordered, and declared that there shall be a Governor-General and Commander-in-Chief (therein and herein-after called the Governor-General) in and over Our Dominion of New Zealand (therein and herein-after called the Dominion):

And whereas We have thereby authorised and commanded the Governor-General 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 Dominion:

Now know you that 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-General shall include every person for the time being administering the Government of the Dominion, and the term the Executive Council shall mean the members of the Executive Council for the Dominion who are for the time being the responsible advisers of the Governor-General.

Oaths to be administered by Governor-General.

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

Governor-General to communicate Instructions to Executive Council.

III. The Governor-General 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.

Quorum, Executive Council.

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Letters Patent Relating to the Office of Governor-General
Instructions 1917

IV. The Executive Council shall not proceed to the despatch of business unless two members at the least (exclusive of the Governor-General or of the member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be despatched.

Governor-General to take advice of Executive Council.

V. In the execution of the powers and authorities vested in him, the Governor-General 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.

Laws sent home to have marginal abstracts, Journals and Minutes of Parliament.

VI. The Governor-General is to take care that all laws assented to by him in Our name, or reserved for the signification of Our pleasure thereon, shall, when transmitted by him, be fairly abstracted in the margins, and be accompanied, in such cases as may seem to him necessary, with such explanatory observations as may be required to exhibit the reasons and occasions for proposing such laws; and he shall also transmit fair copies of the Journals and Minutes of the proceedings of the Parliament of the Dominion which he is to require from the clerks, or other proper officers in that behalf, of the said Parliament.

Regulation of power of pardon.

VII. The Governor-General 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 Dominion, the Governor-General shall, before deciding as to either pardon or reprieve, take three interests essential into his consideration.