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NEWFOUNDLAND.

COPY of the Commission appointing Captain
Sir *Thomas John Cochrane*, Knight, Governor of
the Colony of *Newfoundland*, and authorizing
him to convoke a LEGISLATIVE ASSEMBLY of
the COLONY.

Ordered, by The House of Commons, to be Printed,
7 June 1832.

NEWFOUNDLAND.

COPY of the COMMISSION appointing Captain Sir *Thomas John Cochrane*, Knight, Governor of the Colony of *Newfoundland*, and authorizing him to convoke a LEGISLATIVE ASSEMBLY of the Colony.

Colonial Department, }
Downing-street, June 1832. }

Ordered, by The House of Commons, to be Printed, 7 June 1832.

WILLIAM the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, to our trusty and well-beloved Sir *Thomas John Cochrane*, Knight, greeting:—WHEREAS We did by Our Letters Patent, bearing date at Westminster, the 28th day of December, in the 1st year of Our reign, constitute and appoint you, the said Sir *Thomas John Cochrane*, to be Governor and Commander-in-Chief in and over the Island of Newfoundland and Territories within the limits therein described, as by the said recited Letters Patent, relation being thereunto had, may more fully and at large appear: 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 *Thomas John Cochrane*, of Our especial grace, certain knowledge and mere motion, have thought fit to constitute and appoint you, the said Sir *Thomas John Cochrane*, to be Our Governor and Commander-in-Chief in and over Our Island of Newfoundland and the Islands adjacent, and all the Coast of Labrador, from the entrance of Hudson's Straits to a line to be drawn due north and south from *Ana Sablon* on the said Coast, to the 52d degree of north latitude, and all the Islands adjacent to that part of the said Coast of Labrador, as also of all Forts and Garrisons erected and established, or to be erected and established, in the said Island of Newfoundland and the Islands adjacent, or on the Coast of Labrador within the limits aforesaid, or in the said Islands adjacent to that part of the said Coast, for and during Our will and pleasure.

And We do hereby require and command you to do and execute all things in due manner that shall belong unto your said command and the trust We have reposed in you, according to the several powers and authorities granted or appointed you by this present Commission and the Instructions herewith given you, or according to such further powers, directions 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 reasonable laws and statutes as shall hereafter be made and agreed upon by you with the advice and consent of the Council and Assembly of Our said Island and its Dependencies under your government, when such Assembly shall be called.

And Our will and pleasure is, that you, the said Sir *Thomas John Cochrane*, after the publication of these Our Letters Patent, do take the oaths appointed to

COMMISSION APPOINTING THE

be taken by an Act passed in the 1st year of the reign of King George the First, intituled, "An Act for the further security of His Majesty's Person and Government, and the succession of the Crown in the heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors," as altered and explained by an Act passed in the 6th year of the reign of King George the Third, intituled, "An Act for altering the Oath of Abjuration and the Assurance, and for amending so much of an Act of the 7th year of her late Majesty Queen Anne, intituled "An Act for the improvement of the Union of the two Kingdoms, as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason," or in lieu thereof the oath required to be taken by an Act passed in the 10th year of the reign of his late Majesty, intituled, "An Act for the relief of His Majesty's Roman Catholic Subjects," according as the said former Acts or the said last mentioned Act shall be applicable to your case; and likewise that you take the usual oath for the due execution of the office and trust of our Governor and Commander-in-Chief in and over Our said Islands and Territories, and for the due and impartial administration of justice; and further, that you take the oath required to be taken by Governors of Plantations, to do their utmost that the several laws relating to trade and the plantations be duly observed; which oaths Our Council of Our said Island and its Dependencies, or any Three of the Members thereof, have hereby full power and authority and are required to tender and administer unto you, and in your absence to Our Lieutenant-Governor, if there be one on the place; all which being duly performed, you shall administer to each of the members of Our said Council such of the said oaths mentioned in the said several Acts as shall be applicable to the case of the individual Member of Our said Council taking the same; and you are also to administer to them the usual oath for the due execution of their places and trust respectively; all which oaths shall also be administered by the Governor or person administering the government of Our said Island and its Dependencies for the time being, to all such persons as shall hereafter be appointed to be of Our said Council, before they respectively enter upon the execution of the duties of such their offices.

And We do hereby give and grant unto you full power and authority to suspend any of the Members of Our said Council from sitting, voting and assisting therein, if you shall find just cause for so doing: and if it shall at any time happen that by the death, departure out of Our said Island and its Dependencies, suspension of any of Our said Councillors, or otherwise, there shall be a vacancy in Our said Council, any three of whom We do hereby appoint to be a quorum, Our will and pleasure is that you signify the same unto Us by the first opportunity, that We may, under our Signet and Sign Manual, constitute and appoint others in their stead: but that Our affairs at that distance may not suffer for want of a due number of Councillors, if ever it shall happen that there be less than seven of them residing in Our said Island and its Dependencies, We do hereby give and grant unto you, the said Sir Thomas John Cochrane, full power and authority to choose as many persons out of the principal freeholders, inhabitants of our said Island and its Dependencies, as will make up the number of Our Council to be seven, and no more, which persons so chosen and appointed by you shall be to all intents and purposes Councillors for Our said Island and its Dependencies until either they are confirmed by Us, or that by the nomination of others by Us under Our Sign Manual and Signet, Our said Council shall have seven or more persons in it.

And We do hereby give and grant unto you full power and authority, with the advice and consent of Our said Council, from time to time as need shall require, to summon and call general assemblies of the freeholders and householders within the said Island and its Dependencies under your government, in such manner and form, and according to such powers, instructions and authorities as are granted or appointed by your General Instructions accompanying this your Commission, or according to such further powers, instructions and authorities as shall be at any time hereafter granted or appointed under Our Sign Manual and Signet, or by Our Order in Our Privy Council; and Our will and pleasure is, that the persons thereupon duly elected by the major part of the freeholders and householders of the respective Towns or Districts, and so returned, shall before their sitting take such of the oaths mentioned in the said several Acts as shall be applicable to the case of the individual taking the same, which oaths you shall commission fit persons,

sons, under the seal of Our said Island and its Dependencies, to tender and administer unto them; and until the same shall be so taken, no person shall be capable of sitting, though elected: and We do hereby declare that the persons so elected and qualified shall be called and deemed the General Assembly of Our said Island of Newfoundland, and you the said Sir Thomas John Cochrane, by and with the advice and consent of Our said Council and Assembly, or the major part of them respectively, shall have full power and authority to make, constitute and ordain laws, statutes and ordinances for the public peace, welfare and good government of Our said Island and its Dependencies, and the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of Us, our heirs and successors, which said laws, statutes and ordinances are not to be repugnant, but as near as may be agreeable, to the laws and statutes of this our United Kingdom of Great Britain and Ireland.

Provided that all such laws, statutes and ordinances, of what nature or duration soever, be, within three months or sooner after the making thereof, transmitted to Us, under the public seal of Our said Island and its Dependencies, for Our approbation or disallowance of the same, as also duplicates thereof, by the next conveyance. And in case any or all of the laws, statutes and ordinances not before confirmed by Us shall at any time be disallowed and not approved, and so signified by Us, Our heirs or successors, under Our or their sign manual and signet, or by order of Our or their Privy Council unto you, the said Sir Thomas John Cochrane, or the Commander-in-Chief of Our said Island for the time being, then such and so many of the said laws, statutes and ordinances as shall be so disallowed and not approved shall from thenceforth cease, determine and become utterly void and of none effect, anything to the contrary thereof notwithstanding. And to the end that nothing may be passed or done by Our said Council and Assembly to the prejudice of Us, Our heirs or successors, We will and ordain that you, the said Sir Thomas John Cochrane, shall have and enjoy a negative voice in the making and passing such laws, statutes and ordinances as aforesaid; and that you, or, in your absence, the officer administering the Government, shall and may from time to time, as you or he shall judge it necessary, adjourn, prorogue or dissolve all general assemblies as aforesaid.

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 Island and its Dependencies. And We do further give and grant unto you, the said Sir Thomas John Cochrane, full power and authority from time to time, and at any time hereafter, by yourself, or by any other to be authorized by you in that behalf, to administer and give such of the said oaths in the said several Acts contained as shall be applicable to the case of the individual to whom the same shall be administered; to all and every such 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 Island and its Dependencies, or shall be resident or abiding therein.

And We do by these presents give and grant unto you, the said Sir Thomas John Cochrane, full power and authority, with the advice and consent of Our said Council, to constitute and appoint, in cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, Sheriffs, and other necessary officers and ministers in Our said Island and its Dependencies, for the better administration of justice, and putting the said 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 offices and places, and for the clearing of truth in judicial causes. And we do hereby give and grant unto you full power and authority, where you shall see cause or judge any offender or offenders in criminal matters, or for any fines or forfeitures due unto Us, fit objects of Our mercy, to pardon all such offenders, and to remit all such offences, fines and forfeitures, (treason and wilful murder only excepted,) in which cases you shall likewise have power upon extraordinary occasions to grant reprieves unto the offenders, until and to the intent Our Royal pleasure may be known therein.

And We do by these presents authorize and empower you to present to the Bishop of the Diocese of Nova Scotia for institution any person or persons to and churches, chapels, or other ecclesiastical benefices within Our said Island and its Dependencies as often as any of them shall happen to be void.

And We do hereby give and grant unto you, the said Sir Thomas John Cochrane, by yourself, or by your Captains and Commanders by you to be authorized, full power and authority to levy, arm, muster, command and employ all persons

whatsoever, residing within Our said Island and its Dependencies, and as occasion shall serve, them to march from one place to another, or to embark them for the resisting and withstanding of all enemies, pirates and rebels, both at sea and land, and to transport such forces to any of Our plantations in America, if necessity shall require, for the defence of the same against the invasion or attempt of any of our enemies, and such enemies, pirates and rebels, if there shall be occasion, to pursue and prosecute in or out of the limits of Our said Island and its Dependencies, or any of them, and if it shall so please God them to vanquish, apprehend and take, and to execute martial law in the time of invasion, war, or other times when by law it may be executed, and to do and execute all and every other thing and things which to Our Governor and Commander-in-Chief doth and ought of right to belong. And We do hereby give and grant unto you full power and authority, by and with the advice and consent of Our said Council, to erect, constitute and establish in Our said Island and its Dependencies, such and so many counties, townships, parishes, cities, boroughs and towns, as you, by the advice aforesaid, shall judge necessary.

And forasmuch as divers mutinies and disorders may happen by persons shipped and employed at sea during the time of war, and to the end that such as shall be shipped and employed at sea during the time of war may be better governed and ordered, We do hereby give and grant unto you, the said Sir Thomas John Cochrane, full power and authority to constitute and appoint captains, lieutenants, masters of ships, and other commanders and officers, and to grant unto such captains, lieutenants, masters of ships, and other commanders and officers, commissions to execute the law martial during the time of war, according to the directions of an Act passed in the twenty-second year of the reign of King George the Second, intituled, "An Act for amending, explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea," as the same is altered by an Act passed in the nineteenth year of the reign of King George the Third, intituled, "An Act to explain and amend an Act made in the twenty-second year of the reign of His late Majesty King George the Second, intituled "An Act for amending, explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea," and to use such proceedings, authorities, punishments, corrections, and executions upon any offender or offenders who shall be mutinous, seditious, disorderly, or anyways unruly, either at sea or during the time of their abode or residence in any of the ports, harbours or bays of Our said Island and its Dependencies, as the case shall be found to require, according to martial law, and the said directions during the time of war, as aforesaid; Provided that nothing herein contained shall be construed to the enabling you, or any by your authority, to hold plea, or have any jurisdiction of any offence, cause, matter or thing committed or done upon the high seas, or within any of the havens, rivers or creeks of Our said Island and its Dependencies under your government, by any captain, commander, lieutenant, master, officer, seaman, soldier or other person whatsoever, who shall be in actual service or pay in or on board any of our ships of war or other vessels acting by immediate commission or warrant from Our Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our United Kingdom of Great Britain and Ireland for the time being, under the Seal of Our Admiralty, but that such captain, commander, lieutenant, master, officer, seaman, soldier or other person so offending shall be left to be proceeded against and tried as their offences shall require, either by Commission under Our Great Seal of this Kingdom as the statute of the twenty-eighth of King Henry the Eighth directs, or by Commission from Our said Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our United Kingdom of Great Britain and Ireland for the time being, according to the aforementioned Act, passed in the twenty-second year of the reign of King George the Second, as altered by the said Act passed in the nineteenth year of the reign of King George the Third; Provided nevertheless, that all disorders and misdemeanors committed on shore by any captain, commander, lieutenant, master, officer, seaman, soldier, or other person whatsoever, belonging to any of Our ships of war, or other vessels acting by immediate Commission or Warrant from Our Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our United Kingdom of Great

Great Britain and Ireland for the time being, under the Seal of Our Admiralty, may be tried and punished according to the laws of the place where such offences, disorders, and misdemeanors shall be committed on shore, notwithstanding such offender be in our actual service, and borne in Our pay on board any such Our ships of war or other vessels acting by immediate commission or warrant from Our Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our United Kingdom of Great Britain and Ireland for the time being as aforesaid, so as he shall not receive any protection for the avoiding of justice for such offences committed on shore, from any pretence of his being employed in Our Service at sea.

And Our further will and pleasure is, that all public monies raised, or which shall be raised by any Act hereafter to be made within Our said Island and its Dependencies, be issued out by warrant from you, by and with the advice and consent of the aforesaid Council (and not otherwise), and disposed of by you for the support of the Government, or for such other purpose as shall be particularly directed or appointed in and by such Act, and not otherwise; And We do likewise give and grant unto you full power and authority, by and with the advice and consent of Our said Council, to settle and agree with the inhabitants of Our said Island and its Dependencies for such lands, tenements and hereditaments as are now, or hereafter shall be, in Our power, to dispose of, and them to grant, to any person or persons, upon such terms, and under such moderate quit-rents, services and acknowledgments to be thereupon reserved to Us, as you or they, by the advice aforesaid, shall think fit, which said grants are to pass and be sealed by Our Public Seal of Our said Island and its Dependencies, and being entered upon record by such officer or officers as shall be appointed thereunto, shall be good and effectual in law against Us, Our heirs and successors. And We do hereby give you the said Sir Thomas John Cochrane full power and authority to order and appoint fairs, marts and markets, as also such and so many ports, harbours, bays, havens and other places for the conveniency and security of shipping, and for the better loading and unloading of ships and merchandizes, in such and so many places as by and with the advice and consent of Our said Council shall be thought fit and necessary.

And We do hereby require and command all officers and ministers, civil and military, and all others the inhabitants of Our said Island and its Dependencies, to be obedient, aiding and assisting unto you the said Sir Thomas John Cochrane in the execution of this Our Commission, and of the powers and authorities herein contained; and in case of your death or absence out of Our said Island and its Dependencies and Government, to be obedient, aiding and assisting as aforesaid unto such person as shall be appointed by Us to be Our Lieutenant-Governor, or to the Commander-in-Chief for the time being of Our said Island and its Dependencies, to whom We do therefore, by these Presents, give and grant all and singular the powers and authorities herein granted, to be by him executed and enjoyed during Our pleasure, or until your arrival within Our said Island and its Dependencies; and if upon your death or absence out of Our said Island and its Dependencies there be no person on the place commissioned or appointed by Us to be Our Lieutenant-Governor, or specially appointed by Us to administer the government within Our said Island and its Dependencies, Our will and pleasure is, that the Councillor whose name is first placed in Our Instructions to you, unless it shall therein be otherwise directed, and who shall be at the time of your death or absence residing within Our said Island and its Dependencies, shall take upon him the administration of the government, and execute Our said Commission and Instructions, and the several powers and authorities therein contained, in the same manner to all intents and purposes as other Our Governor or Commander-in-Chief should or ought to do, in case of your absence, or until your return, or in all cases until Our further pleasure be known thereon; and We do hereby declare, ordain and appoint that you, the said Sir Thomas John Cochrane, shall and may hold, execute and enjoy, the office and place of Our Governor and Commander-in-Chief in and over the Island and Territories aforesaid, together with all and singular the powers and authorities hereby granted unto you, for and during Our will and pleasure.

In witness, &c., witness, &c.

Dated 2d March 1832.

(countersigned)

BATHURST.