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COMMISSION

OF

HIS EXCELLENCY

ANTHONY MUSGRAVE, Esquire,

**GOVERNOR OF NEWFOUNDLAND AND ITS
DEPENDENCIES ;**

TOGETHER WITH

THE ROYAL INSTRUCTIONS

ACCOMPANYING THE SAME ;

Dated 29th August, 1864.



J. C. WITHERS, QUEEN'S PRINTER.

1865.

COMMISSION

OF

HIS EXCELLENCY

ANTHONY MUSGRAVE, Esquire,

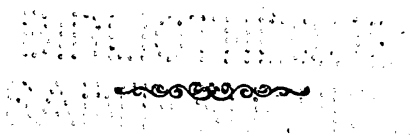
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REPRODUCTION
OF THE
RECORDS OF THE
BUREAU OF THE
INDIAN COMMISSION

B. Q. R.
NO. —*

Newfoundland.

COMMISSION

OF

His Excellency ANTHONY MUSGRAVE, Esquire.

*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
ANTHONY MUSGRAVE, Esquire,
Greeting :*

I. **W**HEREAS We did, by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the Fourteenth day of February, One Thousand Eight Hundred and Fifty-seven, in the Twentieth Year of Our Reign, Constitute and Appoint Our Trusty and Well-beloved Sir ALEXANDER BANNERMAN, Knight, to be Our Governor and Commander-in-Chief in and over Our Island of Newfoundland, and the Islands 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 do by these Presents revoke and determine, the said recited Letters Patent, and every clause, article, and thing therein contained.

Revocation of
Sir Alexander
Bannerman's
Commission.

Appointment
of Anthony
Musgrave,
Esquire.

AND FURTHER KNOW YOU, that We, reposing especial trust and confidence in the prudence, courage, and loyalty of you, the said ANTHONY MUSGRAVE, of Our especial grace, certain knowledge, and mere motion, have thought fit to constitute and appoint, and do by these Presents constitute and appoint you, for and during Our Will and Pleasure, 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 Anse Sablon on the said Coast to the Fifty-second 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 which shall be erected or established within 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.

Boundaries.

General In-
structions.

And We do hereby require 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 the several powers and authorities granted or appointed you by this present Commission and the Instructions herewith given to you, or according to 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 reasonable Laws and Statutes as are now in force, or shall hereafter be in force within Our said Island and its Dependencies.

II. And in the event of your death, incapacity, or absence from your Government, We declare Our Pleasure to be, that all such powers or authorities as are vested in you by or in virtue of these Presents shall be vested in such Lieutenant-Governor or other person as may be appointed by any instrument under Our Sign Manual and Signet, to Administer the Government of Our said Island, or if there be not therein any person so appointed, then in the President for the time being of the Legislative Council of Our said Island.

Temporary
Administration
of the
Government.

III. And whereas it is expedient that an Executive Council should be appointed for assisting you in conducting the Government of Our said Island, We do declare Our Pleasure to be that there shall be an Executive Council for Our said Island, to be called the Executive Council of Newfoundland.

Executive
Council, con-
stitution of.

IV. And We do authorize and empower you from time to time, by instruments to be passed under the public Seal of Our said Island, to appoint and remove the members of the said Council: Provided that such members shall not exceed seven in number, and that the Council shall, in the first instance, consist of those persons who shall be members of the same at or immediately before the publication of these Presents in Our said Island.

Appointment
to vacancies.

Number.

V. And We do declare Our pleasure to be that there shall be within Our said Island a Legislative Council which shall consist of such members as at or immediately before the publication of these Presents were members of Our said Council, and of such and so many other members as shall hereafter be from time to time nominated and appointed by Us under Our Sign

Legislative
Council, con-
stitution of.

Manual and Signet, or provisionally appointed by you until Our pleasure thereon shall be known: Provided Nevertheless, and We do hereby declare Our Pleasure to be, that the total number of the members of the said Legislative Council for the time being resident within Our said Island shall not at any time, by such Provisional Appointments, be raised to a greater number in the whole than fifteen: Provided also that every member of Our said Council shall hold his place therein during Our Pleasure, and shall be removable by any Instruction or Warrant issued by Us under Our Sign Manual and Signet, and with the advice of Our Privy Council.

General Assembly to be summoned. VI. And We do authorize and empower you, with the advice and consent of Our said Executive Council, by Writs issued in Our name to summon and call together the General Assembly of Our said Island, and also from time to time in the lawful and accustomed manner to prorogue the said Legislative Council and Assembly, and to dissolve the said Assembly.

Prorogation and Dissolution of the Legislature.

Governor, Legislative Council, and General Assembly, to make Laws. VII. And We do authorize and empower you, with the advice and consent of the said Legislative Council and General Assembly of Our said Island, to make Laws for the public peace, welfare, and good government of Our said Island and its Dependancies, and of the People and Inhabitants thereof, and of such others as may resort thereto, such Laws not being repugnant to the Law of Our United Kingdom of Great Britain and Ireland.

Public Seal. VIII. And We do hereby authorize and empower you to keep and use the Public Seal of Our said Island.

IX. And We do hereby authorize and empower you

to make and execute in Our name and on Our behalf under the Public Seal, grants and dispositions of any lands which may be lawfully disposed of by Us within Our said Island and its Dependencies.

Governor empowered to make Grants of Lands.

X. And We do hereby authorize and empower you, so far as We lawfully may, to constitute and appoint Judges, Commissioners of Oyer and Terminer, Justices of the Peace and other necessary Officers and Ministers, in the said Island and its Dependencies, all of whom shall hold their offices during Our Pleasure.

Governor empowered to appoint Judges.

XI. And We do hereby authorize, empower, and direct you, as occasion may require, to administer or cause to be administered to such persons as you may think fit, and particularly to such persons as may hold any office or place of trust or profit in Our said Island or its Dependencies, the Oath commonly called the Oath of Allegiance, and such other oaths as by law or custom are usually taken for the due execution of offices or places, and such oaths as are from time to time requisite for the clearing of truth in judicial matters.

Governor empowered to administer Oaths of Office.

XII. And We do hereby give and grant unto you, so far as We lawfully may, full power and authority, upon sufficient cause to you appearing, by any instrument to be passed under the Public Seal aforesaid, to remove from his office or place, or to suspend from the exercise of the same, within Our said Island and its Dependencies, any person exercising such 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.

Power of Suspension.

XIII. And We do hereby give and grant unto you full power and authority, as you shall see occasion, in

Power of
Pardon;

Our name and on Our behalf to grant to any Offenders convicted of any crimes in any Court, or before any Judge, Justice or Magistrate within Our said Island, a Pardon either free or subject to Lawful Conditions, or any Respite of the execution of the Sentence of any such Offenders for such period as to you may seem meet, and to Remit any Fines, Penalties, or Forfeitures, which may become due and payable to Us.

and Remis-
sion of Fines,
&c.

Officers and
others to obey
and assist the
Governor.

XIV. 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 ANTHONY MUSGRAVE, or, in the event of your death, incapacity, removal or absence from your Government, unto such person or persons as may under the provisions of this Our Commission assume and exercise the Functions of Our Governor and Commander-in-Chief in and over Our said Island.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

Witness Ourselves, at Westminster, the Twenty-ninth day of August, in the Twenty-eighth Year of Our Reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

THE
ROYAL INSTRUCTIONS.

VICTORIA R.

INSTRUCTIONS to Our Trusty and Well-beloved ANTHONY MUSGRAVE, ESQUIRE, Our Governor and Commander-in-Chief in and over Our Island of Newfoundland and its Dependencies, or, in his absence, to Our Lieutenant-Governor of Our said Island, or to the Officer for the time being Administering the Government of Our said Island.

Given at Our Court at Windsor this 29th day of August, 1864, in the 28th Year of Our Reign. Dated 29th August, 1864.

I. **W**HEREAS We have by Our Commission, under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing even date herewith, Constituted and Appointed you to be Our Governor and Commander-in-Chief in and over Our said Island of Newfoundland and its Dependencies, and have further required and commanded you to do and execute all things in due manner that shall belong to your said Command, according to the several Powers and Directions granted or appointed for you in and by Our said Commission and the Instructions therewith given you, and according to such further Powers, Instructions, and Authorities, and according to such reasonable Laws and Statutes as therein are mentioned. Now We do, therefore, by these Our Instructions under Our Sign Manual and Signet, being the Instructions so given you as aforesaid, Declare Our Pleasure to be, that you shall with all

Preambles.

Publication of
Commission.

Oaths to be
taken by Go-
vernour.

due Solemnity cause Our said Commission to be read and published in the presence of Our Chief Justice of Our said Island for the time being, and of the Members of Our Executive Council thereof; and you shall then and there take, as the case may require, either the Oath appointed to be taken by an Act passed in the Twenty-first and Twenty-second Years of Our Reign, intituled "An Act to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration, and for the relief of Her Majesty's Subjects professing the Jewish Religion," or in lieu thereof the 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;" and likewise that you take the usual Oath for the due execution of the Office of Our Governor and Commander-in-Chief in and over Our said Island and its Dependencies, and for the due and impartial Administration of Justice, which said oaths such Chief Justice for the time being, or, in his absence, the senior member present of Our said Executive Council, shall, and he is hereby required to tender and administer unto you.

Instructions
to be commu-
nicated to Ex-
ecutive Coun-
cil.

II. You are to communicate forthwith to Our said Executive Council for Our said Island 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.

Executive
Council Meet-
ings.

Quorum.

III. And We do hereby direct and enjoin that Our said Council shall not proceed to the dispatch of business unless duly summoned by your authority, and unless three members at the least (exclusive of yourself or the member presiding), be present, and assisting through-

out the whole of the meetings at which any such business shall be dispatched.

IV. 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 any member of the said Council, appointed by you, under the Public Seal of the said Island, to be President of the said Council, or in the absence of such President, the senior member of the said Council actually present, shall preside at all such meetings; the seniority of the members of the Council being regulated according to the priority of their appointments as Members of Our said Council.

Governor to attend and preside.

President of Executive Council.

V. 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 and confirmed or amended, as the case may require, before proceeding to the dispatch of any other business.

Journals and Minutes to be kept.

VI. 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 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 to any such matters; Provided that in all such

Governor to consult Executive Council except in specified cases.

urgent cases you do subsequently, and at the earliest practicable period, communicate to the said Executive Council the measures which you may so have adopted, with the reasons thereof.

Governor may act in opposition to advice of Executive Council.

VII. 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, any such proceeding, with the grounds and reasons thereof. And We do further direct that twice in each year a full transcript of all the minutes of the said Council for the preceding half-year be transmitted to Us through one of Our Principal Secretaries of State.

Minutes to be sent home half yearly.

Legislative Council.

VIII. And whereas We have by Our said Commission provided that the Legislative Council of Our said Island shall be constituted in the manner therein appointed: Now We do declare Our pleasure to be that five members of the said Legislative Council shall be a quorum for the dispatch of the business thereof.

Quorum.

President.

IX. And We do authorize and empower you, from time to time, by an instrument under the Public Seal of Our said Island, to appoint one member of the said Legislative Council to preside therein, and to remove him and appoint another in his stead.

Standing Rules and Orders.

X. And We do confirm all standing rules and orders heretofore made by Our authority for ensuring punctuality of attendance of the members of the said Legis-

lative Council, and for the prevention of meetings of the said Council being held without convenient notice to the several members thereof, and for maintaining order and method in the dispatch of business, and in the conduct of all debates in the said Council; and We do authorize and empower the said Legislative Council to make such other and further rules and orders as may to them appear requisite for the above-mentioned purposes, not being repugnant to these Our Instructions, or to any other Instructions which you may receive from Us.

XI. And We do further direct and enjoin that minutes shall be regularly kept of the proceedings of the said Legislative Council, and that the said Council shall not ever proceed to the dispatch of business until the minutes of the last preceding meeting have first been read over and confirmed or corrected as may be necessary.

Minutes of Proceedings to be kept.

XII. And Whereas We have empowered you, by Our said Commission, to summon and call together the General Assembly of Our said Island; We do further direct and enjoin that the persons thereupon duly elected to be members of the said Assembly shall, before their sitting, take the oath commonly called the Oath of Allegiance, which oath you shall commission fit persons, under the Seal of Our said Island, to tender and administer unto them; and until the same shall be so taken, no person shall be capable of sitting, though elected.

Oaths to be administered to Members of Assembly.

XIII. And Whereas, by an Act of Parliament passed in the sixth year of Our Reign, intituled "An Act for amending the constitution of the Government of New-foundland," provision was made that it should be lawful for Us, in manner and to the extent therein provided,

Government Act 6 Victoria.

Amended Con-
stitution Act,
11 Victoria.

to restrain the said General Assembly, in regard to the appropriation of the public Revenue of the said Island. And Whereas the said provision was made permanent by an Act of Parliament passed in the Eleventh Year of Our Reign, intituled "An Act to make permanent certain parts of the Act for amending the Constitution of Newfoundland." We do declare Our pleasure to be that the General Assembly shall be, and the said Assembly is hereby restrained from granting or appropriating to the public Service within the said Island any part of the public Revenue thereof in cases where such services shall not have been previously recommended, or such grants of money shall not have been previously asked by Us or on Our behalf.

Appropriation
of Revenue by
Assembly re-
stricted.

Style of Laws

XIV. And Whereas by Our said Commission We did empower you, with the advice and consent of the said Legislative Council and General Assembly, to make laws for the public peace, welfare and good government of Our said Island; We do further direct and enjoin that the style of enacting the said laws be by the Governor, Lieutenant-Governor, or Officer Administering the Government, as the case may be, Council and Assembly, and no other; that each different matter be provided for by a different law, without including in one and the same Act such things as have no proper relation to each other; that no clause be inserted in any law which shall be foreign to what the title of it imports, and that no perpetual clause be part of any temporary law.

Different sub-
jects not to be
mixed in same
Law.

Laws to be re-
served by Go-
vernor.

XV. And We do further direct and enjoin that you are on no account, without Our permission, to allow any law to take effect in the Island which may belong to

either of the following classes, that is to say:—

1. Any Law for the Divorce of Persons joined together in Holy Matrimony.

2. Any law whereby any Grant of Land or Money or other donation or gratuity may be made to yourself.

3. Any law 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 law imposing Differential Duties, or imposing any Tax upon Transient Traders, or upon persons residing or carrying on business for a short time within Our said Island, from which other Traders or persons carrying on business would be exempt.

5. Any law the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty.

6. Any law interfering with the discipline or control of Our Forces in Our said Island by land and sea.

7. Any law of an extraordinary nature and importance, whereby Our Prerogative or the Rights and Property of Our Subjects not residing in Our said Island, or the Trade and Shipping of Our United Kingdom and its Dependencies, may be prejudiced.

8. Any law containing provisions to which Our assent has been once refused or which have been disallowed by Us.

XVI. And We do further direct and enjoin that, within Three Months or sooner after the passing of any law, you do transmit to Us, through one of Our Principal Secretaries of State, a copy of the same, authenticated under the Public Seal of Our said Island, and fairly abstracted in the margin, together with a full explanation of the reasons and occasion for enacting such law;

Authenticated
copies of Laws
to be sent
home.

Marginal ab-
stracts.

Journals and
Proceedings of
Legislature to
be sent home.

and that in case any such law, not before confirmed by Us, shall, at any time, be disallowed, 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, then such law as shall be so disallowed shall from thenceforth cease, determine and become utterly void and of none effect, anything to the contrary thereof, notwithstanding; and that you do in like manner transmit fair copies of the journals and minutes of proceedings of the said Legislative Council and Assembly, which you are to require from the Clerks or other proper officer of the said Council and Assembly.

Appointments
during plea-
sure.

XVII. And We do further direct and enjoin that, unless otherwise provided by law, all Commissions to be granted by you to any person or persons to be Judges, Justices of the Peace, or other necessary officers, be granted during pleasure only.

Writs.

XVIII. And We do further direct and enjoin that all Writs be issued in Our name throughout Our said Island.

Power of Par-
don regulated.

XIX. And whereas We have by Our said Commission given and granted unto you full power and authority, 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 Island, a pardon either free or subject to lawful conditions, or any respite of the sentence of such offender for such period as to you may seem fit: Now We do direct and enjoin you to call upon the Judge presiding at the trial of any such offender who may from time to time be condemned to suffer death by the sentence of any Court within the said

Island, to make to you a written report of the case of such offender, and such report 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 reprove any such offender as aforesaid unless, upon receiving the advice of Our Executive Council therein, it shall appear to you expedient so to do, entering at length on the Minutes of the said Council a Minute of your reasons in case you should decide any such question in opposition to the judgment of the majority of the Members thereof.

XX. And Whereas We did by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Seventeenth day of July, one thousand eight hundred and thirty-nine, in the third year of Our reign, constitute the Island of Newfoundland to be a Bishop's See, and to be called from thenceforth the Bishopric of Newfoundland; We do further direct and enjoin that in the Administration of the Government of the said Island you shall be aiding and assisting to the Bishop for the time being of the said See, and to his Commissary or Commissaries, in the execution of his charge and in the exercise of his Ecclesiastical Jurisdiction (not extending, nevertheless, to the granting licenses for marriages and the probates of wills), and that you do advise with the said Bishop in all matters relating to the celebration of Divine Worship according to the rites of the Church of England.

Governor to aid and assist the Bishop.

Ecclesiastical Jurisdiction limited.

XXI. And Whereas doubts have arisen whether the powers of granting licenses for marriages and probates

Powers of Ordinary, Marriage Licenses, &c. of wills, commonly called the Office of Ordinary, which we hereby reserve to you Our Governor, can be exercised by deputation from you to any other person within Our said Island; We do further direct you not to grant deputations for the exercise of the said powers, commonly called the Office of Ordinary, to any person or persons whatsoever in Our said Island.

Blue Book.

XXII. And Whereas you will receive, through one of Our Principal Secretaries of State, a book of Tables in blank, commonly called the "Blue Book," to be annually filled up with certain returns relative to the Revenue and Expenditure, Militia, Public Works, Legislation, Civil Establishments, Pensions, Population, Schools, Course of Exchange, Imports and Exports, Agricultural Produce, Manufactures, and other matters in the said "Blue Book" more particularly specified, with reference to the state and condition of Our said Island of Newfoundland; Now We do further direct that all such returns be accurately prepared, and punctually transmitted to Us from year to year through one of Our Principal Secretaries of State.

Governor's absence.

XXIII. And Whereas great prejudice may happen to Our Service and to the security of Our said Island by the absence of the Governor; you shall not, upon any pretence whatsoever, quit Our said Island 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.