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COMMISSION

OF

HIS EXCELLENCY

Sir Alexander Bannerman, Knight,

Governor of Newfoundland and its
Dependencies ;

TOGETHER WITH THE

ROYAL INSTRUCTIONS

ACCOMPANYING THE SAME,

Dated 14th February, 1857 ;

A DESPATCH RELATIVE TO OATHS ;

AND

ADDITIONAL INSTRUCTIONS,

Dated 18th February, 1858.

J. C. WITHERS, QUEEN'S PRINTER.

1858.

NEWFOUNDLAND.

COMMISSION

OF

His Excellency Sir Alexander Bannerman, Lt.

*Victoria, by the Grace of God of the
United Kingdom of Great Britain
and Ireland, Queen, Defender of the
Faith.*

To Our trusty and well-beloved SIR ALEX-
ANDER BANNERMAN, Knight, Greeting :

WHEREAS We did, by certain Letters Preamble.
Patent under the Great Seal of Our
United Kingdom of Great Britain and Ireland,
bearing date at Westminster, the Fourth Day
of May, One Thousand Eight Hundred and
Fifty Five, in the Eighteenth Year of Our
Reign, constitute and appoint Our trusty and
well-beloved CHARLES HENRY DARLING, Es-
quire, 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 Letters patent
of 4th May,
1855, revoked.
and determine the said recited Letters Patent,
and every clause, article and thing therein con-
tained.

Sir Alexander
Bannerman,
Knight, ap-
pointed Go-
vernour of
Newfoundland
and its Depen-
dencies.

And further Know You, that We, reposing especial trust and confidence in the prudence, courage and loyalty of you the said **SIR ALEXANDER BANNERMAN**, 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, the said **SIR ALEXANDER BANNERMAN**, 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, for and during Our will and pleasure.

The Govern-
ment to be ad-
ministered
agreeably to
Royal Instruc-
tions, &c.

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 may hereafter be made and agreed upon by you with the advice and consent of the Legislative Council and Assembly of Our said Island and its Dependencies.

And Whereas it is expedient that an Executive Council should be appointed for assisting you the said SIR ALEXANDER BANNERMAN in conducting the Government of our said Island : Now 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. And We do direct that the said Executive Council shall be constituted in such manner as is in that behalf directed by the Instructions herewith given to you, or according to such further Powers, Instructions or Authorities as shall at any future time be granted and appointed for you in that behalf under Our Sign Manual and Signet. And We do authorize and require you the said SIR ALEXANDER BANNERMAN, in the execution of this Our Commission, to be acting with the advice of the said Executive Council in such manner as in the Instructions accompanying this Our Commission is enjoined.

Executive Council to be appointed—

Governor to act with their advice.

And We do ordain and appoint that there shall be a Legislative Council for Our said Island to be called the Legislative Council of Newfoundland ; and that the said Legislative Council shall be composed of such Public Officers within Our said Island, and 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 or Warrants, to be by Us for that purpose issued under Our Sign Manual and Signet, and with the advice of Our Privy Council ; all which persons shall

Legislative Council—how to be composed

hold their places in the said Council at Our pleasure.

The Public
Seal.

And Our further Will and Pleasure is that you, the said SIR ALEXANDER BANNERMAN, shall and may keep and use the Public Seal for sealing all things whatsoever that shall pass the Seal of Our said Island and its Dependencies.

Grant of
Waste Lands.

And We do hereby authorise and empower you, the said SIR ALEXANDER BANNERMAN, 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 you by Us for that purpose, under Our Sign Manual and Signet, or through One of Our Principal Secretaries of State, to make and execute in Our name and on Our behalf, under the Public Seal of Our said Island, 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, and according to the provisions of the Laws and Statutes of Our said Island now or hereafter to be in force, for regulating the mode of making and issuing such Grants.

Appointment
of Judges,
Justices of the
Peace, &c. &c

And We do hereby authorise and empower you, the said SIR ALEXANDER BANNERMAN, 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 Island and its Dependencies, for the better administration of Justice and 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 Offices and Places and for the clearing of truth in Judicial causes.

And We do hereby give and grant unto you the said SIR ALEXANDER BANNERMAN, full power and authority, upon sufficient cause to you appearing, to suspend from the exercise of his Office, within Our said Island and its Dependencies, 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 you. And we do hereby strictly require and enjoin you, in proceeding to any such suspension, to observe the directions in that behalf given to you by Our Instructions under Our Sign Manual and Signet accompanying this Our Commission.

Suspension of Officers.

And We do hereby give and grant unto you the said SIR ALEXANDER BANNERMAN, full power and authority, as you shall see occasion, in 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, but subject to the Regulations and Directions contained in the Instructions

Pardon of Offenders, remission of Fines, &c.

under Our Royal Sign Manual and Signet accompanying this Our Commission, or in any future Instructions as aforesaid.

Administra-
tion of the Go-
vernment in
the event of
the death or
absence of the
Governor,

And Whereas it is necessary that provision be made for the execution of this Our Commission, in the event of the death, incapacity or removal of you, the said SIR ALEXANDER BANNERMAN, from your said command, or in the event of your absence from the limits of your said Government: We do declare Our pleasure to be, that in the event of your death, incapacity or removal from your said Command, or in the event of your absence from the limits of your said Government, all and every the powers and authorities hereby vested in you shall thereupon be and the same are hereby in any such event, and until Our pleasure shall further be signified, vested in Our Lieutenant-Governor of Our said Island; and if there shall be no such Lieutenant-Governor within Our said Island, then and in that case in such person as may be specially commissioned and appointed by Us to administer the Government of Our said Island. And if there shall be no person so specially commissioned and appointed by Us to administer the Government of Our said Island, We do further declare Our pleasure, and grant that the powers and authorities aforesaid shall be and the same are hereby vested in the President for the time being of the Legislative Council of Our said Island. 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 ALEXANDER BANNERMAN, or in the event of

your death, incapacity, removal, or absence from Our said Island, to 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 Fourteenth Day of February, in the Twentieth Year of Our Reign.

By Warrant under the Queen's Sign Manual.

(Signed)

C. ROMILLY.

THE
ROYAL INSTRUCTIONS.

VICTORIA R.

[L.S.]

INSTRUCTIONS to Our Trusty and Well-beloved SIR ALEXANDER BANNERMAN, KNIGHT, 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 Buckingham Palace, this Fourteenth Day of February, 1857, in the Twentieth Year of Our Reign.

I

WHEREAS We have, by Our Commission Preamble.
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 in and over all Forts and Garrisons erected and established, or which shall be erected or established within the same, and have further required and commanded 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 seve-

ral powers and directions granted or appointed for you in and by Our said Commission and the Instructions, under Our Sign Manual and Signet, referred to in Our said Commission, and according to such further Powers, Instructions, and Authorities, as shall from time to time 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 may hereafter be made and agreed upon by you, with the advice and consent of the Legislative Council and Assembly of Our said Island and its Dependencies: Now We do therefore by these Our Instructions under Our Royal Sign Manual and Signet, being the Instructions so referred to in and accompanying Our said Commission, declare Our pleasure to be that you shall with all due solemnity cause Our said Commission to be read and published in the presence of 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 the Oaths appointed to be taken by an Act passed in the First 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 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 Sixth Year of the Reign of His late Majesty King George the Third, intituled "An Act for altering the Oath of Ab-

Governor's
Commission to
be read and
published.

Oaths to be
taken by the
Governor.

“juramentum and the Assurance, and for amending
 “so much of an Act of the Seventh 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 limi-
 “ted 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 Tenth Year of the
 Reign of His late Majesty King George the
 Fourth, intituled “An Act for the Relief of
 “His Majesty’s Roman Catholic Subjects,” ac-
 cording 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 of Our Govern-
 or 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 the Chief Justice for the time
 being of Our said Island shall, and he is hereby
 required to tender and administer unto you.

II.

And We do authorize and require you, from
 time to time, and at any time hereafter, by your-
 self, or by any other to be authorised by you in
 that behalf, to administer and give to all and
 every person or persons as you shall think fit,
 who shall hold any office or place of trust or
 profit, or who shall at any time or times pass
 into Our said Island; or be resident therein, the
 Oath commonly called the Oath of Allegiance,
 save only in cases where any other Oath or
 Oaths is or are prescribed by the Statutes in

Oaths of Alle-
 giance to be
 administered
 to persons
 holding offices
 of trust.

that behalf made, or by any of these Statutes ; in which cases it is Our pleasure, and We do hereby direct, that you do administer to such persons such other Oath or Oaths as aforesaid.

III.

Constitution
of Executive
Council.

And whereas We have, by Our said Commission appointing you Our Governor and Commander-in-Chief as aforesaid, declared Our pleasure to be. that an Executive Council shall be appointed for assisting you in conducting the Government of Our said Island, and that the said Council shall be constituted in such manner as is in that behalf directed by the Instructions accompanying Our said Commission, or according to such further Powers, Instructions, and Authorities, as shall at any future time be granted and appointed for you in that behalf under Our Sign Manual and Signet : Now We do direct and declare Our pleasure to be, that the said Executive Council shall consist of such persons, not exceeding Seven in number, as you shall from time to time, by Instruments passed under the Public Seal of Our said Island, in Our Name and on Our behalf, nominate and appoint to be Members of the said Council, all which persons shall hold their places in the said Council during Our Pleasure,

To consist of
persons not
exceeding
Seven in num-
ber.

IV.

Instructions to
be communicat-
ed to Execu-
tive Council.

And to the end that Our said Executive Council may be assisting to you in all affairs relating to Our Service, you are to communicate to them such and so many of these Our Instructions wherein their advice is mentioned to be requisite, and likewise all such others from time to time, as you shall find convenient for Our Service to be imparted to them.

V.

You are to permit the Members of Our said Executive Council to have and enjoy freedom of debate and vote in all affairs of public concern which may be debated in the said Executive Council.

Members of Executive Council to have freedom of debate and vote.

VI.

And We do hereby declare, and it is Our Pleasure, that Our said Executive Council shall not proceed to the dispatch of business unless duly summoned by your Authority nor unless Three at least of the Members of the said Council be present and assisting at any Meetings at which any such business shall be dispatched. And We do further direct, that if in any case you see sufficient cause to dissent from the opinion of the major part or of the whole of Our said Executive Council, upon any question brought by you under their consideration, it shall be competent to you upon any such occasion to execute the powers and authorities vested in you by Our said Commission, and by these Our Instructions, in opposition to such their opinions; it being, nevertheless, Our pleasure that in every case it shall be competent to any Member of Our said Council to record at length, in the Minutes of Our Council, the grounds and reasons of any advice or opinion which he may give upon any question brought under the consideration of such Council.

Quorum of Executive Council.

force

Regulations for Governor and Council.

VII.

And We do hereby authorise you, by an Instrument under the Public Seal of Our said Island, to appoint one Member of Our said Executive Council to preside over the said

President of Executive Council, how appointed, in absence of Governor.

Senior Member in absence of President to act in his stead

Council in your absence, and to remove him and appoint another in his stead. And if during your absence the Member so appointed shall also be absent, then the Senior Member of the Council actually present shall preside; the Seniority of the Members of the said Council being regulated according to the order of their respective appointments.

Seniority of Members, how regulated.

VIII.

Minutes of Council to be recorded.

And We do further direct and command that a full and exact Journal or Minute be kept of all the deliberations, acts, proceedings, votes and resolutions of Our said Executive Council; and that at each Meeting of the said Council the Minutes of the last preceding Meeting shall be read over, confirmed or amended, as the case may require, before proceeding to the dispatch of any other business.

IX.

Legislative Council, how composed

And whereas We have by Our said Commission ordained and appointed that the Legislative Council for Our said Island shall be composed of such Public Officers within Our said Island, and of such other persons within the same, as shall from time to time be nominated or designated by Us: Now We do hereby declare and appoint that Our said Legislative Council shall consist of the following persons, namely: Our trusty and well-beloved Laurence O'Brien, Our trusty and well-beloved James Tobin, Our trusty and well-beloved John Rochfort, Our trusty and well-beloved George H. Emerson, Our trusty and well-beloved John Munn, Our trusty and well-beloved Thomas Harrison Ridley, Our trusty and well-beloved

Samuel Carson, Our trusty and well-beloved Thomas Row, Our trusty and well-beloved James J. Rogerson, Our trusty and well-beloved Philip Duggan, and Our trusty and well-beloved James Cormack, Esquires; and such and so many other Members as shall hereafter, either in the event of any vacancy (by death, resignation, incapacity, suspension or absence,) among the aforesaid Councillors, or otherwise, be from time to time for that purpose nominated and appointed by Us under Our Sign 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 Province, shall not at any time, by such provisional appointments, be raised to a greater number in the whole than Fifteen.

Legislative Council to be appointed provisionally, of not more than Fifteen.

X.

And 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 for Legislative Council.

XI.

And We do authorise and empower you, 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.

President of Legislative Council, how appointed.

XII.

And for ensuring punctuality of attendance of the Members of the said Legislative Council,

Rules to be framed by the Governor for guidance of Legislative Council.

and for the prevention of meetings of the said Council being held without convenient notice to the several Members thereof, it is Our pleasure, and We do hereby direct, that you do frame, for the guidance of the said Council, such standing Rules and Orders as may be necessary for those purposes, with such other standing Rules and Orders as may be best adapted for maintaining order and method in the dispatch of business, and in the conduct of all debates in the said Council, which Rules and Orders, not being repugnant to these Our Instructions, or to any other Instructions which you may receive from Us, shall at all times be followed and observed, and shall be binding upon the said Council.

XIII.

Minutes of Legislative Council to be kept.

And We do further direct 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.

XIV.

Governor empowered to summon General Assemblies of Freeholders

And We do hereby authorise and empower you, with the advice and consent of Our said Executive Council, from time to time, as need shall require, to summon and call General Assemblies of the Freeholders and Household-ers within the said Island and its Dependencies, in such manner and form, and according to such powers and authorities, as are hereinafter appointed by these Our Instructions, or according

to such further powers 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 according to the Laws of Our said Island in that behalf made and provided; 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 and Districts, and so returned, 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 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 that you, by and with the advice and consent of the said Legislative 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.

Oath of Allegiance to be administered to Members.

General Assembly empowered to enact Laws &c

XV.

And whereas by a Commission under the

Constitution
of the Govern-
ment.

Great-Seal of Our United Kingdom of Great Britain and Ireland, bearing date the Second day of March One Thousand Eight Hundred and Thirty Two, in the Second Year of the Reign of His late Majesty King William the Fourth, and by Instructions under His Royal Sign Manual and Signet, bearing date the Twenty Seventh day of July, One Thousand Eight Hundred and Thirty Two, His said late Majesty did authorise and empower Sir Thomas John Cochrane, Knight, then Governor of Newfoundland, to Summon General Assemblies of Freeholders and Householders within the said Island. And Whereas General Assemblies were afterwards elected and holden in and for the said Island under and by virtue of the said last mentioned Commissions and Instructions, and under and by virtue of other Commissions and Instructions from time to time issued by Us: And Whereas by an Act passed in the Sixth Year of Our Reign, intituled "An Act for amending the Constitution of the Government of Newfoundland," it was enacted amongst other things, that it should be lawful for Us, in the manner therein provided, to establish a qualification in respect of income or property, in right of which any person might thereafter be elected to serve as a Member of the Assembly of Our said Island, and in manner aforesaid to determine the length of the period of residence which should be required, in addition to any other qualification, for voting at such elections, or for being elected to serve as a Member of the Assembly, and to restrain, in manner therein provided, appropriations of Monies to the Public Service by the said Assembly, and to require that all Elections of

2^d Wm IV

27 July }
1832 }

2^d Vict -

Influence on
Property Qualifⁿ

Members to serve in the said Assembly should be simultaneous: And Whereas so much as is hereinbefore recited of the said Act was made permanent by an Act passed in the Eleventh Year of Our Reign, and entitled "An Act to make permanent certain parts of the Act for amending the Constitution of Newfoundland": And Whereas by a Commission under the Great Seal aforesaid bearing date the Twenty Seventh day of August, One Thousand Eight Hundred and Forty Two, and by Instructions under Our Sign Manual and Signet bearing date the First day of September, One Thousand Eight Hundred and Forty Two, We did, in pursuance of the powers reserved to Us by the said first recited Act, make certain changes in the Constitution of the Government of Newfoundland, in respect to the qualifications of Members of the Assembly, and the period of residence necessary to qualify Electors for and Members of such Assembly, and in respect of holding elections for such Assembly simultaneously, and in respect of restraining the appropriation of public funds by the said Assembly: And Whereas General Assemblies have been since elected and holden in and for the said Island under and by virtue of the said last mentioned Commission and Instructions, and under and by virtue of other Commissions and Instructions from time to time issued by Us, and lastly of our Commission and Instructions aforesaid, bearing date the Ninth day of November, One Thousand Eight Hundred and Fifty Two: Now We do, in pursuance and in the exercise of the powers vested in Us by the said recited Acts, and other powers and authorities to Us in that behalf appertaining, by these Our Instructions under Our Sign Manual and Signet, direct

XI. Vid
ann^o 9^o Cons. Act

Commission
27 Aug. 1842
Instructions
19^o Sept. 1842

Certain Change
in Constitution
Qualif^o
Reside^o }

Small

9^o Feb. 1852

Mode of Sum-
moning Gene-
ral Assemblies

18. Yick:

that in relation to the summoning of such General Assemblies, you do follow the provisions of Our said recited Instructions, and of an Act of the Legislature of Newfoundland passed in the Eighteenth Year of Our Reign, and intitled "An Act to Increase the present number of Representatives in the General Assembly of this Island, and to regulate the Representation thereof."

XVI.

Appointment
of Returning
Officers.

Governor to
issue Writs.

And We do hereby authorise and empower you from time to time to nominate and appoint proper Persons to execute the Office of Returning Officer in each of the Electoral Districts of Our said Island; and you are, so soon as you shall see expedient, to issue Writs in Our Name, directed to the proper officers in each district, directing them to summon the Freeholders and Householdors thereof to proceed to the Election of Persons to represent them in the General Assembly, according to the Regulations and Directions hereinbefore contained in these Instructions, and such other Regulations and Directions as shall be signified by you in a Proclamation to be by you for that purpose issued, and according to the Laws of Our said Island now or hereafter to be in force in that behalf.

XVII.

Initiation of
Money votes.

The Assembly is hereby restrained from 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.

XVIII.

It is Our Will and Pleasure that the following Regulations be carefully observed in the framing and passing all such Laws as may be passed by you with the advice and consent of Our said Council and Assembly, viz: that the style of enacting the said Laws, Statutes, and Ordinances, 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 Act or Ordinance which shall be foreign to what the title of it imports, and that no perpetual clause be part of any temporary laws; that no Law or Ordinance respecting Private Property be passed without a clause suspending its execution until Our Royal Pleasure be known, nor without a saving of the rights of Us, Our Heirs and Successors, and of all Bodies politic and corporate, and of all persons except such as are mentioned in the said Law or Ordinance, and those claiming from, by, or under them; and before such Law or Ordinance is passed, proof must be made before you in Council and entered on the Council Books, that public notification was made of the parties' intention to apply for such Act by advertisement in two or more newspapers for three weeks before the third reading thereof, and you are to transmit, annexed to the said Law or Ordinance, a Certificate under your hand that the same has

Regulations to be observed in passing Laws.

passed through all the forms above-mentioned : That in all Laws or Ordinances for levying money or imposing fines and forfeitures, express mention be made that the same are granted and reserved to Us, Our Heirs and Successors, for the public uses of the said Island, and the support of the Government thereof, as by the said Law or Ordinance shall be directed : That all such Laws, Statutes, and Ordinances, be transmitted by you within three months, or soon after the passing thereof, to Us, through one of Our Principal Secretaries of State ; and that all such Laws, Statutes, or Ordinances, be fairly abstracted in the margins, and accompanied with explanatory observations upon each of them ; and you are also to transmit a full explanation of the reasons and occasion for making such Laws or Ordinances, together with fair copies of the Journals and Minutes of Proceedings of the said Council and Assembly.

Laws to be transmitted to Secretary of State.

XIX.

Lotteries.

It is Our Will and Pleasure that you do not give your assent to any Bill or Bills for raising money by the institution of any public or private Lotteries.

XX.

Divorce Bills.

It is Our Will and Pleasure that you do not give your assent to any Bill or Bills for the Divorce of Persons joined together in Holy Matrimony.

XXI.

And whereas great mischiefs may arise from passing of Bills of an unusual and extraordina-

ry nature and importance, in Our Plantations, which Bills remain in force there from the time of enacting until Our Pleasure be signified to the contrary : We do will and require you not to pass or give your assent to any Bill or Bills of an unusual and extraordinary nature and importance, wherein Our Prerogative or the Property of Our Subjects may be prejudiced, or the Trade and Shipping of this United Kingdom shall be in anywise affected, until you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, a Draft of such Bill or Bills, and shall have received Our Royal pleasure thereupon, unless you take care that there be a clause inserted therein, suspending and deferring the execution thereof until Our Pleasure shall be known concerning the same.

Bills of an unusual and extraordinary nature.

XXII.

And it is Our further Will and Pleasure that you do not reenact any Law to which the assent of Us or Our Royal Predecessors has been once refused, without express leave for that purpose first obtained from Us, upon a full representation by you to be made to Us through one of Our Principal Secretaries of State, of the reasons and necessity of passing such Law ; or unless a clause be inserted therein suspending and deferring the execution thereof until our pleasure be known concerning the same.

Bills to which Royal assent has been refused.

XXIII.

You are to take care that in all Acts or Orders to be passed within Our said Island in

Bills for levying Money, Fines, &c.

any case, for imposing fines and penalties, express mention be made that the same are granted or reserved to Us, Our Heirs and Successors, for the Public uses of the said Island, and the support of the Government thereof, as by the said Act or Order shall be directed.

XXIV.

Appropriation of the Public Money.

You are not to suffer any public money whatsoever whether it be appropriated to any particular service or not, by the Act granting the same, to be issued or disposed of otherwise than by Warrant under your hand, by and with the consent of the said Executive Council; but the Assembly may, nevertheless, be permitted from time to time to view and examine the Accounts of money or value of money disposed of by virtue of Laws made by them, as there shall be occasion.

XXV.

Public Accounts.

You are to take care that fair Books of Accounts of all receipts and payments of all such monies be duly kept, and in which Books shall be specified every particular sum raised or disposed of, together with the names of the persons to whom any payment shall be made, to the end that We may be satisfied of the right and due application of the Revenue of Our said Island, with the probability of the increase and diminution of it under every head and article thereof.

XXVI.

Paper Bills of Credit.

It is Our will and pleasure that you do in all things conform yourself to the provisions con-

tained in an Act of Parliament passed in the Fourth Year of the Reign of His Majesty, King George the Third, intituled "An Act to prevent Paper Bills of Credit hereafter to be issued in any of His Majesty's Colonies or Plantations in America from being declared to be a legal tender in payment of money, and to prevent the legal tender of such Bills as are now subsisting, from being prolonged beyond the periods limited for recalling in and sinking the same;" and also of an Act passed in the Thirteenth Year of the Reign of His said Majesty King George the Third, to explain and amend the said recited Act passed in the Fourth Year of His Reign as aforesaid; and you are not to give your assent to or pass any Act whereby Bills of Credit may be struck or issued in lieu of money, or for the payment of money either to you Our Governor, or to any person whatsoever, unless a Clause be inserted in such Act, declaring that the same shall not take effect until the said Act shall have been approved and confirmed by Us, Our Heirs and Successors.

13 Geo. 3c. 57.

XXVII.

You are to transmit an authenticated and separate Copy of every Law, Statute, or Ordinance, that at any time hereafter shall be made or enacted, under the Public Seal, unto Us, through One of Our Principal Secretaries of State, by the earliest opportunity.

Copies of all Acts to be transmitted for the signification of the Royal pleasure thereon.

XXVIII.

And it is Our further Will and Pleasure that Copies and Duplicates of Acts, that shall

Preparation of Acts for transmission.

be transmitted as aforesaid, be fairly abstracted in the Margins, and that there be inserted the several dates or respective times when the same passed the Legislative Council and Assembly and received your assent; and you are to be as particular as may be possible, in your observations to be sent to Us, through one of Our Principal Secretaries of State, upon every Act, that is to say, whether the same is inductive of a new Law, declaratory of a former Law, or does repeal a Law then before in being; and you are likewise to send to Us, through one of Our Principal Secretaries of State, the reasons for the passing of such Laws, unless the same do fully appear in the preamble of every such Act.

XXIX.

Transcripts of Acts and Journals of Council to be furnished for transmission to England.

You are to require the Colonial Secretary for Our said Island, or other proper Officer, to furnish you with transcripts of all such Acts and Public Orders as shall be made from time to time, together with Copies of the Journals of the Councils, and that all such Copies be fairly abstracted in the Margins, to the end that the same may be transmitted to Us through One of Our Principal Secretaries of State, which such Officer is duly to perform, upon pain of incurring the forfeiture of his office.

XXX.

Also Journals of the Assembly.

You are also to require from the Clerk of the Assembly of Our said Island, or other proper Officer, transcripts of all the Journals and other proceedings of the said Assembly, and that all such transcripts be fairly abstracted in the

Margins, to the end that the same may in like manner be transmitted as aforesaid.

XXXI.

And it is Our further Will and Pleasure that 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. Commissions to Judges and other Officers to be during Pleasure only.

XXXII.

You are to take care that all Writs be issued in Our Name, throughout Our said Island. Writs.

XXXIII.

You shall not, by colour of any power or authority hereby or otherwise granted or mentioned to be granted to you, take upon you to give, grant or dispose of, any Office or Place within Our said Island, to which any person is or shall be appointed by Warrant under Our Sign Manual and Signet, any further than you may, upon the vacancy of any such Office or Place, or upon the suspension of any such Officer by you, provisionally appoint any fit person to officiate in the interim, until you shall have represented the matter to Us, through one of Our Principal Secretaries of State. Appointments to vacant Offices.

XXXIV.

You are to transmit to Us, through one of Our Principal Secretaries of State, with all convenient speed, a particular account of all establishments of Jurisdictions, Courts, Offices and Officers, powers, authorities, fees, and pri- Of establishment of Courts —Returns.

vileges granted and settled, or which shall be granted and settled within Our said Island and its Dependencies, as likewise an account of all the expenses attending the establishment of the said Courts, and of such funds as are settled and appropriated to discharge the same.

XXXV.

Appropriations of Forfeitures, &c.

You shall not dispose of forfeitures or escheats to any person until the Provost Marshal or other proper Officer have made inquiries by a Jury upon their Oaths, into the true nature thereof, nor until you have transmitted to Us, through one of Our Principal Secretaries of State, a particular account of such forfeitures and escheats, and the value thereof, and shall have received Our directions thereupon; and you are to take care that the produce of the said forfeitures and escheats, in case We shall think proper to give you directions to dispose of the same, be duly paid by the Receiver of Our Casual Revenue, and that a full account thereof be transmitted to Us through one of Our Principal Secretaries of State, with the names of the persons to whom disposed of.

XXXVI.

Suspension of Officers.

And whereas We have by Our said Commission authorised you, upon sufficient cause to you appearing, to suspend from the exercise of his Office within Our said Island 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; Now We do charge and require you that before proceeding to such

suspension, you do signify, by a statement in writing, to the person so to be suspended, the grounds of such your intended proceeding against him, and that you do call upon such person to communicate to you in writing a statement of the grounds upon which and the evidence by which he may be desirous to exculpate himself, which statement and exculpation you will lay before the Executive Council; and having consulted them thereupon you will cause to be recorded in the Minutes of the said Council whether they or the majority of them do or do not assent to such suspension; and if you thereupon proceed to such suspension, you are to transmit both of the said statements, together with the Minutes of Council, to Us, through one of Our Principal Secretaries of State, by the earliest conveyance: But if in any case the interest of Our Service shall appear to you to demand that a person shall cease to exercise the powers and functions of his Office instantly, or before there shall be time to take the proceedings hereinbefore directed, you shall then interdict such person from the exercise of his powers and functions, preserving to him, however, until such proceedings shall have been taken, the emoluments and advantages of his Office.

XXXVII.

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

Pardons.

*Constitution-free
and subject -*

*respite of sentence
for 12 months*

*call upon
Judge to make
a written report of
case of offender
referred to in the*

sentence of any such offender, for such period as to you may seem fit: Now We do hereby require 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 any sentence of any Court within the said Island, to make to you a written report of the case of such offender, and such report of the said Judge shall by you be taken into consideration at the first meeting thereafter which may be conveniently held of Our said Executive Council, where the said Judge shall be specially summoned to attend; and you shall not pardon or 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; but in all such cases, you are to decide, either to extend or to withhold a pardon, or reprove, according to your own deliberate judgment, whether the members of Our said Executive Council concur therein or otherwise; entering, nevertheless, on the Minutes of the said Council, a Minute of your reasons at length, in case you should decide any such question in opposition to the judgment of the majority of the Members thereof.

XXXVIII.

*Ecclesiastical
affairs.* 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, erect, found, ordain, make and constitute the Island of Newfoundland to be a Bishop's See, and to

be called from thenceforth the Bishoprick of Newfoundland: It is Our will and pleasure that in the administration of the Government of the said Island, you shall be aiding and assisting to the said Bishop, and to his Commissary or Commissaries, in the execution of his charge, and in the exercise of his Ecclesiastical Jurisdiction, excepting only the granting Licenses of Marriage and the Probate of Wills.

XXXIX.

We do enjoin and require that you take especial care that **ALMIGHTY GOD** be devoutly and truly served throughout your Government; that the Book of Common Prayer as by Law established be read each Sunday and Holiday, and the blessed Sacrament administered according to the rites of the Church of England; and in all matters relating to the celebration of Divine Worship, you are to advise with the Right Reverend Father in God the Bishop of Newfoundland for the time being.

XL.

Upon the vacancy of any Ecclesiastical Benefice or of any Cure of Souls to which any Stipend shall be attached in Our said Island and its Dependencies, you will present to the said Bishop of Newfoundland for the time being, for institution to such vacant Benefice or Cure, any Clerk in Holy Orders of the United Church of England and Ireland, whom, upon the recommendation of the Bishop, or on other sufficient grounds, you may deem to be the most proper person to fill such Benefice or Cure, and who shall have been actually resi-

Divine Wor-
ship.
Presentations
to Ecclesiasti-
cal Benefices.

dent within the said Island or its Dependencies, and officiating there as a Clerk in Holy Orders, for Six Calendar Months at the least next before such Benefice shall have become vacant, or who, if not so resident or officiating within such Island, shall have been absent with the leave of the Diocesan or other lawful authority from some Cure of Souls within such Diocese to him appertaining. But if at the time of such vacancy occurring, there shall not be resident within the said Island, any Clerk in Holy Orders of the said United Church, who shall have been resident and officiating therein as aforesaid, and whom you shall deem a proper person to fill such Benefice or Cure, then you shall forthwith report the circumstance to Us, through one of Our Principal Secretaries of State, to the intent that We may nominate some fit and proper person, being a Clerk in Holy Orders as aforesaid, to fill the said vacancy; and We do enjoin and command you to present to the said Bishop, for institution to any such vacant Ecclesiastical Benefice, any Clerk who may be so nominated by Us, through one of Our Principal Secretaries of State.

XLI.

Office of Ordinary.

And whereas doubts have arisen whether the powers of granting Licenses for Marriages and Probates for 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; it is Our express will and pleasure and you are hereby directed and required 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.

XLII.

It is Our will and pleasure that you recom- Education.
mend to the Legislature to enter upon proper methods for erecting and maintaining Schools, in order to the training of youth to reading and to a necessary knowledge of the principles of the Christian Religion; you are not however to give your assent to any Act respecting religion without a Clause suspending its operation until Our pleasure shall have been signified thereupon, unless a Draft thereof shall have been previously transmitted by you for Our consideration and approval.

XLIII.

And We do further direct, that in all matters arising within your Government, connected with the Education of Youth in the principles of the Christian Religion according to the doctrine of the said United Church of England and Ireland, or connected with the prevention of Vice and Profaneness, or connected with the Worship of Almighty God, or the promotion of Religion and Virtue, you be advising with the Bishop of Newfoundland, and be aiding him in the execution of all such designs and undertakings as may be recommended by the said Bishop for the promotion of any of the objects before mentioned, so far as such designs and undertakings may be consistent with the Law and with Our said Commission, and these Our Instructions.

Governor to advise with the Bishop in Ecclesiastical matters.

XLIV.

Assistance to
neighbouring
Colonies.

And in case of any distress of any other of Our Plantations, you shall, upon application of the respective Governors thereof unto you, assist them with what aid the condition and safety of Our Island can spare.

XLV.

Governor to
report the
wants, pro-
ducts, &c., of
the Colony

You shall likewise from time to time give unto Us, through one of Our Principal Secretaries of State, an account of the wants and defects of the Island, what are the chief products thereof, what improvements have been lately made, and what further improvements you conceive may be made or advantage gained by trade, or in what way We may contribute thereto.

XLVI.

Governor to
take advice of
Council in ca-
ses not provi-
ded for in these
Instructions.

If anything shall happen which may be of advantage or security to Our said Island and its Dependencies, which is not herein or by Our Commission provided for, We do hereby allow you, with the advice and consent of Our Executive Council, to take order for the present therein; giving unto Us, through one of Our Principal Secretaries of State, speedy notice thereof, so that you may receive Our ratification if We shall approve the same.

XLVII.

Blue Book

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 Es-

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 hereby signify Our Pleasure, that all such Returns be accurately prepared and punctually transmitted to Us from year to year, through one of Our Principal Secretaries of State, and that no Officer in Our said Island within whose Department it may lie to contribute any return or returns for the purposes aforesaid, or to prepare the same when so contributed, shall be entitled to receive or shall receive from you any Warrant for the payment of his Official Salary, which may become due and payable to him, so long as such duty shall be in arrear or remain unperformed:

XLVIII.

And you are upon all occasions to send to Us, through one of Our Principal Secretaries of State, a particular account of all your proceedings and of the condition of affairs within your Government.

Governor to make reports of his proceedings.

XLIX.

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.

Terms on which Governor is to obtain leave of absence.

[COPY.]

Downing-street,
4th August, 1857. }

SIR,—

I have to acknowledge your separate Despatch of the 1st ultimo, respecting the Oaths administered to you on your assumption of the Government of Newfoundland, by the Chief Justice. Despatch
respecting
Oaths.

12. There can be no doubt that the course which you adopted, in accordance with your Instructions, was the correct one.

13. At the same time I have to inform you that shortly before I received your Despatch I had already been in correspondence with the Law Advisers of the Crown on the subject of these Oaths: the Attorney General having certified me that it rests with the Crown to determine what Oaths shall be taken, Her Majesty's Government are prepared, on the next occasion of Instructions being issued to the Governor of a Colony about to assume his office, to substitute the single Oath of Allegiance for those now administered to him.

You may therefore consider that the present Oaths are substantially abrogated as far as regards Governors of Colonies.

I have, &c.,

(Signed,)

H. LABOUCHERE.

To
Governor Sir A. Bannerman,
Newfoundland.

[COPY.]

No. 9.

Downing-street,
20th February, 1858. }

SIR,—

Despatch.

I have to acknowledge the receipt of your Despatch, No. 75, of the 29th September last, and I now transmit to you the Queen's additional Instructions under the Royal Sign Manual and Signet, in order to supply the accidental omission, to which you very properly called my attention, in the Instructions which accompany Her Majesty's Commission to you as Governor.

I have, &c.,

(Signed,)

H. LABOUCHERE.

Governor

Sir Alexander Bannerman,

&c., &c.,

Newfoundland.

ADDITIONAL INSTRUCTIONS.

VICTORIA, R.
[L.S.]

ADDITIONAL INSTRUCTIONS to Our Trusty and Well-beloved SIR ALEXANDER BANNERMAN, KNIGHT, 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 Administering the Government of Our said Island. Given at Our Court at Buckingham Palace, this Eighteenth Day of February, 1858, in the Twenty-first Year of Our Reign.

WHEREAS We did by Our Commission Preamble.
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 you the said SIR ALEXANDER BANNERMAN to be Our Governor and Commander-in-Chief in and over Our Island of Newfoundland and its Dependencies, and in and over all Our Forts and Garrisons erected and established, or which should be erected and established within the same, and did require and command you to do and execute all things in due manner that should belong to your said command and the trust We have reposed in you, according to the several powers and directions granted or appointed for you in and by

Our said Commission and the Instructions therewith under Our Sign Manual and Signet referred to in Our said Commission, and according to such further Powers, Instructions, and Authorities, as should from time to time be granted or appointed for 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 might thereafter be made and agreed upon by you with the advice and consent of the Legislative Council and Assembly of Our said Island and its Dependencies : Now We do, by these Our Additional Instructions under Our Sign Manual and Signet, declare Our Will and Pleasure that all Laws, Statutes, and Ordinances, which shall be made and agreed upon by you with the advice and consent of the said Legislative Council and Assembly, 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 said Laws, Statutes, or 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 Privy Council unto you, then such and so many of the said Laws, Statutes, and Ordinances as shall be disallowed and not approved, shall from thenceforth cease, determine and become utterly void, and of none effect, anything to the contrary thereof notwith-

Statutes to be transmitted within three months for approval of Queen.

standing ; and to the end that nothing may be passed or done by Our said Legislative Council and Assembly to the prejudice of Us, Our Heirs, and Successors, We will and ordain that you shall have and enjoy a negative voice in the making and passing such Laws, Statutes, and Ordinances aforesaid, and that you shall and may, from time to time, as you shall judge it necessary, adjourn, prorogue, or dissolve all General Assemblies as aforesaid.

Governor to have negative voice in the passing of Statutes, also power to adjourn, prorogue, or dissolve Assembly.

(Signed)

V. R.

Sir Alexander Bannerman,
 &c, &c., &c.,
 Newfoundland.