



THE SOUTH AUSTRALIAN

GOVERNMENT GAZETTE.

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REGISTERED AS]

ADELAIDE, TUESDAY, JANUARY 1, 1901.

[A NEWSPAPER]

NOTIFICATION BY HIS EXCELLENCY LORD TENNYSON
OF ASSUMPTION OF OFFICE OF GOVERNOR.

SOUTH AUSTRALIA, { *Proclamation by His Excellency the Right Honorable*
to wit. HALLAM, BARON TENNYSON, *Knight Commander*
(L.S.) *of the Most Distinguished Order of Saint Michael*
TENNYSON. *and Saint George, Governor in and over the State*
of South Australia and its Dependencies in the
Commonwealth of Australia.

WHEREAS Her Most Gracious Majesty the Queen, by letters patent under the great seal of the United Kingdom of Great Britain and Ireland, bearing date the twenty-ninth day of October, one thousand nine hundred, was pleased to constitute, order, and declare that there should be a Governor in and over the State of South Australia and its Dependencies in the Commonwealth of Australia, and that appointments to the said office should be made by commission under Her sign manual and signet: And whereas Her Majesty was further pleased, by a commission under Her Sign Manual and Signet, bearing date the twenty-ninth day of October, one thousand nine hundred, to appoint me, the Right Honorable Hallam, Baron Tennyson, to be, during Her pleasure, Governor in and over the State of South Australia and its Dependencies in the Commonwealth of Australia, with all the powers, rights, privileges, and advantages to the said office belonging or appertaining: Now, therefore, it is hereby proclaimed and made known that, having taken the oaths prescribed by law to be taken in that behalf, I have this day assumed the government of the said State: And all and singular Her Majesty's subjects in the said State, and all others whom it may concern, are required to take due notice thereof, and to give their ready obedience accordingly.

Given under my hand and the public seal of South Australia, at Adelaide, this first day of January, one thousand nine hundred and one.

By command,

C.S.O., 1772/1900. E. L. BATCHELOR, for the Chief Secretary.

GOD SAVE THE QUEEN.

Chief Secretary's Office, Adelaide, January 1st, 1901.

HIS Excellency the Governor has directed the publication of the following documents for general information.
By command,
C.S.O., 1772/1900. E. L. BATCHELOR, for the Chief Secretary.

LETTERS PATENT passed under the great seal of the United Kingdom, constituting the office of Governor of the State of South Australia and its Dependencies, in the Commonwealth of Australia.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India; to all to whom these presents shall come—Greeting:

Whereas by certain letters patent, under the great seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the twenty-eighth day of April, 1877, We did constitute the office of Governor and Commander-in-Chief in and over Our colony of South Australia and its dependencies, comprising all the territories bounded on the north by the parallel of ten degrees and fifty-five minutes of south latitude, on the south by the Southern Ocean, on the east by the one hundred and thirty-eighth degree of east longitude extending from the Gulf of Carpentaria as far south as the parallel of twenty-six degrees south, thence along that parallel east, until it reaches the meridian of one hundred and forty-one degrees east, and from this point along the same meridian to the Southern Ocean, and on the west by the one hundred and twenty-ninth degree of east longitude, including all and every the gulfs, bays, creeks, rivers, and islands (including Kangaroo Island) adjacent to any part of the mainland within the limits aforesaid: And whereas in virtue of the provisions of the Commonwealth of Australia Constitution Act, 1900, and of Our proclamation issued thereunder, by and with the advice of Our Privy Council on the seventeenth day of September, 1900, We have by certain letters patent under the said great seal of Our United Kingdom of Great Britain and Ireland, bearing even date herewith, made provision for the office of Governor-General and Commander-in-Chief in and over Our Commonwealth of

Australia: And whereas it has become necessary to make permanent provision for the office of Governor in and over Our State of South Australia and its Dependencies, in the Commonwealth of Australia, without making new letters patent on each demise of the said office: Now know ye that We have revoked and determined, and by these presents do revoke and determine, the said first recited letters patent of the twenty-eighth day of April, 1877, and every clause, article, and thing therein contained, from and after the proclamation of these Our letters patent as hereinafter provided: And further know ye that We do by these presents constitute, order, and declare, that there shall be a Governor in and over Our State of South Australia and its Dependencies, in the Commonwealth of Australia (comprising the territories as herein-before defined), which said State of South Australia and its Dependencies are hereinafter called the State, and that appointments to the said office shall be made by Commission under Our Sign Manual and Signet.

II. We do hereby authorise, empower, and command our said Governor to do and execute all things that shall belong to his said office, according to the tenor of these Our Letters Patent and of such commission as may be issued to him under Our Sign Manual and Signet, and according to such instructions as may from time to time be given to him under Our Sign Manual and Signet, or by Our Order in our Privy Council, or by Us, through one of Our Principal Secretaries of State, and to such laws as are now or shall hereafter be in force in Our State.

III. The Governor shall keep and use the public seal of the State for sealing all things whatsoever that shall pass the said public seal; and until a public seal shall be provided for the State the public seal formerly used in Our colony of South Australia shall be used as the public seal of the State.

IV. There shall be an Executive Council for the State, and the said Council shall consist of such persons as were, immediately before the coming into force of these Our letters patent, members of the Executive Council of South Australia, or as may at any time be members of the Executive Council of Our said State in accordance with any law enacted by the Legislature of the State, and of such other persons as the Governor shall from time to time, in Our name and on Our behalf, but subject to any law as aforesaid, appoint under the public seal of Our said State to be members of Our said Executive Council for the State.

V. The Governor, in Our name and on Our behalf, may make and execute under the said public seal grants and dispositions of any lands which may be lawfully granted and disposed of by Us within the State.

VI. The Governor may constitute and appoint, in Our name and on Our behalf, all such judges, commissioners, justices of the peace, and other necessary officers and ministers of the State as may be lawfully constituted or appointed by Us.

VII. When any crime or offence has been committed within the State against the laws of the State, or for which the offender may be tried therein, the Governor may as he shall see occasion, in Our name and on Our behalf, grant a pardon to any accomplice in such crime or offence who shall give such information as shall lead to the conviction of the principal offender, or one of such offenders if more than one; and further may grant to any offender convicted in any court of the State, or before any judge or other magistrate of the State, within the State, a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence passed on such offender, for such period as the Governor thinks fit, and further may remit any fines, penalties, or forfeitures due or accrued to Us: Provided always that the Governor shall in no case, except where the offence has been of a political nature, unaccompanied by any other grave crime, make it a condition of any pardon or remission of sentence that the offender shall absent himself or be removed from the State.

VIII. The Governor may, so far as We Ourselves lawfully may, upon sufficient cause to him appearing, remove from his office, or suspend from the exercise of the same, any person exercising any office or place under the State, under or by virtue of any commission or warrant granted, or which may be granted, by Us in Our name or under Our authority.

IX. The Governor may exercise all powers lawfully belonging to Us in respect of the summoning, proroguing, or dissolving any legislative body, which now is or hereafter may be established within Our said State.

X. In the event of the death, incapacity, or removal of the Governor, or of his departure from the State, all the powers and authorities herein granted to him shall (subject to the proviso and condition hereinafter contained) be vested during Our pleasure in Our Lieutenant-Governor of the State, or if there be no such officer in the State, then in such person or persons as may be appointed by Us under Our Sign Manual and Signet to administer the Government of the State. And We do hereby (subject as aforesaid) give and grant all such powers and authorities to such

Lieutenant-Governor, or person, or persons accordingly: Provided always and subject to this condition that before any such powers or authorities shall vest in such Lieutenant-Governor, or such other person or persons, he or they shall have taken the oaths hereinafter directed to be taken by the Governor of the State, and in the manner by these letters patent provided.

XI. And whereas it may be necessary or expedient that the Governor should absent himself occasionally for a short period from the seat of Government or from the State, whereby the affairs of the State might be exposed to detriment if there were no person on the spot authorised to exercise the powers and authorities by these Our letters patent granted to the Governor, or some of them: Now We do hereby authorise and empower the Governor, in every such case as occasion shall require, by an instrument under the public seal of the State, to constitute and appoint Our Lieutenant-Governor for the time being of the State, or if there be no such officer, or if such officer be absent or unable to act, then any other person, to be his deputy in the State during such temporary absence, and in that capacity to exercise, perform, and execute for and on behalf of the Governor during such absence, but no longer, all such powers and authorities vested in the Governor, by these Our letters patent as shall in and by such instrument be specified and limited, but no others: Provided, nevertheless, that by the appointment of a deputy as aforesaid, the power and authority of the Governor of the State shall not be abridged, altered, or in any way affected, otherwise than We may at any time hereafter think proper to direct.

XII. Every person appointed to fill the office of Governor shall, with all due solemnity before entering on any of the duties of his office, cause the commission appointing him to be Governor to be read and published at the seat of Government, in the presence of the Chief Justice, or the next superior Judge of the State, and of the members of the Executive Council thereof, which being done, he shall then and there take before them the oath of allegiance in the form provided by an Act passed in the session holden in the thirty-first and thirty-second years of Our reign, intituled an Act to amend the Law relating to Promissory Oaths; and likewise the usual oath for the due execution of the office of Governor, and for the due and impartial administration of justice; which oaths the said Chief Justice or Judge is hereby required to administer.

XIII. And we do hereby require and command all Our officers and Ministers, and all other the inhabitants of the State, to be obedient, aiding, and assisting unto the Governor, or to such person or persons as may from time to time, under the provision of these Our letters patent, administer the Government of the State.

XIV. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our letters patent as to Us or them shall seem meet.

XV. And We do direct and enjoin that these Our letters patent shall be read and proclaimed at such place or places within our said State as the Governor shall think fit.

In witness whereof we have caused these Our letters to be made patent. Witness Ourselves at Westminster, the twenty-ninth day of October, 1900, in the sixty-fourth year of Our reign.

By warrant under the Queen's Sign Manual,
MUIR MACKENZIE.

COMMISSION passed under the Royal Sign Manual and Signet, appointing the Right Honorable Lord Tennyson, K.C.M.G., to be Governor of the State of South Australia and its Dependencies, in the Commonwealth of Australia.

VICTORIA R.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India: To Our right trusty and well-beloved Hallam, Baron Tennyson, Knight Commander of Our Most Distinguished Order of Saint Michael and Saint George, greeting.

We do, by this Our commission under Our Sign Manual and Signet, appoint you, the said Hallam, Baron Tennyson, to be, during Our pleasure, Our Governor in and over Our State of South Australia and its Dependencies, in the Commonwealth of Australia, with all the powers, rights, privileges, and advantages to the said office belonging or appertaining.

II. And We do hereby authorise, empower, and command you to exercise and perform all and singular the powers and directions contained in Our letters patent under the great seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the twenty-ninth day of October, 1900, constituting the office of Governor in and over the State of South Australia and its Dependencies, in the Commonwealth of Australia, or in any other Our letters patent adding to,

amending, or substituted for the same, and according to such orders and instructions as you may receive from Us.

III. And further, We do hereby appoint that, so soon as you shall have taken the prescribed oaths, and have entered upon the duties of your office, this Our present commission shall supersede Our commission under Our Sign Manual and Signet, bearing date the eighteenth day of February, 1899, appointing you, the said Hallam, Baron Tennyson, to be Governor and Commander-in-Chief of Our colony of South Australia and its Dependencies.

IV. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in Our said State and its Dependencies, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly.

Given at Our Court, at Saint James's, this twenty-ninth day of October, 1900, in the sixty-fourth year of Our reign.

By Her Majesty's command,
GEORGE HAMILTON.

INSTRUCTIONS passed under the Royal Sign Manual and Signet, to the Governor of the State of South Australia and its Dependencies, in the Commonwealth of Australia.

VICTORIA R.I.

Instructions to Our Governor in and over Our State of South Australia and its Dependencies, in the Commonwealth of Australia, or to Our Lieutenant-Governor, or other officer for the time being administering the Government of Our said State and its Dependencies.

Given at Our Court, at St. James's, this twenty-ninth day of October, 1900, in the sixty-fourth year of Our reign.

Whereas by certain letters patent bearing even date herewith, We have constituted, ordered, and declared that there shall be a Governor in and over Our State of South Australia and its Dependencies, in the Commonwealth of Australia (which said State and its Dependencies are therein and hereinafter called the State):

And whereas We have thereby authorised and commanded the Governor to do and execute all things that belong to his said office, according to the tenor of Our said letters patent, and of such commission as may be issued to him under Our Sign Manual and Signet, and according to such instructions as may from time to time be given to him under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such laws as are now or shall hereafter be in force in the State.

And whereas We did issue certain instructions under Our Sign Manual and Signet, to Our Governor and Commander-in-Chief in and over Our colony of South Australia and its Dependencies, bearing date the 9th day of July, 1892.

Now know you that We do hereby revoke the aforesaid instructions, and We do by these Our instructions under Our Sign Manual and Signet direct and enjoin and declare our will and pleasure as follows:—

I. In these Our instructions, unless inconsistent with the context, the term "the Governor" shall include every person for the time being administering the Government of the State.

II. The Governor may, whenever he thinks fit, require any person in the Public Service to take the oath of allegiance, together with such other oath or oaths as may from time to time be prescribed by any law in force in the State. The Governor is to administer such oaths, or cause them to be administered by some public officer of the State.

III. The Governor shall forthwith communicate these Our instructions to the Executive Council, and likewise all such others, from time to time, as he shall find convenient for Our service to impart to them.

IV. The Governor shall attend and preside at the meetings of the Executive Council, unless prevented by some necessary or reasonable cause, and in his absence such member as may be appointed by him in that behalf, or in the absence of such member the senior member of the Executive Council actually present shall preside; the seniority of the members of the said Council being regulated according to the order of their respective appointments as members thereof.

V. The Executive Council shall not proceed to the dispatch of business unless duly summoned by authority of the Governor nor unless two members at the least (exclusive of the Governor or of the member presiding) be present and assisting throughout the whole of the meetings at which any business shall be dispatched.

VI. In the execution of the powers and authorities vested in him, the Governor shall be guided by the advice of the Executive Council, but if in any case he shall see sufficient cause to dissent from the opinion of the said Council, he may act in the exercise of his said powers and authorities in opposition to the opinion of the Council, reporting the matter to Us without delay, with the reasons for his so acting.

In any such case it shall be competent to any member of the said Council to require that there be recorded upon the minutes of the Council the grounds of any advice or opinion that he may give upon the question.

VII. The Governor shall not, except in the cases hereunder mentioned, assent in Our name to any Bill of any of the following classes:—

1. Any Bill for the divorce of persons joined together in holy matrimony;
2. Any Bill whereby any grant of land or money, or other donation or gratuity, may be made to himself;
3. Any Bill affecting the currency of the State.
4. Any Bill, the provisions of which shall appear inconsistent with obligations imposed upon Us by treaty;
5. Any Bill of an extraordinary nature and importance, whereby Our prerogative or the rights and property of Our subjects, not residing in the State, or the trade and shipping of the United Kingdom and its Dependencies, may be prejudiced;
6. Any Bill containing provisions to which Our assent has been once refused, or which have been disallowed by Us:

Unless he shall have previously obtained Our instructions upon such Bill through one of Our Principal Secretaries of State, or unless such Bill shall contain a clause suspending the operation of such Bill until the signification in the State of Our pleasure thereupon, or unless the Governor shall have satisfied himself that an urgent necessity exists requiring that such Bill be brought into immediate operation, in which case he is authorised to assent in Our name to such Bill, unless the same shall be repugnant to the law of England, or inconsistent with any obligations imposed upon Us by treaty. But he is to transmit to Us by the earliest opportunity the Bill so assented to, together with his reasons for assenting thereto.

VIII. The Governor shall not pardon or reprieve any offender without first receiving, in capital cases, the advice of the Executive Council, and in other cases the advice of one, at least, of his Ministers; and in any case in which such pardon or reprieve might directly affect the interests of Our Empire, or of any country or place beyond the jurisdiction of the Government of the State, the Governor shall, before deciding as to either pardon or reprieve, take those interests specially into his own personal consideration in conjunction with such advice as aforesaid.

IX. All commissions granted by the Governor to any persons to be judges, justices of the peace, or other officers, shall, unless otherwise provided by law, be granted during pleasure only.

X. The Governor shall not quit the State 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, except for the purpose of visiting the Governor of any neighboring State, or the Governor-General, for periods not exceeding one month at any one time, nor exceeding in the aggregate one month for every year's service in the State.

XI. The temporary absence of the Governor for any period not exceeding one month shall not, if he have previously informed the Executive Council, in writing, of his intended absence, and if he have duly appointed a deputy in accordance with Our said letters patent, be deemed a departure from the State within the meaning of the said letters patent.

V. R. I.

COMMISSION passed under the Royal Sign Manual and Signet, appointing the Right Honorable Sir Samuel James Way, Baronet, Chief Justice of South Australia, to be Lieutenant-Governor of the State of South Australia and its Dependencies, in the Commonwealth of Australia.

VICTORIA R.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India: To Our right trusty and well-beloved councillor, Sir Samuel James Way, Baronet, Chief Justice of South Australia, greeting.

We do, by this Our commission under Our Sign Manual and Signet, appoint you the said Sir Samuel James Way to be, during Our pleasure, Our Lieutenant-Governor of Our State of South Australia and its Dependencies, in the Commonwealth of Australia, with all the rights, privileges, and advantages to the said office belonging or appertaining.

II. And further, in case of the death, incapacity, or removal of Our Governor of Our said State, or of his departure from Our said State, We do hereby authorise and require you to administer the Government thereof, with all and singular the powers and authorities granted by Our letters patent under the great seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the twenty-ninth day of October, 1900, constituting the office of Governor in and over Our said State of South Australia and its Dependencies in the Commonwealth of Australia, or in any other Our letters patent adding to, amending, or

substituted for the same, and according to such instructions as Our said Governor for the time being may receive from Us, or through one of Our Principal Secretaries of State, and according to such laws as are now or shall hereafter be in force in Our said State.

III. And We do further appoint that this Our commission shall supersede Our commission under Our Sign Manual and Signet, bearing date the ninth day of January, 1891, appointing you the said Sir Samuel James Way to be Lieutenant-Governor of Our colony of South Australia and its Dependencies.

IV. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in Our said State and its Dependencies, and all others whom it may concern, to take due notice hereof, and give their ready obedience accordingly.

Given at Our Court, at Saint James's, this twenty-ninth day of October, 1900, in the sixty-fourth year of Our reign.

By Her Majesty's command.

GEORGE HAMILTON.

DORMANT COMMISSION passed under the Royal Sign Manual and Signet, appointing the Chief Justice or the Senior Judge for the time being of South Australia to administer the Government of the State of South Australia and its Dependencies, in the Commonwealth of Australia, in the event of the death, incapacity, or absence of the Governor and Lieutenant-Governor (if any).

VICTORIA R.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India: To Our Chief Justice, or the Senior Judge, for the time being, of South Australia, greeting.

Whereas by certain letters patent under the great seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the twenty-ninth day of October, 1900, We have constituted, ordered, and declared that there shall be a Governor in and over Our State of South Australia and its Dependencies, in the Commonwealth of Australia, with all and singular the powers and authorities in Our said letters patent mentioned or referred to: And whereas We have, by Our said letters patent, declared that, in the event of the death, incapacity, or removal of Our said Governor, or of his departure from Our said State, all

the powers and authorities therein granted to him shall be vested in Our Lieutenant-Governor of Our said State, or if there shall be no such officer in Our said State, then such person or persons as We may appoint, under Our Sign Manual and Signet, to administer the Government of the same.

And whereas We have by Our commission bearing even date herewith, constituted and appointed Our right trusty and well-beloved councillor Sir Samuel James Way, Baronet, Chief Justice of South Australia, to be Lieutenant-Governor of Our State of South Australia and its Dependencies, with certain powers therein set forth: And whereas it is expedient to make further provision for administering the Government of Our said State.

I. Now know you that We do by this Our commission, under Our Sign Manual and Signet, appoint you Our said Chief Justice for the time being, to administer the Government of Our said State of South Australia in case of the death, incapacity, removal, or departure from Our said State of Our said Governor, as well as of Our Lieutenant-Governor (if any), with all and singular the powers and authorities granted by Our said letters patent; and in case of the death, incapacity, or absence out of Our said State of Our said Chief Justice for the time being, then We do appoint the Senior Judge for the time being of Our said State then residing therein, and not being under incapacity, to administer the Government thereof, with all the powers and authorities aforesaid.

Provided always that the said Senior Judge shall act in the administration of the Government only when and so often as you, Our said Chief Justice, shall not be present within the State, and capable of administering the Government.

II. And further We do hereby appoint that this Our present commission shall supersede Our commission under Our Sign Manual and Signet, dated the thirty-first day of May, 1877, appointing Our Chief Justice, or the Senior Judge, for the time being, of South Australia, to administer the Government of South Australia and its Dependencies in the events therein mentioned.

III. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in Our said State, and all others whom it may concern, to take due notice hereof and to give their ready obedience accordingly.

Given at Our Court, at St. James's, this twenty-ninth day of October, 1900, in the sixty-fourth year of Our reign.

By Her Majesty's command,

GEORGE HAMILTON.