

COMMISSION

OF

HIS EXCELLENCY SIR G. GREY, K.C.B.,

TOGETHER WITH THE ROYAL INSTRUCTIONS ACCOMPANYING THE SAME.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY BY COMMAND OF
HIS EXCELLENCY.

COMMISSION OF HIS EXCELLENCY SIR G. GREY, K.C.B.

VICTORIA, BY THE GRACE OF GOD of the United Kingdom of Great Britain and Ireland, *Queen, Defender of the faith, To our trusty and wellbeloved Sir GEORGE GREY, Knight, Commander of Our Most Honorable Order of the Bath*, GREETING: 1. WHEREAS We did by certain Letters Patent, under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the ninth day of February, One thousand eight hundred and fifty-five, in the eighteenth year of Our Reign, constitute and appoint our trusty and wellbeloved Thomas Gore Browne, Esquire, Companion of Our Most Honorable Order of the Bath, Colonel in Our Army, to be Governor and Commander-in-Chief in and over Our Islands of New Zealand, as upon relation being had to the said recited Letters Patent will more fully and at large appear. Now KNOW You, that we have revoked and determined and by these Presents do revoke and determine the said recited Letters Patent, and every clause, article, and thing therein contained. AND FURTHER KNOW You, that We, reposing especial trust and confidence in the prudence, courage, and loyalty of you the said SIR GEORGE GREY, of Our especial grace, certain knowledge and mere motion, HAVE thought fit to constitute and appoint, and by these Presents Do constitute and appoint you to be Our GOVERNOR AND COMMANDER-IN-CHIEF in and over our said Colony of NEW ZEALAND and its Dependencies, for and during our will and pleasure, AND We do hereby authorise 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 and in pursuance of the act of the Session holden in the fifteenth and sixteenth years of our Reign, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand" and according to the several powers and directions granted or appointed you by this Our present Commission and the Instructions and authorities herewith given you or by 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 as are now in force in our said Colony or hereafter shall be made by the General Assembly of our said Colony. 2. AND WHEREAS it is expedient that an Executive Council should be appointed to advise and assist you in the administration of the Government of our said Colony: NOW WE DO DECLARE our pleasure to be that there shall be an Executive Council for our said Colony, and that the said Council shall consist of such persons as you shall by Instruments to be passed under the Public Seal of our said Colony in our name and on our behalf, from time to time nominate and appoint to be Members of the same. AND WE DO HEREBY AUTHORISE YOU should you deem it necessary for the Public service to remove or suspend by such Instrument as aforesaid any of the Members of our said Council. But we do hereby expressly enjoin and require that you do transmit to us through one of our Principal Secretaries of State Exemptions of all such Instruments as shall be by you so issued for appointing, suspending, or removing the Members of the said Council. 3. AND WE DO HEREBY AUTHORISE AND EMPOWER YOU to keep and use the Public Seal for sealing all things whatsoever that shall pass the Seal of our said Colony. 4. AND WE DO HEREBY AUTHORISE AND EMPOWER YOU to make and execute in our name and on our behalf under the Public Seal of our said Colony, Grants of any lands legally granted by Us within our said Colony. 5. AND WE DO FURTHER AUTHORISE AND EMPOWER YOU to constitute and appoint Judges, and in cases requisite Commissioners of Oyer and Terminer Justices of the Peace and other necessary Officers and Ministers of our said Colony of New Zealand for the better administration of Justice and putting the Laws into execution. 6. AND WE DO HEREBY GIVE AND GRANT UNTO YOU full power and authority as you shall see occasion in our name and on our behalf to remit any fines, penalties, and forfeitures which may accrue or become payable to us. 7. AND WE DO HEREBY GIVE AND GRANT 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 Colony and its Dependencies, a free and unconditional pardon, or a pardon subject to such Conditions as in conformity with any Law in force in the said Colony may be thereunto annexed. 8. 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 to remove from his Office or to suspend from the exercise of the same, any person exercising any such Office within our said Colony and its Dependencies, under or by virtue of any Commission or Warrant, granted or to be granted by Us or in our name or by our authority. AND WE DO HEREBY STRICTLY REQUIRE AND ENJOIN YOU in proceeding to any such removal or suspension to conform to such instructions as may from time to time be communicated to you under our Sign Manual and Signet, or through one of our Principal Secretaries of State. 9. AND WHEREAS it has been represented to Us that the necessities of our Service in our said Colony occasionally require that you should absent yourself from the Seat of Government in the Province of Auckland, whereby the affairs of the said Province might be exposed to detriment if there were no person in the place who should be authorised to exercise the powers and authorities which we have by our said Commission given and granted to you our Governor: NOW WE DO HEREBY AUTHORISE AND EMPOWER YOU from time to time, as occasion shall require, by an Instrument under the Public Seal of our said Colony, to assign, constitute, and appoint any person to be your Deputy in the said Province of Auckland, and in that capacity to exercise, perform, and execute during your pleasure, but no longer, all such powers, directions, and authorities, as are vested in you by this our

Commission and the Instructions under our Sign Manual and Signet herein referred to. **PROVIDED** NEVERTHELESS that by the appointment of a Deputy as aforesaid, your power and authority as Governor of our said Colony, shall not be abridged, altered, or in any way affected, otherwise than we may at any time hereafter think proper to direct. 10. **AND** in case of the death, incapacity, or absence of you from the said Colony and its Dependencies, our will and pleasure is that this our Commission and the several powers herein, and by our aforesaid instructions vested in you, shall be exercised by such person as may be appointed by us under our Sign Manual and Signet, to be our Lieutenant Governor of our said Colony of New Zealand and its Dependencies, or to Administer the Government of the same. But if at the time of such your death, incapacity, or absence, there shall be no person within our said Colony appointed by us as aforesaid to be our Lieutenant Governor or Administrator of the Government thereof, then our pleasure is and we do hereby provide and direct that in any such contingency the Senior Officer for the time being in command of our Land Forces within our said Colony shall take upon himself the Administration of the Government thereof and shall execute this our Commission and the several powers herein and in the aforesaid instructions contained. 11. **AND WE DO HEREBY REQUIRE AND COMMAND** all Officers, Civil and Military, and all other Inhabitants of the said Colony and its Dependencies, to be obedient, aiding, and assisting unto you or to the Officer Administering the Government for the time being in the execution of this our Commission, and of the powers and authorities herein contained. **IN WITNESS** whereof we have caused these our Letters to be made Patent. **WITNESS** ourself at Westminster, the twelfth day of August, in the twenty-fifth year of our Reign.

By WARRANT UNDER THE QUEEN'S SIGN MANUAL.

C. ROMILLY.

Instructions to our trusty and well-beloved Sir GEORGE GREY, Knight, Commander of our Most Honorable Order of the Bath, our Governor and Commander-in-Chief in and over our Colony of New Zealand and its Dependencies, or in his absence, to our Lieutenant-Governor, or the officer administering the Government of our said Colony for the time being. Given at our Court, at Osborne House, Isle of Wight, this twelfth day of August, one thousand eight hundred and sixty-one, in the twenty-fifth year of our Reign.

First. Whereas by our Commission under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing even date herewith constituting and appointing you to be our Governor and Commander-in-Chief in and over our Colony of New Zealand and its Dependencies, for and during our will and pleasure, we have required and commanded you to do and execute all things in due manner that shall belong to your said command, and the trust thereby reposed in you according to and in pursuance of an Act of the Session holden in the fifteenth and sixteenth years of our Reign, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," and according to the several Powers and directions granted or appointed you by our said Commission and the Instructions therewith given to you, or according to such further powers, instructions and authorities as should at any time hereafter be granted to 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. Now therefore we do 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 the Chief Justice of our said Colony for the time being, and of the Members of the Executive Council thereof, and you shall then and there take the Oath of Allegiance as prescribed by the Act of the First year of the Reign of King George the First, Statute 2, Chapter 13, Section 2, and likewise that you do take the Oath for the due execution of the Office and trust of our Governor and Commander-in-Chief in and over our said Colony and for the due and Impartial Administration of Justice, which said Oaths the Chief Justice for the time being of our said Colony or in his absence any Judge of the Supreme Court of our said Colony shall and he is hereby required to tender and administer unto you.

Second. And we do hereby authorise and require you from time to time, and at any time hereafter by yourself or by any other person to be authorised by you in that behalf, to administer to all and to 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 Colony, or who shall be resident or abiding therein, the Oath commonly called the Oath of Allegiance, save only in cases wherein any other Oath or Oaths, is or are prescribed by the Statutes in that behalf made or by any of them, in which case it is our pleasure and we do hereby direct that you do administer or cause to be administered to such persons such other Oath or Oaths as aforesaid.

Third. And whereas by the said recited Act of Parliament of the Fifteenth and Sixteenth years of our Reign, it is amongst other things enacted that it shall be lawful for us by any instrument under our Sign Manual, to authorise you in our name to Summon to the Legislative Council of the said Colony such person or persons as we shall think fit. Now therefore in pursuance of the said recited Act and in the exercise of the powers thereby vested in us, we do by these our instructions under our Sign Manual authorise you, in our name to summon to the Legislative Council from time to time such person or persons as you shall deem to be prudent and discreet men, either in addition to the present Members of the said Council or for supplying any vacancies which may take place therein by death or otherwise, but so that the whole number of the said Council shall not at any time exceed twenty. Provided always that in accordance with the

provisions of the said Act no person shall be summoned by you to such Legislative Council who shall not be of the full age of twenty-one years, and a natural born subject of Her Majesty, or a subject of Her Majesty naturalized by Act of Parliament or by an Act of the Legislature of New Zealand.

Fourth. And for the execution of so much of the powers as are vested in you by the said recited Act passed in the Fifteenth and Sixteenth years of our Reign, for assenting to or dissenting from or reserving for the signification of our Royal pleasure, Bills which have been passed by the said Legislative Council and House of Representatives: We do by these our instruction under our Sign Manual and Signet enjoin and require you to be guided by the following Rules, Directions and Instructions, that is to say:

Fifth. You are as much as possible to observe in the passing of all Laws that each different matter be provided for by a different Law without intermixing in one and the same Law, such things as have no proper relation to each other, and you are more especially to take care that no Clause or Clauses be inserted in or annexed to any Bill which shall be foreign to what the Title of such Bill imports, and that no perpetual Clause be part of any temporary Law.

Sixth. When any Bill is presented to you for our Assent, of either of the Clauses hereinafter specified, you shall (unless you shall think proper to withhold our assent from the same) reserve the same for the signification of our pleasure thereon, subject, nevertheless, to your discretion, in case you should be of opinion that an urgent necessity exists requiring that such Bill be brought into immediate operation, in which case you are authorised to assent to such Bill in our name, transmitting to us by the earliest opportunity the Bill so assented to together with your reasons for assenting thereto; that is to say:

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 yourself.
3. Any Bill 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 Bill for raising money by the institution of public or private Lotteries.
5. Any private Bill whereby the property of any individual may be affected, in which there is not a saving of the rights of us, our Heirs and Successors, and of all Bodies Politic or Corporate, and of all other persons excepting those at whose instance or for whose especial benefit such Bill may be introduced, and those claiming by, from, through, and under them.
6. Any Bill imposing Differential Duties.
7. Any Bill, the provisions of which shall appear inconsistent with obligations imposed upon us by Treaty.
8. Any Bill interfering with the Discipline or Control of our Forces in the Colony by Land and Sea.
9. Any Bill that shall purport to be enacted for a time less than one year.
10. Any Bill of an extraordinary nature and importance whereby our Prerogative or the Rights and Property of our Subjects not residing in the Colony, or the Trade and Shipping of the United Kingdom and its Dependencies, may be prejudiced.
11. Any Bill containing provisions to which our Assent has been once refused, or which have been disallowed by us.

Seventh. You shall take care that all Laws assented to by you in our name, or Reserved for the signification of our Royal Pleasure thereon, shall, when transmitted by you, be fairly abstracted in the margins, and be accompanied with explanatory observations upon each of them, and you are also to transmit a statement of the reasons, and of the occasion for proposing such Law, together with fair Copies of the Journals and Minutes of the Proceedings of the said Legislative Council and House of Representatives which you are to require from the Clerks or other proper Officers in that behalf of the said Legislative Council and House of Representatives.

Eighth. You are to communicate forthwith to our Executive Council for our said Colony 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.

Ninth. And we do hereby declare, and it is our pleasure, that our said executive Council shall not proceed to the Despatch of Business unless duly summoned by your authority, and unless two Members at the least (exclusive of yourself or the member presiding) be present and assisting throughout the whole of the Meetings at which any such Business shall be despatched.

Tenth. And it is our pleasure that you do attend and preside at the Meetings of our said Executive Council, unless when prevented by some necessary or reasonable cause. And you are hereby further authorised to appoint by an instrument under the Public Seal of the Province, one Member of the said Executive Council to preside 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 said Executive 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 the said Council.

Eleventh. 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 Council, and that at each Meeting of the said Council the Minutes of the last Meeting be read over, confirmed or amended, as the case may require, before proceeding to the dispatch of any other business.

Twelfth. And it is our further will and pleasure, and we do hereby command you that in the execution of the several powers and authorities granted and committed to you by our said Commission and these our instructions, or by any additional instructions hereafter to be given to you by us, you do in all things consult and advise with our said Executive Council, and that you do not exercise the powers and authorities aforesaid, or any of them, except by and with the concurrence and advice of our said Council save and except only in such cases as are hereinafter saved and excepted. Provided always that nothing herein contained shall extend to prevent your exercising without the advice and consent of our said Council the several Powers and Authorities, or any of them, which may be of so urgent and pressing a nature as not to admit of the delay unavoidably incident to the Deliberations of our said Council. It is nevertheless our pleasure, that the measures adopted by you without the advice of our said Council upon any such emergency, shall, with all convenient speed, be by you brought before our said Council for their revision and sanction. Provided also that nothing herein contained shall prevent your exercising the several powers and authorities aforesaid or any of them without the advice and concurrence of our said Council in any case or upon any occasion which may not appear to you to be sufficiently important to require their assistance and advice, or which may be of such a nature that in your judgment our service would sustain material prejudice by consulting our said Council thereupon.

Thirteenth. And we do authorise 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 every such proceeding, with the grounds and reasons thereof.

Fourteenth. Whereas by the Act passed in the Fifteenth and Sixteenth year of the reign of Her present Majesty, and intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," it was among other things provided that at any time during the continuance of the Office of any Superintendent of a Province, it should be lawful for Her Majesty to remove him from such Office, on receiving an address signed by the Members of the Provincial Council of such Province praying for such removal: And whereas it was by the said Act further enacted that it should be lawful for Her Majesty in and by any Letters Patent to be issued under the Great Seal of the United Kingdom, from time to time to constitute and establish within any District or Districts of New Zealand one or more Municipal Corporation or Corporations, and to grant to any such Corporation all or any of the powers which in pursuance of the Statutes in that behalf made and provided, it is competent to Her Majesty to grant to the inhabitants of any Town or Borough in England and Wales incorporated in virtue of such Statutes or any of them, and to qualify and restrict the exercise of any such powers in such and the same manner as by the Statutes aforesaid or any of them, Her Majesty may qualify or restrict the exercise of any such powers as aforesaid in England: Provided always that all provisions of such Letters Patent and all Bye Laws or Regulations made by any such Corporation should be subject to alteration or repeal by any Ordinance or Act of the Provincial Council for the Province in which any such Corporation may be established, or of the General Assembly according to their respective powers hereinbefore declared.

And whereas it was by the said Act further enacted, that whereas it might be expedient that the Laws, Customs, and usages of the Aboriginal or Native Inhabitants of New Zealand, so far as they are not repugnant to the general principles of humanity, should for the present be maintained for the Government of themselves in all their relation to and dealings with each other, and that particular Districts should be set apart within which such Laws, Customs, or usages should be so observed: it should be lawful for Her Majesty, by any Letters Patent to be issued under the Great Seal of the United Kingdom from time to time to make provision for the purposes aforesaid, any repugnancy of any such Laws, Customs, or usages to Law of England, or to any Law, Statute, or usage in force in New Zealand, or in any part thereof, in anywise notwithstanding. And whereas it was by the said Act further enacted that it should be lawful for Her Majesty by any such Letters Patent as therein mentioned or instructions under Her Majesty's Sign Manual and Signet or signified through one of Her Majesty's Principal Secretaries of State, to delegate to the Governor any of the powers thereinbefore reserved to Her Majesty respecting (amongst other things) the Removal of Superintendents of Provinces, the Establishment of Municipal Corporations and the preservation of Aboriginal Laws, Customs and usages.

And whereas it was by the said Act further provided that it should not be lawful for any person other than Her Majesty, Her Heirs and Successors, to purchase or in anywise acquire or accept from the Aboriginal Natives Land of or belonging to or used or occupied by them in common as Tribes or Communities, or to accept any Release or Extinguishment of the Rights of such Aboriginal Natives in any such Land as aforesaid, and that no conveyance or transfer, or agreement for the conveyance, or transfer of any such Land, either in perpetuity, or for any term or period, either absolutely or conditionally, and either in Property or by way of Lease or occupancy, and no such release or extinguishment as aforesaid should be of any validity or effect unless the same were made to, or entered into with and accepted by Her Majesty, Her Heirs or Successors. Provided always, that it should be lawful for Her Majesty, Her Heirs and Successors, by instructions under the Royal Sign Manual and Signet, or signified through one of Her Majesty's Principal Secretaries of State, to delegate Her powers of accepting such conveyances or agreements, releases or relinquishments, to the Governor of New Zealand, or the Superintendent of any Province within the limits of such Province: Now we do hereby delegate to you all and every of the said powers, by the said Act reserved to us which are hereinbefore recited.

Fifteenth. And whereas in and by our said Commission we have granted unto you full power and authority in our name and on our behalf to Grant to any person convicted of any crime in any of the Tribunals of our said Colony an Absolute or Conditional Pardon : Now we do enjoin and require you in every case where you shall be applied to for any such pardon, and in any case whatever in which sentence of Death shall have been passed, to obtain from the Judge who presided at the Trial of any such Offender, a Report in writing of the proceedings upon any such Trial, and of the evidence then adduced, and of the opinion of such Judge whether the conviction of any such offender was obtained in due course of Law, and whether any reason exists for the total or partial remission or commutation of any such sentence.

Sixteenth. And we do strictly command that you do not upon any occasion permit any such kind of punishment to be inflicted as can in no case be inflicted by the Law of England.

Seventeenth. And whereas great prejudice may happen to our Service and to the security of our said Colony by the absence of the Governor, you shall not, upon any pretence whatever, quit the said Colony excepting for the purposes contemplated in our said Commission to you, 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.

ADDITIONAL INSTRUCTIONS.

VICTORIA R.

ADDITIONAL INSTRUCTIONS to Our trusty and well-beloved SIR GEORGE GREY, Knight Commander of Our Most Honorable Order of the Bath, Our Governor and Commander-in-Chief in and over Our Colony of New Zealand and its Dependencies. Given at Our Court at Windsor, this twenty-eighth day of March, 1862, in the Twenty-fifth year of Our Reign.

Whereas We did by Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the twelfth day of August, One thousand eight hundred and sixty-one, in this twenty-fifth year of Our Reign, constitute and appoint you to be Our Governor and Commander-in-Chief in and over Our Colony of New Zealand and its Dependencies, during Our will and pleasure, and did thereby authorize and command you to do and execute all things in due manner that should belong to your said Command, and to the trust we have reposed in you according to and in pursuance of an Act made and passed in the Session holden in the fifteenth and sixteenth year of Our Reign, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand and according to the several powers and directions granted or appointed you by Our said Commission and the Instruction and Authorities therewith given you, or by such further Powers Instructions and Authorities as should at any time thereafter be granted or appointed you under Our Sign Manual and Signet, or by Our Order in Our Privy Council or by Us though one of Our Principal Secretaries of State and according to such reasonable Laws as were then in force in Our said Colony or should thereafter be made by the General Assembly of Our said Colony AND WHEREAS We did in pursuance of the said recited Act and in the exercise of the power thereby vested in Us, by Our Instruction under Our Sign Manual and Signet accompanying Our said Commission and bearing even date therewith Authorize you in Our Name to summon from time to time to the said Legislative Council such person or persons as you should deem to be prudent and discreet men either in addition to the then existing Members of the said Council or for supplying any vacancies which might take place therein by death or otherwise, but so that whole number of the Council should not at any time exceed Twenty.

NOW KNOW YOU that We have revoked and determined that part of Our aforesaid recited Instructions, but no more, by which we have limited to Twenty the number of persons who may be summoned by you to the said Legislative Council and the same is hereby revoked and determined accordingly.

AND FURTHER KNOW YOU that We do by these Our Additional Instructions under Our Sign Manual and Signet, authorize and empower you in Our name from time to time to summon to the said Legislative Council as you shall think fit for supplying vacancies or otherwise, such additional number of prudent and discreet persons as you may think expedient.

