

BEGIN TRANSCRIPTION

GEORGE the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland To our trusty and well-beloved RALPH DARLING Esquire Lieutenant General of our forces Greeting WHEREAS by Letters Patent under the Great Seal of our United Kingdom of Great Britain and Ireland bearing date at Westminster the third day of February in the second year of our reign We did constitute and appoint Sir Thomas Brisbane Knight Commander of the Most Honorable Military Order of the Bath to be Captain General and Governor in Chief in and over the Territory of New South Wales extending from the Northward Cape or extremity of the Coast called Cape York in the latitude of Ten degrees thirty seven minutes south to the Southern extremity of the said Territory of New South Wales or South Cape in the latitude of forty three degrees thirty nine minutes south and of all the Country inland to the westward as far as the hundred and thirty fifth degree of East Longitude reckoning from the Meridian of Greenwich including all the Islands adjacent in the Pacific Ocean within the latitude aforesaid of ten degrees thirty seven minutes south and of forty three degrees thirty nine minutes south and of all Towns Garrisons Castles forts and all other fortifications or other military works which might be erected upon the said Territory or any of the said Islands for and during our Royal will and pleasure as by the said recited Letters Patent relation being thereunto had may more fully and at large appear NOW KNOW YOU that we have revoked and determined and by these presents do revoke and determine the said recited Letters Patent and every clause article and thing therein contained AND FURTHER know you that we reposing especial trust and confidence in the prudence courage and loyalty of you the said Ralph Darling of our especial grace certain knowledge and meer motion have thought fit to constitute and appoint and by these presents do constitute and appoint you the said Ralph Darling to be our Captain General and Governor in Chief in and over our Territory called New South Wales extending from the Northern Cape or extremity of the Coast called Cape York in the latitude of ten degrees thirty seven minutes south to the Southern Extremity of the said Territory of New South Wales or Wilson Promontory in the latitude of thirty nine degrees twelve minutes south and of all the Country inland to the Westward as far as the hundred and twenty ninth degree of east longitude reckoning from the meridian of Greenwich including all the Islands adjacent in the Pacific Ocean within the latitude aforesaid of ten degrees thirty seven minutes south and thirty nine degrees twelve minutes south and of all Towns Garrisons Castles forts and all other fortifications or other military works which are or maybe hereafter erected upon the said territory or any of the said Islands 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 directions granted or appointed you by this present Commission and the instructions and authorities 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 Signet or Sign Manual or by our order in our Privy Council or by us through one of our principal secretaries of state and according to such laws and ordinances as are now in force or as hereafter shall be made under and by virtue of a certain Act of Parliament made in the fourth year of our reign intituled "An Act to provide until the first day of July One thousand eight hundred and twenty seven and until the end of the next Session of Parliament for the better Administration of Justice in New South Wales and Van Diemens Land and for the more effectual Government thereof and for other purposes relating thereto" and our will and pleasure is that you the said Ralph Darling as soon as may be after the publication of these our Letters Patent do in the first place 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 late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors" as altered and explained by an Act passed in the sixth year of the reign of our late Royal Father intituled "An Act for altering the Oath of Abjuration 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 limited requires the delivery of certain lists and copies therein mentioned to persons indicted of High Treason or Misprision of Treason" As also that you make and subscribe the Declaration mentioned in an Act of Parliament made in the twenty fifth year of the reign of King Charles the second intituled "An Act for preventing dangers which may happen from Popish Recusants" And likewise that you take the usual oath for the due execution of the office and Trust of our Captain General and Governor in Chief in and over our said Territory and its dependencies and for the due and impartial Administration of Justice And further that you take the oath required to be taken by Governors in the Plantations to do their utmost that the several laws relating to Trade and the Plantations be duly observed which said Oaths and declaration Our Chief Justice of our Supreme Court of New South Wales is hereby authorized and required to tender and administer unto you and in your absence to our Lieutenant Governor if there be any upon the place which being duly performed you shall administer to our Lieutenant Governor if there be any upon the place And to our Chief Justice, the oaths mentioned in the first recited Act of Parliament altered as above as also cause them to make and subscribe the afore mentioned declaration AND WE do hereby authorize and empower you to keep and use the public seal for sealing all things whatsoever that shall pass the Great Seal of our said Territory and its dependencies OUR FURTHER will and pleasure is that there shall henceforward be an Executive Council of Government within our said Territory and its dependencies to consist of the persons nominated and appointed in our Instructions under the royal sign manual and Signet herewith given to you or who shall hereafter be nominated and appointed by us any two of whom shall be a quorum And you are as soon as conveniently may be to call together the members of our said Council and to administer to them respectively the oaths mentioned in the before mentioned Act passed in the first year of the reign of King George the first as altered and explained by the before mentioned Act passed in the sixth year of the reign of our late Royal father And also to cause them to make and subscribe the aforementioned Declaration and Administer to them the usual oath for the due execution of their place and trust respectively All which oaths shall also be administered by the Governor or person administering the Government of our said Territory and its dependencies for the time being to all such persons as shall hereafter be appointed to be members of our said Executive Council and he shall also cause them to make and subscribe the afore mentioned declaration before they respectively enter upon the execution of the duties of such their Office AND WE do hereby Give and Grant unto you full power and authority to suspend any of the Members of our said Council from sitting voting or [DOCUMENT FIRST PAGE ENDS HERE]

ASSISTING therein if you shall find cause for so doing And if it shall happen at any time that by the death resignation or departure from Our said territory and its dependencies of any of the said Councillors there shall be a vacancy in our said Council you are hereby authorized and required by a Warrant or Commission under the seal of our said Territory and its dependencies to appoint to be members of our said Council so many fit and proper persons as shall make up the number present to be two and no more It being nevertheless Our will and pleasure that you do signify to us by the first opportunity every such vacancy with the occasion thereof as also the names and qualifications of the persons appointed by you to the intent that such appointments may be disallowed or confirmed by us and until such disallowance or confirmation by us shall be signified and made known to you the persons so appointed by you shall be to all intents and purposes Executive Councillors within our

said Territory and its dependencies And if in consequence of the suspension of any of the members of our said Council or their inability to attend from any Temporary Cause, there should be not a sufficient number of Councillors on the spot to form a quorum you are hereby authorized provided the nature of the Case shall in your judgment render it necessary by temporary appointments under the seal of our said Territory and its dependencies as aforesaid to make up the number present to be two and no more And the persons so nominated by you shall be deemed Executive Councillors until the members so originally appointed are enabled to resume their seats or until others are appointed in their stead WE do further Give and Grant unto you the said Ralph Darling full power and authority from time to time and at any time hereafter by yourself or by any other to be authorized by you in that behalf to administer and give the oaths mentioned in the said Act of Parliament of the first year of the reign of King George the first altered as above to all and every such person or persons as you shall think fit who shall at any time or times pass into our said Territory and its dependencies or shall be resident or abiding therein AND WE do hereby authorize and empower you to constitute and appoint Justices of the Peace Coroners Constables and other necessary officers and ministers in our said territory and its dependencies for the better administration of justice and putting the laws in execution and to administer or cause to be administered unto them such oath or oaths as are usually given for the performance and execution of their offices and places AND WE do hereby Give and Grant unto you full power and authority where you shall see cause or shall judge any offender or offenders in any Criminal Matters or for any fines or forfeitures due unto Us fit objects of our mercy to pardon all such offenders and to remit all such offences fines and forfeitures Treason and wilful murders only excepted in which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders until and to the intent OUR ROYAL PLEASURE may be known therein AND WE do hereby Give and Grant unto you the said Ralph Darling by yourself or by your Captains or Commanders by you to be authorized full power and authority to levy arm muster command and employ all persons whatsoever residing within our said Territory and its dependencies under your Government and as occasion shall serve to march them from one place to another or to embark them for the resisting or withstanding all Enemies Pirates and Rebels both at Sea and Land and such Enemies Pirates and Rebels if there shall be occasion to pursue and prosecute in and out of the limits of our said territory or its dependencies And if it shall so please God them to Vanquish Apprehend and take and being taken according to law to put to death or keep and preserve alive at your discretion and to execute Martial Law in time of Invasion or at other times when by Law it may be executed and to do and execute all and every other thing or things which to our Captain General and Governor in Chief doth or ought of right to belong AND WE do hereby Give and Grant unto you the said Ralph Darling full power and authority with the advice and consent of our said Executive Council to issue a proclamation dividing our said territory of New South Wales and its dependencies into Districts Counties Hundreds Towns Townships and Parishes and appointing the limits thereof respectively AND WE do hereby give and grant unto you full power and authority with the advice and consent of our said Executive Council to erect raise and build in our said Territory and its dependencies such and so many Forts Platforms Castles Cities Boroughs Towns and fortifications as you shall judge necessary And the same or any of them to fortify and furnish with Ordnance and Ammunition and all sorts of arms fit for and necessary for the security and defence of the same And the same again or any of them to demolish or dismantle as may be most convenient And for as much as divers mutinies and disorders may happen by persons shipped and employed at sea during the time of war And to the end that such persons as shall be shipped and employed at sea during the time of war may be better governed and ordered WE DO hereby give and grant unto you the said Ralph Darling full power and authority to constitute and appoint Captains Lieutenants Masters of Ships and other Commanders and Officers and to grant to such Captains Lieutenants Masters of Ships and other Commanders and Officers Commissions to execute the Law Martial during the time of war according to the directions

of an Act passed in the twenty second year of the reign of his late Majesty King George the second intituled "An Act for amending explaining and reducing into one Act of Parliament the laws relating to the Government of His Majesty's Ships Vessels and Forces by Sea" as the same is altered by an Act passed in the nineteenth year of the reign of our late Royal Father intituled "An Act to explain and amend an Act made in the twenty second year of the reign of his late Majesty King George the second intituled "An Act for amending explaining and reducing into One Act of Parliament the laws relating to the Government of His Majesty's Ships Vessels and Forces by Sea" And to use such proceedings authorities punishments corrections and executions upon any offender or offenders who shall be mutinous seditious disorderly or any way unruly either at Sea or during the time of their abode or residence in any of the ports Harbours or Bays of our said Territory and its dependencies as the case shall be found to require according to martial law and the said directions during the time of war as aforesaid provided that nothing herein contained shall be construed to the enabling you or any by your Authority to hold plea or have any jurisdiction of any offence cause matter or thing committed or done upon the High Seas or within any of the Havens Rivers or Creeks of our said Territory or its dependencies under your Government by any Captain Commander Lieutenant Master Officer Seaman Soldier or other person whatsoever who shall be in actual service and pay in or on board any of our Ships of War or other vessels acting by immediate Commission or warrant [DOCUMENT SECOND PAGE ENDS HERE]

FROM our Commissioners for executing the office of our High Admiral of our United Kingdom of Great Britain and Ireland or from our High Admiral of our said United Kingdom of Great Britain and Ireland for the time being under the Seal of our Admiralty but that such Captain Commander Lieutenant Master Officer Seaman Soldier or other person so offending shall be left to be proceeded against and tried as the merits of their offences shall require either by our Supreme Court of New South Wales in pursuance of the provisions in that behalf contained in the before mentioned Act of Parliament made and passed in the fourth year of our reign or by Commission under our Great Seal of this Kingdom as the Statute of the twenty eighth of King Henry the eighth directs or by Commission from our Commissioners for executing the Office of our High Admiral of our United Kingdom of Great Britain and Ireland or from our High Admiral of our United Kingdom of Great Britain and Ireland for the time being according to the aforesaid Act intituled "An Act for amending explaining and reducing into one Act of Parliament the laws relating to the Government of His Majesty's Ships vessels and forces by Sea" as the same is altered by the aforesaid Act passed in the nineteenth year of the reign of our late Royal father intituled "An Act to explain and amend an Act passed in the twenty second year of the reign of his late Majesty King George the second intituled "An Act for amending, explaining and reducing into one Act of Parliament the laws relating to the Government of His Majesty's Ships vessels and forces by Sea" PROVIDED NEVERTHELESS that all disorders and misdemeanors committed on shore by any Captain Commander Lieutenant Master Officer Seaman Soldier or any other person whatsoever belonging to any of our Ships of War or other Vessels acting by immediate Commission or Warrant from our Commissioners for executing the office of our High Admiral of our United Kingdom of Great Britain and Ireland or from our High Admiral of our United Kingdom of Great Britain and Ireland for the time being under the seal of our Admiralty may be tried and punished according to the Laws of the place where any such disorders offences and misdemeanours shall be committed on shore notwithstanding such Offender be in our actual service and borne in our pay on board any such our Ships of War or other vessels acting by immediate Commission or Warrant from our Commissioners for executing the office of our High Admiral of our United Kingdom of Great Britain and Ireland or from our High Admiral of our United Kingdom of Great Britain and Ireland for the time being as aforesaid so as he shall not receive any protection for the avoiding of justice for such offences committed on shore from any pretence of his being employed in our Service at Sea OUR WILL and PLEASURE is that all public monies which shall be raised be issued out by warrant from you and disposed of by you for the

support of the Government or for such other purposes as shall be particularly directed and not otherwise AND WE do hereby give and grant unto you full power and authority with the advice of our Executive Council of our said territory and its dependencies to agree for such Lands Tenements and Hereditaments as shall be in our power to dispose of and them to grant to any person or persons upon such terms and under such moderate quit rents services and acknowledgements to be thereupon reserved unto us according to such instructions as shall be given to you under our Sign Manual which said Grants are to pass and be sealed with the Seal of our said Territory and its dependencies and being entered upon record by such Officer or Officers as shall be appointed thereunto shall be good and effectual in Law against us our Heirs and Successors AND WE do hereby give you the said Ralph Darling full power to appoint fairs Marts and Markets and also such and so many Ports Harbours Bays Havens and other places for the convenience and security of Shipping and for the better loading and unloading of goods and merchandise within our said Territory and its dependencies as by you with the advice of our Executive Council shall be thought fit and necessary AND WE DO hereby require and command all Officers and Ministers Civil and Military and all other Inhabitants of our said Territory and its dependencies to be obedient aiding and assisting to you the said Ralph Darling in the execution of this our Commission and of the powers and authorities herein contained and in case of your death or absence out of our said Territory and its dependencies or in case from any especial circumstances we shall judge it expedient by warrant under the Royal Sign Manual or otherwise to provide for the civil Administration of the Government notwithstanding your actual presence in our said Territory and its dependencies to be obedient aiding and assisting unto such person as shall be appointed by us to be our Lieutenant Governor or Commander in Chief or to administer the Government of our said Territory and its dependencies TO whom we do therefore by these presents in either of such cases Give and Grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure and if upon your death or absence out of our said Territory and its dependencies there be no person upon the place commissioned or appointed by us to be our Lieutenant Governor of our said Territory and its dependencies or specially appointed by us to administer the Government OUR WILL AND PLEASURE is that the Executive Councillor whose name is first placed in our said Instructions to you and who shall be at the time of your death or absence residing within our said Territory and its dependencies shall take upon him the Administration of the Government and execute this our Commission and instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as other our Lieutenant Governor in Chief should or ought to do in case of your absence until your return or in all cases until our further pleasure be known therein PROVIDED nevertheless And it is our will and pleasure that neither Our Chief Justice of our Supreme Court of New South Wales nor any other Judge of the said Court who may at any time hereafter be appointed in the manner provided by the said Act of Parliament passed in the fourth year of our reign nor the Archdeacon of New South Wales shall in any case take upon them the Administration of the Government of the said Territory and its dependencies AND WE do hereby declare ordain and appoint that you the said Ralph Darling shall and may hold execute and enjoy the office and place of our Captain General and Governor in Chief in and over our said Territory and its dependencies together with all and singular the powers and authorities hereby granted unto you for and during our will and pleasure IN WITNESS whereof we have caused these, our Letters to be made Patent WITNESS Ourselves at Westminster the Sixteenth day of July in the sixth year of our reign

By Writ of Privy Seal

BATHURST

The following appears to be written on the base of the document:

Entered at the Treasury Chambers
25 July 1825 [illegible]
[illegible]

Entered on Record by me at the Colonial
Secretarys Office in Sydney New South
Wales in the Register of Governor's
Commissions No 1 pages 178 to 212
inclusive the Ninth day of December one
thousand eight hundred and forty one
E Deas Thomson
Colonial Secretary and Registrar

END TRANSCRIPTION