

[BEGIN TRANSCRIPTION]

- (21.) Letters Patent erecting Moreton Bay into a Colony under the name of Queensland and appointing Sir George Ferguson Bowen K C M G to be Captain General and Governor in Chief of the same

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 George Ferguson Bowen Knight Commander of Our most distinguished Order of Saint Michael and Saint George Greeting Whereas by a reserved Bill of the Legislature of New South Wales passed in the seventeenth year of our Reign as amended by an Act passed in the Session of Parliament holden in the eighteenth and nineteenth years of Our Reign entitled “An Act to enable Her Majesty to assent to a Bill as amended of the Legislature of New South Wales to confer a Constitution on New South Wales and to grant a Civil List to Her Majesty” it was enacted that nothing therein contained should be deemed to prevent Us from altering the boundary of the colony of New South Wales on the north in such manner as to us might seem fit And it was further enacted by the said last recited Act that if we should at any time exercise the power given to us by the said reserved Bill of altering the northern boundary of our said Colony it should be lawful for us by any Letters Patent to be from time to time issued under the Great Seal of our United Kingdom of Great Britain and Ireland to erect into a separate colony or colonies any territories which might be separated from our said colony of New South Wales by such alterations as aforesaid of the northern boundary thereof and in and by such Letters Patent or by Order in Council to make provision for the Government of any such separate colony and for the establishment of a Legislature therein in manner as nearly resembling the form of Government and Legislature which should be at such time established in New South Wales as the circumstances of such separate colony would allow and that full power should be given by such Letters Patent or Order in Council to the Legislature of such separate Colony to make further provision in that behalf Now know you that we have in pursuance of the powers vested in us by the said Bill and Act and of all other powers and authorities in us in that behalf vested separated from our colony of New South Wales and erected into a separate colony so much of the said colony of New South Wales as lies northward of a line commencing on the sea coast at Point Danger in latitude about twenty eight degrees eight minutes south and following the range thence which divides the waters of the Tweed Richmond and Clarence Rivers from those of the Logan and Brisbane Rivers westerly to the great dividing range between the waters falling to the east coast and those of the River Murray following the great dividing range southerly to the range dividing the waters of Tenterfield Creek from those of the main head of the Dumaresq River following that range westerly to the Dumaresq River and following that river (which is locally known as the Severn) downward to its confluence with the Macintyre River thence following the Macintyre River which lower down becomes the Barwan

downward to the twenty ninth parallel of south latitude and following that parallel westerly to the one hundred and forty first meridian of east longitude which is the eastern boundary of South Australia together with all and every the adjacent Islands their members and appurtenances in the Pacific Ocean And do by these presents separate from our said colony of New South Wales and erect the said territory so described into a separate Colony to be called the colony of Queensland And whereas we have by an order made by us in our Privy Council bearing even date herewith made provision for the Government of our said colony of Queensland and we deem it expedient to make particular provision for the Government of our said colony Now know you that We reposing especial trust and confidence in the prudence courage and loyalty of you the said Sir George Ferguson Bowen 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 George Ferguson Bowen to be during our will and pleasure our Captain General and Governor in Chief in and over our said colony of Queensland and of all forts and garrisons erected and established or which shall be erected and established within our said colony or in its members and appurtenances And we do hereby authorise empower require and command you the said Sir George Ferguson Bowen in due manner to do and execute all things that shall belong to your said command and the trust we have reposed in you according to the several powers provisions and directions granted or appointed you by virtue of our present commission and of the said recited Bill as amended by the said recited Act and according to our Order in our Privy Council bearing even date herewith and to such instructions as are herewith given to you or which may from time to time hereafter be given to 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 laws and ordinances as are now in force in our said colony of New South Wales and its dependencies and as shall hereafter be in force in our said colony of Queensland And whereas it is ordered by our said Order made by us in our Privy Council bearing even date herewith that there shall be within our said colony of Queensland a Legislative Council and a Legislative Assembly to be severally constituted and composed in the manner in the said Order prescribed And that We shall have power by and with the advice and consent of the said Council and Assembly to make laws for the peace welfare and good government of our said colony in all cases whatever And it is provided by the above recited Act that the provisions of the Act of the fourteenth year of Her Majesty chapter fifty nine and of the Act of the sixth year of Her Majesty chapter seventy six intituled "An Act for the Government of New South Wales and Van Diemens Land which relate to the giving and withholding of Her Majesty's assent to Bills and the reservation of Bills for the signification of Her Majesty's pleasure thereon and the instructions to be conveyed to Governors for their guidance in relation to the matters aforesaid and the disallowance of Bills by Her Majesty shall apply to Bills to be passed by the Legislative Council and Assembly constituted under the said reserved Bill and Act

and by any other Legislative Body or Bodies which may at any time hereafter be substituted for the present Council and Assembly” Now we do by virtue of the powers in us vested hereby require and command that you do take especial care that in making and passing such laws with the advice and consent of the said Legislative Council and Legislative Assembly the provisions regulations restrictions and directions contained in the said Acts of Parliament and in Our said Order made in Our Privy Council bearing even date herewith and in Our instructions under Our Sign Manual accompanying this Our Commission or in such future Orders as may be made by Us in Our Privy Council or in such further instructions under Our Sign Manual and Signet as shall at any time hereafter be issued to you in that behalf be strictly complied with And whereas it is expedient that an Executive Council should be appointed to advise and assist you the said Sir George Ferguson Bowen 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 Great Seal of our said colony in Our name and on our behalf from time to time nominate and appoint to be members of the said Executive Council all which persons shall hold their places in the said Council during Our pleasure But we do expressly enjoin and require that you do transmit to us through one of our Principal Secretaries of State exemplifications of all such instruments as shall be by you so issued for appointing the members of the said Council And we do hereby authorise and empower you the said Sir George Ferguson Bowen to keep and use the Great Seal of our said colony for sealing all things whatsoever that shall pass the Great Seal of our said colony And we do hereby give and grant to you the said Sir George Ferguson Bowen full power and authority by and with the advice of the said Executive Council to grant in Our name and on Our behalf any waste or unsettled lands in Us vested within Our said colony which said grants are to be passed and sealed with the Great Seal of Our said colony and being entered upon record by such public officer or officers as shall be appointed thereunto shall be effectual in law against Us Our heirs or successors provided nevertheless that in granting the disposing of such lands you do conform to and observe the provisions in that behalf contained in any law which is or shall be in force within our said colony or within any part of our said colony for regulating the sale and disposal of such lands And we do hereby give and grant unto you the said Sir George Ferguson Bowen 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 a pardon either free or subject to lawful conditions or any respite of the execution of the sentence of any such offender for such period as to you may seem fit 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 under our Royal Sign Manual and Signet accompanying this our Commission or in any future instructions as aforesaid And we do hereby

give and grant unto you the said Sir George Ferguson Bowen full power and authority upon sufficient cause to you appearing to suspend from the exercise of his office within our said colony 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 present or any future instructions as aforesaid And in the event of the death or absence of you the said Sir George Ferguson Bowen out of Our said colony of Queensland and its dependencies we do hereby provide and declare Our pleasure to be that all and every the powers and authorities herein granted to you shall be and the same are hereby vested in such person as may be appointed by us by warrant under our Sign Manual and Signet to be our Lieutenant Governor of our said colony or in such person or persons as may be appointed by us in like manner to administer the Government in such contingency or in the event of there being no person or persons within our said colony so commissioned and appointed by us as aforesaid then our pleasure is and we do hereby provide and declare that in any such contingency the powers and authorities herein granted to you shall be and the same are hereby granted to the Colonial Secretary of our said colony for the time being and such Lieutenant Governor or such person or persons as aforesaid or such Colonial Secretary as the case may be shall exercise all and every the powers and authorities herein granted until our further pleasure shall be signified therein And we do hereby require and command all our officers and Ministers Civil and Military and all other the inhabitants of our said colony of Queensland to be obedient aiding and assisting unto you the said Sir George Ferguson Bowen or in the event of your death or absence to such person or persons as may under the provisions of this our Commission assume and exercise the functions of Captain General and Governor in Chief of our said colony And we do declare that these presents shall take effect so soon as the same shall be received and published in the said colonies In witness of witness of the sixth day of June

By Her Majesty's command.

[END TRANSCRIPTION]