

BEGIN TRANSCRIPTION

**ORDER IN COUNCIL SEPARATING VAN
DIEMEN'S LAND FROM NEW SOUTH WALES.**

ORDER IN COUNCIL

At the Court at Carlton House, the 14th June, 1825.

Present: The King's Most Excellent Majesty in Council.

WHEREAS, by an Act of Parliament made and passed in the Fourth year of His Majesty's 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 Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto," it is amongst other things enacted: That, in case it shall at any time seem fit to His Majesty, His Heirs and Successors, to constitute and erect the Island of Van Diemen's Land and any Islands, Territories or Places thereto adjacent, into a separate Colony independent of the Government of New South Wales, it shall and may be lawful for His Majesty, His Heirs and Successors, by any Order to be by Him or Them issued, by and with the advice of His or Their Privy Council, to commit to any Person or Persons within the said Island of Van Diemen's Land, and such Islands, Territories or places as aforesaid, such and the like powers, Authorities and Jurisdictions, as, by virtue of that Act or of any other Act of Parliament, are or may lawfully be committed to any Person or Persons within the Colony of New South Wales and its Dependencies, subject nevertheless to all such and the like Restrictions, Provisoos and Declarations, as are thereinbefore made and contained. And it is further enacted that thereupon the Appeal thereinbefore granted to the Governor of New South Wales and its Dependencies from the Judgments, Decrees, Orders and Sentences of the Supreme Court of Van Diemen's Land, shall cease and determine; and that, from and after the making of any such Order, all Instruments in writing, whereby any Governor or Acting Governor of Van Diemen's Land and its Dependencies shall remit or shorten the term or time of Transporation of any Felons or other Offenders shall have such and the like force effect and virtue in the Law, as any such Instruments in writing to be made by any Governor or Acting Governor of New South Wales and its Dependencies can or may lawfully have by virtue of a certain Act, passed in the Thirtieth year of the Reign of His late Majesty King George the Third, or by virtue of the said Act. And whereas it hath seemed fit to His Majesty to constitute and erect the Island of Van Diemen's Land and certain Islands, Territories and places thereto adjacent into a Separate Colony, independent of the Government of New South Wales, and there hath this day been read at this Board the Draft of a Commission to be passed under the Great Seal, appointing Ralph Darling, Esquire, Lieutenant General in His Majesty's Forces, the First Governor of the said Island of Van Diemen's Land, and of the said Islands, Territories and places thereto adjacent as aforesaid, It is hereby ordered by His Majesty, by and with the advice of His Privy Council, that there shall be committed and His Majesty doth hereby, by and with the Advice aforesaid, and in pursuance and execution of the powers in that behalf vested in Him in and by the said Act of Parliament, commit to such Persons, as hereinafter mentioned, within the said Island of Van Diemen's Land, and the said Islands, Territories and places thereto adjacent, such and the like powers, Authorities and Jurisdictions as, by virtue of the said Act or any other Act of Parliament, are or may lawfully be committed to any Person or Persons within the Colony of New South Wales and its Dependencies; (that is to say) His Majesty doth hereby with the advice aforesaid commit to the said Lieutenant General Ralph Darling, or to such Person or Persons as may or shall hereafter, by or in pursuance of any Commission under the Great Seal, be appointed to be Governor or Lieutenant Governor, or be authorized to administer the Government of the said

Island or Colony of Van Diemen's Land, and such Islands, Territories and Places as aforesaid, all such and the like powers, authorities and Jurisdictions, to be by him and them exercised within the said Island and its said Dependencies, as, by virtue of the said Act or any Act of Parliament, are or may lawfully be committed to the Governor or Acting Governor of the Colony of New South Wales. And His Majesty doth hereby, with the advice aforesaid, commit to John Lewis Pedder, Esquire, the present Chief Justice of the said Island of Van Diemen's Land, or to the Chief Justice thereof for the time being, such and the like Powers, Authorities and Jurisdictions to be by him exercised within the said Island and its said Dependencies as, by virtue of the said Act or any Act of Parliament, are or may lawfully be committed to the Chief Justice of New South Wales. And His Majesty doth hereby, with the advice aforesaid and in pursuance of the said Act of Parliament, commit to such Persons as shall by any Warrant or Warrants under His Sign Manual be constituted and appointed to be the Legislative Council of the said Island of Van Diemen's Land and its Dependencies, such Persons not exceeding Seven nor being less than Five, such and the like Powers Authorities and Jurisdictions to be by them exercised within the said Island of Van Diemen's Land and its Dependencies as, by virtue of the said Act or of any other Act of Parliament, are or may lawfully be committed to the Members of the Council of New South Wales. Provided always and it is hereby, in pursuance of the said Act of Parliament, Ordered and declared that the Powers, Authorities and Jurisdictions, so committed as aforesaid, to the Governor or Acting Governor, and to the Chief Justice, and to the Members of the Legislative Council of the said Island of Van Diemen's Land and its Dependencies, shall by them and each of them be exercised and enjoyed, subject to all such and the like restrictions, Provisoos and Declarations, as in the said Act of Parliament are made and contained; and it is hereby, by virtue of an in pursuance of the said Act, declared that the Appeal in the said Act of Parliament, granted to the Governor of New South Wales and its Dependencies from the Judgments, Decrees, Orders and Sentences of the Supreme Court of Van Diemen's Land, shall cease and determine; and that all Instruments in Writing, whereby any Governor or Acting Governor of Van Diemen's Land and its Dependencies shall remit or shorten the term or time of transportation of any Felons or other Offenders shall have such and the like force effect and virtue in the law, as any such Instruments in Writing to be made by any Governor or Acting Governor of New South Wales and its Dependencies can or may lawfully have by virtue of the Act of Parliament, passed in the 30th year of the Reign of His late Majesty King George the Third, intituled, "An Act for enabling His Majesty to authorize the Governor or Lieutenant Governor of such places beyond the Seas, to which Felons or other Offenders may be transported, to remit the sentences of such Offenders," or by virtue of the said Act, passed in the Fourth year of His Majesty's Reign. And it is hereby further Ordered that this present Order shall be in force and take effect from and after the time of the publication thereof within the said Island of Van Diemen's Land, and not before; and that the same shall be so published in the said Island by a Proclamation to be for that purpose issued by the Governor, Lieutenant Governor, or Person Administering the Government thereof, in the Name of His Majesty. And the Right Honourable Earl Bathurst, one of His Majesty's Principal Secretaries of State, is to give the necessary Directions herein accordingly.

C.C. GREVILLE

END TRANSCRIPTION