

NOTE: original document handwritten on three parchment pages.
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BEGIN TRANSCRIPTION

William the Fourth by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith. To our trusty and well beloved James Stirling Esquire, Captain in our Royal Navy Greeting, know you that we, reposing especial trust and confidence in the prudence Courage and Loyalty of you the said James Stirling, 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 the said James Stirling to be our Governor and Commander in Chief in and over our Territory called Western Australia, extending from Cape Londonderry in latitude thirteen degrees forty five minutes South, to West Cape Horn (*Howe*) in latitude thirty five degrees eight minutes South, and from the Hartog's Island on the Western Coast in longitude one hundred and twelve degrees fifty two minutes; to one hundred and twenty nine degrees of East Longitude reckoning from the meridian of Greenwich, including all the Islands adjacent in the Indian and Southern Ocean within the latitude aforesaid of thirteen degrees forty four minutes South, and thirty five degrees eight minutes South, and within the longitudes aforesaid of one hundred and twelve degrees fifty two minutes, and one hundred and twenty nine Degrees East from the said meridian of Greenwich, and of all Forts, and Garrisons, erected and established or which shall be erected and established within 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 Commifision, 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 and 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 tenth year of the Reign of his late Majesty King George the Fourth intituled "an Act to provide until the thirty first day of December one thousand eight hundred and thirty four for the Government of his Majestys settlements in Western Australia in on the Western Coast of New Holland" And Our Will and pleasure is that you the said James Stirling as soon as may be after the publication of these our Letters Patent do take the Oaths appointed to be taken by an Act pafsed 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 succesfsion of the Crown in the Heirs of the late Princefs 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 pafsed in the sixth year of the Reign of Our late Royal Father intitles "An Act for altering the Oath of abjuration and the Afsurance 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 ~~it~~ the delivering of certain Lists and Copies therein mentioned to Persons Indicted of High Treason or misprision of Treason or in lieu thereof

the Oath required to be taken by an Act passed in the tenth year of the Reign of his late Majesty King George the Fourth entitled "An Act for the Relief of his Majesty's Roman Catholic Subjects" according as the said former Acts or the said last mentioned Act shall be applicable to your Case and likewise that you take the usual Oath for the due execution of the Office and Trust of our Governor and Commander 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 ~~by~~ be duly observed which said Oaths the Senior or any other Member of the Executive Council of Government of Western Australia is hereby authorized and ~~required~~ empowered to tender and administer unto you and in your absence to our Lieutenant Governor which being duly performed you shall administer to our Lieutenant Governor if there be any upon the place and also to the Persons nominated and appointed to be Members of the Executive Council of Government in our Instructions under the Royal sign manual and signet herewith given to you such of the said Oaths mentioned in the said several Acts as shall be applicable to the case of the Individual taking the same and also the usual Oath for the due Execution of their places and trusts respectively all which Oaths shall also be administered by the Governor or person administering the Government of our said Territory for the time being to all such Persons as shall hereafter be appointed to be Members of our said Executive Council before they respectively enter upon the duties of such their Office And we do hereby authorize and empower you to keep and use the Public Seal appointed for the sealing of all things whatsoever that shall pass the seal of our said Territory and its dependencies and whereas it has been deemed expedient that an Executive Council should be appointed to consist of the Persons nominated in our instructions herewith given to you under our Royal Sign manual and Signet or who shall be hereafter nominated and appointed by Us any two of whom together with yourself or in your absence together with the Member presiding, shall constitute a Quorum to advise and assist in the administration of the Government in our said Territory and its dependencies 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 assisting therein if you shall find cause for so doing And if it shall at any time happen 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 or vacancies 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 four and no more [DOCUMENT FIRST PAGE ENDS HERE]

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 & qualifications of the persons appointed by you to the intent that such appointments may be either disallowed or confirmed by Us and until such disallowance or confirmation by Us shall be signified and made known to you the person so appointed by you shall be to all intents and purposes Councillors within our said Territory and 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 not be a sufficient number of Councillors to form a quorum you are hereby authorized provided the nature of the case shall in your judgment render it necessary to nominate from time to time under the seal of our said Territory and its Dependencies as aforesaid such persons as you shall deem best qualified to act during the temporary incapacity of such Councillors so that the number present may be two and no more and the persons so nominated by you shall be deemed Councillors until the Members originally appointed ~~being~~ are enabled to resume their Seats or until others are appointed in

their stead. We do further give and grant unto you the said James Stirling 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 such of the said Oaths in the said several Acts before mentioned contained as shall be applicable to the case of the individual to whom the same shall be administered to all and every such 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 ~~and~~ (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 Law in execution and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due 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 of 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 murder only excepted in which case 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 James Stirling by yourself or by your Captains or Commanders by you to be authorized full power and authority to levy arm 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 with standing all Enemies Pirates and Rebels ~~lest~~ both at sea and Land and such Enemies Pirates and Rebels if there shall be occasion to pursue and prosecute in or out of the limits of our said Territory and its Dependencies and if it shall so please God them to vanquish apprehend and take 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 Governor and Commander in Chief doth or ought of right to belong. And we do hereby give and grant unto you the said James Stirling full power and authority with the advice and consent of our said executive Council to issue a Proclamation dividing our said Territory of Western Australia and its dependencies into ~~distanc~~ districts Counties Hundreds Towns Townships and Parishes and appoint 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 Borough Towns and Fortifications as you shall judge necessary and the same ~~of~~ or any of them to fortify and punish with ordnance and ammunition and all sorts of arms fit 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 James Stirling 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 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 yours authority to hold plea or have any jurisdiction of any offence cause matter or thing committed or done upon the High Seas of within any of the Havens Rivers or Creeks of our said Territory and its dependencies under your Government by any Captain Commander Lieutenant Master Officer Seaman Soldier or other person whatsoever who shall be in our actual service and pay in or on board 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 for the time being or from our High Admiral of our said united Kingdom of Great Britain [DOCUMENT SECOND PAGE ENDS HERE]

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 their Offences shall require either by our Supreme Court of Western Australia in pursuance of the provisions in that behalf contained in the said Act of Parliament made and pafsed in the tenth year of the Reign of his said late Majesty or by Commission under our Great Seal of this Kingdom as the statute of the twenty eights 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 for the time being according to the aforesaid Act passed in the twenty second year of the Reign of King George the second as altered by the said Act passed in the nineteenth year of the Reign of our late Royal Father provided neverthelefs that all disorders and misdemeanors committed on shore by any Captain Commander Lieutenant Master Office Seaman Soldier or any other Person whatsoever belonging to any of our ships of War or other Vefsels acting by immediate commission or warrant from our Commissioners for executing the Office of our High Admiral of our said united Kingdom of Great Britain and Ireland for the time being 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 may be tried and punished according to the Laws of the place where any such disorders offences and misdemeanors shall be committed on shore notwithstanding such offender be in our actual Service and [INDECIPHERABLE] in our pay on board any such our ships of War or other Vefsels acting by immediate commifsion or warrant from our Commissioners for executing the Office of our High Admiral of our said 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 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 ifsued out by warrant from 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 youꝛ 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 then to grant to any person or persons upon such terms and services and acknowledgments 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 pafs and to 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 James Stirling 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 James Stirling 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 ~~and~~ 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 ~~this~~ our said Territory and its Dependencies there be no person upon the place commissioned and appointed by Us to be Our Lieutenant Governor of our said Territory and its Dependencies or especially 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 ~~all~~ and to all intents and purposes as other our Governor or Commander in Chief should or ought to do in case of your absence ~~and~~ until your return or in all cases until our further pleasure be known therein It is nevertheless our Will and pleasure that no Judge of any of our Courts of Judicature shall in any case take upon him the Administration of the Government And we do hereby declare ordain and appoint that you the said James Stirling shall and may hold execute and enjoy the Office and place of our Governor and Commander 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 Letters Patent dated 4 March 1831. We have caused these our letters to be made Patent - Witness ourself at Westminster the fourth day of March in the first year of our Reign -

By writ of Privy Seal

Bathurst [DOCUMENT THIRD PAGE ENDS HERE]

END TRANSCRIPTION