



# Government Gazette

EXTRAORDINARY  
OF  
WESTERN AUSTRALIA.

[Published by Authority.]

No. 64.]

PERTH: MONDAY, DECEMBER 23.

[1895.

No. 6415.—C.S.O.

## PROCLAMATION

Western Australia, }  
to wit. }

(L.S.)  
GERARD SMITH,  
Governor.

By His Excellency Lieut.-Colonel Sir GERARD SMITH, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Western Australia and its Dependencies, &c., &c., &c.

WHEREAS Her Most Gracious Majesty the Queen, by Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, the twenty-fifth day of August, 1890, and in the fifty-fourth year of Her said Majesty's Reign, was pleased to constitute, order, and declare that there should be a Governor and Commander-in-Chief in and over the Colony of Western Australia and its Dependencies; and that the person who should fill the said office of Governor should be from time to time appointed by Commission, under Her said Majesty's Sign Manual and Signet; AND WHEREAS Her said Majesty was further pleased by a Commission under Her Royal Sign Manual and Signet, bearing date at Saint James's, the 5th day of October, One thousand eight hundred and ninety-five, and in the fifty-ninth year of Her said Majesty's Reign, to appoint me, Sir GERARD SMITH, to be Governor and Commander-in-Chief of the said Colony of Western Australia and its Dependencies, with all and singular the powers and authorities granted to the Governor of the said Colony in the said above recited Letters Patent; Now THEREFORE it is hereby proclaimed and made known that all and singular the powers and authorities granted in the said Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, dated at Westminster, the 25th day of August, One thousand eight hundred and ninety, have devolved on me, the said Sir GERARD SMITH, Governor and Commander-in-Chief of the said Colony of Western Australia; and having taken the oaths prescribed by law to be taken in that behalf, I have this day assumed the Government of the said Colony, and all and singular Her Majesty's Officers, Ministers, and Subjects in the said Colony, and all others whom it may concern, are required to take due notice thereof, and to give their ready obedience accordingly.

Given under my hand and the Public Seal of the said Colony, this twenty-third day of December, in the year of our Lord One thousand eight hundred and ninety-five, and in the fifty-ninth year of Her Majesty's reign.

By Command,  
JOHN FORREST.

GOD SAVE THE QUEEN!!!

## WESTERN AUSTRALIA.

COMMISSION passed under the Royal Sign Manual and Signet, appointing Lieutenant-Colonel Gerard Smith to be Governor and Commander-in-Chief of the Colony of Western Australia and its Dependencies.

*Dated 5th October, 1895.*

VICTORIA R.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India: To Our Trusty and Well-beloved Gerard Smith, Esquire, formerly Captain and Lieutenant-Colonel in Our Regiment of Scots Fusilier Guards, Greeting.

Appointment of Lieutenant-Colonel G. Smith to be Governor.

WE do, by this Our Commission, under Our Sign Manual and Signet, appoint you the said Gerard Smith, to be during Our pleasure Our Governor and Commander-in-Chief in and over Our Colony of Western Australia and its Dependencies, with all the powers, rights, privileges, and advantages to the said Office belonging or appertaining.

Recites Letters Patent constituting the office of Governor.

II. And We do hereby authorize, empower, and command you to exercise and perform all and singular the powers and directions contained in Our Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, constituting the Office of Governor, bearing date at Westminster the Twenty-fifth day of August, 1890, or in any other Our Letters Patent adding to, amending, or substituted for the same, according to such Orders and Instructions as Our said Governor and Commander-in-Chief for the time being hath already received from Us, and to such further Orders and Instructions as you may hereafter receive from Us.

Commission to Sir W. C. F. Robinson, G.C.M.G., to be Governor, dated 26th August, 1890, superseded.

III. And further We do hereby appoint that, so soon as you shall have taken the prescribed oaths, and have entered upon the duties of your office, this Our present Commission shall supersede Our Commission under Our Sign Manual and Signet, bearing date the Twenty-sixth day of August, 1890, appointing Our Trusty and Well-beloved Sir William Cleaver Francis Robinson, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, to be Governor and Commander-in-Chief of Our said Colony and its Dependencies.

Officers and others to give obedience.

IV. And We do hereby command all and singular Our Officers, Ministers and loving subjects in Our said Colony and its Dependencies, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly.

Given at Our Court at Saint James's, this fifth day of October, 1895, in the Fifty-ninth year of Our Reign.

By Her Majesty's Command,

J. CHAMBERLAIN.

COMMISSION appointing  
Lieutenant-Colonel GERARD SMITH,  
to be Governor and Commander-in-Chief of the Colony of  
WESTERN AUSTRALIA.

## WESTERN AUSTRALIA.

LETTERS PATENT passed under the Great Seal of the United Kingdom, constituting the Office of Governor and Commander-in-Chief of the Colony of Western Australia and its Dependencies.

*Dated 25th August, 1890.*

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India: To all to whom these Presents shall come, Greeting.

Preamble.

Recites Letters Patent of 17th November, 1877, constituting office of Governor.

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 Seventeenth day of November, 1877, in the Forty-first year of Our Reign, constitute, order, and declare that there should be a Governor and Commander-in-Chief in and over Our Colony of Western Australia and its Dependencies (as therein described), and that the person who should fill the said office should be appointed by Commission under our Sign Manual and Signet:

And whereas an alteration in the Constitution of the said Colony has been effected by the Western Australia Constitution Act, 1890 :

Recites Imperial Act 53 and 54 Vict., ch. 26.

Now We do by these presents revoke Our said recited Letters Patent, but without prejudice to anything lawfully done thereunder.

Revokes said Letters Patent.

II. We do declare that there shall be a Governor and Commander-in-Chief in and over Our Colony of Western Australia and its Dependencies, extending from the parallel of thirteen degrees thirty minutes south latitude, to West Cape Howe in the parallel of thirty-five degrees eight minutes south latitude, and from the Hartogs 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 Oceans within the latitudes aforesaid of thirteen degrees thirty 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 (which said Colony of Western Australia and its Dependencies are hereinafter called the Colony), and that appointments to the said office shall be made by Commission under Our Sign Manual and Signet.

Office of Governor constituted.  
Boundaries.

III. We do hereby authorize, empower, and command Our said Governor and Commander-in-Chief (hereinafter called the Governor) to do and execute all things that belong to his said office, and to exercise the powers and authorities vested in him by the above recited Act, or by any other Act adding to, amending, or substituted for the same, or by these Our Letters Patent and by such Commission as may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to him 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 to such laws as are now or shall hereafter be in force in the Colony.

Governor's powers and authorities.

IV. We do also by these Our Letters Patent declare Our Will and pleasure as follows:—

V. Every person appointed to fill the office of Governor shall, with all due solemnity, before entering on any of the duties of his office, cause the Commission appointing him to be Governor to be read and published at the seat of Government, in the presence of the Chief Justice or some other Judge of the Supreme Court of the Colony, and of the Members of the Executive Council thereof, which being done, he shall then and there take before them the Oath of Allegiance in the form provided by an Act passed in the Session holden in the Thirty-first and Thirty-second years of Our Reign, intituled "An Act to amend the Law relating to Promissory Oaths;" and likewise the usual Oath for the due execution of the office of Governor, and for the due and impartial administration of justice; which Oaths the said Chief Justice or Judge is hereby required to administer.

Publication of Governor's Commission.

Oaths to be taken by Governor.  
Imperial Act, 31 & 32 Vict., c. 72.

VI. The Governor shall keep and use the Public Seal of the Colony for sealing all things whatsoever that shall pass the said Public Seal.

Public Seal.

VII. There shall be an Executive Council for the Colony, and the said Council shall consist of such persons as are now Members thereof or may at any time be Members thereof in accordance with any Law enacted by the Legislature of the Colony, and of such other persons as the Governor shall, from time to time, in Our name and on Our behalf, but subject to any Law as aforesaid, appoint under the Public Seal of the Colony to be Members of Our said Executive Council.

Executive Council: constitution of.

VIII. The Governor, in Our name and on Our behalf, may make and execute, under the said Public Seal, grants and dispositions of lands within the Colony, subject to the laws in force for the time being for regulating the sale or disposal of Crown lands.

Grant of lands.

IX. The Governor may constitute and appoint, in Our name and on Our behalf, all such Judges, Commissioners, Justices of the Peace, and other necessary Officers and Ministers in the Colony, as may be lawfully constituted or appointed by Us.

Appointment of Judges, &c.

X. When any crime has been committed within the Colony, or for which the offender may be tried therein, the Governor may, as he shall see occasion, in Our name and on Our behalf, grant a pardon to any accomplice in such crime who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders, if more than one; and further, may grant to any offender convicted in any Court, or before any Judge, or other Magistrate within the Colony, a pardon either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence for such period as the Governor thinks fit; and further may remit any fines, penalties, or forfeitures due or accrued to Us. Provided always that the Governor shall in no case, except where the offence has been of a political nature unaccompanied by any other grave crime, make it a condition of any pardon or remission of sentence that the offender shall absent himself or be removed from the Colony.

Grant of Pardon.

Remission of fines.

Political offences.  
Proviso. Banishment from Colony prohibited.

Suspension or removal from Office.

XI. The Governor may, so far as We Ourselves lawfully may, upon sufficient cause to him appearing, remove from his office, or suspend from the exercise of the same, any person holding any office or place within the Colony, under or by virtue of any Commission or Warrant or other Instrument granted, or which may be granted, by Us or in our name, or under Our authority.

Summoning, Proroguing, or dissolving any Legislative Body.

XII. The Governor may exercise all powers lawfully belonging to Us in respect of the summoning, proroguing, or dissolving any Legislative Body, which now is or hereafter may be established within the Colony, and in respect of the appointment of members thereto.

Succession to Government.

XIII. In the event of the office of the Governor becoming vacant, or of the Governor being incapable, or of his departure from the Colony, Our Lieutenant Governor, or if there be no such Officer in the Colony, then such person or persons as We may appoint under Our Sign Manual and Signet, shall, during Our pleasure, administer the Government of the Colony, first taking the Oaths hereinbefore directed to be taken by the Governor and in the manner herein prescribed; which being done, We do hereby authorize, empower, and command Our Lieutenant Governor, and every other such Administrator as aforesaid, to do and execute, during Our pleasure, all things that belong to the office of Governor and Commander-in-Chief, according to the tenor of these Our Letters Patent, and according to Our Instructions as aforesaid, and the Laws of the Colony.

Lieutenant Governor.

Administrator.

Governor may appoint a Deputy during his temporary absence from seat of Government.

XIV. In the event of the Governor having occasion to be temporarily absent for a short period from the seat of Government or from the Colony, he may in every such case, by an Instrument under the Public Seal of the Colony, constitute and appoint Our Lieutenant Governor, or if there be no such Officer, then any other person, to be his Deputy during such temporary absence, and in that capacity to exercise, perform, and execute for and on behalf of the Governor during such absence, but no longer; all such powers and authorities vested in the Governor by these Our Letters Patent, as shall in and by such Instrument be specified and limited, but no others. Provided, nevertheless, that by the appointment of a Deputy as aforesaid, the power and authority of the Governor shall not be abridged, altered, or in any way affected, otherwise than We may at any time hereafter think proper to direct.

Officers and others to obey and assist Governor.

XV. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the inhabitants of the Colony, to be obedient, aiding, and assisting unto the Governor or to such person or persons as may from time to time, under the provisions of these Our Letters Patent, administer the Government of the Colony.

Power reserved to Her Majesty to revoke, alter, or amend present Letters Patent.

XVI. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent as to Us or them shall seem meet.

Publication of Letters Patent.

XVII. And We do direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places within Our said Colony as the Governor shall think fit.

In witness whereof we have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the twenty-fifth day of August, in the Fifty-fourth year of Our Reign.

By Warrant under the Queen's Sign Manual.

MUIR MACKENZIE.

LETTERS PATENT constituting the Office of  
Governor and Commander-in-Chief of the Colony of  
WESTERN AUSTRALIA.

No. 6416.—C.S.O.

Colonial Secretary's Office,  
Perth, 23rd December, 1895.

HIS Excellency the Governor in Executive Council has been pleased to appoint Captain ARTHUR ST. LEGER, 60th Rifles, to be His Excellency's Aide-de-Camp and Acting Private Secretary.

OCT. BURT,  
Under Secretary.

### Levée.

NOTICE is hereby given that His Excellency the Governor will hold a Levée at Government House on Monday, 23rd instant, at 3-30 p.m.

Gentlemen attending the Levée are requested to appear in uniform or evening costume, and to bring

with them two cards, with their names *clearly* written thereon; one to be left with the Officer on duty in the Hall, and the other to be delivered to the Aide-de-Camp, who will announce the name to His Excellency.

Gentlemen from the country, or elsewhere, who would be inconvenienced by the regulation as to evening dress, may attend the Levée in visiting costume.

Gentlemen having the *entrée* are requested to arrive a few minutes before the hour fixed for the Levée. The notifications issued in former years respecting the *entrée* remain in force.

By Command,

A. ST. LEGER,  
Captain, A.D.C.

Government House, Perth,  
21st December, 1895.