

# 琉球大学学術リポジトリ

## Anbang II Commonwealth of Australia

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# 矢内原忠雄文庫

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Anhang II.

Commonwealth of Australia.

Letters Patent passed under the Great Seal of the United Kingdom, constituting the Office of Governor-General and Commander-in-Chief of the Commonwealth of Australia.

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:

WHEREAS, by an Act of Parliament passed on the Ninth day of July, 1900, in the Sixty-fourth year of Our Reign, intituled "An Act to constitute the Commonwealth of Australia", it is enacted that "it shall be lawful for the Queen, with the advice of the Privy Council, to declare by Proclamation that, on and after a day therein appointed, not being later than one year after the passing of this Act, the people of New South Wales, Victoria, South Australia, Queensland, and

Letters Patent  
Dated 29 th.  
October 1900.

Preamble  
Recites Imperial  
Act 63 & 64  
Vict. c. 12 and  
Proclamation of  
17 th. September  
1900.

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Tasmania, and also, if Her Majesty is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia. But the Queen may, at any time after the Proclamation, appoint a Governor General for the Commonwealth."

And whereas We did on the Seventeenth day of September One thousand nine hundred, by and with the advice of Our Privy Council, declare by Proclamation that, on and after the First day of January One thousand nine hundred and one, the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, and also Western Australia, should be united in a Federal Commonwealth under the name of the Commonwealth of Australia: And whereas by the said recited Act certain powers, functions, and authorities were declared to be vested in the Governor-General: And whereas We are desirous of making effectual and permanent provision for the office of Governor-General and Commander-in-Chief in and over Our said Commonwealth of Australia, without making new Letters Patent on each demise of the said Office: Now know ye that We have thought fit to constitute, order, and declare, and do by these presents constitute, order, and declare, that there shall be a Governor-General and Commander-in-Chief (hereinafter called the Governor-General) in and over Our Commonwealth of Australia (hereinafter called Our said Commonwealth), and that the person who shall fill the said Office of Governor-General shall be from time to time appointed

Office of  
Governor-  
General and  
Commander-in-  
Chief  
constituted.

by Commission under Our Sign Manual and Signet. And We do hereby authorise and command Our said Governor-General to do and execute, in due manner, all things that shall belong to his said command, and to the trust We have reposed in him, according to the several powers and authorities granted or appointed him by virtue of "The Commonwealth of Australia Constitution Act, 1900", and of these present Letters Patent and of 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 shall hereafter be in force in Our said Commonwealth.

Governor-  
General's power  
and authorities

II. There shall be a Great Seal of and for Our said Commonwealth which Our said Governor-General shall keep and use for sealing all things whatsoever that shall pass the said Great Seal. Provided that until a Great Seal shall be provided, the Private Seal of Our said General-Governor may be used as the Great Seal of the Commonwealth of Australia.

Great seal.

III. The Governor-General 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 of Our said Commonwealth, as may be lawfully constituted or appointed by Us.

Appointment of  
Judges, Justices,  
&c.

Suspension or  
removal from  
office.

IV. The Governor-General, so far as We Ourselves lawfully may, upon sufficient cause to him appearing, may remove from his office, or suspend from the exercise of the same, any person exercising any office of Our said Commonwealth, under or by virtue of any Commission or Warrant granted, or which may be granted, by Us in Our name or under Our authority.

V. The Governor-General may on Our behalf exercise all powers under the "Commonwealth of Australia Constitution Act, 1900"; or otherwise in respect of the summoning, proroguing, or dissolving the Parliament of Our said Commonwealth.

Power to  
appoint  
Deputies.

VI. And whereas by "The Commonwealth of Australia Constitution Act, 1900", it is amongst other things enacted, that We may authorise the Governor-General to appoint any person or persons, jointly or severally, to be his Deputy or Deputies, within any part of Our Commonwealth, and in that capacity to exercise, during the pleasure of the said Governor-General as he thinks fit to assign to such Deputy or Deputies, subject to any limitations expressed or directions given by Us: Now We do hereby authorise and empower Our said Governor-General, subject to such limitations and directions as aforesaid, to appoint any person or persons, jointly or severally, to be his Deputy or Deputies within any part of Our said Commonwealth of Australia, and in that capacity to exercise, during his

pleasure, such of his powers and functions as he may deem it necessary or expedient to assign to him or them: Provided always, that the appointment of such a Deputy or Deputies shall not affect the exercise by the Governor-General himself of any power or function.

VII. And We do hereby declare Our pleasure to be that, in the event of the death, incapacity, removal, or absence of Our said Governor-General out of Our said Commonwealth, all and every the powers and authorities herein granted to him shall, until Our further pleasure is signified therein, be vested in such person as may be appointed by Us under Our Sign Manual and Signet to be Our Lieutenant-Governor of Our said Commonwealth; or if there shall be no such Lieutenant-Governor in Our said Commonwealth, then in such person or persons as may be appointed by Us under Our Sign Manual and Signet to administer the Government of the same. No such powers or authorities shall vest in such Lieutenant-Governor, or such other person or persons, until he or they shall have taken the oaths appointed to be taken by the Governor-General of Our said Commonwealth, and in the manner provided by the Instructions accompanying these Our Letters Patent.

Succession to  
the Govern-  
ment.

Proviso. Oaths  
of office to be  
taken.

VIII. And We do hereby require and command all Our Officers and Ministers, civil and military, and all other the inhabitants of Our said Commonwealth, to be obedient, aiding, and assisting unto Our said-Governor-General,

Officers and  
others to obey  
and assist the  
Governor-  
General.

or, in the event of his death, incapacity, or absence, to such person or persons as may, from time to time, under the provisions of these, Our Letters Patent, administer the Government of Our said Commonwealth.

IX. 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.

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

Publication of Letters Patent.

X. And We do further direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or Places as Our said Governor-General shall think fit within Our said Commonwealth of Australia.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the twenty-ninth day of October, in the Sixty-fourth Year of Our Reign.

By Warrant under the Queen's Sign Manual.

Muir Mackenzie.

### Commonwealth of Australia.

Instructions passed under the Royal Sign Manual and Signet to the Governor-General and Commander-in-Chief of the Commonwealth of Australia.

Victoria R. I.

Instructions to Our Governor-General and Commander-in-Chief in and over Our Commonwealth of Australia, or in his absence, to Our Lieutenant-Governor or the Officer for the time being administering the Government of Our said Commonwealth.

Dated 20<sup>th</sup>.  
October, 1900.

Given at Our Court at Saint James's, this Twenty-ninth day of October, 1900, in the Sixty-fourth year of Our Reign.

WHEREAS by certain Letters Patent bearing even date herewith, We have constituted, ordered, and declared that there shall be a Governor-General and Commander-in-Chief (therein and hereinafter called the Governor-General), in and over Our Commonwealth of Australia (therein and hereinafter called Our said Commonwealth). And We have thereby authorised and commanded Our said Governor-General to do and execute in due manner all things that shall belong to his said command, and to the trust We have reposed in him, according to the several powers and authorities granted or appointed him by virtue of the

Preamble.

Recites Letters Patent constituting the office of Governor-General.

said Letters Patent and of 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 shall hereafter be in force in Our said Commonwealth. Now, therefore, We do, by these Our Instructions under Our Sign Manual and Signet, declare Our pleasure to be as follows: —

Publication of  
first Governor-  
General's Com-  
mission.

I. Our first appointed Governor-General shall, with all due solemnity, cause Our Commission, under Our Sign Manual and Signet, appointing Our said Governor-General to be read and published in the presence of Our Governors, or in their absence of Our Lieutenant-Governors of Our Colonies of New South Wales, Victoria, South Australia, Queensland, Tasmania, and Western Australia and such of the members of the Executive Council, Judges, and members of the Legislatures of Our said Colonies as are able to attend.

Oaths to be  
taken by first  
Governor-  
General, & c.

II. Our said Governor-General of Our said Commonwealth shall take 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 Our Governor-General in and over Our said Commonwealth, and for the due and impartial ad-

Imperial Act,  
31 & 32 Vict. c.  
72.

ministration of justice; which Oaths Our said Governor and Commander-in-Chief of Our Colony of New South Wales or, in his absence, Our Lieutenant-Governor or other officer administering the Government of Our said Colony, shall and he is hereby required to tender and administer unto him.

III. Every Governor-General, and every other officer appointed to administer the Government of Our said Commonwealth after Our said first appointed Governor-General, shall, with all due solemnity, cause Our Commission, under Our Sign Manual and Signet, appointing Our said Governor-General, to be read and published in the presence of the Chief Justice of the High Court of Australia, or some other Judge of the said Court.

IV. Every Governor-General, and every other officer appointed to administer the Government of Our said Commonwealth after Our said first appointed Governor-General, shall take 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 Our Governor-General in and over Our said Commonwealth, and for the due and impartial administration of justice; which Oaths the Chief Justice of the High Court of Australia, or some other Judge of the said Court, shall and is hereby required to tender and administer unto him or them.

Oaths to be  
taken by  
Governor-  
General, &c.,  
after the first  
appointment.

Imperial Act,  
31 & 32 Vict. c.  
72.



Oaths to be administered by the Governor-General.

V. And We do authorise and require Our said Governor-General from time to time, by himself or by any other person to be authorised by him in that behalf, to administer to all and to every persons or person, as he shall think fit, who shall hold any office or place of trust or profit in Our said Commonwealth, the said Oath of Allegiance, together with such other Oath or Oaths as may from time to time be prescribed by any laws or statutes in that behalf made and provided.

Governor-General to communicate Instructions to the Executive Council.

VI. And We do require Our said Governor-General to communicate forthwith to the Members of the Executive Council for Our said Commonwealth these Our Instructions, and likewise all such others, from time to time, as he shall find convenient for Our service to be imparted to them.

Laws sent home to have marginal abstracts.

VII. Our said Governor-General is to take care that all laws assented to by him in Our name, or reserved for the signification of Our pleasure thereon, shall, when transmitted by him, be fairly abstracted in the margins, and be accompanied, in such cases as may seem to him necessary, with such explanatory observations as may be required to exhibit the reasons and occasions for proposing such laws; and he shall also transmit fair copies of the Journals and Minutes of the proceedings of the Parliament of Our said Commonwealth, which he is to require from the clerks, or other proper officers in that behalf, of the said Parliament.

Journals and Minutes.

VIII. And We do further authorise and empower Our said Governor-General, as he shall see occasion, in Our name and on Our behalf, when any crime or offence against the laws of Our Commonwealth has been committed for which the offender may be tried within Our said Commonwealth, to grant a pardon to any accomplice in such crime or offence 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, to grant to any offender convicted of any such crime or offence in any Court, or before any Judge, Justice, or Magistrate, within Our said Commonwealth, 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 Our said Governor-General may seem fit, and to remit any fines, penalties, or forfeitures, which may become due and payable to Us. Provided always, that Our said Governor-General shall not in any case, except where the offence has been of a political nature, make it a condition of any pardon or remission of sentence that the offender shall be banished from or shall absent himself from Our said Commonwealth. And We do hereby direct and enjoin that Our said Governor-General shall not pardon or relieve any such offender without first receiving in capital cases the advice of the Executive Council for Our said Commonwealth, and in other cases the advice of one, at least, of his Ministers; and in any case in which such pardon or relieve might directly affect the interests of Our Empire, or of any country

Grant of pardons.

Remission of fines.

Proviso-Banishment from the Commonwealth prohibited.

Exception-Political offences.

or place beyond the jurisdiction of the Government of Our said Commonwealth, Our said Governör-General shall, before deciding as to either pardon or reprieve, take those interests specially into his own personal consideration in conjunction with such advice as aforesaid.

IX. And whereas great prejudice may happen to Our service and to the security of Our said Commonwealth by the absence of Our said Governör-General, he shall not, upon any pretence whatever, quit Our said Commonwealth without having first obtained leave from Us for so doing under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

V. R. I.

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