Downing Street,
12th August 1859.

Sir,

I transmit to you herewith, an authenticated copy of the Order made by the Queen in Council on the 5th June for creating the territory of Flinders Bay into a District Colony under the name of Queensland, and providing for the Governor of Queensland.

Sir George P. Bowen, G.C.M.G.
of the said Colony, together
with Her Majesty's Commission,
under the Great Seal, and
Her Royal Instructions to
you, under the Sign Manual,
as Governor of that Colony.

As the Governor
of New South Wales will
have to perform sundry
important acts in furtherance
of the establishment of your
government, I have trans-
mitted to him copies of
these several documents, of
which you will, in concurrence
with him, make arrangements
for publishing the Order in
Council
Council and the Letters Patent in Queensland, simultaneously with their publication in New South Wales.

I have only further to acquaint you at present, that it is proposed to apply to the Queen in Council for Her Majesty's authority to establish a Court of Vice Admiralty for Queensland, and that you will be furnished in due time with Her Majesty's Commission to you as Vice Admiral of the Colony.

I have the honor to be,

Sir,

Your Most Obedient Servant,

[Signature]
ORDER IN COUNCIL empowering the Governor of Queensland to make Laws, and to provide for the Administration of Justice in the said Colony.

At the Court at Buckingham Palace, the 6th day of June, 1859.

Present:

The Queen’s Most Excellent Majesty in Council.

I. WHEREAS by an Act passed in the session of Parliament held in the eighteenth and nineteenth years of the reign of Her Majesty, 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 amongst other things enacted that it should be lawful for Her Majesty by Letters-Patent to be from time to time issued under the Great Seal of the United Kingdom of Great Britain and Ireland, to erect into a separate Colony or Colonies any territories which might be separated from New South Wales by such alteration, as therein was mentioned, 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 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 Colony will allow; and that full power should be given in and by such Letters-Patent or Order in Council, to the Legislature of the said Colony, to make further provision in that behalf:

And whereas Her Majesty hath, by an Order in Council bearing date the thirteenth day of May, one thousand eight hundred and fifty-nine, approved the draft of certain Letters-Patent for separating, in exercise of the powers thus vested in Her Majesty, certain territories from New South Wales, and for [92]
erecting the said territories into a new Colony, by
the name of the Colony of Queensland:

Her Majesty, by virtue of the powers vested in
her by the said recited Act, and by and with the
advice of Her Privy Council, is pleased to order,
and doth hereby order, that there shall be within
the said Colony of Queensland a Legislative Council
and Legislative Assembly.

II. And it is hereby declared and ordered, that
within the said Colony of Queensland, Her Majesty
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 the
Colony, in all cases whatsoever: Provided that all
Bills for appropriating any part of the public revenue,
for imposing any new rate, tax, or impost, subject
always to the limitations hereinafter provided, shall
originate in the Legislative Assembly of the said
Colony.

III. For the purpose of composing the Legislative
Council of Queensland, the Governor of New South
Wales is hereby authorised to summon, in Her
Majesty's name, by an instrument or instruments
under the Great Seal of the said Colony, such
persons, not being fewer than five, as the said
Governor shall think fit; and the Governor of
Queensland is hereby authorised, in like manner,
after the first meeting of the Council and Assembly
as hereinafter provided, to summon from time to
time, to the said Legislative Council, such other
person or persons as he shall think fit; and every
person who shall be so summoned shall thereby
become a member of the Legislative Council of the
said Colony: Provided always, that no person shall
be summoned to the said Legislative Council who
shall not be of the full age of twenty-one years,
and a natural-born subject of Her Majesty, or
naturalized by an Act of the Imperial Parliament,
or by an Act of the Legislature of New South
Wales before the separation, or by an Act of the
said Colony: Provided also, that not less than
four-fifths of the members so summoned, to the
Legislative Council shall consist of persons not
holding any office of emolument under the Crown,
except officers of Her Majesty's sea and land.
forces on full or half-pay, or retired officers on pensions.

IV. The members of the first Legislative Council of the said Colony who shall be so summoned by the Governor of New South Wales, shall hold their respective seats therein for five years from the date of the first summons to the said Legislative Council, but all future members of the said Legislative Council who shall be summoned thereto by the Governor of Queensland, shall hold their seats therein for the term of their natural lives, subject, nevertheless, to the provisions hereinafter contained for vacating the same, and for altering and amending the future constitution of the said Colony, as established by this Act.

V. For the purpose of constituting the Legislative Assembly of the said Colony of Queensland, it shall be lawful, in the first instance, for the Governor of New South Wales, within the time hereinafter-mentioned, and thereafter for the Governor of Queensland, from time to time, as occasion shall require, in Her Majesty's name, by an instrument or instruments under the Great Seal of the Colony, to summon and call together a Legislative Assembly in and for the said Colony.

VI. The Governor of New South Wales is hereby authorized, by Proclamation, to fix the number of Members of which the said Assembly shall be composed; and also, by such Proclamation as aforesaid to make all necessary provisions for dividing the said Colony into convenient electoral districts, and for the compilation and revision of lists of all persons qualified to vote, according as nearly as may be, to the laws which are now or shall be at the date of such Proclamation in force in the Colony of New South Wales, at the elections to be held within the several districts of the said Colony; and for the appointing of returning officers, and for the issuing, executing, and returning of the necessary writs for such elections; and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise for ensuring the orderly, effective, and impartial conduct of such elections: Provided, that the writs to be issued for
the first election of Members of the Legislative Assembly of the Colony of Queensland shall be issued by the Governor of New South Wales.

VII. Every Legislative Assembly of the said Colony hereafter to be summoned and chosen, shall continue for five years from the day of the return of the writs for choosing the same, and no longer; subject, nevertheless, to be sooner prorogued or dissolved by the Governor of the said Colony.

VIII. And it is hereby declared and ordered, that all the provisions contained in a certain Act of the Legislature of New South Wales, passed in the seventeenth year of Her Majesty, and entitled "An Act to confer a Constitution on New South Wales, and to grant a Civil List to Her Majesty," as assented to, with amendments, by Her Majesty under the authority of the said first recited Act of Parliament, which relate to the constitution, functions, and mode of proceeding of the Legislative Council and of the Assembly respectively, and to the qualification and disqualification of electors and members of the Assembly, shall be of force within the said Colony of Queensland, unless and until altered in manner hereinafter specified; and shall be deemed to be incorporated in this present Order in Council.

IX. There shall be a Session of the Legislative Council and Assembly once, at least, in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the Legislative Council and Assembly in one session and the first sitting of the Legislative Council and Assembly in the next session.

X. The Legislative Council and Assembly shall be called together for the first time at some period not later than six calendar months next after the proclamation of this Order by the Governor of the said Colony.

XI. No Member either of the Legislative Council or of the Legislative Assembly shall be permitted to sit or vote therein until he shall have taken and subscribed the following oath before the Governor:

1. "I do solemnly swear that I will support and maintain the Constitution and Laws of the Colony of Queensland, and do true faith and allegiance to Queen Victoria, Her Heirs and Successors, to the best of my skill and ability. So help me God."

2. "I do solemnly swear that I will support and maintain the Constitution and Laws of the Colony of Queensland, and do true faith and allegiance to Queen Victoria, Her Heirs and Successors, to the best of my skill and ability. So help me God."
of the Colony, or before some person or persons
authorized by such Governor to administer such
oath:—

"I, A.B., do sincerely promise and swear, that
I will be faithful and bear true allegiance to Her
Majesty Queen Victoria, as lawful Sovereign of the
United Kingdom of Great Britain and Ireland, and
of this Colony of New South Wales, dependent on
and belonging to the said United Kingdom. So
help me God."

And whenever the demise of Her present
Majesty, or of any of Her Successors to the Crown
of the said United Kingdom, shall be notified by
the Governor of the Colony to the said Council
and Assembly respectively, the Members of the said
Council and Assembly shall, before they shall be
permitted to sit and vote therein, take and sub-
scribe the like oath of allegiance to the successor
for the time being to the said Crown.

XII. Provided that every person authorized by law
to make an affirmation instead of taking an oath, may
make such affirmation in every case in which an
oath is hereinafter required to be taken.

XIII. The said Legislative Council and Assembly
in the first session of each respectively, and from time
to time afterwards as there may be occasion, shall
prepare and adopt such standing rules and orders
as shall appear to the said Council and Assembly
respectively best adapted for the orderly conduct of
such Council and Assembly respectively, and for the
manner in which such Council and Assembly shall be
presided over in case of the absence of the President
or the Speaker, and for the mode in which such
Council and Assembly shall confer, correspond, and
communicate with each other relative to votes or
Bills passed by or pending in such Council and
Assembly respectively, and for the manner in which
notices of Bills, Resolutions, and other business
intended to be submitted to such Council and
Assembly respectively, at any session thereof, may
be published for general information, and for the
proper passing, entitling, and numbering of the Bills
to be introduced into and passed by the said Council
and Assembly, and for the proper presentation of
the same to the Governor for the time being for