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RULES AND REGULATIONS

FOR

HER MAJESTY'S

COLONIAL SERVICE.

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LONDON :

PRINTED BY W. CLOWES AND SONS, STAMFORD STREET.
FOR HER MAJESTY'S STATIONERY OFFICE.

1843.

THE original Edition of the Rules and Regulations for Her Majesty's Colonial Service being in many respects obsolete, defective, or erroneous, the following revision of these Rules and Regulations has been compiled by Lord Stanley's directions, and is now printed for the information and guidance of the Governors of Her Majesty's Colonies, and of all Her Majesty's Officers subordinate to them.

Colonial Office, Downing Street,
1st October, 1843.

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LIST OF HER MAJESTY'S COLONIAL POSSESSIONS.

Names of Colonies.	Date of Capitulation, Cession, or Settlement.	The Legislative Authority.
Canada	Capitulation . . . 1759 and 1760 Cession by Treaty . 1763 The two Provinces of Upper and Lower Canada united . . 1840	Governor, Council, and Assembly.
New Brunswick, Nova Scotia, Cape Breton, Prince Edward's Island, Newfoundland . . .	Fisheries and Settle- ments established soon after their dis- covery in . . . 1497	
Bermudas	Settlement . . . 1609	
Jamaica	Capitulation . . . 1655	
Bahamas	Settlement . . . 1629	
Antigua . . .	Settlement . . . 1632	
Dominica . . .	Ceded by France . 1763	
St. Christopher's	Settlement . . . 1623	
Montserrat . . .	Ditto 1632	
Nevis . . .	Ditto 1628	
Tortola . . .	Ditto 1666	
Anguilla . . .	Ditto 1666	
Barbadoes . . .	Settlement . . . 1605	Governor and Council.
Grenada . . .	Ceded by France . 1763	
St. Vincent . . .	Capitulation . . . 1803	
Tobago . . .	Capitulation . . . 1797	
St. Lucia . . .		
Trinidad		Governor and the Court of Policy.
British Guiana { Demerara, Es- sequibo, and Berbice. }	Capitulation . . . 1803	
Honduras	Treaty 1670	Superintendent and Magistrates. Lieutenant-Governor and Municipal Body.
Heligoland	Capitulation . . . 1807	

LIST OF HER MAJESTY'S COLONIAL POSSESSIONS—*continued.*

Names of Colonies.	Date of Capitulation, Cession, or Settlement.	The Legislative Authority.
Gibraltar	Capitulation . . . 1704	Governor.
Malta	Ditto 1800	
Cape of Good Hope	Ditto 1806	
St. Helena	Settlement by East India Company. . 1651 Vested in the Crown 1833	
Ceylon	Capitulation . . . 1795	Governor and Legis- lative Council.
Mauritius	Ditto 1810	
Gambia	Settlement 1631	
Sierra Leone	Ditto 1787	
Forts and Settlements on the Gold Coast (Dependency of Sierra Leone.)	Ditto 1750	
New South Wales	Ditto 1787	
Van Diemen's Land	Ditto 1803	
Western Australia	Ditto 1829	
Southern Australia	Ditto 1836	
New Zealand	Ditto 1840	
Falkland Islands	Recent Settlement . 1841	
Hong Kong	Treaty 1843	

The United States of the Ionian Islands are placed under the protection of Her Majesty by the Treaty of Paris. They are composed of—

Corfu,	Ithaca,
Cephalonia,	Cerigo,
Zante,	Paxo.
Sta. Maura,	

RULES AND REGULATIONS
FOR
HER MAJESTY'S COLONIAL SERVICE.

CHAPTER I.

THE GOVERNOR.

§ I. *The different Classes of Governors, &c., the Duration of their Office, and Expense of Commissions.*

1. THE appointment of a Governor to one of Her Majesty's Colonies is considered to be limited in its duration to a period of six years from the time of his assumption of his functions ; but Her Majesty's Government reserves to itself the power (under special circumstances) of prolonging that period.

2. The officer appointed to conduct the government of a Colony may be either,

First. Captain-general and Governor-in-Chief.

Second. Governor and Commander-in-Chief.

Third. Lieutenant-governor.

Fourth. Administrator of the Government.

Fifth. The officer on whom, by the terms of the Royal Commission, the government devolves, in the absence of any of the before-named officers.

3. If, during the before-mentioned period of six

years, an officer be removed from one government to another, Her Majesty's Government will decide, whenever such removal may take place, whether the above-mentioned period shall recommence from the assumption of his new government, or be calculated from the date of his original appointment.

4. By the Act 1 Will. IV. c. 4, it is enacted, that no Patent, Commission, Warrant, or other Authority, for the exercise of any office or employment, civil or military, within any of His Majesty's plantations or possessions abroad, determinable at the pleasure of His Majesty, or any of His Majesty's heirs and successors, shall, by reason of any future demise of the Crown, be vacated, or become void, until the expiration of eighteen calendar months next after any such demise of the Crown as aforesaid.

On demise of the Crown, warrants will be forwarded to the Governors of Colonies, authorizing them to continue to make use of the public seal, until another can be prepared and transmitted to them.

5. Provision is made, in every Governor's commission, for the administration of his government in the event of his absence or death.

6. The fees payable on a Governor's appointment by letters patent under the Great Seal vary, according to the length of the instrument, from £250 to £400, *exclusive* of an *ad valorem* stamp.

If the salary, fees, and emoluments of the Governor amount to £3000 and upwards, the stamp-

duty is £200; if they amount to £2000, and not to £3000, the stamp-duty is £150; and so on in proportion, as the Stamp Act directs.

7. A *Lieutenant-Governor*, or an administrator of the Government, is appointed by warrant under the Royal Sign Manual, the expense of which is £9. 15s. 6d., exclusive of stamp-duty; the charge on the appointment of a Chaplain amounts to £2 7s. 6d.

8. In all future commissions of Vice-Admiralty, issued to Governors, the words, “or to the Governor for the time being, or to the person executing the duties of that office,” will be inserted, in order that any such Commission may remain in force notwithstanding the death or absence of the Governor to whom it may be more especially directed.

§ II. *Distinction between a Civil and a Military Governor, as regards the Command of the Troops.*

1. If the civil government of a Colony be originally intrusted to, or should subsequently devolve on, an officer holding a commission in Her Majesty's land forces of the rank of colonel, or of any superior rank, he will be invested with the military authority and command over Her Majesty's forces within the Colony and its dependencies, unless Her Majesty should specially appoint, for that purpose, a military officer of higher rank, or one of equal rank, bearing a prior commission.

2. If a civilian, a naval officer, or a military officer holding a commission in Her Majesty's land forces

of inferior rank to that of colonel, should administer a Colonial government, he will not be invested with the command of Her Majesty's forces ; but it will be his duty, except in the case of invasion or assault by a foreign enemy, to issue to the officer in command of the forces within the Colony and its dependencies, orders for their march and distribution, the formation and march of detachments and escorts, and, generally, for such military service as the safety and welfare of the Colony may require ; but all the military details regarding such distribution, and the manner in which the detachments should be formed and composed, will rest with the military officer, who will be responsible that they are made conformably in every respect to the instructions issued to *him* by the Governor. The Governor will also, as the Queen's representative, give the *word* in all places within his government, except on the occasion of hostilities already adverted to.

3. The officer in command of Her Majesty's land forces will alone be charged with the superintendence of all details connected with the military department, the regimental duty and discipline of the troops, inspections, and summoning and holding courts-martial, garrison or regimental.

4. He will carry into execution, on his own authority, the sentences of courts-martial, except in the case of sentences of death, which must first be approved, on behalf of the Queen, by the officer administering the civil government.

5. He will make to the officer administering the civil government, returns of the state and condition of the troops, of the military departments, of the stores, magazines, and fortifications within the Colony and its dependencies, together with duplicates of any returns of a similar nature to those which he may make to the military authorities at home, or to any officer to whose more general command he may become subject.

6. On the receipt of the annual Mutiny Act, he will communicate to the civil authority the "General Orders" in which it may be promulgated.

7. And in the event of the Colony being invaded or assailed by a foreign enemy, and becoming the scene of active military operations, the officer in command of Her Majesty's land forces will assume the entire military authority and command over the troops.

§ III. *General Powers of an Officer appointed to conduct a Colonial Government.*

The duty and powers of every officer, who may be called upon to administer a Colonial government, are defined in Her Majesty's Commission and the Instructions with which he is furnished. The following is a general outline of the nature of the powers with which he is vested:—

1. He is empowered to grant a free pardon or respite to any criminal convicted in the Colonial courts of justice.

2. He has the power of remitting any fines, penalties, or forfeitures which may accrue or become payable to the Queen (not exceeding 50%), and to suspend the payment of any fine, &c., exceeding that amount, until Her Majesty's pleasure can be known.

3. The monies to be expended for the public service are issued under his warrant, either with or without the advice of his Executive Council, as the law may in each particular case direct.

4. In the Colonies possessing Representative Assemblies, and governed by the law of England, the Governor has the power of granting licences for marriages, letters of administration, and probates of wills; and has the presentation to benefices—the person presented being instituted by the Bishop, or his Commissary duly authorised by him.

5. He has, in the same Colonies, the power of issuing in the Queen's name writs of summons and election to call together the Legislative Council and Assembly, and for electing members of Assembly, and also of assembling, proroguing, and dissolving the Legislative Council and Assembly.

6. He may confer appointments, temporary and provisional, until a reference has been made to Her Majesty's Government.

7. He has the power, under certain circumstances, of suspending a public servant from office; but he is required to consult with the Executive Council previous to so doing, and to inform the officer so suspended, in writing, of the precise grounds on

which he is to be suspended, and to call upon him for his exculpation, which is also to be made in writing; both statements must then be forwarded to the Secretary of State.

8. He is empowered to administer the appointed oaths to all persons, in office or not, whenever he may think fit.

9. He has the power of granting or withholding his assent to any bills which may be enacted by the Legislative Council and Assembly.

10. He is not empowered to give his assent to any bill or ordinance for the naturalization of aliens, without a suspending clause deferring its operation until Her Majesty's pleasure is known—nor for the divorce of persons joined in holy matrimony—for the establishing a title in any person to lands, tenements, and real estates, originally granted to, or purchased by, aliens antecedent to naturalization—nor to pass any law, without authority from Her Majesty's Government, whereby any paper, bills, or bills of credit may be created or issued, or any alteration made in the circulating medium of the Colony, or to do any act by grant, deed, conveyance, or otherwise, whereby the Queen's revenue may be lessened or impaired. Nor is he to assent to any ordinance or act whatever for raising money by the institution of any public or private lotteries.

11. He is required to direct his particular attention to the erection and maintenance of schools.

12. He is specially required to execute all laws for

the suppression and punishment of every species of vice, profaneness, and immorality; and, where necessary, to cause additional laws to be enacted for this purpose.

13. He is strictly enjoined to send home, punctually, copies of the **Journals** and **Minutes** of proceedings of the **Legislative Council** and **Assembly**, together with lists of the **Members of Councils**, and full explanations of any new laws which may be enacted.

14. If anything should happen which may be for the advantage or security of the Colony, and is not provided for in the **Governor's Commission** and **Instructions**, he may take order for the present therein, provided he does not, by colour of any power or authority given to him, commence or declare war without the **Queen's** knowledge, except for preventing or repelling hostilities.

15. He is on no account to absent himself from the Colony without **Her Majesty's** permission.

16. His attention should be at all times directed to the state of discipline and equipment of **Militia Forces** in the Colony, and whenever the **Militia** may be embodied, he should send home monthly returns, with a particular account of their arms and accoutrements.

17. Periodical reports on this subject, which may not call for immediate attention, may be included in the annual "**Blue Book**" hereafter noticed.

*[To be inserted at Page 8 of Book of
Colonial Regulations. 1843.]*

18. He is prohibited from receiving or giving Presents on his own account.

19. Any Present which may be delivered to him must be disposed of on the public account ; and as the Present which it may be necessary to give in return will have to be provided at the public expense, the cost of it ought not to exceed the amount realized by the sale of the Present received, except when particular circumstances render it proper that some additional expense should be incurred.

CHAPTER II.

§ I. *Executive and Legislative Councils.*

1. IN every British Colony there is a Council exercising Legislative authority, either as one of the branches of the local Legislature, or as the single Legislative Body. The only exceptions to this general rule arise in British Guiana, where the Legislative power resides in the Court of Policy ; in Gibraltar, where the Governor is not assisted by any Council in the exercise of his Legislative powers ; and in Heligoland, where the Danish system continues.

2. In some Colonies the authority of the Legislative Council rests on special Acts of Parliament. This is the case in Canada, in St. Helena, in all the Australian Colonies, in New Zealand, in the Falkland Islands, and in the British Settlements on the West Coast of Africa. In all other Colonies, the Legislative Council is created in the exercise of the unaided prerogative of the Crown, by Commissions under the Great Seal of the United Kingdom, and by the explanatory Instructions which are referred to and virtually incorporated in those Commissions.

3. There is also a distinct body designated as the Executive Council in the—

North American Provinces,
Bahama Islands,

St. Lucia,
Trinidad,
Sierra Leone,
Gambia,
Cape of Good Hope,
Mauritius,
Ceylon,
Australian Colonies,
New Zealand,
Hong Kong,
Falkland Islands.

Throughout the West India Colonies possessing Legislative Assemblies, and at Bermuda and Newfoundland, the same Body acts in the double capacity of a Legislative and an Executive Council. When acting in the latter of these capacities, it is more usually designated as the Privy Council.

4. The rank and precedence of the members of Council between each other is regulated by the Royal Instructions. In some cases, that precedence depends on seniority of appointment alone; but in other cases, that rule is qualified by assigning to the official members of Council precedence over the unofficial members.

5. In the Colonies not possessing Legislative Assemblies, the Legislative Council is composed in certain prescribed proportions, but generally in equal numbers, of persons holding public offices at the pleasure of the Crown, and of persons not holding any such offices.

6. In the Colonies having Representative Assemblies the Governor is required, whenever a vacancy occurs in either of the Councils, to submit to Her Majesty's Government the names and characters of three persons from whom a selection may be made to fill up the vacancy; but he is also authorised, if he should think proper, to appoint provisionally to such vacancy until Her Majesty's pleasure may be known.

7. The general rule is, that no member of Council may, on pain of vacating his seat, absent himself for more than six months except by leave of the Governor, whose power is limited to granting a leave of absence, in some cases to twelve, and in others to eighteen months. Any more protracted leave of absence must be granted by the Queen Herself.

8. The general duty of the Executive or Privy Council is to assist the Governor with advice in all the more material and considerable questions which may arise in his administration of the Government. Except in particular cases, where the Governor is required by positive statute to act with the concurrence of this body, it is optional with him to apply to them for advice or not, as he may deem most conducive to the good of Her Majesty's service. But the general rule, in all cases of importance, is, that the Council should be consulted.

9. The Legislative Council in Colonies possessing Representative Assemblies, is a branch of the Legislature possessing and exercising powers bearing

such an analogy to the powers of the House of Peers as the essential differences of these Institutions, the varieties of local circumstances and established local usages, having the force of law, will admit. In Colonies not having Legislative Assemblies, the whole Legislative authority, so far as it is exercised within the Colony itself, is vested in the Legislative Council, of which the Governor is a component and indispensable member.

10. In the West India Colonies possessing Representative Assemblies, the Executive Councils in some cases possess, concurrently with the Governor, a judicial authority as a Court of Errors, and in some cases they also audit the public accounts.

11. To the Executive Council, associated with the Chief Judge of the Colony, is also in general entrusted the duty of administering to the Governor, on his arrival, the usual oaths of office ; which being done, the Governor administers to the members of the Executive Council, and others, the oaths of office to be taken by them respectively. Each new member of Council, on his appointment, is also required to take the oaths applying to his particular case.

§ II. *The Enactment of Laws in different Colonies.*

1. In every Colony belonging to the British Crown there is a local Legislature authorised to make laws for the peace, order, and good government of the

Colony, such laws not being repugnant to the law of England.

2. In every Colony the Governor is a component and indispensable member and branch of the local Legislature.

3. In the Colonies not having Representative Assemblies the initiation of all laws belongs to the Governor.

4. In every Colony the Governor is vested with authority, either to give or to withhold his assent to laws passed by the other branches or members of the Legislature, and until that assent is given no such law is valid or binding.

5. In Canada the Governor may, instead of giving or withholding his assent, reserve any law tendered to him for the signification of Her Majesty's pleasure.

6. In all Colonies laws are in some cases passed with suspending clauses; that is, although assented to by the Governor, they do not come into operation or take effect in the Colony, until they shall have been specially confirmed and finally enacted by Her Majesty.

7. No law can be passed in any Colony which the Queen may not subsequently disallow, although in some cases a time is limited, after the expiration of which the right of exercising that prerogative ceases.

8. In some cases a period is limited, after the expiration of which local enactments, though not actually disallowed, cease to have the authority of

law in the Colony, unless before the lapse of that time Her Majesty's confirmation of them shall have been signified there; but the general rule is otherwise.

9. In all Colonies possessing Representative Assemblies, laws purport to be made by the Queen or by the Governor on Her Majesty's behalf, or sometimes by the Governor alone, omitting any express reference to Her Majesty, with the advice and consent of the Council and Assembly. They are invariably designated as Acts. In Colonies not having Legislative Assemblies, laws are designated as Ordinances which purport to be made by the Governor with the advice and consent of the Legislative Council or (in British Guiana) of the Court of Policy. In Gibraltar they are designated as Proclamations. This distinction between Acts and Ordinances has been occasionally, but inadvertently, disregarded in some of the Colonies not possessing Legislative Assemblies.

10. In the Windward and Leeward Island Governments, in the West Indies, a deviation from the general rule arises, from the circumstance of the residences of the Governors-in-Chief being established at Barbados and Antigua, and therefore beyond the precincts of several of the Colonies in the legislation of which they concur. To meet the case, it is provided that Bills passed by the Council and Assembly in any of the subordinate Islands, are to be sent by the respective Lieutenant-governors,

before their own assent is given, to the Governor-in-Chief under whom they respectively act. If the Governor-in-Chief shall insist on any amendment as the indispensable condition on which alone the Lieutenant-governor may assent to the Bill, that amendment, with the unobjectionable provisions of the Bill, must be incorporated into a new Act, or, when the forms of proceeding require it, the Bill, though not actually amended as required by the Governor-in-Chief, may be assented to by the Lieutenant-governor on the express engagement of the Council and Assembly to give effect to the Governor-in-Chief's recommendation by a supplementary enactment.

CHAPTER III.

§ I. *Appointments to Public Offices.*

1. THROUGHOUT the British Colonies the offices holden in the service of the Executive Government are all so holden at the pleasure of the Queen, except in the case of a very few offices formerly granted during the lives and good behaviour of the holders, which grants cannot hereafter be revived in the same form on the occurrence of future vacancies.

2. Of offices holden at the pleasure of the Crown, some are filled up by the Governor in his own name, or by the Governor and Council, in pursuance of special enactments authorizing, in these particular cases, such a deviation from the established form. In the absence of such enactments public offices are usually filled up by the Governor either in his own name, or in the name of Her Majesty. All offices of considerable rank, trust, and emolument are filled up by appointments either provisional or final,—provisional, when they are made by the Governor on any sudden emergency, subject to Her Majesty's approbation,—final, when they are made in obedience to Her Majesty's commands.

3. The general rule is, that all public offices of

considerable rank, trust, and emolument should be granted by an Instrument under the public seal of the Colony in Her Majesty's name. In the case of provisional appointments such Instruments are issued by the Governor in pursuance of Her Majesty's general instructions. In the case of final appointments they are issued in pursuance of Her Majesty's special instructions, which special instructions are conveyed to the Governor generally in the form of Warrants under the Royal Signet and Sign Manual, but occasionally in the form of Despatches from the Secretary of State.

4. The distinction between offices which are, and offices which are not, of considerable rank, trust, and emolument, being in itself vague and indefinite, has been rendered more precise by the following classification. Offices are classed under three heads;—1, those of which the emoluments do not exceed one hundred pounds per annum; 2, those of which the emoluments exceed one hundred and do not exceed two hundred pounds per annum; 3, and those of which the emoluments exceed two hundred pounds per annum.

5. In the case of offices of the first or lowest of the three classes last mentioned, the Governor, as a general rule, has the absolute disposal, subject only to the condition of reporting every such appointment by the first opportunity. In the case of offices of the second, or middle class, appointments are seldom if ever made except on the Governor's recommenda-

tion. When such appointments are confirmed, the confirmation takes place in the form of a Despatch from the Secretary of State. In the case of offices of the third or highest class, the Governor is to make a special report of the grounds of his appointment, and is distinctly to apprise the object of his choice that he holds the office in the strictest sense of the word provisionally only until his appointment is confirmed by Her Majesty. In such cases the confirmation takes place in the form already mentioned, of a Warrant under the Royal Signet and Sign Manual.

6. It is of course impossible to lay down any general rule for deciding in what cases the recommendation of a Governor will, or will not be ultimately sanctioned and confirmed by the Queen; but in general it may be stated that Her Majesty will be advised to regard more favourably appointments which are in the nature of promotions of meritorious public servants, than appointments made in favour of persons new to the public service; and that when any new office has been created, the Governor's recommendation for filling it up will carry with it less weight than in the case of offices which the Governor may have found already established. In the cases of such new offices there will always be more than usual reason to anticipate that an appointment will be made directly from this country.

7. It is further to be understood that in determining the propriety of appointments from this

Country or from the Colony, regard will probably be had to the comparatively advanced state of wealth and population in each Colony, and to the number of properly qualified candidates among whom the local authorities may have the opportunity, as vacancies occur, of making a selection for Her Majesty's approval and confirmation through the Secretary of State.

8. In the distribution of the patronage of the Government, in the Colonies, great weight must always be attached to local services and experience. Every Governor will therefore make once in each year a confidential report of the claims of candidates, whether already employed in the public service or not, whom he may consider to possess that qualification, in order that when a vacancy or an opportunity for promotion occurs, the Secretary of State may have before him the means of judging how far the particular candidate recommended by the Governor is on the whole the best qualified, and whether a candidate of proper qualifications is to be found in the Colony or in any adjacent Colony. Such reports being prepared, not in reference to any existing vacancy and an actual appointment, but on the more broad and deliberative view of the actual state of the Civil Service, and of the comparative claims and qualifications of different candidates, will obviate some inconveniences which have arisen from the simultaneous appointment of an officer and report on his fitness for public office. It will also afford to the

Secretary of State, who will have before him at the same time the whole of these reports, more effectual means than he at present possesses of judging of the merits generally of officers employed in subordinate situations throughout Her Majesty's Colonial Possessions; and will materially increase the prospects of advancement and encouragement to meritorious officers in such situations, by enlarging the range within which they may hope to obtain promotion as a reward for active and efficient service. In cases where the means of effectually recruiting the public service, as vacancies shall arise, shall appear not to be within the Governor's reach, the Secretary of State will think it peculiarly incumbent on himself to select proper persons in this country.

9. Whenever half-pay Officers borne on the half-pay of Her Majesty's Army or Navy, or in the Ordnance and Commissariat Departments, shall be appointed to a civil situation in any of the Colonies, a report of the appointment, specifying the date and the amount of salary, is to be made immediately to the Secretary of State, which will by him be transmitted to the Secretary at War, the Master-general of the Ordnance, the Board of Admiralty, or to the Lords Commissioners of the Treasury, as the case may be.

10. Promotions of half-pay Officers in the Civil service are also to be notified forthwith to the Secretary of State, for the information of the respective Boards.

§ II. *Salaries.*

1. On appointments to offices, half salary will be allowed, as a general rule, from the date of embarkation, and full salary from the date of arrival in the Colony.

If, however, the officer previously holding the appointment in the Colony continues in the tenure of his office until the arrival of his successor, the latter officer will not be entitled to any portion of salary until he has assumed the duties of his office.

2. No advance of salary is allowed, except in very special cases, to be determined by the Secretary of State, with the concurrence of the Lords Commissioners of the Treasury.

3. If an office be vacated in any Colony, by the death or removal of the holder, or by his temporary absence, the person appointed by the Governor to act in his stead, if holding an inferior situation, may receive half the salary attached to the higher office, together with half the salary of his own office.

4. Should the person so appointed by the Governor to a vacant office be required at the same time to perform the duties of his own office, he may be allowed half the salary of the temporary office, together with the salary of his own office.

5. But as a general rule no person should be appointed to discharge at the same time the duties of two distinct offices, whenever any other arrangement may be practicable.

6. Should the officer, whom the Governor has appointed temporarily to a vacant office, be confirmed in the situation, he will be entitled to draw the full salary of that office from the date at which he entered on the duties, if no portion of the salary during that period has been drawn by the former occupant of the office; but he will not in that case be entitled to salary on account of any other office which he may have held at the same time.

7. But in the case of Officers appointed to the provisional administration of governments, the following rules are to be observed in regard to the salary to be drawn by them.

(1.) Whenever the government of a Colony may be vacated by the death, recal, or resignation of the holder of it, the person succeeding to the administration of the government shall (if previously resident in the Colony) receive half of the salary of the Governor.

(2.) Should the person called to the administration have been removed from the public service in another Colony for the purpose, he shall receive, during the *vacancy* of the government to which he shall so have been called, and until the embarkation of his successor, the whole salary of the Governor.

But during the period in which he may continue to administer such government, he will not be entitled to any portion of the salary of the office from which he may have been re-

moved ; and from the period at which the newly appointed Governor shall become entitled to half salary, the officer provisionally administering shall receive only the other half.

(3.) Should a government be vacant by reason of the *absence on leave* of the Governor, (who would then be entitled to half salary), and should an officer administering some other government be called to the provisional administration of the government so temporarily vacant, he will be entitled to draw the half salary of the government from which he may have so temporarily removed, together with the half salary of the government which he may have been called provisionally to administer.

(4.) Officers in the provisional administration of Colonial governments must, however, in all cases draw on the Lords of the Treasury for the half salaries only of such governments until they shall receive Certificates from the Colonial Office of the periods during which they may be entitled to full salary.

8. If an officer is suspended from office by the Governor, and the suspension is not approved and confirmed by Her Majesty's Government, the officer so suspended will be entitled, unless it shall be otherwise ordered by the Secretary of State, to the full amount of salary which he would have received if he had not been suspended, even though the officer appointed provisionally to perform his

duties may be allowed by Her Majesty's Government to receive the half salary of the same office for the period during which he so acted.

9. If the suspension from office is approved and confirmed by Her Majesty's Government, all salary will cease from the day of suspension; and although the officer so suspended should be subsequently restored, (as an act of indulgence,) he will not be entitled to any portion of salary during the period of his suspension.

CHAPTER IV.

§ I. *Leave of Absence.*

1. THE Acts of Parliament, 22 Geo. III. cap. 75, and 54 Geo. III. cap. 61, empower the *Governor and Council* of any Colony to grant leave of absence to Colonial Officers.

2. Leave of absence should be confined, as much as possible, to cases of serious indisposition, requiring a change of climate. And if an officer employed in a distant Colony can recruit his health by visiting a neighbouring country, or by a sea voyage, the Governor should not sanction leave for his return to Europe.

3. Applications for leave of absence to return to England on the ground of urgent private affairs must be refused, unless the Governor and Council are satisfied that the case is really so urgent as to render the indulgence indispensable ; and even in that case the duration of the leave of absence should be limited within such a period as the exigencies of the occasion may appear to the Governor and Council to demand.

4. The Governor and Council, in considering the term for which leave of absence should be granted, must be guided mainly by the length of service of

the applicant, or his state of health as certified by his medical attendant; but should their decision in regard to the term of leave be influenced by any other circumstances, they must state what those circumstances are: the Governor, however, must abstain from recommending extension of leave by the Secretary of State.

5. The Governor will report to the Secretary of State each case in which leave of absence has been granted.

6. An officer to whom leave of absence has been granted, will be entitled to half salary during his absence from the Colony, but the half salary for the last half of the term of leave originally granted, will only be receivable on the resumption by the officer of his duty.*

7. The Governor will furnish every officer proceeding on leave of absence with a duplicate despatch to the Secretary of State, stating whether the officer on leave had been absent from the Colony on any former occasion, and if so, for what period; the ground on which the present leave had been granted, for what term, from what date, the amount of salary attached to the office, up to what date the officer had received any payment on account of salary, enclosing

* The Colonial Agents-general are in some cases instructed by Colonial Governments to make a deduction of $2\frac{1}{2}$ per cent. on payments of salaries, and of pensions from Colonial funds, in order to cover the expense of remittance to this country of the funds required for that purpose.

[*To be inserted at Page 27 of Book of
Colonial Regulations. 1843.*]

8^A. The regulations respecting the stoppage of the half salaries of secular Officers in the Civil Service of the Crown, on obtaining leave of absence, are strictly applicable to those Clergy or Ministers of Religion who may not be in possession of benefices, (the emoluments of which are fixed by, and depend upon, positive laws,) but who are in the receipt of stipends, which the Queen, or Officers acting under Her Majesty's authority, may diminish, suspend, or take away, without the infringement of any such law.

To whatever extent the authority of the Queen, or of Her Majesty's Officers, may be competent to enforce it, the further rule must be observed, that no Clergyman or Minister of Religion must be permitted to absent himself from the Colony in which he serves, until adequate and satisfactory provision shall have been made for the performance of his clerical duties during his absence.

a certificate to that effect from the Colonial Treasurer, and what provision had been made for executing the duties of the absent officer.

8. On his arrival in this country the officer on leave will report himself to the Secretary of State, transmitting the Governor's despatch, and mentioning the place of his residence, and should he subsequently change his residence, he must notify the same to the Secretary of State.

9. The preceding regulations regarding leave of absence are not to be understood as applying to or as designed to prevent or to regulate any vacation not exceeding six weeks in the whole in any one year, during which any civil officer may apply for and obtain a leave of absence for the purpose of relaxation from business. In such cases no report to the Secretary of State will be necessary, nor will any abatement of salary be made, it being understood that the officer absenting himself will, with the concurrence or sanction of the Governor, have made such arrangements as may be necessary for the intermediate and gratuitous discharge of his duties by some one of his brother officers.

10. The longest period for which the Governor and Council will be at liberty to grant leave of absence without the previous sanction of the Secretary of State, is, in each case, as follows:—

Mediterranean	6 months
West Coast of Africa, North America, and West Indies	9 „

Cape of Good Hope and Mauritius . . .	15 months
Ceylon and Australian Colonies . . .	18 „

These periods are to be computed from the day of departure to the day of return to the Colony.

11. Governors are required by Act of Parliament (54 Geo. III. cap. 61) to report each instance of leave of absence to the Secretary of State for confirmation.

In default of such report, the Governor is liable to a penalty not exceeding, in each case, 100*l*.

12. A return of absent officers is annually laid before Parliament.

§ II. *Pensions and Retiring Allowances.*

1. It is to be understood, as a general rule, that no Colonial officers of any rank or description, are entitled as of strict and absolute right to retiring pensions.

2. Each case, however, as it presents itself, must be specially considered and treated on its own merits, and the amount of pensions to be granted in any instance will be regulated by the principles of the British Superannuation Act; it being clearly understood that the maximum rate of pension established by that Act is not in practice the minimum rate also.

3. Whenever a Governor may have occasion to bring under the consideration of Her Majesty's Government the application of any officer for a retiring allowance, on quitting the public service, he is required to furnish a detailed statement, showing the

age of such officer, the nature and length of his services, the salary and emoluments of his office, according to the schedule prescribed for that purpose.*

4. Previously to making any payment in future in respect of pensions or retired allowances, the officers specified in the margin will take care, respectively, to inform themselves whether any stipulation may have been attached to the original grant of such allowance or pension, with reference to the employment, emolument, condition, residence, or otherwise, of the party claiming the same; and, in all cases where the payment of the allowance is to be contingent upon any such stipulation, they will require and produce as a voucher, in support of their account, a sufficient declaration, certificate, or other proof that it has been complied with, and that the allowance or pension claimed by the party had consequently become properly due, and they will withhold the payment of the pension or allowance until such document shall be produced.†

Treasurer . . .	Ceylon.
Treasurer . . .	Mauritius.
Treasurer . . .	Trinidad.
Treasurer . . .	St. Lucia.
Treasurer . . .	New S. Wales
Treasurer . . .	Van Diemen's Land.
Treasurer . . .	Western Aus- tralia, New Zealand.
Treasurer . . .	Cape of Good Hope.
Treasurer . . .	Malta.
Receiver-general .	British Guiana.
Receiver-General .	Gibraltar.
Colonial Secretary and Accountant }	Sierra Leone.
Collector and Ac- countant . . }	Gambia.

* See Appendix.

† The Colonial Agents-general are in some cases instructed by Colonial governments to make a deduction of $2\frac{1}{2}$ per cent. on payments of salaries, and of pensions from Colonial funds, in order to cover the expense of remittance to this country of the funds required for that purpose.

§ III. *Passages to the Colonies ; to whom allowed and at what Rates.*

1. Passages will not be granted in Her Majesty's ships, except in special cases, and then only when Her Majesty's pleasure is signified through the Secretary of State.

2. When no such passage has been granted, an allowance will be made for the expense of a passage to certain functionaries hereinafter mentioned.

3. The allowance so to be made will be defrayed by the British Treasury in the following cases :—

Governors or persons specially commissioned to proceed to any of the Colonies.

Clergymen in cases where Parliament has made provision for maintaining an Ecclesiastical Establishment, as in the West Indies ; or where stipends for Clergymen are specifically provided for in annual Parliamentary grants.

4. In cases where the stipend of a Clergyman, nominated by the Crown, is provided for from Colonial funds, the passage allowance will be payable from those funds : this rule applies not only to Clergymen of the Church of England, but likewise to those of the Scotch Presbyterian, of the Roman Catholic, and of the Dutch Lutheran Churches.

5. Her Majesty's Government will not object to make a temporary advance on account of such allowances (should the Agent of the Colony have no means of providing for the amount), in cases where there are Colonial funds, out of which it may be competent for them to direct a repayment ; but they cannot pledge themselves in any other respect to provide for the issue of such allowances.

6. These regulations do not apply to Clergymen sent out to Penal Settlements to be employed in the religious instruction of convicts.

7. The following is the scale of passage allowance to be granted to Governors and Clergymen respectively :—

Governors.

	£.		£.
North America.	300	Cape of Good Hope . . .	600
West Indies	300	Mauritius	700
Lieutenant-governors in		Ceylon	800
West Indies	200	New South Wales and Van	
Malta	300	Diemen's Land	800
Gibraltar	200	New Zealand	800
West Coast of Africa . . .	300		

Clergymen.

	£.		£.
North America	60	Mauritius	130
West Indies	60	Ceylon	150
Malta	60	New South Wales and Van	
Gibraltar	40	Diemen's Land	150
West Coast of Africa . . .	60	New Zealand	150
Cape of Good Hope . . .	100		

8. Governors will be granted the same amount of passage allowance, on retiring from their governments, but they must not draw for the amount, without the previous sanction of the Secretary of State ; if, however, they come home on leave of absence, they must provide for their own conveyance to this country, and for their return to the Colony ; or if a Governor be relieved at his own request, before the period at which a successor would, under ordinary circumstances, be appointed.

9. If a Governor is removed from one government to another, he will not be entitled to passage allowance from the Colony from which he retires to this country, and likewise from hence to the Colony to which he is about to proceed ; but the allowance to be granted to him will

be calculated, as nearly as may be practicable, on the distance between the two Colonies, and the probable expense of a direct passage from one to the other.

10. No *outfit* is allowed on any occasion.

§ IV. *Passages in Her Majesty's Ships.*

1. No passage at the public expense is to be given, except on the application of the senior Officer of the Civil or Military Department on the spot, to the senior Naval Officer present, and the expense for the entertainment of the passengers embarked will not be paid by the public, unless the Chief of the Department in England. under whose orders the passenger may be, should consider the passage to have been properly applied for, and that the expense should be so paid.

2. Whenever a Governor has occasion to apply to the Senior Naval Officer for a passage in one of Her Majesty's ships for himself, or for any other functionary under his government, he must immediately report the case to the Secretary of State, stating at the same time the circumstances under which the application was made.

3. Should Her Majesty's Government consider it right that the expense of any such passage should be paid by the public, they will cause the proper steps to be taken for paying the amount to the order of the Lords Commissioners of the Admiralty; and it must, therefore, be clearly understood that no Governor or other person is at liberty to disburse such expense directly to the Officer commanding the ship in which they may be accommodated, unless, of course, the expense is to be defrayed at their own cost.

4. If Her Majesty's Government cannot with pro-

[*To be inserted at Page 32 of Book of
Colonial Regulations. 1843.*]

10. Whenever a Lieutenant Governor is appointed to a Colony in which a Superior Governor is resident and exercising all the functions of his Office, he will be entitled to receive a moiety of the Passage Allowance assigned by the Regulations to the Governor under whom he is about to serve.

11. Whenever any person in this Country shall be appointed to serve Her Majesty in any British Colony not possessing a Representative Assembly, in the capacity of a Surveyor, an Engineer, an Architect, a Schoolmaster or a Magistrate or in the Medical or in the Police Departments, the Agent General will be authorized to defray the expense of the Voyage of the Officer to the Colony to which he may be so appointed—provided that the Official Emoluments of any such Officer do not exceed £500 per annum.

priety charge the public with payment of the expense of such passage, the amount thereof must be deducted from any salary which may accrue to the public functionary for whom the passage was provided.

5. The rates at which passages in Her Majesty's ships will be paid to the Captains or Commanding Officers, at whose table passengers may be entertained, are as follows :—

6. For Governors-in-Chief, Bishops, or Commanders-in-Chief, when the latter are of higher rank than Major-general, and their suites respectively (not exceeding in the whole four persons), for a passage not exceeding three days, 30*l.*; for a passage not exceeding seven days, 60*l.*

7. For Governors and Commanders-in-Chief, of lower rank than the foregoing, and their suites (not exceeding in the whole three persons), for a passage not exceeding three days, 22*l.*; for a passage not exceeding seven days, 44*l.*

8. Passages exceeding seven days are to be paid for at the above rates for the first week, and afterwards at the rate of 1*l.* 5*s.* per diem for each male person above the age of 16, entertained at the Commanding Officer's table.

9. If a greater suite shall be entertained than the supposed number, for a passage not exceeding seven days, an additional allowance is to be made of 1*l.* 10*s.* per diem for each person exceeding it.

10. When individuals of a rank lower than those above stated shall be ordered to be entertained at the table of a Flag Officer, or a Captain or Commander commanding a ship or vessel, 1*l.* 1*s.* will be allowed daily for fourteen days, and 15*s.* for every day after.

CHAPTER V.

§ 1. *Precedency.*

THE following Table of Precedency is to be observed in Her Majesty's Colonial Possessions.

1. The Governor or Lieutenant-governor or Officer administering the government—

2. The Lieutenant-governor (not administering the government), or the Senior Officer in command of the Troops, if he is to succeed to the administration of the government, in case of the death or absence of the Governor, Lieutenant-governor, or Officer administering the government.

In the event of hostilities, the Senior Officer in command of the Troops will take this precedence under any circumstances.

In those settlements, at a distance from the seat of the Colonial Government, which are under the immediate authority of a Superintendent, that officer, within the settlement, precedes all persons, except the Officer in the administration of the government of the Colony.

3. The Bishop.

4. The Chief Justice.*

* In some Charters of Justice these rules have not been exactly followed. The Charters cannot of course be controlled by these instructions, but must continue (as long as they shall be unaltered by some competent authority) to regulate the precedence of the Judges.

5. The Members of the Executive Council.

Their relative precedence, amongst themselves, is established in each case by Her Majesty's "Instructions" to the Governors of Colonies.

6. The President of the Legislative Council.

7. The Members of the Legislative Council.

8. The Speaker of the House of Assembly.

9. The Puisne Judges.

10. The Members of the House of Assembly.

11. The Colonial Secretary (not being in the Executive Council).

12. The Commissioners or Government Agents of Provinces or Districts.

13. The Attorney-general.

14. The Solicitor-general.

15. The Senior Officer in command of the Troops, except in the cases already provided for.

16. The Archdeacon.

17. The Treasurer, Paymaster-general, or Collector of Internal Revenue.

18. The Auditor-general or Inspector-general of Accounts.

19. The Commissioner of Crown Lands.

20. The Collector of Customs.

21. The Comptroller of Customs.

22. The Surveyor-general.

23. Clerk of the Executive Council.

24. Clerk of the Legislative Council.

25. Clerk of the House of Assembly.

&c. &c. &c.

} Not being Members of Executive Council.

26. In Courts for the trial of piracy, the Members to take rank according to the order in which they are designated in Her Majesty's Commission; except in the case of the Naval Commander-in-Chief (where there is one), to whom, as matter of courtesy, the chair on the right of the President of the Court, is assigned.

COLONIAL UNIFORMS.

§ II. *Queen's Order for Colonial Uniforms.*

1. *Governors of Colonies.*—The same as the present lord lieutenants of counties in England, only in blue with silver embroidery and scarlet collar and cuffs.

2. *Superior Civil Officers.*—The same silver embroidery as the English deputy-lieutenants of counties, only blue coats with scarlet cuffs and collars, single-breasted, cut the same as a minister's coat, white kersimere linings and no turnbacks, buttons under the flaps, nine holes in front, no epaulettes.

The superior civil officers entitled *ex officio* to wear the uniform are—

Members of Executive Councils,
 Members of Court of Policy in British Guiana,
 Speaker of Houses of Assembly,
 Members of Legislative Councils,

And Colonial Secretaries, who may not be Members of Executive Councils.

All other superior Civil Servants must obtain Her Majesty's special permission to entitle them to wear the uniform.

CHAPTER VI.

CORRESPONDENCE.

§ I. *Mode in which Governors and Officers administering Colonial Governments (with certain exceptions in the West Indies, hereafter specified) are to conduct their Official Correspondence.*

1. ALL Governors, or Officers administering Colonial governments, are commanded by Her Majesty to address the Secretary of State for the Colonial Department *alone*, on all matters connected with their government.

2. Every communication, therefore, to whatever public department in this country it may more immediately relate, must in the first instance be addressed to the Secretary of State, with the exceptions hereafter mentioned.

3. The Governor's despatches must be written in a large and distinct hand, with dark ink, on folio paper of uniform size; and an inner margin of about one-third of the page should be left.

4. They are to be numbered in succession, commencing annually with a fresh series, without interruption from changes in Her Majesty's Government.

5. Each despatch must be confined, as much as possible, to a single subject.

6. The correspondence, therefore, should be divided under the following heads, and specified, as the case may be, under the numerical mark of each despatch, namely :—

Executive.
 Legislative.
 Civil.
 Military.
 Judicial.
 Ecclesiastical.
 Financial.
 Commercial.
 Miscellaneous.

7. Should a despatch not be immediately connected with the series of official correspondence, it must be marked “ Separate.”

8. If a despatch consists of two or more sheets, the pages should be numbered. *and paragraphs*

9. Each despatch must be docketed. The docket to specify the date and place at which the despatch was written, the name of the writer, and of the Secretary of State to whom it is addressed, the subject of the despatch, and the number of its enclosures. *(1848)*

10. Its enclosures should be noted in the margin, and reference made, in the body of the despatch, to such portions of them as may require particular attention.

11. The enclosures must be copied separately on

folio paper, corresponding in size, as far as may be found practicable, with the despatch transmitting them, and must also be written in a large and distinct hand, with dark ink.

12. Should the enclosures be in any foreign language, translations of them, as well as copies, are to be forwarded.

13. The enclosures are also to be paged (if consisting of two or more sheets), numbered, and docketed like the despatch, but the docket must also specify that the document is an "Enclosure in —— despatch, No. —— of ——."

14. On each occasion of despatches being forwarded to the Secretary of State, they should be accompanied by a schedule, of which the form is to be found in the Appendix, and also a duplicate of the schedule of despatches forwarded by the preceding opportunity.

15. A similar schedule of despatches addressed to the Secretary of State during the preceding six months should be sent home half-yearly, and a complete schedule of the same at the close of each year.

16. Duplicates of all despatches, and of their enclosures, must be regularly transmitted with similar schedules.

17. All addresses or petitions to the Queen, on parchment, must be accompanied by a transcript on official paper.

18. Every Legislative Act must be accompanied by a statement explanatory of its object, of the mo-

tives in which it originated, and of any legal question of importance which it may involve.

19. Whenever it may be found necessary to address the Secretary of State, in a more unreserved manner than a public despatch would admit with propriety or convenience to the public interest, such communication should be marked "Private and confidential."

It will, however, rest with the Secretary of State in each such case to decide whether such private and confidential letters are or are not to be considered, and recorded, as public documents.

20. No official cognizance whatever can be taken of any communication, whether it be marked "Private" or not, if purporting to be addressed to any other person than the Secretary of State.

21. No allowance, on account of travelling expenses, will be made to any Officer or other person bringing despatches to this department, unless the intelligence transmitted be of such a nature as to appear to the Governor to justify the sending it by a special messenger.

22. Every Governor will take care that the Secretary of State's despatches, addressed to himself, as well as copies of his own, addressed to the Secretary of State, are deposited in some building belonging to, or appropriated entirely to the use of, the Colonial government. Such building should combine, as far as possible, the advantages of security and convenience.

23. No Officer will be allowed, on any account, to

withdraw a single document of either description on retiring from his government.

24. Governors are not at liberty to allow copies of the Secretary of State's despatches, or instructions, to be taken by any person under any circumstances, unless by desire of the Secretary of State.

§ II. *Mode in which the Lieutenant-Governors of the Windward and of the Leeward Islands, in the West Indies are to conduct their Official Correspondence.*

1. Her Majesty's Colonies of Barbadoes, St. Vincent, Grenada, Tobago, and St. Lucia, having been consolidated into one General Government, and Antigua, Montserrat, St. Christopher, Nevis, Tortola, and Dominica into another General Government, the former under the denomination of the Government of the Windward Islands, and the latter the Government of the Leeward Islands; and Lieutenant-governors, or Presidents administering the government, having been appointed to the several Islands comprising, respectively, the two General Governments, Her Majesty has commanded that the following instructions in regard to their correspondence should be implicitly obeyed.

2. The correspondence of the Governors-in-Chief with the Secretary of State will be conducted in the

mode which has been established by the preceding regulations : but they will take care to keep the series of despatches, relating to each Colony within their respective commands, as far as possible detached and separate from the rest.

3. During the absence of the Governor-in-Chief from any of the islands comprised within his command, and his continuance within the limits of that command, the respective officers for the time being administering the government of the said several islands respectively shall correspond with him on all subjects connected with such their respective offices, and shall transmit to him all official reports and information touching the same.

4. They shall apply to the Governor-in-Chief for all such instructions as they may require for their guidance in the discharge of such their respective trusts.

5. In the event of the death, or absence of the Governor-in-Chief from the limits of his command, the Officers administering the governments of the said several islands shall address all such correspondence to the officer for the time being administering the General Government, and shall transmit to him all such reports and information as aforesaid, and shall apply to him for all such instructions as aforesaid.

6. If, during the absence of the Governor-in-Chief from any of the islands within the limits of his command, exigencies should arise, in which it may be necessary that instructions should be obtained from

the Secretary of State with the utmost possible promptitude, the Officer administering the government of any such island is authorized to apply to the Secretary of State in any such exigency as aforesaid for instructions in relation thereto.

7. Every such Officer will be required to transmit by the earliest opportunity to the Governor-in-Chief, or, in the event of his death, or absence from the limits of his command, to the Officer administering the General Government, a copy of every despatch or communication which may be so directly addressed to the Secretary of State.

8. In the case above alluded to, the Secretary of State will communicate his answer to any such despatch direct to the Officer from whom he may have received it, and will transmit a copy of that answer to the Governor-in-Chief.

9. In any case in which the Governor-in-Chief may consider it expedient to suspend the issuing of instructions upon any question referred to him by any of the Officers administering the government of any of the said respective islands, until Her Majesty's pleasure can be known, he will be authorized so to suspend and postpone the same, apprising the officer applying for any such instructions of any such intended postponement.

10. The Lieutenant-governors of the Windward and of the Leeward Islands will be guided, in their correspondence with the Governors-in-Chief, by the general regulations which have been established by

the Secretary of State in the preceding sections of this Chapter.

§ III. *Military Correspondence.*

1. The Governors of Colonies, commanding Her Majesty's troops therein, must separate their correspondence with the Secretary of State, and with the General Commanding-in-Chief, in the following manner.

2. Whatever relates to the discipline of the troops, or to the employment of them in any ordinary and established service, or to the relief of the troops after their time of local service shall have expired, or to the interior economy of Her Majesty's land forces, will properly form the subject of correspondence with the General Commanding-in-Chief exclusively.

3. In the event of actual hostilities with any foreign enemy, or of any extraordinary employment of the troops for the maintenance of the public peace, such occurrences must be reported both to the General Commanding-in-Chief and to the Secretary of State.

4. In the event of its being thought necessary to make or to advise any Military Convention with the officer in command of the troops of any foreign power, the Governor commanding Her Majesty's troops will at the same time report to the Secretary of State, and to the General Commanding-in-Chief,

the measures which he may have so taken, or those which he may wish to recommend for adoption.

5. In case it should be necessary, in order to render the Governor's Military Reports intelligible, to make reference, in his correspondence with the General Commanding-in-Chief, to topics connected with his civil authority, he will in every such case at the same time bring under the notice of the Secretary of State the questions of civil government to which he may thus have had occasion to advert.

6. As any attempt to define the limits of a Governor's civil and military correspondence may, from the nature of the case, be imperfect, and may omit to provide for some unforeseen exigency, he will best fulfil the joint pleasure of the General Commanding-in-Chief, and of the Secretary of State, by conducting his civil correspondence exactly as he would conduct it if he possessed no military command, and *vice versâ*. The two functions, though for the time combined in the same person, should be regarded as entirely separate, and the reports made by the Governor in each capacity should be made precisely in the same manner as if that combination of powers did not exist.

6. The preceding instructions have no reference to the Governor's correspondence with the Lords of the Treasury respecting the service of the Commissariat.

7. Officers of Ordnance will apprise the Governor of any communication which they may think it necessary to make to the Board of Ordnance affecting the

Governor, or Orders given by his authority, so that the opinion of the Governor may be given in conjunction with their own, on any question in which it is requisite the views of both parties should be known.

§ IV. *Correspondence between the Commissioners of Audit in this Country and the Officers of Account in the Colonies.*

1. The Board of Audit in this country will correspond directly with the Accountants in the Colonies.

2. The communications from the Board of Audit will be divided into two classes, the one comprising points affecting the functions and responsibility of the Accountants only, the other comprising points affecting the discretion and responsibility of the Governor, or other superior officer authorizing expenditure.

3. Both these classes of communications will be addressed directly to the Accountants, but of the second class copies will be sent, simultaneously with their transmission to the Colony, to the Lords Commissioners of the Treasury, to be forwarded to the Secretary of State, by whom such instructions as may appear to him necessary will be addressed to the Governor respecting them.

4. To ensure, however, to the Governor full knowledge of all correspondence in which the affairs of his Government may be concerned, the Accountant will be directed to submit to him all

queries or letters whatever which may be addressed to him by the Audit Office, together with the answers which it may be his intention to return to them; and it will be the duty of the Governor, should he see reason to dissent from those answers, or desire to attach to them any additional explanation, to address a Despatch on the subject to the Secretary of State.

5. If in any case it should appear to the Board of Audit necessary that a question regarding Colonial Accounts should be proposed to the Governor himself, the Board will submit such question to the Lords of the Treasury, at whose instance the Secretary of State will himself communicate on the subject with the Governor.

§ V. *Correspondence of Individuals.*

1. If an officer serving under a Colonial government, or a private individual residing in a Colony, has occasion to address any representation to the Secretary of State, he must at all times make the Officer administering the Colonial government the medium of his communication. Whenever this course is not strictly adhered to, the representation, of whatever nature it may be, must in every case be referred back to the Governor for his report.

2. This regulation is by no means intended to preclude the free resort of all Her Majesty's subjects to the highest authority in the State for the redress of any grievances under which they may deem them-

[To be inserted at Page 48 of Book of
Colonial Regulations. 1843.]

§ V. *Correspondence between the Postmaster General in this Country, and the Postmasters, Packet Agents, &c., in the Colonies upon matters affecting the Governor or Orders given by his authority.*

1. Whenever any Postmaster, Packet Agent, or other public Functionary acting under the immediate Orders and Instructions of Her Majesty's Postmaster General, shall have occasion to transmit to the Postmaster General any complaint or representation respecting the conduct of the Local Government or of any of its Officers, he must simultaneously place in the hands of the Governor a copy of so much of any such report as it may be requisite for the Governor to answer, so that the complaint and the explanation may reach this Country at the same time.

2. Should the Governor have occasion to make to the Secretary of State any complaint or representation respecting the conduct of an Officer employed under Her Majesty's Postmaster General, he will apprise such Officer of the precise nature of the complaint or representation which he proposes to forward, in order that the Officer to whom it relates may be enabled at once to transmit to the Postmaster General any explanation which he may have to offer with respect to his conduct.

selves to labour, provided they pursue the course of communication which justice and fairness to all parties concerned, as well as convenience and regularity in the dispatch of public business, render it necessary to prescribe.

3. The Governors of Her Majesty's Colonies are the authorities to which Her Majesty's subjects residing in those Colonies should, in the first instance, address themselves.

4. The Governors will receive with attention all representations properly and respectfully addressed to them, and will either take such decisions on them as may appear to them most just, or will refer them to the Secretary of State.

5. Should the Governor's decision not prove satisfactory to the parties concerned, he will receive any remonstrances which shall be addressed to him, and (if requested to do so) he will transmit them to the Secretary of State, with his opinion and report.

6. The practice which has in some instances been adopted of addressing memorials direct to this office, and only sending copies of them to the Governor, on the eve of the departure of the vessel which is to convey them, will not be recognised as a proper course of communication, and must not be repeated.

7. The public Officers and Colonists in the Windward and in the Leeward Island governments will look upon the Governor-in-Chief of each of those governments as the referee on all such occasions, when they are dissatisfied with the judgment formed

upon their cases by the Lieutenant-governor of the particular island in which they may reside.

8. But if the parties should wish to appeal from the judgment of the Governor-in-Chief to that of the Secretary of State, they are of course at liberty to do so, adhering strictly to the regulations which are above established.

9. In any reports to be made, either by the Lieutenant-governors to the Governors-in-Chief, or by the latter functionaries to the Secretary of State, of questions for decision, they will adopt the following rules.

10. The report should comprise three distinct divisions: the first containing a simple narrative of the facts of the case, in the order in which they have occurred, as collected from the documents under consideration, showing merely the substance of the statements made, and of the rights asserted, or the complaints alleged by the respective parties concerned; the second containing the views of the Governor as to the merits or demerits of the parties, or the justice of their several claims or complaints, with the reasons upon which those views proceed; and the third, the decision at which the Lieutenant-governor or the Governor-in-Chief may have arrived, after a full investigation of the whole case.

11. In any report or despatch addressed to the Secretary of State, it will be desirable not to multiply references to previous reports or despatches, or other document, when the whole of the substance

thereof can be conveniently embodied, so as to save the reference ; but the dates of the former correspondence should be stated.

§ VI. *Attestation of Documents.*

1. As great inconvenience is occasioned by parties presenting at the Colonial Office for attestation the signatures of various Colonial functionaries, the Secretary of State must in future decline to certify any signatures except those of the Governors.

2. Whenever therefore the signature of any other person in the Colony requires to be authenticated, it should in the first instance be attested by the Governor, and then, if necessary, the Governor's signature may be certified by the Secretary of State.

3. The fee on an attestation by the Secretary of State is 2*l.* 2*s.*, by an Under Secretary of State 10*s.* 6*d.*

CHAPTER VII.

FINANCIAL AND OTHER RETURNS.

HER Majesty's Government attach the highest importance to the regular and punctual transmission of the following RETURNS; and Governors are desired to impress upon those officers, whose duty it may be to prepare them, that any remissness or neglect, in this respect, will be visited with the marked displeasure of Her Majesty's Government.

§ I. *Returns relating to Colonial Revenues and Receipts.*

1. A Return of the regular revenue, arising from local taxes and duties, in which is to be distinguished the amount of collections under each head, and the arrears of preceding years from the receipts of the current year.

2. Of the revenue derived from rents or other proceeds of Crown property.

3. Of casual revenue and incidental receipts, including judicial fines and forfeitures, escheats, and other similar droits of the Crown, and recoveries of debts from individuals.

4. Of repayments of colonial advances, or other receipts on account of that description.

5. Of receipts in aid of revenue, including loans

raised, drafts on account of Parliamentary Grants, or other advances from the funds of this country, issues of paper currency, and deposits from the courts of law, or otherwise, which may be for a time available for the purposes of the Colonial government.

6. Of deposits not so available.

§ II. *Returns relating to Disbursements.*

1. A Return of civil charges regularly authorized by Her Majesty's Government, or by Acts of local Legislatures, which have received Her Majesty's assent, classed under the heads of salaries, and of incidental and contingent charges, specifying the amount expended under each head for each public department, and including judicial and ecclesiastical establishments paid by the Government.

2. Of supplementary civil charges, comprising any salaries or contingent charges which may not have been regularly sanctioned by Her Majesty's Government, specifying the department and service for which they may have been incurred, and whether such sanction has been applied for.

3. Of military charges, if defrayed from Colonial funds, and not paid by officers accounting to the military departments in this country, under the heads of regimental pay and subsistence of local corps or militia.

4. Of advances for the Colonial service (to be

subsequently repaid or accounted for to the Colonial authorities), including remittances to agents.

5. Of advances from the Colonial funds to the military chests, or otherwise, for services to be accounted for by the officers to whom the advances are made to their respective departments in this country.

6. Of repayment of loans, or advances in aid of revenue, and payments for interest thereon, paper currency cancelled, or other debts liquidated.

7. Of repayments of deposits.

8. Of special and particular services, not attaching to the ordinary Colonial establishments, such as Indian presents, the expenditure for liberated Africans in Sierra Leone and in the West Indies, and in the cases of New South Wales, Van Diemen's Land, and Bermuda, the charges for the maintenance, clothing, and lodging the convicts, and for establishments connected with their immediate superintendence and management; any sums received for their labour being stated by way of deduction from the gross amount of the expenditure.

9. Adverting to the variations in the charges defrayed from revenues at the disposal of the Colonial governments, comprising in some instances expenses of a public nature, which, in others, are provided for by separate and special rates, not levied or accounted for by the officers of government, it would be desirable to receive the best returns that can be obtained of the produce and appropriation of all such dues or tolls as are levied or applied by local municipal

bodies, or officers, or as may have been imposed by law for any specific purposes, including legislative provision for ecclesiastical, scholastic, or charitable establishments.

10. These several returns and statements should be made out and furnished *quarterly*, and they should comprise not only the revenue and expenditure, and other financial transactions of those Colonies of which the revenues are at the immediate disposal of the Crown, but also of those Colonies where the revenues are appropriated by, and accounted for to, Representative Assemblies.

11. The quarterly returns, in those cases where the revenues are at the disposal of the Crown, should be accompanied by a short abstract of the transactions of the treasurer, or other officer accountable to the Lords Commissioners of the Treasury, for the application of the Colonial funds, showing the amount of his receipts and disbursements during the corresponding period, and the balances in hand, or available, at the commencement and end of it.

12. Although the Lords of the Treasury consider that it is very desirable to obtain these returns and statements *quarterly*, they are aware that, in some cases, the Colonial financial returns are made up *annually*, and that it may be difficult to obtain them more frequently, from Colonies having Representative Assemblies, than once in each year; their Lordships would wish, however, to obtain them *quarterly* in all practicable cases.

13. The accounts of revenue and expenditure, of the preceding year, must be transmitted to this country, for examination and audit, on or before the 1st of April in each year.

14. The salary of the Treasurer, or other proper officer, must not be issued to him, until he has certified to the Governor that he has complied with his instructions.

15. The Auditor will transmit through the Governor such reports as he may from time to time have to make to the Audit Board, in order that the Governor may have an opportunity of adding any explanations which he may judge necessary, thus saving in many cases the necessity of a further reference to the colony.*

16. All accounts of expenditure of public money must be accompanied by authenticated copies of, or extracts from, such of the Secretary of State's despatches, as may be referred to in the accounts, in support of particular items of expenditure.

17. A quarterly return or schedule of all appointments to public offices, and of all alterations made in the salaries or allowances of public officers, as also of all payments of an unusual and special description directed or sanctioned by the Governor or officer commanding, should be made out in the forms prescribed in the Appendix, but the Governor must not regard the mere transmission of this return as relieving him from further responsibility.

* See page 47.

§ III. *Other Periodical Returns.*

1. Copies of the Minutes of the Proceedings of the Houses of Assembly and of the Boards of Privy and Legislative Councils, with an index of the most material contents, and marginal abstracts of the same in each page.

2. Lists of members of Executive and Legislative Councils, specifying the date of their appointment, and whether they hold any other office in the Colony.

3. The Governor will send home two manuscript copies of all Acts passed during the session of the Colonial Legislature. In those Colonies, in which it is customary to print the laws, not fewer than six copies are to be sent; two of which are required for the use of the two Houses of Parliament; and Her Majesty's Government will send out annually to the respective Governors, for the use of the Colonial Legislatures and Courts of Justice, copies of the British statutes, which must be carefully preserved.

4. Whenever a new compilation or corrected edition of the Colonial laws shall be published, four copies are to be forwarded to the Secretary of State; two of which are required for the use of the two Houses of Parliament.

5. A return for the preceding year of all retired allowances upon abolition and reduction of office, specifying the total amount at the beginning of the year; the diminution occasioned by death or other-

wise; the addition made during the past year; the age and length of service of each party so added; and the saving of establishment which shall have been made in each such case.

6. A return of all officers whose duties are executed by deputy, and of all officers absent upon leave; with the date from which their leave commenced, and to which it extends.

7. A list of the names of all persons to whom any salaries shall be granted, as stipendiary magistrates, specifying the date of every such commission, and the amount of salary assigned to every such justice of the peace.

8. In consequence of the frequent changes which occur in the appointments of Stipendiary Magistrates, the Secretary of State desires to be furnished likewise with quarterly lists of those in actual employment, specifying the date of appointment and amount of salary, and whether the appointment is or is not provisional.

9. Reports of progress in geographical and topographical knowledge, comprising detailed information on the following points:—

First. Accounts of any journeys of discovery into the interior.

Second. The division of counties or districts.

Third. The construction of canals and roads.

Fourth. Latitude and longitude of the sites chosen for establishment of new villages or towns.

Fifth. The course of rivers.

Sixth. The height of mountains, and, generally, on all such points as may be useful and interesting to science.

10. The reports must be accompanied by such maps and surveys as may be necessary for their elucidation; and the surveyor-general must be called upon, once at least in each year, to report on the progress of his department.

11. Two copies of the Colonial *Book Almanack* for the current year; and copies of Government Gazettes, and generally of such books or pamphlets issuing from the Colonial press as may be useful to this department.

§ IV. *The Annual “Blue Book.”*

1. The annual “Blue Book,” containing specific accounts of the Civil Establishments, of the Colonial Revenue and Expenditure, and of various statistical particulars, &c., must be completed as early as possible after the close of each year. The various returns which it comprises must be filled up with the greatest possible accuracy; and the statistical Tables must be full and complete. Blank copies of this book in sheets will be annually transmitted to each Colony from the Colonial Office.

2. The Colonial Secretary will be responsible for the general preparation of the “Blue Book,” and he must certify the accuracy of its contents.

3. The Governor will not be authorized to sign a warrant for payment of the first quarter's salary in each year, which may be otherwise due to the Colonial Secretary, unless he shall have produced a complete Book properly filled up, or can show to the Governor that he has duly called upon the chief officer of the department, in which any delay may have occurred, for the returns required from him.

4. In this case the latter officer must be held responsible for the delay, and payment of his salary must be suspended, until he has forwarded the necessary returns to the Colonial Secretary.

5. The Governor will send home the “Blue Book” in duplicate. He will retain one copy for the use of the Executive Government, and in the Legislative Colonies he will lay a copy of it before the Council and the House of Assembly respectively.

6. The Governor, in transmitting the “Blue Book” to this department, will accompany it with a report, exhibiting generally the past and present state of the Colony, and its prospects, in every political branch.

CHAPTER VIII.

§ I. *Requisitions from Colonies.*

1. ALL requisitions for supplies must be transmitted from the Colony to the Agent-general in this country.

2. It must be certified in each case whether such requisitions are made “for the current supply of an established and customary service,” and sanctioned by Her Majesty’s Government, or for articles of an extraordinary nature, or for a service not so sanctioned.

3. In the latter case it is necessary that the requisitions should be accompanied with all the explanations necessary for the guidance of Her Majesty’s Government in determining whether they should or should not be complied with.

4. In every case the signature of the Governor should be attached to the end of the list containing the specific articles required.

5. No requisition must be made to replace articles spoilt or worn out until a Board of Survey, consisting of not less than three public officers, of whom the Chief Secretary to Government shall be president, has been held upon the articles. A certificate of the Board, stating that the articles in question are un-

serviceable and necessary to be replaced, must accompany the requisition.

6. The officer at the head of the department must be debited with the unserviceable articles, or the Board of Survey must give directions for having them sold by public auction, whenever the quantity accumulated shall render such sale expedient.

7. The Board of Survey will furnish the Governor with a report of their proceedings.

8. They will also be required to consider and report to the Governor the propriety of every requisition for articles to be supplied for the public service, taking care that no expense which is not absolutely necessary shall be incurred.

9. The Governor will be expected to revise the requisitions and the reports of the Boards, and to direct the Boards to reconsider their reports should it be necessary. He will then forward them to the Secretary of State with his own observations.

§ II. *Furniture for Government Houses, &c.*

1. The several rooms and apartments in a Governor's house, which are usually appropriated for the reception of company on public days, will be furnished, at the public expense, from the revenue of the Colony; subject, in those Colonies in which are Colonial Assemblies, to such regulations, as to the extent and value of such furniture, as the Legislature or the Government may impose.

2. All the chapel plate and furniture, and pictures of the Royal Family, deposited in Governors' houses, are to be considered public property, and not to be removed on any account ; and all allowances on these articles which were formerly made to Governors on their first appointments are now discontinued.

3. All furniture supplied at the public expense is to be kept complete ; and any article lost or damaged, otherwise than by fair wear, is to be made good at the expense of the officer occupying the government house for the time being.

4. To prevent any misunderstanding between the different officers who may succeed to a government in the Colonies, each Governor will respectively cause an inventory to be forthwith prepared of all furniture provided at the public expense ; of which inventory he will cause one copy to be retained in the government house ; one to be forwarded to the Secretary of State, for the information of the Lords Commissioners of the Treasury ; and a third he will cause to be delivered to some one officer of his government, who, on satisfying himself that the inventory, so delivered to him, is correct, will be held responsible for its safe custody.

5. The Governor will report to the Secretary of State, for the information of the Lords Commissioners of the Treasury, the name of the civil officer who may be selected for this purpose.

6. The Governor will from time to time, and not seldomer than once in every two years, require and

direct the officer, whom he may appoint as above, to make an inspection of the furniture, comparing the several articles with the inventory in his possession; and he will prepare a list of all deficiencies, which the Governor will thereupon take measures to have replaced or rectified at his own expense.

7. The Governor will instruct such officer to furnish him, for the purpose of being forwarded to the Secretary of State for the Colonies, within one month after each inspection, with his certificate as to its having been duly made, with a copy of the list of deficiencies, if any; and he will note thereon any steps that may have been taken, within his knowledge, for replacing or repairing the deficient or defective articles, in order that the Lords Commissioners of the Treasury may be enabled to give the necessary directions for holding the Governor responsible for any default in this respect.

8. On each occasion of a Colonial Governor vacating his government, a similar inspection and report are to be made; and if the retiring officer does not cause the deficiencies and repairs, for which he is responsible, to be executed, the inspecting officer (in communication with the officer who may succeed to the government) will prepare and transmit to the office of the Secretary of State a statement of the expense to be incurred for that purpose, in order to the recovery of the amount from the responsible officer.

9. The government offices, in the respective Co-

lonies, will also be supplied, at the public expense, with such furniture, of a plain but substantial kind, as may be absolutely requisite for the proper accommodation of the persons belonging to the departments, while engaged in the transaction of the public business.

10. The Lords Commissioners of the Treasury consider carpeting to be unnecessary for this purpose, except in climates where a considerable degree of cold is experienced.

11. The same regulations are to be observed, in regard to the custody and repair of furniture supplied to government offices at the public expense, as have been established in the case of Governor's residences.

12. Governors are not allowed, without the special authority of Her Majesty's Government, to accommodate the civil officers of their government with houses or lodgings at the public expense.

13. The Secretary of State will not grant such an indulgence, except under particular circumstances ; and whenever an application is addressed to him on the subject, the Governor must state the value of the house, if it belong to the Crown, and if not, the amount of rent to be paid for it, or the amount of allowance which he would propose in lieu of house-rent.

§ III. *Transport Service.*

1. In order to reduce the great expense which has attended this branch of the public service, it is desirable that all stores, &c., which may be required for the Colonies, should generally be forwarded from this country at fixed periods of the year.

2. The following are the seasons of the year most favourable and fitting for sending out ships from England to different parts of the world, and, consequently, at the lowest rates for engaging transports, or transport tonnage, and diminishing the rate of the voyage :—

Halifax and the North Ame- rican Colonies	} in March, April, May.
Bermuda	from October to March.
West India Islands	from October to February.
Coast of Africa	from October to March.
Cape of Good Hope	from October to May.
New South Wales, at most times of the year.	

These periods are fixed for the voyage outwards only.

3. October and March are the two months in the year in which vessels may be dispatched with the greatest advantage to every part of the world, to which freight can be required, either for stores and provisions, or passages for officers and troops.

4. Vessels which are wholly freighted by the Lords Commissioners of the Admiralty, and have an agent of transports on board, are to be treated as public vessels engaged in the service of the Crown.

5. Vessels freighted only in part by the Lords Commissioners of the Admiralty are to be considered as merchant vessels.

6. Agents of transports are required, by their general printed instructions, on arriving at any station abroad, to apprise the Governor or Senior Military Officer on such station of the nature of their orders ; and should there not be at the port a resident agent for transports, an Admiral or Captain-superintendent of a naval yard, or a Commander-in-Chief, or Senior Officer of Her Majesty's ships, or any of the Civil authorities of the Navy, they are directed to comply with any requisitions which they may receive from such Governor or Senior Military Officer : but it is to be distinctly understood that no Military Officer is in any way to interfere with the agents in the execution of their duty, and that special reports are forthwith made to the Secretary of the Admiralty of any deviations from their original orders, which may be made by direction of such Governor or Senior Military Officer.

7. Whenever freight ships may be hired to bring home invalids, the Governor, or Officer in command of the Troops, must take care that passages be not granted to any class of persons not entitled to them.

8. The widows and children of soldiers, discharged in the Colony, are entitled to passages, unless their husbands and fathers shall have emigrated to the Colony after their discharge ; in which case the families have no claim upon the public.

9. The families of deceased out-pensioners are not entitled to be conveyed from the Colonies to this country at the public expense.

10. If pensioners, discharged in the Colony without having been sent home to pass the Chelsea Board, apply for conveyance home at the time they are pensioned off, or shortly afterwards, a passage may be granted; but if the Colony, in which they have served, offer a more favourable opportunity of employment, to men who are still able to do any work, than they could obtain in England, they should, if possible, be discouraged from coming home.

11. If the men have been discharged any considerable time previously, or with an understanding that they were to remain in the Colony, they cannot be assisted in coming home.

12. Men who may have emigrated, on receiving commuted allowances in lieu of their pensions, have no further claims upon the public.

13. The family of a convict, if they went out to the Colony with the convict when he was a soldier, will be entitled to a passage home.

14. In settling the arrangements for the transportation of military convicts, the Governor will confine himself to making the agreement with the master of the vessel for the conveyance home of the convicts, and refer the parties to the department of the Accountant-general of the Navy for payment, on completion of the service or the production of proper vouchers.

15. The expense of providing military convicts with clothing and necessities on their embarkation is to be provided for in the same manner as that of the conveyance of the convicts by the naval department. All bills for this service should therefore be drawn on the Lords of the Admiralty, according to the form prescribed for that purpose;* and letters of advice of any such bills should be addressed to their Lordships, and proper vouchers sent home for the expenditure on account of which they may be drawn.

* See Appendix.

CHAPTER IX.

§ 1. *Custody of Public Monies in Colonies not possessing Representative Assemblies.*

1. THE Governor is at liberty, with the concurrence of the Colonial Council, to avail himself of the services of any banking establishments in the Colony for the deposit of all, or any portion of the public monies arising from Colonial revenue or other Colonial receipts, as well as for the transaction of public business connected with the financial arrangements of the Colony, provided such establishments shall have been formed under charter from the Crown, or under local Legislative enactments, which have received the assent of the Crown; taking care, however, that it is well understood, that any monies placed in the banks will be liable to fluctuation in amount, or be withdrawn, according to the exigencies of the Government.

2. Where no chartered banks or banking establishments, approved as before mentioned, exist, or where it is not thought advisable to employ them, or when they may be only had recourse to for the deposit of part of the public money, the Governor will cause a secure fire-proof vault or safe to be constructed, either in the office of the Treasurer, or in some other appropriate building, for the deposit of all surplus monies. This building is to be duly watched and guarded, and

the door of the vault or safe to be furnished with three different locks, the keys of which locks are to be kept by, and under the separate charge—one, of the Treasurer, and the others, of such two principal Officers of the government, as the Governor may consider it most expedient to nominate for such purpose.

3. The Colonial Treasurer, or Receiver-general, is to keep, under his own immediate charge, such sums of money only as may be necessary to meet the current disbursements of his Department. If banking establishments be employed for the deposit only of surplus monies, or if a strong vault be used for that purpose, the Treasurer's separate balance will, in either case, be regulated by the average amount of his monthly ordinary expenditure; but if recourse shall be had to the banking establishments for the transaction of current business, as well as for the deposit of surplus monies, the balance to be left in the hands of the Treasurer will be of small amount, to meet only minor incidental expenses.

4. Should the amount of the maximum balance which may remain in the hands of the Treasurer not have been already determined by existing regulations, the Governor will cause the necessary inquiries to be made, and will report to the Secretary of State, for the consideration of the Lords of the Treasury, the sum which he may decide upon for such maximum balance, accompanying this report by statements of the Treasurer's average monthly ordinary receipts

and disbursements (distinguishing fixed revenue from incidental receipts, and pay and salaries from contingent disbursements), and by such other explanations and observations as may have been submitted to him, and upon which he may have grounded his decision.

5. In order that the Governor may at all times have the means of informing himself as to the state of the public balance, and the disposal of the same, and effectually to provide for the verification of such balance, he will cause the Regulations which he has received from the Lords Commissioners of Her Majesty's Treasury in this respect to be strictly observed by the respective parties concerned.

6. If the Governor shall have availed himself of the services of a banking establishment in the Colony, he will require from the Secretary, or other proper Officer of such establishment, a monthly statement of all sums deposited in, and withdrawn from the bank, and of the balance of public money remaining in the bank at the end of each month.

7. The Governor will take care that arrangements are made with the Directors or Managers of these establishments, so as to afford proper security against the sole control by the Colonial Treasurer, Receiver-general, or other Accountant, over the sums deposited therein.

To effect this object the checks on the bank for the payment of ordinary disbursements should invariably be countersigned by the Officer next in rank at the Treasurer's or Accountant's office.

In those cases where the banks may be had recourse to only for the deposit of surplus moneys, the checks should be countersigned by the Governor, as his warrant of authority to the bank for the re-issue of the money.

When the banks are used for deposits, and also for the transaction of the current business of the Government, it will be necessary that the Governor should fix the maximum sum for which the Treasurer's draft, countersigned by his principal Assistant, may be honoured, and beyond which sum the Governor's warrant of authority, as above described, is to be required in addition.

8. If the surplus funds, or any portion thereof, shall be deposited in a strong vault, the Governor will require from the three Officers in charge a quarterly return of the monies deposited therein.

9. The strong vault is on no occasion to be opened, nor is any money to be deposited therein, or withdrawn therefrom, except by the three persons entrusted with the keeping of the separate keys, and by an order or warrant under the Governor's signature (such order or warrants to be for round sums), addressed to the Treasurer, or Accountant, and to the two other Officers concerned ; and the three Officers entrusted with the keys of the vault are to sign a joint certificate as to every sum deposited, which certificate is to be delivered to the Treasurer, to be annexed with other vouchers to his accounts.

The Treasurer is, in like manner, to sign receipts

in duplicate for every amount re-issued to him, which receipts are to be delivered to the other Officers in charge of the vault.

10. It being the intention of Her Majesty's Government that surveys of the funds in the Colonial chests shall in future be made quarterly, in the same manner as surveys of the funds in the military chests, the Governor will cause a statement to be prepared on the 1st days of January, April, July, and October of each year, in the form prescribed for that purpose by the Lords Commissioners of the Treasury.

11. The Governor will also cause an examination of the funds of the Colonial chests to be made twice in each year, or as much oftener as he may think fit to direct, at uncertain periods, and without any previous notice, and he will forward by the first opportunity after such examinations the reports and certificates of the Officers appointed to that duty; duplicate copies of these certificates are also to be annexed to the Colonial Treasurer's accounts of the months in which the examinations are made.

12. The Governor is to bear in mind that any arrangements relating to the deposit of Colonial Funds with any banking establishment are to have for their object the convenience and accommodation of the public service only, and are not to be entered into with any particular view of making the banks to increase their accommodations and loans to other parties, and the Governor will also take care that

every proper advantage and allowance by way of interest for deposits that might be profitably employed by the banks, is duly secured for the use and benefit of the Colonial Treasury and Government.

§ II. *Regulations and Conditions for the observance of which provision should be made in the Charter of Legislative Enactments relating to the Incorporation of Banking Companies in the Colonies.*

1. The amount of capital of the Company to be fixed; and the whole of such fixed amount to be subscribed for within a limited period, not exceeding eighteen months from the date of the Charter or Act of Incorporation.

2. The bank not to commence business until the whole of the capital is subscribed, and a moiety at least of the Subscription paid up.

3. The whole amount of the capital to be paid up within a given time from the date of the Charter or Act of Incorporation, such period, unless under particular circumstances, not to exceed two years.

4. The debts and engagements of the Company on Promissory Notes, or otherwise, not to exceed at any time thrice the amount of the paid-up capital, with the addition of the amount of such deposits as may be made with the Company's establishment by individuals in specie or Government paper.

5. All promissory notes of the Company, whether issued from the principal establishment, or from

branch banks, are to bear date at the place of issue, and to be payable on demand in specie at the place of date.

6 No promissory or other notes to be issued for sums under 1*l.* sterling (or in the North American Colonies 1*l.* Halifax currency), or the equivalent thereof in any other local currency, and not for fractional parts of that amount.

7. Suspension of specie payments on demand at any of the Company's establishments for a given number of days (not in any case exceeding 60) within any one year, either consecutively or at intervals, forfeit the Charter.

8. In event of the assets of the Company being insufficient to meet its engagements, the Shareholders are to be responsible to the extent of twice the amount of their subscribed shares (that is, for the amount subscribed and paid up, and for an additional amount equal thereto).

9. The Company shall not hold shares in its own Stock, nor make advances on the security of those shares.

10. The discount or advances by the Company on securities bearing the name of any Director or Officer thereof, as drawer, acceptor, or endorser, shall not at any time exceed one-third of the total advances and discounts of the bank.

11. The Company shall not advance money on security of lands or houses, or ships, or on pledge of merchandise, nor hold lands or houses, except for

the transaction of its business, nor own ships, or be engaged in trade except as dealers in bullion or bills of exchange; but shall confine its transactions to discounting commercial paper and negotiable securities and other legitimate banking business.

12. The dividends to shareholders are to be made out of profits only, and not out of the capital of the Company.

13. The Company to make up and publish periodical statements of its assets and liabilities (half-yearly or yearly), showing, under the heads specified in the form prescribed for that purpose,* the average of the amount of its notes in circulation and other liabilities at the termination of each week or month during the period to which the statement refers, and the average amount of specie or other assets that were available to meet the same. Copies of these statements are to be submitted to the Government of the Colony within which the Company may be established; and the Company to be prepared, if called upon, to verify such statements by the production, as confidential documents, of the weekly or monthly balance-sheets from which the same are compiled. And also to be prepared, upon requisition from the Lords Commissioners of Her Majesty's Treasury, to furnish in like manner such further information respecting the state or proceeding of its banking establishments as their Lordships may see fit to call for.

* See Appendix.

14. No bye-law of the Company shall be repugnant to the conditions of the Charter or Act of Incorporation, or to the law of any Colony in which the Company's establishment may be placed.

15. The Charter or Act of Incorporation may provide for an addition to the Capital of the Company, within specified limits, with the sanction of the Lords Commissioners of the Treasury; such additional capital, and the shares and subscription that may constitute the same, being subject in every other respect, from and after the date of the above-mentioned sanction, to conditions and regulations similar to those applying to the original Capital.

16. In all cases in which shares in the Company's stock are transferred between the period of the grant of the Charter or Act of Incorporation, and the actual commencing of business by the bank, the responsibility of the original holder of the transferred shares shall continue for six months at least after the date of the transfer.

17. As the insertion in Charters or Acts of Incorporation, of provisions relating to the detailed management of the business of the Corporation, has in several instances been found to render the documents complicated and unintelligible, and has been productive of great inconvenience, it is desirable that such insertion should be avoided, and that the provisions of such Charters or Acts should be confined, as far as practicable, to the special powers and privileges to be conferred on the Company, and the

conditions to be observed by the Company, and to such general regulations relating to the nomination and powers of the Directors, the institution of bye-laws, or other proceedings of the Company, as may be necessary with a view to the public convenience and security.

18. It is to be understood that the preceding Rules respecting Banking Charters, though generally binding on the Governors of the Colonies, are not in all cases to be regarded as inflexible Rules; but may, in some cases, be considered rather as important suggestions to which it is desirable (though not strictly necessary) to conform.

§ III. *Securities.*—*Security to be required from Parties appointed to the temporary charge of Offices of pecuniary trust in the Colonies not possessing Representative Assemblies.*

1. In the event of the Colonial Treasurer, or any other established officer who has been called upon to give security to the Crown in respect of pecuniary responsibility attaching to his office, obtaining leave of absence under circumstances which require the interposition of the authority of the Governor for the appointment of a substitute, the Governor will call upon the party whom he may select to act in the absence of the principal to give security, in his personal bond to the Crown, with the bonds of two or more sureties, to such an amount with reference to the security of the principal as it may be reasonable

to require; or to furnish, in lieu of the bonds of sureties, such other collateral security upon property or otherwise, as shall be of equal amount and validity with such bonds.

2. In case the Governor should find that the party whom he may propose to appoint to the temporary charge of an office of pecuniary trust, cannot furnish the amount of collateral security required from him, the Governor will consider whether such other arrangement can be made for reducing the amount of the floating balance under the charge of such officer, by limiting the same to the smallest amount necessary to meet the current expenditure for ordinary contingent services, and by depositing all surplus beyond such reduced average balance in a separate chest, under the joint charge of two or more officers holding separate keys, or by placing the office in commission, as may render so large an amount of collateral security unnecessary.

In the event of the employment of a commission, the personal bonds of the officers joined in commission are to be taken as to their separate acts, and a full report of all the circumstances relating to any such special arrangement is to be immediately made to Her Majesty's Secretary of State for the Colonies, for the information of the Lords Commissioners of Her Majesty's Treasury.

3. As all security required from parties appointed to the temporary charge of offices vacated in consequence of leave of absence, or from any other cause,

is to be independent of, and unconnected with, any security which may have been given by the established officer, the Governor is particularly cautioned that the bonds, or other instrument, which may be prepared with a view of giving effect to the security required from the acting parties, should have no reference to the bonds of the established officer or of his sureties, and should not contain any clause which might be construed as interfering with, or affecting in any manner the original bonds of the principal, either during his absence or on his return to duty. At the same time it is not intended that this precautionary instruction should prevent the Governor from accepting the additional security of the principal who may be about to absent himself on leave, should he be willing to enter into a new bond for his substitute, or to join in the security to be given by such substitute.

CHAPTER X.

§ I. *Expenditure of Public Money in Colonies not possessing Representative Assemblies.*

1. ALL disbursements of the public money are to be made by the Cashier of the Colonial Treasury, under authority from the Officer administering the government; and it is to be distinctly understood that under the provisions of the Acts of 46 Geo. III., c. 141, and 1 and 2 Geo. IV., c. 121, the Officer improperly authorizing or directing any expenditure contrary to the instructions which he may receive from Her Majesty's Government will himself be held personally responsible for the amount improperly authorized.

2. The ordinary expenditure is to be classed under the heads of Salaries, Fixed Allowances, and Contingencies, all extraordinary and special disbursements being fully and separately stated.

3. The Governor is not authorized to make any addition to the Fixed Establishment of the Colony, or to make any different appropriation of the established salaries of any public department, either as regards the number of appointments or the rates of salary and emolument, without the express sanction of Her Majesty's Government.

4. Should, however, any special circumstances occur which in the opinion of the Governor in Council may render addition or alteration necessary for the

due carrying on of the public service, without waiting for such sanction he will cause such new or altered salary to be borne on a Schedule of Provisional or Supplementary Establishment, reporting the same to the Secretary of State.

5. Whenever the approval of Her Majesty's Government to any provisional appointment is received by the Governor, he will cause the same to be transferred to the Schedule of Fixed Establishment.

6. As a general rule, the Governor is not at liberty to propose to the Council the execution of any new public work, or of extensive alterations and improvements in any existing building, &c., for which he has not obtained the previous sanction of Her Majesty's Government.

7. Whenever the Governor may apply to the Secretary of State for such authority, he must first obtain all the necessary plans, estimates, and specifications, according to which the projected work is to be carried into execution.

8. He must then transmit to the Secretary of State a copy of the plans, with an account of the cost to be incurred under specific heads of expenditure (prepared from the Estimates and Specifications previously obtained) and a report of the grounds on which the work is recommended.

9. When the sanction of Her Majesty's Government has been given, the Governor will be prepared to lay before the Council, at their meeting to take into consideration the General Estimates for the year

next ensuing, the plans, estimates, and specifications of the proposed work, with any other information which he may consider necessary; and when the Council has voted the funds required for the work, the Governor will be at liberty to proceed with it, without waiting for further authority.

10. But should the Governor be of opinion that the work is urgently required, and that serious inconvenience might result from delaying it, after the sanction of Her Majesty's Government had been obtained, until the period when the Annual Estimates are brought forward, he will be at liberty to propose to the Council a Supplemental Estimate for that purpose.

11. Special cases may arise of pressing emergency (more particularly in colonies distant from the mother-country) in which it might not be practicable to obtain the previous sanction of Her Majesty's Government for a proposed work.

12. In such cases, however, the Governor will not fail to call for and to lay before the Council the necessary plans, estimates, and specifications according to which the work is to be carried into execution, and to report fully to Her Majesty's Government, by the earliest opportunity, on the absolute necessity of the expenditure which he may have incurred without their previous sanction.

13. The Governor will transmit with the Annual Estimates such full and sufficient information as to every expense of an unusual nature therein comprised

as may be necessary to enable Her Majesty's Government to decide upon the propriety of the proposed expenditure.

14. In the case of public works of magnitude to be undertaken in any Colony, and to be defrayed by Parliamentary Grant, the following rules must be observed :—

First. That no such work shall be undertaken except on a survey and estimate made by an Officer acting under the orders of some responsible department.

Second. That on a first application for a vote of money, an estimate of the sum likely to be required for the whole work shall be laid before the House of Commons.

Third. In cases which require more than one year for their completion, and where money is proposed to be voted on account, there shall be submitted to the House, in each year, and before the vote is proposed, a statement of the sums already voted, of the money actually expended up to the date of the last accounts, of all outstanding demands, and of the sum still wanting to complete the work ; and any deviations from the original plan, or any contemplated addition to the magnitude or expense of the whole work, shall be inserted in the estimate of the year.

Fourth. No department of the Government shall authorize any officer to enter into contract for any work, beyond the limits of the annual grants of money, without the sanction of a minute of the Lords

of the Treasury, which shall, with as little delay as possible, be laid before the House.

§ II. *Colonial Estimates.*

1. In the Colonies, not possessing Representative Assemblies, before the expiration of the month of June, in each year, the Governor will submit to the Council of his Government, or, in the case of British Guiana, to the Court of Policy, such an Estimate (in British sterling money) as he may think necessary of the whole expenditure, not already fixed under the sanction of Her Majesty's Government, which is intended to be charged upon the Colonial revenue for the year then next ensuing. If this Estimate shall meet with the concurrence of the majority of the Council, it will be passed in the form of an Ordinance, and the Governor will transmit it to the Secretary of State by the earliest opportunity, for Her Majesty's approval and confirmation. It will be competent, at the same time, to any minority of the Council, who may have dissented from the Estimate, or from any items of it, to record the grounds of their dissent in the minutes of the Council; and it will be the Governor's duty, should he be required so to do by them, to transmit an extract copy of such minutes, together with a copy of the Estimate, to the Secretary of State, for the consideration of Her Majesty's Government.

2. Should the Estimate, which the Governor may

propose to the Council, be rejected by a majority of that body, he will request to be furnished, by those who dissent from his Estimate, with such a one as they would propose to substitute, and, should he still give the preference to his own, he will transmit to the Secretary of State, for the consideration of Her Majesty's Government, both the Estimates, together with the reasons which he, and any Councillors who may agree with him, may have to allege in support of his own Estimate, and the reasons stated by the majority of the Council opposed to him in favour of theirs.

3. When the annual Estimate shall have been passed by the Council, and confirmed by Her Majesty's authority, the expenditure of the year must be held to be definitively limited and arranged, and it would be desirable that no authority should be applied for to make any further disbursements on account of the service of that year, unless under circumstances of unforeseen emergency. Under such circumstances the proper course will be to submit to the Legislative Council, in the first instance, a Supplementary Estimate of the expenditure required; and the same course will be pursued with the Supplementary Estimate, as has been prescribed in respect of the original one.

4. These estimates, on being received in this country, will be laid before the Lords Commissioners of Her Majesty's Treasury, by the Secretary of State, in order that their Lordships may communicate to the Secretary of State such opinions as they

may wish to express upon them, previously to any Instructions being issued to the Colonial Authorities.

5. With respect to Taxation the Governor will, at the same time that he proposes to the Council the Estimate of the ensuing year's expenditure, also submit to them the draft of any Ordinance which may be necessary to provide the ways and means by which the expenditure is to be met. Such ways and means as are afforded by the produce of *permanent* Taxes will not, of course, require to be re-enacted in annual Ordinances, and it is only in the event of Taxation being required, which is not already provided for, that any such draft will be necessary. And with respect to the passing of this draft, and the transmission of it for Her Majesty's confirmation, or of any other draft which the Council may propose to substitute, the Governor will pursue the same course which has been pointed out for his guidance, in reference to the annual estimates of expenditure.

6. The Governor will transmit, with the Ordinances above-mentioned, a complete statement of the Taxation already provided for by law, and of the several authorities under which it is levied, in order that Her Majesty's Government may be enabled to take into their consideration whether the permanent system of taxation should be revised and amended. Any suggestions on this head which the Council may think proper to offer to the Governor, will be duly considered, along with his report upon them, by Her Majesty's Government.

7. The drafts of Ordinances for the imposition of

Taxes for each year, when received in this country, will be submitted, in like manner with the Estimates, to the Lords Commissioners of the Treasury.

8. The species of immediate control thus given to the Council over the revenue raised in the Colony, by taxes upon the inhabitants, and over its expenditure, does not extend to funds arising from the property or *droits* of the Crown.

9. The Governor will cause the Colonial accounts, when transmitted for audit, to be accompanied by certified copies of all estimates, or supplementary estimates, of expenditure for the service of the year to which the accounts relate, and of all Ordinances for the imposition of taxes for that year, together with the copies of the dispatches which shall have been addressed to him by the Secretary of State, conveying the sentiments of Her Majesty's Government upon any such estimates or Ordinances.

10. Detailed statements of the revenue and expenditure of the Colony should be annually published in the Colonial Gazette, immediately after the period when it is required that the accounts of each year should be transmitted for audit; and in such publication, the funds, arising from the property or *droits* of the Crown, are to be stated separately from those which arise from taxes levied upon the inhabitants of the Colony.

§ III. *Treasury Bills.*

1. The salaries of the Governors-in-Chief and of the Lieutenant-governors of the Windward and of the Leeward Islands, which are provided for by Parliamentary Grants, may be drawn by bills on the Lords Commissioners of the Treasury.*

2. The Governors of Colonies, for the Civil Establishments of which provision is made on the Parliamentary Estimates, must draw on the Paymaster of Civil Services, in this Country, for all salaries that may become payable out of the annual Parliamentary Grants.

3. The bills must be at 30 days' sight, and drawn in favour of the party entitled to salary, and for the rate borne on the estimate for the grant. Each bill must specify the period for which, and the office on account of which, the salary is drawn; and when drawn quarterly, the amount to be drawn for any portion of a quarter must be computed with reference to the number of days in that quarter, and not to the number of days in the whole year.

4. All bills drawn for these purposes should be advised of by letter addressed to the Paymaster of

* These salaries may be drawn in this country through the medium of an agent, upon production of certificates (which may be obtained on application to the Colonial Office), as to their being alive, and in the execution of their duties, up to the expiration of each quarterly period of payment; but when the Governors and Lieutenant-governors shall, in the first instance, have signified the mode in which their salary shall be drawn, it will be desirable that they should adhere to that mode.

Civil Services at Her Majesty's Treasury, independently of any report on the subject to the Secretary of State.

5. Bills must also be drawn at 30 days' sight, for any other services provided for in the annual grants, subject to such specific directions as the Governor may receive from Her Majesty's Government respecting those services.

6. Whenever bills of exchange are drawn upon the Lords Commissioners of the Treasury by Governors or Lieutenant-governors, to cover charges, whether for local establishments or for services of an incidental nature, such bills must be drawn at not less than 30 days' sight.

7. Their Lordships are to be regularly advised of such bills; the nature of the service on account of which they are drawn, and the date and description of the document conveying the authority for the expenditure, are to be specified, both in the letter of advice and upon the face of the bills.

8. In case the bills be drawn for salary, or any periodical payment, the period, in respect of which the bills are given, should be likewise stated, both on them and in the letter of advice; and the latter should always be forwarded at the time the bills are drawn. When, however, this is not practicable, care must be taken to ensure the receipt of it in England previous to the presentation of the bills.

9. All salaries and personal allowances and emoluments, and all pensions and superannuations, retired or compassionate allowances, paid from funds

derived from the revenues of Great Britain, whether provided by special Parliamentary Grant or otherwise, are liable to the Property Tax at the rate of 7*d.* in the pound, except in cases in which the party can show that his whole annual income does not amount to 150*l.* It will, therefore, be the duty of the Governor on all occasions to make the proper deductions accordingly from the amount of the bills which he may have occasion in future to draw on the Treasury, whether on his own account, or for the salaries or allowances of other parties; and he will convey an intimation to the same effect to any officers or functionaries within his government, who may be authorized to draw bills on the Treasury for any such payments.

10. In cases where exemption may be claimed from the Tax, an affidavit must be taken by the party and transmitted with the bill, to the effect that his income, including that on account of which the bill is drawn, is less than 150*l.* per annum, and such affidavit must have reference to the whole income of the party from whatever source derived; for, although emoluments derived from Colonial revenues or property are not taxable, unless the recipients reside in Great Britain, they must be taken into account in considering a claim to exemption from the Tax on Income derived from this country.

11. When bills are drawn on account of expenses or disbursements to other parties, a statement of the proportion of the amount applicable to salaries and

allowances must accompany them, and the proper deductions be made therefrom, unless the parties should claim exemption, when their affidavits ought to accompany the bills.

12. On the presentation at the Treasury of any bill drawn for salary or other allowance becoming due on or after the 31st of March, 1843, upon which the Income Tax has not been deducted or claimed for remission in conformity with the foregoing directions; such deductions will be made, including any arrear of the Tax from the 5th of April, 1842, not previously retained or allowed for, and the parties by whom or in whose favour the bill may have been drawn, will be alone responsible for any loss or inconvenience arising from the non-payment of the full amount drawn for.

NOTE.—For the form of bill to be used when deductions are to be made, and of the affidavit to enable parties to claim exemption from the Tax, see Appendix.

§ IV *Advances from Military Chests.*

1. Officers in charge of the Military Chests abroad, when called on by competent authorities to make advances from the chests for defraying expences relating to liberated Africans, or for other civil services payable from funds under their Lordships' directions, have in some instances taken as their acquittances bills drawn upon this Board by the

parties competent to apply for, or to authorize such advances, and have remitted such bills to the Treasury.

2. As inconvenience might attend the miscarriage or non-receipt of these negotiable drafts, the Lords of the Treasury have directed that in future, when the officers in charge of the Commissariat are required, under competent authority, to make advances from the Military Chest for services of the description alluded to, they will request to be furnished with a warrant or order in writing for making such advances; and in lieu of bills they will obtain from the parties receiving the same, unnegotiable certificates of the particulars of the money advanced by them, the originals of such warrants or orders, and the certificates, they will then transmit to the Board of Treasury. As regards the notification to this Board of any advance they may require from the Commissariat officer, or the transmission of accounts and vouchers for the application thereof, the Governor will proceed in the same manner as if a bill had been drawn as heretofore on the Board of Treasury.

3. Instances have occurred in which issues for military services made from the Military Chest have been designated as for "Secret Service," but the proper term to be used for any military expenditure coming under this character would be "Special" and not "Secret Service," in order that by such distinction the charge may not, as would otherwise be the case, be connected with the sum voted by Parliament for

“Foreign and Secret Service,” but may be provided for, if approved, out of the army extraordinaries, to which it is properly chargeable.

§ V. *Expenses on account of Liberated Africans—Mode of rendering the Accounts of Expenses incurred under the Provisions of the Acts for the Abolition of the Slave Trade.*

1. The Collectors or chief Officers of the Customs in the Colonies are to receive, protect, and provide for all such Natives of Africa as may be put in their charge from vessels condemned as prize.

2. The Officer administering the government will adjust with the Collector the expense per head per diem at which the slaves are to be maintained, and what allowance should be made for clothing, necessities, and contingencies for each, until finally disposed of. This mode of supporting the negroes is considered preferable to that of purchasing provisions in large quantities for their use; and the Secretary of State’s written instructions in this respect should always be acted upon, unless there should be any special reasons for departing from them, in which case the Officer administering the government will exercise his own discretion.

3. The Collector will bring in the abstracts of accounts of his expenses, to be passed before the Officer administering the government in Council, every three months. A certificate, to be signed by the Officer administering the government, is to be

subjoined to the General Abstract of the Expenditure, stating that the detailed documents referred to in the abstract have been carefully inspected, and have been approved.

4. In those cases in which the Colony is dependant on a superior government, the Abstracts of Expenditure, when certified by the Officer in charge of the subordinate government, are to be forwarded to the Governor-in-Chief for his inspection and approval previously to the amount being discharged. Upon the passing of each quarterly account by the Officer administering the government in Council, and in the case of subordinate governments upon the subsequent approval of the Governor-in-Chief being signified, the abstract will be returned to the Collector, in whose favour the Officer administering the government will thereupon grant a warrant on the Commissariat Chest for the amount allowed. The Officer granting such warrant will forthwith transmit a notification and report thereof to the Lords Commissioners of Her Majesty's Treasury, and will forward with such notification a copy of the account, in discharge of which the issue from the Commissariat Chest has been authorized. Any neglect of these forms will be productive of embarrassment and delay.

5. The charge of one guinea head-money for each slave, which has been made by some of the Collectors of Customs, has been disallowed by the Lords Commissioners of the Treasury, as the circular of the

10th April, 1808, does not now apply to these cases, and, consequently, the Governor or Lieutenant-governor is not authorized to give his sanction for such charge should it be made by the Collector.

6. The Officers in charge of the Colonial governments are strictly enjoined to abstain in future from drawing for and issuing the amount of any allowance or gratuity, of which the propriety or legality may admit of a doubt, until they shall have communicated with and received instructions from Her Majesty's Government on the subject; and they are to limit the payments in the meantime to the amount of the actual outlay, for the maintenance and other unavoidable expenses.

7. The Officers administering the Colonial governments are at the same time reminded, that if any sums shall have been issued, paid, or expended by their order, which ought not to have been so issued, paid, or expended, or ought not to be charged to the public, they will become personally responsible for the amount, under the provisions of the 1st and 2nd George IV., chap. 121, sec. 5.

8. With a due regard, therefore, to their own security, as well as the interests of the public, the Officers in charge of the Colonial governments will at all times exercise a watchful superintendence and control over the expenditure to which these regulations refer during its progress, and will enforce the strictest economy consistent with the welfare of the negroes and the good of the service.

CHAPTER XI.

§ I. *Officers of Customs.*

1. ALL appointments in the Customs' Establishments throughout the Colonies, as well as those in this Country, are vested in the Lords Commissioners of Her Majesty's Treasury, to whom vacancies should be reported directly they occur.

2. The Governor for the time being, is authorized in case of a vacancy to make such *temporary* arrangements only as may be necessary for keeping the Department in a due state of efficiency until their Lordships' directions can be obtained; and in those arrangements the services of Officers already in the Department should, as far as practicable, be made available; and if the provisional appointment of additional Officers be unavoidable, those appointments should be confined to the subordinate situations in the Department, and on all occasions the persons thus employed should be given to understand that their employment is only temporary.

3. By the Act of Parliament for regulating the Trade of the British Possessions abroad, Custom House Officers employed abroad are exempt from serving in Colonial Militias, in Parochial and other local Offices, or on Juries.

4. Officers of the Customs, though acting in the execution of their particular duties, under the immediate orders and instructions of their own Department in England, are nevertheless, like other subordinate Officers in the Colonies, placed under the general cognizance and superintendence of the Head of the government in which they are stationed.

5. Upon all occasions where the Governor shall receive instructions, which may involve any point connected with the duties of the Officers of the Customs, he shall cause a communication thereof to be forthwith made to the Collector, as principal of the Department, who is in like manner to make the earliest communication to the Governor of the instructions he may receive on his first appointment, and of all such orders and directions as may from time to time be sent out for the guidance of himself and the other officers of the Department.

6. If the Collector of the Customs should at any time deem it his duty to object to obey any direction or order, or any instrument issued by the Governor, he is to state in writing the Act, and the clause or clauses thereof, which in his opinion warrant his objecting to execute such order, on the score of its legality. Or he is to point out the specific instruction he has received with which it is at variance.

7. If, on taking such statement into consideration, it shall appear to the Governor, (who of course on all legal questions will consult the law officers of the

Colony,) that there is no sufficient ground, in point of law or otherwise, for the objection stated, or if the Governor should be of opinion that the Order is warranted by any urgent necessity, he will cause a communication to that effect to be made to the Collector of Customs. And in either case the Collector is not to oppose or delay the execution of such Order, but he may transmit to the Governor a formal protest against it.

8. Officers of the Customs, proposing to avail themselves of any permission, which they may have obtained from the Commissioners of Customs, to absent themselves from their duties, must obtain the Governor's sanction for so doing, in order to which they will furnish him with a copy of any such permission, stating the time they intend to act upon such leave; and, where orders to the contrary are not given by the Governor, that leave will be deemed and taken to be as effectual as if a certificate of leave had been granted.

9. The Officers of Customs are permitted in such cases to nominate their substitutes. Such nomination is to be notified to the Governor, by whom the substitutes will be appointed under a regular instrument of appointment; and the Governor will take the recommendations of the Officers seeking the leave of absence, unless on some sufficient ground of objection.

10. The instrument of appointment will be subject to the Colonial stamp duty, and the usual oaths

of office are, in all cases, to be administered to the persons so appointed.

11. Her Majesty's Government is at all times ready to sanction and concur in arrangements for the collection by the officers of the Customs Department stationed in the Colonies, of duties imposed by Acts of the Colonial Legislatures, upon provision being made for defraying the expense of any extra assistance required for that purpose, and for reasonable remuneration of the Officers for any extra trouble and responsibility devolving on them in respect of such collection.

§ II. *Officers of Customs, how remunerated in Colonies having Representative Assemblies.*

1. The salaries of the Officers of the Customs' Department, whether defrayed wholly from Colonial Funds, or partly only, under specific arrangements which have been made for that purpose with Colonies having Representative Legislative Assemblies, are regulated by the Lords Commissioners of Her Majesty's Treasury.

2. In those cases in which the whole charge for the Customs' establishments is payable out of the general revenue fund of the Colony, and not out of any particular portions of that revenue, or under any particular arrangement with the local Government or Legislative authority, the whole amount of the

Customs' collections, like those of other branches of the local revenue, must be paid by the Collector into the Colonial chest without deduction, and the authorised salaries and other expenses of the Department are to be defrayed from that chest under the warrant of the Officer administering the government in the same manner as the expenditure for other branches of the local Civil establishments.

§. III. *Articles Imported for the Troops free of Duty.*

1. Articles imported into the Colonies, by Contractors or otherwise, for the service of Her Majesty's Land or Sea Forces, ought to be exempted from duties on such importation.

2. The Officers of Her Majesty's Customs and of the Commissariat in the Colonies, are furnished with instructions in regard to the remission of duties to which such articles might be subject under Acts of the Imperial Parliament. The remission of duties imposed by Acts of Colonial Legislatures, is to be effected in such manner as may be provided for by those Legislatures.

3. It is by no means intended to allow the importation of any goods, for the above purpose, from places or in vessels not authorized by law. And with a view of preventing articles, imported as above, from being brought into general consumption without the payment of duty, whenever any

articles which may have been delivered for the use of the Troops duty free, shall have been subsequently returned upon the hands of the Contractors, the Officers of the Customs, or the proper Colonial Officers, should be apprized by the Commissariat Officers of the particular quantities and description of the articles so returned, in order that the Contractors may be called upon to pay the duty thereon.

CHAPTER XII.

TRADE AND NAVIGATION.

§ I.

1. BY the laws relating to Trade and Navigation, Foreign Ships are permitted to import into any of the British Possessions abroad, from the Countries to which they belong, goods, the produce of those Countries, and to export goods from such Possessions, to be carried to any Foreign Country whatever ; such permission, however, is subject to certain conditions.

2. It is enacted, that the privileges, therein granted to Foreign Ships, shall be limited to the Ships of those Countries, which, having Colonial Possessions, shall grant the like privileges of trading with those Possessions to British Ships, or which, not having Colonial Possessions, shall place the commerce and navigation of this Country, and of its Possessions abroad, upon the footing of the most favoured Nation ; unless Her Majesty, by Her Order in Council, shall in any case deem it expedient to grant the whole or any of such privileges to the Ships of any Foreign Country, although the conditions aforesaid shall not in all respects be fulfilled by such Foreign Country.

3. And it is provided, that no Foreign Country shall be deemed to have fulfilled the conditions, or be

entitled to the privileges aforesaid, until a declaration has been made to that effect by an Order in Council.

Such declaration has been made in favour of the following countries :—

Prussia.

Hanover.

Sweden and Norway.

Oldenburgh.

Free Hanseatic Republics of Lubeck, Bremen, and Hamburg.

The State of Colombia.

The United Provinces of Rio de la Plata.

The United States of Mexico.

Russia.

Portugal.

Austria.

The United States of America.

Denmark.

Chili.*

4. French Vessels have been admitted by Order in Council to the following privileges, extending to all Her Majesty's Colonial Possessions, with the exception of Gibraltar and Malta, whose trade is declared to remain on the same footing as though the Order has not been made. They are permitted to import into Her

Wheat.
Flour.
Biscuit.
Bread.
Meal.
Peas.
Beans.
Rye.
Callavances.
Oats.
Bailey.
Indian corn.
Rice.
Shingles.
Red oak staves, or
Headings.

* And *Spain* for limited purposes. See Order in Council, 28th April, 1828

White oak staves, or
Headings.
Wood.
Lumber.
Wood hoops.
Live stock.
Hay and straw.
Coin and bullion.
Diamonds.
Salt.
Fruit and vegetables,
fresh.
Cotton wool.

Majesty's Colonial Possessions various goods, the produce of the Dominions of the King of the French, as enumerated in the margin, and also such articles, subject on importation to a duty *ad valorem* of £7. 10s. per cent., (with the exception of *wine*,) as are enumerated in the table an-

nexed to the 6 Geo. IV. c. 114.

5. For the Table of goods prohibited or restricted to be imported into the *British Possessions in America*, and for Tables of the several duties of Customs payable on goods, &c., imported into any of Her Majesty's Possessions in *America*, see the Act 5 and 6 Vict., cap. 49, for regulating the trade of the British Possessions abroad. The Mauritius is liable to the same duties and regulations as the West India Islands.

6. As the imposition of discriminating Duties on Goods imported into the British Colonies, when the discrimination is made for the protection of some branch of British or Colonial industry, is an office of great difficulty, to the right discharge of which an intimate acquaintance with the Commercial Treaties and Political Relations between this Kingdom and Foreign States is indispensable, much serious inconvenience would result from any attempt to legislate on such a subject in ignorance of those Treaties and Relations.

7. This knowledge cannot be possessed in the requisite degree by the various local Legislatures of the Colonies of this Kingdom, as they have no

means of knowing the state or the objects of pending Negotiations, nor even of ascertaining, with absolute precision, the terms of Treaties actually concluded ; nor is it possible that so many distinct Legislatures, having no means of mutual communication and concert, should act consistently with each other on such subjects. The local opinions or interests of each Colony would dictate the laws of each, and the general Code of the Empire, compiled from so many different sources, would be at the utmost variance with itself on a subject on which unanimity and consistency is indispensable. In such a state of the Law Her Majesty's Government could not negotiate or treat, with confidence, with any Foreign State for Commercial purposes ; nor could they fulfil such Treaties as might be made. Painful and injurious discussions with those States would arise, and perhaps indemnities and compensations would have to be paid.

8. Her Majesty's Government, therefore, object in principle to the assumption by the local Legislatures of the office of imposing differential Duties on Goods imported into the respective Colonies. Parliament having already prescribed the Rules by which such Duties are to be discriminated, with reference to the place of origin or of export ; to Parliament alone the power of altering those Rules must be reserved. The single exception to this general rule will occur in any cases in which Her Majesty's Government may have suggested to any local Legislature the enactment of any such dis-

criminating Duties. If such cases should arise, the Ministers of the Crown would be able to take the necessary measures for obtaining the subsequent sanction of Parliament for any such innovation.

9. The Governor will, therefore, exercise all the legitimate influence of his office to prevent the introduction into the Colonial Legislature of any Law by which Duties may be imposed on Goods in reference to their place of production, or to the place from which they may be exported, or of any Law imposing on refined Sugar imported into the Colony higher Duties, in the case of Sugar refined in this Country in bond from Foreign Sugar, than in the case of Sugar refined here from British Colonial Sugar.

10. Should any such Laws be presented for the Governor's acceptance, it will be his duty to withhold his assent to them, as Her Majesty could not be advised to sanction any laws of this nature which Her Majesty's Government had not previously recommended, or which Parliament has not expressly sanctioned.

11. The Governor will procure, whenever it may be in his power, the exclusion from General Revenue Acts, and the enactment by distinct and separate Statutes, of all such Laws as the Colonial Legislatures may desire to pass affecting external Trade.

12. It is lawful for Her Majesty, by and with the advice of her Privy Council, by any Order or Orders in Council to be issued from time to time, to give such directions and make such regulations touching

the trade and commerce to and from any British Possessions on or near the continent of Europe, or within the Mediterranean Sea, or in Africa, or within the limits of the East India Company's Charter (excepting the Possessions of the said Company), as to Her Majesty in Council shall appear most expedient and salutary.

13. Orders of Her Majesty in Council have been passed, regulating the duties of Customs in the following Colonies:—

	Date of Order in Council.
Gibraltar	June 23, 1841.
St. Helena	July 11, 1839.
Cape of Good Hope .	March 11, 1842.
Heligoland	June 10, 1843.

14. The duties of customs at the Gambia, Sierra Leone, Ceylon, New South Wales, Van Diemen's Land, South Australia, and New Zealand, are regulated by local Ordinances.

15. It has been declared, by Order in Council, that it is lawful for Ships of or belonging to any Kingdom or State within the limits of the East India Company's Charter* to import, from the Dominions to which they respectively belong, goods the produce of such Dominions, into the Colony of the Cape of Good Hope, into the islands of Mauritius and Ceylon, and into Her Majesty's Australian Settlements and their several Dependencies, and to export goods from such several Settlements or Colonies, or their re-

* This includes Peru.

spective Dependencies, to be carried into any Foreign Country whatever.

16. And by a further Order of Her Majesty in Council of the 8th May, 1841, it is directed that in the

Cape of Good Hope.
Ceylon.
New South Wales.
Van Diemen's Land.
Western Australia.
South Australia.
New Zealand.

several Colonies mentioned in the margin, the same duties are to be levied on articles the produce and manufacture of the British Possessions in India, as are

imposed on similar articles, the produce or manufacture of the United Kingdom or of other British Possessions.

17. The trade with China is regulated by Her Majesty's Order in Council of 24th February, 1843, a copy of which is inserted in the Appendix.

18. The trade with the Republic of Hayti is regulated by Order in Council of 23rd August, 1843, a copy of which is also inserted in the Appendix.

§ II. *Violation of Laws of Customs and of Quarantine.*

1. There is no law nor regulation of Customs authorizing the firing with shot at vessels "quitting any port or harbour" in the British Possessions abroad in violation of the laws of Customs.

2. By the 62nd section of the Customs' Regulation Act of the 3rd and 4th Wm. IV., cap. 52, Masters of Vessels are subject to a penalty of 100*l.* if such Vessel shall depart from any Port *in the*

United Kingdom, or in the Isle of Man, for parts beyond the Seas, without being duly cleared outwards for their intended voyage, in manner directed by the said Act; and by the 135th section of the same Act, Masters of Vessels are liable to a further penalty of 100*l.*, if they do not bring their vessels to at certain stations appointed for the purpose of boarding, or of landing Officers of this Revenue.

3. The only law in the United Kingdom upon the subject of Firing at vessels is the 8th section of the Smuggling Act, of the 3rd and 4th Wm. IV., c. 53, by which it is enacted that in case any Vessel or Boat liable to seizure or examination under any Act or Law for the prevention of Smuggling shall not bring to on being required so to do, or being chased by any Vessel or Boat in Her Majesty's Navy, having the proper pendant and ensign of Her Majesty's Ships hoisted, or by any Vessel or Boat duly employed for the prevention of Smuggling, having a proper Pendant and Ensign hoisted, it shall be lawful for the Captain, Master, or other person having the charge or command of such Vessel or Boat in Her Majesty's Navy, or employed as aforesaid, (first causing a Gun to be fired as a signal) to fire at or into such Vessel or Boat; and such Captain, Master, or other person acting in his aid or assistance, or by his directions, shall be, and he is thereby indemnified and discharged from any indictment, penalty, action, or other proceeding for so doing.

4. The Quarantine Regulations for the United Kingdom at present in force are regulated by the Order in Council of 19th July, 1825, under the authority of 6th Geo. IV. c. 78. Although authority for the firing of Shot in very few cases has been given by Act of Parliament, Her Majesty's Government is not aware of any one instance in which it has been necessary to have recourse to it in the United Kingdom.

CHAPTER XIII.

SALE OF WASTE LANDS IN THE COLONIES.

§ I. *British North America.*

Canada.—By an Act of the local Legislature passed in September, 1841, the waste lands of the Crown are to be sold at a price to be from time to time fixed by the Governor in Council. The prices fixed for the present (October 1843,) are as follows :—For Canada, West, formerly known as Upper Canada, 8*s.* currency, (about 6*s.* 7*d.* sterling) per acre ; for Canada, East, (Lower Canada,) in the county of Ottawa, and south of the River St. Lawrence, to the west of the Kennebec Road, 6*s.* currency (about 4*s.* 11*d.* sterling) ; and elsewhere in that division of the province, 4*s.* currency (about 3*s.* 3½*d.* sterling) per acre.

These prices do not apply to lands resumed by Government for non-performance of the conditions of settlement on which they were granted under a former system now abolished, nor to lands called Indian Reserves, and Clergy Reserves ; which three classes are, as well as town and village lots, subject to special valuation.

The size of the lots of country lands is usually 200 acres ; but they are sold as frequently by half as whole lots.

The following are the conditions of sale at present

in force, as published by the local government in its Official Gazette ;—

1st. The lots are to be taken at the contents in acres marked in the public documents, without guarantee as to the actual quantity contained therein.

2nd. No payment of purchase-money will be received by instalments, but the whole purchase-money, either in money or land scrip,* must be paid at the time of sale.

3rd. On the payment of the purchase-money, the purchaser will receive a receipt which will entitle him to enter on the land which he has purchased, and arrangements will be made for issuing to him the patent without delay.

The receipt thus given not only authorizes the purchaser to take immediate possession, but enables him, under the provisions of the Land Act, to maintain legal proceedings against any wrongful possessor or trespasser, as effectually as if the patent deed had issued on the day the receipt is dated.

For the convenience of the public generally, district agents are appointed under the Provincial Land Act in each municipal district, with full power to sell to the first applicant any of the advertised lands which by the return open to public inspection may be vacant within his district.

New Brunswick.—The mode of sale in this pro-

* This is Scrip issued by the local government in satisfaction of certain old Militia claims which have been recently adjusted by this means.

vince is by auction. The upset price is generally about 2*s.* 8*d.* sterling, (3*s.* currency,) but varies according to situation, &c. The average price actually fetched by ordinary country lands has been from 4*s.* 6*d.* to 9*s.* sterling (5*s.* to 10*s.* currency) per acre, according to situation, &c. Fifty acres is the smallest quantity usually sold.

Nova Scotia.—The public lands are here also sold by auction, at an upset price which is at present 2*s.* 6*d.* sterling (about 3*s.* currency) per acre. The smallest quantity of country land usually sold is 100 acres.

Prince Edward's Island.—In this colony the Crown has but little land at its disposal, namely, about 8,400 acres. Sale by auction prevails, and the average price realized for ordinary country lands has been from 10*s.* to 14*s.* currency per acre.

Newfoundland.—There exists no official return of the surveyed and accessible land at the disposal of the Crown in this colony. The area has been estimated at about 2,300,000 of acres, of which about 23,000 have been appropriated. In 1841 the number of acres sold was 311, at an average price of 2*s.* per acre. Although the agriculture of the province is progressively increasing, there are yet comparatively few persons exclusively employed in it, the population being nearly all engaged in the fisheries.

§ II. *The Australian Colonies and the Falklands.*

The following are the regulations now in force under the provisions of the Australian Land Act, 5 and 6 Vict., c. 36, for the disposal of the Waste Lands in the Colonies of New South Wales, (including the Sydney and Port Phillip districts, and any other districts that may hereafter be opened,) Van Diemen's Land, South Australia, Western Australia, and New Zealand :—

1. All lands will be disposed of by sale alone, and must have once at least been exposed to public auction.

2. The lowest upset price will be not less than 1*l.* per acre ; but the Government will have power to raise the same by proclamation, though not again to reduce it.

3. The lands will be distinguished into three different classes, viz., Town lots, Suburban lots, and Country lots.

4. Upon town and suburban lots, as well as upon a proportion not exceeding one-tenth of the whole of the country lots offered for sale at any auction, the Governor will have the power of naming a higher than the general or lowest upset price ; the country lots on which such power is exercised to be designated "Special Country Lots."

5. Town and suburban lots will in no case be disposed of except by public auction, but country lots which have already been put up to public auction and not

sold, may be disposed of afterwards by private contract at the upset price.

6. No lands will be sold by private contract except for ready money. When sold by public auction, one-tenth at least of the whole purchase-money must be paid down, and the remainder within one calendar month, or the deposit will be forfeited.

7. Lands will be put up for sale in lots, not exceeding one square mile in extent.

8. As an exception to the general regulations, and subject to certain restrictions laid down in the Australian Land Act, the Governor will have it in his discretion to dispose, by private contract, at a price not less than the lowest upset price for the district of blocks comprising 20,000 acres or more.

9. Persons will be at liberty to make payments for colonial lands in this country, for which payment or deposit they will receive an order for credit to the same amount in any purchase of land they may effect in the Colony, and will have the privilege of naming a proportionate number of emigrants for a free passage, as explained in the next article. The deposits must be made in one or more sums of 100*l.* each at the Bank of England, to the account of Edward Barnard, Esq., Agent-general for Crown Colonies, No. 5, Cannon-row, Westminster; and the depositor must state at the time the Colony in which the land is to be selected, and give notice to Mr. Barnard, and to the Colonial Land and Emigration Commissioners, of the deposit. Upon receiving Mr.

Barnard's certificate that the money has been duly paid in, the Commissioners will furnish the depositor with a certificate, stating the amount which he has paid, and entitling him to obtain credit for that sum in any purchase which he may effect in the Colony, subject to all rules and regulations then in force.

10. For every sum of 100*l.* deposited as above, the depositor will be entitled, for six months from the date of payment, to name a number of properly qualified emigrants, equal to four adults, for a free passage. Two children between one and fourteen are to be reckoned as equal to one adult. The emigrants are required to be chosen from the class of mechanics and handicraftsmen, agricultural labourers, or domestic servants, and must be going out with the intention to work for wages. They are to be subject to the approval of the Commissioners, and must, in all respects, fall within their general regulations on the selection of labourers. The purchaser and his family cannot receive a free passage under this privilege.

The lands in the Falklands are now open for sale. The mode of sale is the same as that adopted in the Australian Colonies, under the above-mentioned Act of Parliament. The upset price of country lands is, for the present, 8*s.* per acre. Town lots of half an acre each, and suburban lots of fifty acres each, will be put up at 50*l.* Deposits of purchase-money may be made in this country in the mode prescribed for the Australian Colonies, but the depositors will be en-

SALE OF WASTE LANDS IN THE COLONIES. 119

titled to nominate for a free passage six instead of four, adult labourers for every 100*l.* deposited.

SUMMARY of MODES of SALE, and PRICES, in the principal Land-selling Colonies.

Colony.	Mode of Sale.	Price Per Acre.
North American Colonies—		
Canada (West) . .	Fixed price . .	8 <i>s.</i> Currency.
Canada (East) . .	Ditto . .	{ 6 <i>s.</i> and 4 <i>s.</i> Currency, ac-
		cording to situation.
New Brunswick . .	Auction . .	3 <i>s.</i> Currency, upset price.
Nova Scotia	Ditto	3 <i>s.</i> 1 <i>d.</i> ditto.
Prince Edward's Island	Ditto	10 <i>s.</i> to 20 <i>s.</i> ditto.
Australian Colonies—	By auction. Coun-	
Sydney	try lands not sold	
Port Phillip	at the public sales	
Van Diemen's Land .	may afterwards be	
Western Australia .	bought at the up-	
South Australia . .	set price as a fixed	
New Zealand	price.	
Falklands	Auction. Ditto.	Lowest upset price 1 <i>l.</i> ster-
		ling.
Cape of Good Hope . .	Ditto	No fixed upset price, Aver-
		age price realized about
Ceylon	Ditto	2 <i>s.</i> per acre.
		<i>s.</i> sterling.

§ III. *Privileges accorded to Military and Naval Officers in the acquisition of Land in the Australian Colonies, and in Ceylon.*

1. Under the existing regulations for the disposal of lands in the British Colonies, military and naval officers cannot receive free grants of lands; but, in the Australian Colonies and in Ceylon, where a privilege in the acquisition of land is accorded to them, they are allowed a remission of the purchase-money, according to the undermentioned scale:—

Field officers, of 25 years' service and upwards,
in the whole 300*l.*

Field officers, of 20 years' service and upwards, in the whole 250*l*.

Field officers, of 15 or less years' service, in the whole 200*l*.

Captains, of 20 years' service and upwards, in the whole 200*l*.

Captains of 15 years' service or less, in the whole 150*l*.

Subalterns, of 20 years' service and upwards, in the whole 150*l*.

Subalterns, of 7 years' service and upwards, in the whole 100*l*.

Subalterns, under 7 years' standing, are not entitled to any remission in the purchase of land.

Regimental staff officers, and medical officers of the army and navy, will be deemed to come within the benefit of this rule.

2. Officers of the army or navy, who propose to proceed to the Colonies in order to take advantage of this indulgence, should provide themselves with certificates from the office of the General Commanding-in-Chief, or of the Lords Commissioners of the Admiralty, showing that their emigration has been sanctioned, and stating exactly their rank and length of service. No document from the office of the Secretary of State is necessary.

3. Officers on half-pay, residing in the Colony where they propose to settle, may be admitted to the privileges of military and naval settlers, without referring to this country for testimonials, provided they

can satisfy the Governor that there is no objection to their being allowed the indulgence, and that their return of their rank and length of service is accurate, and provided, if they belong to the navy, that they produce their letter of leave of absence from the Admiralty.

4. Military chaplains, commissariat officers, and officers of any of the civil departments connected with the army, cannot be allowed any privileges on the subject of land. Pursers, chaplains, midshipmen, warrant officers of every description, and officers of any of the civil departments connected with the navy, must also be considered as not qualified for those privileges. Although members of these classes may have been admitted formerly, and under a different state of circumstances, they must now be excluded. Mates in the Royal Navy, will in future rank with ensigns in the army, and mates of three years' standing with lieutenants in the army, and will be entitled respectively to corresponding privileges in the acquisition of lands in the Colonies.

5. Gentlemen who have ceased to belong to Her Majesty's Service cannot be allowed the advantages to which they were entitled while in the army or navy. It is not, however, proposed to affect by this rule, officers who desire to quit the service for the express purpose of settling in the Colonies: it is only required, that when they resign their commissions, they should apply for a certificate from the General Commanding-in-Chief, or from the Lords Commis-

sioners of the Admiralty, that they do so with the view of emigrating, and such certificate, if produced to the Governor of any Colony within one year from its date, *but not otherwise*, will be a sufficient warrant for allowing the bearer the same advantages as officers still in Her Majesty's Service.

6. An actual residence of two years in the Colony must be proved before the titles can be granted, except in cases in which death may have occurred before the expiration of that period.

NOVA SCOTIA.

By an Act of the Legislature of Nova Scotia, passed on 29th March, 1843, (which will be in force for three years,) the Local Government has discretionary power to make free grants of land to officers of Her Majesty's Service, either of the army or navy, or to non-commissioned officers or privates of any disbanded regiment.

CHAPTER XIV.

MILITARY WORKS AND BUILDINGS.

§ I.

1. MILITARY works and buildings, properly so called, in the Colonies named in the margin, are exclusively under the charge of the Ordnance Department.* In this class are included :
- All permanent works of defence and batteries.
- All barracks and buildings occupied by, and required for troops doing regular duty in the Colony, with all their necessary offices, whether such barracks be occasionally occupied by militia or not.

ylon,
 uritius,
 w South Wales,
 n Diemen's Land,
 pe of Good Hope,
 ulta,
 braltar,
 rra Leone,
 mbia,
 nidad,
 Lucia,
 merara,
 bice,
 ligoland,
 nduras,
 wfoundland.

— Houses applicable to military purposes, such as the lodging military or civil officers attached to military departments, entitled by regulation to be lodged in barracks, or to receive lodging-money in lieu thereof.

— Out-houses and premises belonging to military

* The expense of the barracks at Ceylon is entirely defrayed by the Colony ; and the Treasury of the Mauritius contributes annually to the expense of maintaining the barracks in that Colony.

public buildings, such as hospitals, guard-houses, &c.; and canteens, whenever the rents become a credit to the Ordnance Department.

— Storehouses and magazines, the property of the public, containing provisions or articles of equipment for the use of the regular troops, with the sheds and yards attached thereunto.

— Tanks for the supply of water solely for the troops.

— Tanks jointly for the supply of the navy and army, and not within a naval yard, but under military control.

— Flag-staffs and signal-posts within fortified posts, or stations heretofore under military control.

The following military works and buildings are not to be repaired and maintained at the expense of the Ordnance Department :

— Temporary works of defence, which have been constructed, or may hereafter be constructed, for local purposes, whether against insurrection or for the security of the inhabitants; whether occupied by militia or an armed police, or by any other force, or for any other local reasons.

— Barracks, block-houses, or fortified houses, not required for troops doing regular duty, but constructed for the assembly of the militia, for depositing their arms, or as posts of security to settlers and planters against insurrection.

— Houses occupied by civil Governors as such, although holding military rank in the Colony.

— Tanks of water used by the inhabitants as well as by the army or navy, the expence of which has never been defrayed out of the army extraordinaries or other military head.

— Reservoirs of water, canals, dams, &c., not constructed for military purposes.

— Wharfs, quays, and bridges, although within military works, but not belonging exclusively to the military.

— Roads of communication, although leading through or past military works, but used by the inhabitants, and not used exclusively for military purposes, *excepting drawbridges to military works.*

In the Colonies named in the margin, such military works and buildings as have hitherto been maintained and repaired at the expence of the Colony, are to continue to be so maintained and repaired; but all permanent works of defence and batteries, the expence of which has not hitherto been so defrayed, will be repaired and maintained by the Ordnance.

Canada,
Nova Scotia,
New Brunswick,
Jamaica,
Barbadoes,
Tobago,
Grenada,
St. Vincent,
Antigua,
St. Christopher's,
Dominica,
Bahamas,
Bermuda.

The following buildings, &c., will likewise be repaired at the expence of the Ordnance, *unless they are considered as the property of the Colonial Government.*

— Houses applicable to military purposes, such as the lodging military or civil officers attached to military departments, entitled by regulation to be lodged in barracks, or to receive lodging money in lieu thereof.

— Out-houses and premises belonging to military public buildings, placed under the Ordnance management, such as—

Hospitals,

Guard-houses, &c.

and canteens whenever the rents become a credit to the Ordnance department.

— Storehouses and magazines, the property of the Public, containing provisions or articles of equipment for the use of the regular troops, with the sheds and yards attached thereunto.

— Tanks for the supply of water solely for the troops.

— Tanks jointly for the supply of the navy and army, and not within a naval yard, but under military control.

— Flag staffs and signal posts, within fortified posts or stations, heretofore under military control.

§ II.

1. It will be open at all times for the Governors to offer any suggestions to the respective Officers of Ordnance in the Colonies, on the subject of the construction, reparation, or alteration of buildings; in which case the Ordnance officers will forthwith transmit such communications to the Master-General and Board, accompanied with their observations thereon, with plans and estimates of the expenses; but they are not authorized to execute the same without the sanction of the Master-General and Board, except in cases of special emergency, as hereafter described.

2. If a Governor or Commander of the Forces shall deem it necessary under circumstances of peculiar or pressing emergency, such as internal rebellion, or the sudden or unexpected breaking out of war, to order a work for which the assistance of the Ordnance Department is required, he is to call upon the Commanding Engineer, in writing, to prepare a plan and estimate for the service ; and if the Governor or Commander of the Forces approve of the same, he will (previously annexing his signature of approval to the estimate) give the Commanding Engineer a *written* order to execute the work, and to defray the expense by means of a Draft on the Commissariat Chest ; and the Governor or Commander of the Forces will authorize the Commissariat Officer at the same time to meet such Draft : but on no account, in cases of expenditure for Ordnance services, is a Warrant to be given direct on the Commissariat Chest. Until these *written* orders have been given, the Commanding Engineer will not be justified in executing the work.

5. The estimates and plans prepared by the Engineer Department, under the above authorities, are to be made out in the form and detail required by the Engineer Code for any Ordnance service ; and the Commanding Engineer, upon receiving authority to execute the work, is to carry it on in the same manner as if it were an Ordnance service, with only this difference, that instead of quoting the Master-General and Board's authority, the vouchers and bills of expenditure are to be marked *Special Services ordered by the Governor, or Commander of the*

Forces, as the case may be, and correctly headed and identified by date with the Governor's or Commander of the Forces' orders and warrant for the work, so that on these documents reaching the Surveyor-general's office, through the Storekeeper at the Station, the necessary information, together with the usual certificates of the Officers who superintended and inspected the work, may appear, and thus afford the means of examining and passing the accounts after the services shall have received the Master-General's and Board's approval like any ordinary Ordnance vouchers.

6. By the first opportunity, after the work shall have been so ordered, the Governor, or Commander of the Forces, as the case may be, will report the same to the Secretary of State for the Colonies, *with a full explanation of the causes and reasons which have induced him to take the responsibility of ordering the service without the previous sanction of Her Majesty's Government*, transmitting at the same time copies of the plan and estimate he has so ordered.

7. The Secretary of State for the Colonies, upon receiving these documents, will forward the same to the Lords of the Treasury, with his opinion as to the propriety or otherwise of the measures adopted by the Governor or the Officer commanding the troops; and the Treasury Board, in the event of their being satisfied of the expediency of those measures, will communicate with the Master-general and Board, with a view to such revision and modification of the details of the plans and estimates of expense as they may consider necessary to submit to the Treasury

Board for their final directions; and the amount of such expense as the Lords of the Treasury may approve is then to be provided in the next Estimate that may be laid before Parliament by the Ordnance, under the special heading of *Works ordered by the Governor, or Officer commanding the Troops in the Colonies, without the previous sanction, but with the subsequent approval of the Home Authorities.*

8. The repayment of the sums expended for these services will be claimed from the Ordnance by the Commissioners for Auditing the Public Accounts, according to their usual practice; and as soon as the vote of Parliament may be obtained, the amount will be placed to the credit of the account out of which the sums were issued in the first instance from the military chest, and thus the account will be adjusted between the Departments in London, without any further proceeding by the Officers on the spot.

9. The Commanding Engineer will also as soon as possible transmit, for the information of the Master-general and Board, through the Inspector-general of Fortifications, copies of the plans and estimates referred to in these regulations, accompanied by such observations and remarks as he may consider desirable that the Master-general and Board should be informed upon, for the service so ordered; reporting also the time of commencement, the manner in which it is carrying on, and the probable period at which the work will be completed.

10. These regulations in no ways alter any law or

custom according to which military works and buildings in Colonies, possessing Representative Assemblies, are paid out of the *revenues of the said Colonies*.

§ III. *Delimitation of Military Works.*

1. A general limit of 600 yards has been prescribed by the Master-general and Board of Ordnance, within which it is not advisable to permit the erection of any buildings for the future in the neighbourhood of works or fortifications; and it is also considered advisable to extend the prohibition even beyond the radius above alluded to, upon commanding heights, or in other situations which particular local circumstances might render especially prejudicial to the military works.

2. Cases may exist in which this principle cannot wholly established. The Master-general and Board of Ordnance will take such cases into their consideration.

3. Governors are required to pay every attention to any representation which they may receive from Officers of the Engineer Department, respecting the disposal of Crown lands in the immediate vicinity of fortifications or other military works.

CHAPTER XV.

TRANSPORTATION OF CONVICTS IN THE COLONIES.

§ I.

1. By the Act 6 Geo. IV. cap. 69, the Queen in Council is authorized to appoint or to delegate to the Governors of the British Colonies respectively the power of appointing by proclamation* the places of transportation to which Colonial convicts are to be sent.

2. That delegation is made to the Governors of all the Colonies by the Order of Her Majesty in Council, of 22 May, 1840,* by which it is provided that neither the Colony of Bermuda nor any of Her Majesty's Colonies in New Holland or in the Southern Ocean be appointed for such purpose, other than the Island of Van Diemen's Land and Norfolk Island, and the Islands adjacent to and comprised within the government of Van Diemen's Land.

3. Convicts are to be supplied with clothing and provision properly adapted to the season of the year and the duration of the voyage. The expense incurred in providing them with clothing and necessities on their embarkation is to be provided for in the same manner as that of the conveyance of the convicts by the Naval Department; and it will be necessary, therefore, that all bills for this service should be drawn on the Lords of the Admiralty according to the Form

* See Appendix.

prescribed for that purpose,* and that letters of advice of any such bills should be addressed to their Lordships, and proper vouchers sent home for the expenditure, on account of which they may be drawn.

3. In case a convict ship proceeding to Australia should touch at the Cape of Good Hope or any other British Colony, the Governor of such Colony (if there be no Naval Officer present,) should inquire into the necessity of such deviation from the voyage, and cause every assistance to be rendered which may be necessary to expedite her departure ; and in case there be accommodation in the ship for any convicts in the Colony under sentence of transportation, the Governor may, if he thinks proper, direct the Surgeon Superintendent of the ship to cause them to be received on board for conveyance to the Settlement to which the ship may be proceeding.

5. By the 19th section of the Mutiny Act, it is provided that whenever any sentence of transportation, passed by any Court Martial holden in any part of Her Majesty's Foreign Dominions, is to be carried into execution for the term specified in such sentence, or for any shorter term, or when sentence of death is to be commuted to transportation, the name shall be notified by the Officer Commanding-in-Chief Her Majesty's Forces, or in his absence by the Adjutant-general for the time being, to the Chief Justice or some other Judge, as the case may be, in any part of Her Majesty's Foreign Dominions, who shall make

* See Appendix.

order for the transportation or intermediate custody of such offender, in like manner, as for the transportation or intermediate custody of any other convict; and the necessary proceedings shall be taken, according to such order, for the transportation or intermediate custody of such offender; and all acts in force in such places touching other offenders to be transported, shall in all respects apply as well to the offender himself so to be transported, as to all other persons whatsoever therein concerned.

6. Her Majesty's Government will provide for the charge of removal to this Country, or to the Penal Settlements, of such military convicts as may be sentenced to transportation by military Courts Martial, provided the parties thus sentenced have belonged to the general establishment of the army, and not to local corps raised for the service of any particular Colony.

§ II. *Criminal Trials.*

1. No Judge presiding on a criminal trial will, upon any account, fail to take notes of the evidence adduced; and no capital sentence must be executed until the Governor of the Colony shall have perused those notes.

2. No reference, in criminal cases, is to be made from the government of any Colony to this Country, with a view to the confirmation of sentences pronounced by the Colonial Courts. But Her Majesty's Government will be ready to afford any information, instructions, or advice for which the Governor may

think it necessary to apply, whenever any question may arise on any criminal proceeding on which there may be any special and adequate motive for invoking the interference of Her Majesty's Government in this Country. Whenever a capital sentence shall have been executed a report of it must be transmitted to the Secretary of State.

3. Commissions for the trial of piracies, &c., abroad, under the statute 46 Geo. III. c. 54, are issued under the *Great Seal* of the United Kingdom for any particular Colony.

4. No offender, convicted of piracy, can have his punishment commuted for service in Her Majesty's Navy.

5. Colonial enactments for the prevention, regulation, or punishment of acts done on the high seas, should not be made to take effect at a distance *exceeding three miles* from the shores of the Colony in which such law may originate, as any such enactment would be null and void.

6. But when the operation of a Colonial Act is confined to a range not exceeding one league from the shore, and relates only to matters of local interest, the regulation of which, by local enactment, is indispensable to the welfare of the Colony, there would be no objection to such an Act on the ground of the local range and extent of its operation exceeding the limits of the jurisdiction of the Colonial Legislature. Examples of such Acts are those relating to pilotage, to quarantine, to customs duties, and to fisheries.

CHAPTER XVI.

INSTRUCTIONS REGARDING SALUTES :

Established by Her Majesty's Order in Council, 1st Feb. 1838.

§ I. *Royal Salutes.*

	Scale.
ALL Royal Salutes consist of. . . .	Guns, 21
The King, or the Queen.	} „ 21
The several Members of the Royal Family.	
Foreign Crowned Heads, Sovereign Princes, and their Consorts, Presidents of Republican States.	
Days appointed for firing Salutes as Celebrations of Anniversaries.	
The Lord Lieutenant of Ireland.	

REGULATIONS RELATIVE TO SEC. I.

Article I.—Whenever the King or the Queen shall arrive at any place in Her Majesty's Dominions where there is a fort or battery from which salutes are usually fired, a royal salute shall be fired from such fort or battery, and from all Her Majesty's ships and vessels present; and similar salutes shall be fired upon His or Her Majesty's final departure, and on such other occasions as shall be directed.

Also, whenever the King or the Queen shall go on board any one of Her Majesty's ships or vessels,

the royal standard shall be hoisted at the main-top-gallant-mast-head, the flag of the Lord High Admiral at the fore-top-gallant-mast-head, and the union jack at the mizen-top-gallant-mast-head of such ship, or, if on board of a smaller vessel, in the most conspicuous parts of her; and a royal salute shall be fired from such ship or vessel on His or Her Majesty's going on board, and again on leaving her: and every ship and vessel of war present shall likewise fire a royal salute on the hoisting of those flags; and such further royal salutes shall be fired on His or Her Majesty's quitting the ship or vessel, or passing in boats, or on such other occasions as may be directed.

Also, whenever the King or Queen shall be embarked in any ship or vessel at sea, and the before-mentioned flags shall be hoisted in her, every ship or vessel of war meeting her shall fire a royal salute.

And whenever any ship or other vessel in which the flags before mentioned are flying, shall pass any fort or other place from which salutes are usually fired, a royal salute is to be fired from such fort or other place; but whenever any ship or vessel passes, bearing the royal standard only (without the other flags), such fort or other place is not to salute such ship or vessel.

Article 2.—Whenever any other members of the Royal Family shall arrive at, or quit any place where there is a fort or battery from which salutes are usually fired, they shall receive a royal salute on their first arrival and final departure from such fort or

battery, and from all Her Majesty's ships and vessels present.

Also, whenever any member of the Royal Family shall go on board any of Her Majesty's ships or vessels, the royal standard shall be hoisted at the main-top-gallant-mast-head of such ship or vessel, and a royal salute shall be fired from her, on His or Her Majesty going on board, and again upon leaving her.

Also, whenever any member of the Royal Family shall be embarked in any ship or vessel at sea, and the royal standard shall be hoisted in her, every ship and vessel of war meeting her shall fire a royal salute.

Article 3.—The royal standard does not return salutes, and no other flag is to be saluted in presence of the royal standard.

Article 4. — Whenever any Foreign Crowned Head, Sovereign Prince, or his Consort, or President of a Republican State, shall arrive at, or quit any place in Her Majesty's Dominions where there is a fort or battery from which salutes are usually fired, they shall receive a royal salute on their first arrival at, and final departure from such fort or battery, and from all Her Majesty's ships and vessels present; and upon their going on board, and on leaving any of the said ships or vessels, a similar salute shall be fired; and on each occasion during the salute, the Senior Officer's ship shall display at her mast-head the flag of such Foreign Nation.

Whenever such visits to Her Majesty's ships or

vessels shall take place in a Foreign Port, corresponding salutes shall be fired, and the flag of the Nation of the Royal Visitors shall be hoisted, as already explained.

Upon occasion of the celebration of the birth-day of the King or the Queen of a Foreign Nation, or on other important festivals and ceremonies of such Nation, by any ships of war or batteries of such Nation, Her Majesty's ships or vessels present may fire such salutes in compliment thereto as the Senior Officer of Her Majesty's ship may direct; not, however, exceeding 21 guns; and the flag of such Nation shall be displayed on these occasions at the mast-head of the Senior Officer's ship.

Article 5.—The fixed days for firing salutes as celebrations of anniversaries shall be as follows, viz.—

The anniversaries of the birth, the accession, and the coronation of the reigning Sovereign;

The King or Queen Consort's birth-day:

on which days a royal salute shall be fired at noon from all the forts and batteries from which triumph salutes are usually fired, as may be regulated by the Master-general and Board of Ordnance, and from all Her Majesty's ships in port.

Excepted from this regulation are the salutes usually fired at the Tower and at St. James's on the above occasions, as also are the salutes on the opening, proroguing, or dissolving of Parliament by Her Majesty; or on Her Majesty going any where in

procession ; which salutes are to continue as heretofore, or as Her Majesty may please to command.

Article 6.—The Lord Lieutenant of Ireland shall be entitled to receive from the forts and batteries within his vice-royalty a royal salute ; and on being fallen in with afloat, within three leagues of any part of the coast of Ireland, the vessel in which he is embarked having the Irish standard flying ; or on his Excellency's visiting any of Her Majesty's ships or vessels within the said limits, he is to be saluted with a royal salute.

§ II. *Salutes to Diplomatic Authorities.*

	Scale
Ambassadors Extraordinary and Plenipotentiary	Guns, 19
Envoys Extraordinary, and Ministers Plenipotentiary	„ 15
Diplomatic Authorities below the Rank of Envoy Extraordinary and Minister Plenipotentiary, and above that of Chargé d'Affaires	„ 13
Chargé d'Affaires, or Subordinate Diplomatic Agents left in charge of Missions	„ 11
Consuls-General, or British Factories	„ 9
Consuls	„ 7

REGULATIONS RELATIVE TO SEC. II.

Article 1.—Whenever any Ambassador Extraordinary and Plenipotentiary shall arrive at, or de-

part from any place in Her Majesty's Dominions where there are forts or batteries from which salutes are usually fired, he shall be saluted with the number of guns specified against his rank in the scale § II. ; and if an Ambassador shall embark on board of one of Her Majesty's ships in an official capacity, he shall also be saluted by such ship, according to the said scale, on his going on board, and (should he proceed to sea in her) also on his finally leaving her ; and the same may be observed in a Foreign Port or Colony.

Article 2.—An Envoy Extraordinary and Minister Plenipotentiary shall be entitled to be saluted with the number of guns specified against his rank in the scale § II. ; but he shall be entitled only to the compliment when within the precincts of the nation to which he is accredited ; and consequently when he proceeds in a ship of war, he is only to be saluted by such ship, on his quitting her, after her arrival at his destination ; and whenever he shall visit, in his official capacity, any of Her Majesty's ships within the precincts of the Territories to which he is accredited, he is to be saluted by such ships with the number of guns specified against his rank in the scale ; but if he visits several of Her Majesty's ships at the same port, on the same day, he shall be saluted only by one of them ; and although his visit to any of Her Majesty's ships or vessels may be repeated, he shall be saluted by the same ship, in the same port, only once in 12 months ; but when

he shall embark on the final termination of his Mission, he shall be entitled to the same number of guns from any of Her Majesty's ships which may be ordered to receive him.

The foregoing regulations are to be applicable also to the other Diplomatic Authorities of lower rank than that of Envoy Extraordinary and Minister Plenipotentiary, differing only in the number of guns with which they are to be saluted, as stated against their ranks in the scale.

Article 3.—It is to be understood that salutes, in conformity to the foregoing regulations, shall be fired in compliment (from either forts or ships) to those Foreign Diplomatic Authorities only whose Nations pay the same compliments to Her Majesty's Diplomatic Ministers in their Territories.

Article 4.—Her Majesty's Consuls-general, or Consuls, or the Members of a British Factory, shall be saluted with the number of guns mentioned against their rank in scale § II., on their going on board, or on their leaving any one of Her Majesty's ships or vessels, but this to be done only in the Foreign Ports to which they respectively belong, and only once in 12 months from the same ship or vessel, and to the same person.

§ III. *Salutes to Authorities placed in Charge and Command of the Army or of the Navy of the United Kingdom.*

Scale.

The Lord High Admiral, or the Lords Commissioners for executing the Duty of Lord High Admiral, or the Commander-in-Chief, or the Officer Commanding-in-Chief the whole Army of the United Kingdom	Guns, 19
The First Lord Commissioner of the Admiralty.	} 15
The Master-General of the Ordnance	

REGULATIONS RELATIVE TO SEC. III.

Article 1.—Whenever the Lord High Admiral, or the Lords Commissioners for executing the duty of the Lord High Admiral, or the Commander-in-Chief, or the Officer Commanding-in-Chief the whole of the Army of the United Kingdom, or the Master-general of the Ordnance, shall arrive in their official capacities at any places in Her Majesty's Dominions where there are forts or batteries from which salutes are usually fired, they are to be saluted with the number of guns specified against their respective ranks in the scale § III., and such further salutes shall be fired from the fort or battery at their departure, as may be directed; and the said Authorities, on going on board any one of Her Majesty's ships, in their official capacities, shall be saluted by the said ship only with the number of guns mentioned in the scale; and, on their leaving her, such further salutes shall be fired as may be directed; but if they

visit several ships at the same port, on the same day they are to be saluted on going on board by only one.

In the event of the flag of the Lord High Admiral being hoisted on board one of Her Majesty's ships or vessels, it is to be saluted by the ship of the Senior Officer present, according to the scale ; also by any ship or vessel, or by the ship of the Senior Officer of any squadron of Her Majesty's ships or vessels arriving at the port where the said flag shall be so flying ; likewise on any ship or vessel carrying the said flag, being met at sea by any of Her Majesty's ships, similar salutes are to be fired by them ; and on the arrival of a ship or vessel carrying the said flag, at any port in Her Majesty's Dominions, the ship of the Senior Officer present shall fire a similar salute.

No flag of a Flag Officer is to be saluted in the presence of the flag of the Lord High Admiral.

Article 2.—Whenever the First Lord Commissioner of the Admiralty shall arrive in his official capacity at any place in Her Majesty's Dominions where there is a fort or battery from which salutes are usually fired, or on going on board any of Her Majesty's ships, he shall be entitled to be saluted by such fort or ship with the number of guns specified against his rank in the scale § III. ; and if he should embark in one of Her Majesty's ships for the purpose of proceeding on a voyage in performance of public service, he shall be entitled to receive a salute of the same number of guns, both on his going on board and on his finally quitting the said ship.

§ IV. *Salutes to Officers of Army and Navy.*

Scale.

Field Marshals and Admirals of the Fleet, Guns	17
Admirals, or Generals „	15
Lieutenant-generals, or Vice Admirals . „	13
Rear Admirals, or Major-generals . . „	11
Brigadier-generals, or Commodores of the First Class „	9
Return Salutes to Commodores of Second Class, Captains of the Navy, and Officers of inferior Rank „	7

N.B.—While any of the Officers mentioned in this section hold commissions as Commanders-in-Chief, or Commanders of the Forces of a Station, they shall be entitled to be saluted with two guns more than specified in the above scale against their respective ranks.

REGULATIONS RELATIVE TO SEC. IV.

Article I.—Whenever any of the Naval Officers specified in scale § IV., in actual employment, land, for the first time, in any place of Her Majesty's Dominions where there are forts or batteries from which salutes are usually fired, the said Naval Officers are to be saluted with the number of guns specified against their ranks in the scale ; and when any Officer of the Army, specified in the same scale, being in actual employment, shall officially visit or embark in one of Her Majesty's ships, he shall likewise be saluted by that ship with the number of guns speci-

fied against his rank in the scale, either on going on board, or on quitting the said ship ; but if he should go on board more than one ship in the same port, he shall be saluted only by one of them ; but these salutes are not to be repeated to the same Officer, military or naval, oftener than once in 12 months abroad, and in the United Kingdom once in three years, unless the Officer in question shall, in the mean time, have received advancement of rank, in which case he may be again saluted by the fort or ship, as the case may be, according to the scale prescribed for his new rank.

These salutes, being personal, are not to be returned.

Article 2.—Whenever the flag of an Admiral of the Fleet shall be hoisted, it shall be saluted by the ship or vessel present, bearing the flag or pendant of the Officer next in seniority to him, with the number of guns specified in scale § IV.

Article 3.—Whenever an Admiral, a Vice Admiral, Rear Admiral, or a Commodore of the first class shall hoist his flag or his broad pendant on his appointment, or shall change his flag or broad pendant on his promotion (he being the Senior Officer present), the ship bearing the flag or the pendant of the Officer next in seniority to him only, shall salute with the number of guns to which his flag or his broad pendant may be entitled, according to scale § IV. : or, being a Junior Officer, he shall salute the Senior present ; but no interchange of salutes shall

take place on the re-hoisting of a flag or a broad pendant, between Officers who shall have already exchanged salutes within 12 months; and no other ships or vessels, whether bearing flags or broad pendants, or as private ships present on any occasion of such salutes being fired, shall salute, except under the circumstances hereinafter explained.

Article 4.—Whenever a Flag Officer, or a Commodore of the first class, shall join or meet a Senior Officer for the first time (except a Commodore meeting a Senior Captain who may not be a Commodore), he shall salute such Senior Officer with the number of guns to which he may be entitled according to scale § IV.

Article 5.—If there be more than one Flag Officer or one Commodore of the first class in squadrons, joining or meeting, the ship only of the Senior Flag Officer, or of the Senior Commodore of each squadron, shall salute the Flag Officer or the Commodore who may be the Senior Officer to all present.

Article 6.—Whenever any ship or vessel of war shall join or meet a Flag Officer, or a Commodore of the first class, for the first time, she shall salute such Flag Officer or Commodore (if the latter be a Senior Officer) with the number of guns to which he may be entitled; but if more than one ship or vessel shall at the same time join or meet a Flag Officer or a Commodore of the first class, and the said ships or vessels shall be under the orders of a Senior Officer in command of one of them, such Senior Officer only

shall salute the flag or the broad pendant (if the Commodore be his superior); but if the said ships or vessels shall be under separate and distinct orders, then a salute shall be fired by each of them.

Article 7.—Whenever a Junior Officer shall salute the flag of the Lord High Admiral, or of the Lords Commissioners of the Admiralty, or of any Flag Officer, or the broad pendant of a Commodore of the first class, a salute shall be fired in return, of the number of guns to which the rank of the Officer who saluted shall be (if a Flag Officer or a Commodore of the first class) entitled according to the scale § IV. If the Officer saluting be of the rank of Commodore of the second class, Captain, or of inferior rank, the return salute shall be of seven guns, as specified in the scale. When more than one Flag Officer, Commodore, Captain, Commander, or Lieutenant commanding shall salute, one salute shall be fired in return, as an answer to the whole, consisting of the same number of guns as the Officer receiving the salute is entitled to; but no Flag Officer nor Commodore shall be saluted more than once during the period of his command, by the same Flag Officer, Commodore, Captain, Commander, or Lieutenant commanding any one of Her Majesty's ships or vessels, except on the occasion of a change of flags or of broad pendants on a promotion.

Article 8.—No Captain, Commander, or Lieutenant, nor any other inferior Officer commanding one of Her Majesty's ships or vessels, shall salute an

Officer under the rank of a Commodore of the first class, or Brigadier-general, in Her Majesty's Navy or Army, in any part of the world.

Article 9.—When Flag Officers, Commodores, Captains, or other Officers commanding, shall be saluted by merchants' ships (either British or Foreign), they shall return five guns to a single merchant ship, and seven to several ships.

This article to apply to all private ships saluting, not being in Her Majesty's Navy.

Article 10.—Having in view to assimilate, in practice, salutes in all Her Majesty's Dominions, and the exchange of salutes between Her Majesty's forts and ships having been forbidden in the United Kingdom, in future Her Majesty's ships and vessels, and Her Majesty's forts and castles, are not, on any account, to exchange salutes in any part of Her Majesty's Dominions.

Article 11.—At the funerals of General and Flag Officers, of Commodores of the first class, and Brigadier-generals, dying upon service, minute guns are to be fired whilst the body is proceeding to the place of interment; but these minute guns are not to exceed the number to which the Officer's rank entitled him when living.

There shall moreover be fired, after the body is deposited in the grave, or in the sea, a salute of cannon, amounting to the same number of guns as the deceased Officer was entitled to when living; and in the event of a General or Flag Officer dying afloat,

and who is to be buried on shore, where there is a fort, minute guns are to be fired from the ship whilst the body is conveying to the shore ; and after the body is landed, minute guns are to be fired by the fort whilst the funeral procession is moving from the landing-place to the place of interment : the minute guns both from the ship and the fort shall not exceed twice the number of guns the Officer was entitled to when living.

Cannon are not to be fired at the funerals of Officers subordinate to the above ranks, it being left to the two services to regulate the salutes of the small arms, and other ceremonies to be observed at their funerals.

§ V. *Salutes to Governors, &c., of Her Majesty's Possessions and Fortresses.*

Scale.

The Governor-General of India (within the Indian seas)	Guns, 19
The Lord Warden of the Cinque Ports	„ 19
The Governor of Madras or Bombay (within the Indian seas), Governor of Her Majesty's Colonies, Foreign Possessions, Castles, or Fortresses within the Precincts of his Government, Lord High Commissioner of the United States of the Ionian Islands	„ 17
Lieutenant-Governors of Her Majesty's	

Scale.

Colonies, Foreign Possessions, Castles,
or Fortresses (within the Precincts of
the said Governments, if administering
the government) Guns, 13

REGULATIONS RELATIVE TO SEC. V.

Article 1.—The Governor-general of India, and the Governors of Madras and Bombay, are to be saluted by Her Majesty's ships and forts in India, with the number of guns specified in scale § V.; but these salutes are not to take place any where but in the Indian Seas, and in forts and batteries at and to the eastward of the Cape of Good Hope.

Article 2.—The Lord Warden of the Cinque Ports is to be saluted by the forts within his jurisdiction, with the number of guns specified in scale § V., and as heretofore has been the practice.

Article 3.—All other Governors or Lords High Commissioners of Her Majesty's Colonies, Foreign Possessions, Castles, or Fortresses (including Her Majesty's Lord High Commissioner of the Ionian Islands), shall be entitled to a salute of the number of guns specified against their rank in scale § V.; but they shall be entitled to this compliment only within the precincts of their governments; consequently when they proceed in a ship of war from the United Kingdom, they are only to be saluted by such ship on their quitting her after arrival at their several destinations. A Governor, on his first landing in his government, shall be entitled to be saluted

from the fort or battery with the number of guns before specified, and again on his final departure at the expiration of his government; and he shall be further entitled to be saluted by such other forts or dependencies of his government as he may visit in his official capacity; but these latter salutes shall be repeated at each place only once in twelve months.

If he shall visit within the precincts of his government any one of Her Majesty's ships or vessels, he shall be saluted by the said ship with the same number of guns, either on his going on board or his leaving her; but if he shall visit on the same day several ships in the same port, he shall be saluted by only one of them; and although his visits to the same ship may be repeated, he shall be saluted by her only once in 12 months, at each Port or Colony within the precincts of his government; but when he shall embark on the final termination of his government, he shall be entitled to be saluted with the same number of guns from any of Her Majesty's ships which may be ordered to receive him.

When Governors or Lieutenant-governors quit their governments on leave of absence, they shall be entitled to the same salutes on their departure and on their return to their governments as they would have been entitled to on their first assuming them, or on their final departure from them.

Article 4.—All Lieutenant-governors administering the government shall be entitled to the salutes

specified opposite to their rank in the scale § V., under the foregoing regulations and restrictions laid down for Governors.

Article 5.—Lieutenant-governors not administering the government are to be entitled to be saluted with the number of guns specified against their rank in the scale § V.; but they are only to receive this compliment on their arrival at the seat of government, and on the finally quitting it, and only from the forts or batteries at the seat of government.

He is to be saluted also by the ship of war from which he disembarked, and by such ship of war also as he may embark in on his final departure.

Article 6.—The union flag or jack being the distinctive flag or mark of an Admiral of the Fleet, when displayed at the main-top-gallant-mast-head, and ordered by these Instructions to be saluted accordingly, being likewise one of the flags which is to designate the presence of the King or the Queen on board of a ship, when it may be displayed at another mast-head, and all ships or vessels, other than Her Majesty's ships or vessels, being interdicted from displaying the said flag by the Act of 3 and 4 of Will. IV. cap. 53, art. 9, the said union flag or jack is not, on any account, to be displayed at either mast-head of any ship or vessel, in consequence of any Governor or Lieutenant-governor of any of Her Majesty's Possessions or fortresses being on board such ship or vessel ; but a flag having a crown on it,

or having the arms of a Colony on it, may be substituted to denote the presence of the Governor or Lieutenant-governor on board any vessel in the precincts of his government.

Article 7.—Civil Functionaries shall have at their funerals the same number of guns fired as minute-guns, while the procession is going to the burial-ground, as they were entitled to as salutes when living.

Civil Functionaries, not entitled to salutes of cannon when living, are to have no guns fired at their funerals.

§ VI. *Salutes to Foreigners of Distinction.*

	Scale.
Foreigners of Distinction	Guns,
Foreign Flag Officers	„
Foreign General Officers	„
Captains of Foreign Ships of War . .	„

REGULATIONS RELATIVE TO SEC. VI.

Article 1.—If a Foreigner of high distinction, or a Foreign Flag Officer, or a General Officer, shall visit any one of Her Majesty's ships or vessels, he may be saluted on his going on board, or on leaving the ship or vessel, with such number of guns as, from his rank, may be deemed proper; not, however, exceeding fifteen, unless a British Officer of corresponding rank shall have been saluted by a ship or vessel of the nation of such Foreigner with a greater number,

in which case an equal number may be fired, but never exceeding 19 guns.

The Captain of a Foreign ship of war may also be saluted with nine guns on his visiting one of Her Majesty's ships, if such compliment shall have been paid to the Captain of one of Her Majesty's ships on his visiting a ship of the nation to which such Foreign ship may belong; but if he never had an opportunity of visiting such Foreign ship of war, he is nevertheless at liberty to pay the compliment to the Foreign Captain, and to return the personal salute from any Foreign ship.

In either of the above-mentioned cases the flag of the nation of such Foreigner shall be hoisted during the salute at the mast-head.

Article 2.—Officers commanding Her Majesty's ships or vessels on visiting Foreign ports are to ascertain the number of guns with which such places have usually been saluted, and they are to salute with that number of guns, on receiving assurance that the salute will be returned gun for gun; but such salutes are not to exceed 21 guns. In the event of there being already in the port a Senior Officer of Her Majesty's ships, his directions on the subject are to be followed; but if several ships or vessels shall arrive together, the Senior Officer only of them shall salute.

Article 3.—All salutes from ships of war of other nations, either to Her Majesty's forts or ships, are to be returned gun for gun.

Article 4.—A British ship or vessel of war meeting at sea a Foreign ship of war bearing the flag of a Flag Officer, or the broad pendant of a Commodore, commanding a station or squadron, and superior in rank to the Officer of the British ship or vessel, she shall salute such Foreign Flag Officer or Commodore with the number of guns to which a British Officer of corresponding rank is entitled, upon being assured of receiving in return gun for gun.

Article 5.—Her Majesty's ships or vessels shall not, on any account, lower their top-gallant-sails, nor their flags, to any foreign ships or vessels whatsoever, unless the foreign ships or vessels shall first, or at the same time, lower their top-gallant-sails or their flags to them.

§ VII. *Miscellaneous.*

REGULATIONS RELATIVE TO SEC. VII.

Article 1.—None of the salutes authorized by these Instructions shall be fired from ships of war without due communication, by signal or otherwise, being made to the Naval Commanding Officer present, except in cases of salutes in compliment to such Commanding Officer himself.

Article 2.—Such of the authorities mentioned in the foregoing Instructions as may, from their rank and appointments, be entitled to be saluted in more than one capacity, shall be saluted under that rank

which shall entitle them to the greatest number of guns, but on no occasion is the same individual to be saluted in more than one capacity.

Article 3.—Frequent accidents occurring during the firing of salutes in small vessels, from the haste with which the guns are necessarily re-loaded, none of Her Majesty's vessels, with less than 10 guns, are in future to fire a salute that may require the re-loading of the guns, unless under circumstances when such omission cannot be explained, to prevent giving offence to a Foreign Power or a Foreign Officer.

Article 4.—No other salutes than those authorized by the foregoing Regulations are to be allowed, except that upon any important occurrence, such as a great victory gained by Her Majesty's arms, or other highly advantageous national event. The Governor or Officer commanding any of Her Majesty's Possessions abroad may, in conjunction with the Senior Officer of Her Majesty's Naval Service on the spot, direct such salutes to be fired as the occasion may seem to them to require; but, unless the Officers in command of both services concur in the propriety of such salutes being fired, they are not to take place by one service only.

The Governors of our Colonies are, however, authorized to continue to sanction such salutes as may have been customary, and which they may deem right and proper at religious ceremonies, and further, to cause the usual salutes to be fired at the opening and closing of the Houses of Parliament or Assem-

bly; but these salutes are in neither of the above cases to exceed 19 guns.

Article 5.—The ammunition for all salutes authorized by the foregoing Instructions shall be supplied by Her Majesty's Ordnance at the public charge; but in the event of guns being fired to enforce Quarantine or Port Regulations, where there may be local laws authorizing the recovery of the cost of the ammunition used for such purpose, the amount is always to be recovered and paid to the respective Officers of the Ordnance at the place.

A P P E N D I X.

FORM TO BE USED ON APPLICATION FOR RETIREMENT AND SUPERANNUATION ALLOWANCE.

Name of party recommended.	Age.	Offices held by him, with date of appointments to and removal from each, and the amount of Salary attached to each appointment.	If his service be not continuous, state the cause of the broken period of service.	Is he in receipt of any other Salary or Pension.

N.B.—If the party is under 65 years of age, his Application for Retirement must be supported by Certificates from two competent medical men.

Every Application for Retirement must also be accompanied by a Report from the head Officer of the Department in which the party has served, of the manner in which he has discharged his public duties.

SCHEDULE OF DESPATCHES

Transmitted by the Governor of to the Secretary
of State for the Colonies, by the Ship on
the of 184 .

Number of Despatch.	Date of Despatch.	Subject of Despatch.	Number of Enclosures.
1	2nd Jan.		
2	4th ,,		
3	,, ,,		
5	20th ,,		
6	1st Feb.		
7	2nd ,,		
8	9th ,,		
9	10th ,,		
11	15th ,,		
12	17th ,,		
13	19th ,,		
14	28th ,,		
15	3rd Mar.		
16	4th ,,		
17	19th ,,		
18	25th ,,		
19	26th ,,		
20	31st ,,		

RETURN, No. 1, of all Changes in the Holders of existing Offices and Appointments arising from Promotion or otherwise, during the Quarter ended 184 ; as also of all Additions to Established Salaries and Allowances under settled Regulations for length of Service.

Changes in the Holders of Offices and Appointments.

Office.	Name of the Officer who formerly held the Appointment, and Annual Salary.	Name of the Officer who is now appointed, and Annual Salary.	If appointed by Her Majesty's Government in England, Date of Authority of the Secretary of State.	If newly appointed by the Governor, Date of Authority.	If promoted from another Office or Government situation in the Colony, description of former Appointment.	Date of Governor's Despatch respecting the change of Office or Appointment, or the New Appointment.	Column for Remarks.
Additions to Salaries and Allowances.							
Office.	Name.	Date of Appointment.	Original Salary.	Present Salary.	Date from which increased Salary drawn.	Date and description of authority for increase.	Column for Remarks.

RETURN, No. 2, of all New Offices and Appointments created, and of all Additions to Established Salaries and Allowances, not provided for by settled Regulations for length of Service, during the Quarter ended 184 ; as also of all Payments of an unusual or special description, directed or authorized by the Governor during the same Period, to be paid from the Colonial Treasury.

Creation of New Offices and Appointments.

Office.	Name.	Annual Salary.	Date of Appointment and of Authority from the Governor.	Date and Description of the authority or Instruction (if any) from Her Majesty's Government in England in consequence of which the Appointment was made.	Date of the Governor's Despatch to Her Majesty's Government in England respecting the transaction in cases where no previous authority may have been received.	Column for Remarks in any particular case, and for the statement of any special circumstances.
Additions to Established Salaries and Allowances not arising under settled Regulations.						
Payments of an unusual or special description, and Payments on Services amounting to £200,* incurred without previous authority from Her Majesty's Secretary of State.						
Description of Service.	Amount.	To whom paid.	Date of Authority from the Governor.	Date and Description of the authority or Instruction (if any) from Her Majesty's Government in England in consequence of which the Appointment was made.	Date of the Governor's Despatch to Her Majesty's Government in England respecting the transaction in cases where no previous authority may have been received.	Column for Remarks in any particular case, and for the statement of any special circumstances.

* In the case of St. Helena the discretionary authority of the Governor is limited to £50.

NAVY.

HOME SERVICE.

£

Dated at _____ the ____ day of _____ 18 .

Three Days after Sight please to pay to my Order on the
back hereof, the Sum of _____ Pounds _____
Shillings and _____ Pence, being for _____

_____ as per Letter of Advice.

_____ } Drawer's
 } Signature.

*To the Accountant-General of
Her Majesty's Navy, London.*

N°. _____ Admiralty, Somerset House.

Due _____ 18 .

Accepted.—Payable at the Bank, on Acc^t. of H.M. Paym^t.—
Gen^l.—Bill Account.

Approved,

Acc^t.-Gen^l. of the Navy.

(Not payable after Three o'Clock.)

NOTE.—The Drawer, besides signing his Name at the foot of the above Bill, must write at the back of this Bill the Christian and Surname of the Payee (that is, the person with whom he negotiates it), and also affix his own Signature.

FORM OF RETURN REFERRED TO IN REGULATIONS RELATIVE TO BANKING COMPANIES.

164

APPENDIX.

RETURN of the Average Amount of Liabilities and Assets of the Bank of during
the period from [1st January] to [30th June] 184

Promissory Notes in circulation not bearing Interest £	Coin and Bullion £
Bills of Exchange in circulation not bearing Interest £	Landed or other Property of the Corporation £
Bills and Notes in circulation bearing Interest £	Government Securities £
Balances due to other Banks . . . £	Promissory Notes or Bills of other Banks £
Cash Deposits not bearing Interest . £	Balances due from other Banks . . £
Cash Deposits bearing Interest . . £	Notes and Bills Discounted, or other debts due to the Corporation, not included under the foregoing heads . . . £
Total average Liabilities . . £	Total average Assets . . £

Amount of Bill £
Income Tax . . .

(Place and Date.)

£

At Thirty Days after Sight of this, my First of Exchange (Second and Third of the same tenor and date unpaid),
Pay to _____ or Order
the Sum of _____
which with £ _____ Income Tax, makes the Sum of
£ _____ being the amount of Salary due to _____
_____ from _____
to _____ as

To William Sargent, Esq.

Paymaster of Civil Services,

Treasury Chambers, London.

*Form applicable to Claimants
residing out of Great Britain.*

PROPERTY AND INCOME TAX.

CLAIM OF EXEMPTION.

AFFIDAVIT to be made, and Notice to be given, by a person resident abroad—in Ireland—or elsewhere out of Great Britain—claiming to be discharged from Assessment, in a case, where *the whole of the* Income of the Claimant is under £150 a year, and arises *partly* from an Office or Employment of Profit, or from Salary, Fees, or Wages, or from an Annuity, Pension, Stipend, or other Allowance whatsoever, payable out of the PUBLIC REVENUE; and *partly* from other sources of Income of any description whatsoever arising in or out of Great Britain.

In pursuance of the Act 5 and 6 Vic. c. 35, I do make oath and say, that the whole of my Income, from every source whatever, does not amount to One Hundred and Fifty Pounds a year, and that the following is a true and just account thereof, viz.*

* Here state the amount and particulars of each source of Income, and where it arises.

Claimant's Signature _____

Address _____

Sworn before me, this _____ day of _____ 184 .

Signature of a Magistrate, Consul, } _____
or Notary Public. }

Description of his Office. _____

I therefore give notice that I am entitled to, and do hereby claim exemption from Assessment in respect of the whole of such Income.

Given under my hand, this _____ day of _____ 184

Having examined the above Claim, we do hereby allow the same.

} Commissioners for
Her Majesty's
Treasury, &c.

N.B.—Persons resident Abroad—in Ireland—or elsewhere out of Great Britain, are liable to the Tax on the particular amount they may receive from the Public Revenue, although such amount may be less than £150 a Year, if the Income they derive from other sources of property either abroad—in Ireland—or elsewhere out of Great Britain, shall, together with their public allowance, amount to or exceed £150 per annum.

ORDER IN COUNCIL RELATIVE TO TRANSPORTATION OF CONVICTS.

At the Court at Buckingham Palace, the 22nd day of May, 1840.

Present :

The QUEEN'S Most Excellent Majesty in Council.

WHEREAS by an Act passed in the fifth year of the reign of his late Majesty King George the Fourth, intituled "An Act for the Transportation of Offenders from Great Britain," it was amongst other things enacted, that it should be lawful for His Majesty, by and with the advice of his Privy Council, from time to time to appoint any place or places beyond the seas, either within or without His Majesty's dominions, to which felons and other offenders under sentence or order of transportation or punishment should be conveyed. And whereas, by an Order made by the advice of His said late Majesty's Privy Council, on the 23rd June, 1824. His said late Majesty was pleased, in pursuance of the power so vested in him as aforesaid, to appoint New South Wales and Van Diemen's Land, and all islands adjacent thereto, to be places to which felons and other offenders then being, or thereafter to be, under sentence or order of transportation or punishment, should be conveyed under the provisions of the said recited Act. And whereas by the said Act it was farther enacted, that it should be lawful for His Majesty, by any Order or Orders in Council, to declare His Royal Will and Pleasure that male offenders convicted in Great Britain, and being under sentence or order of transportation, should be kept to labour in any part of His Majesty's dominions out of England, to be named in such Order or Orders in Council. And whereas His said late Majesty, in pursuance of the powers so vested in him, was further pleased, by and with the advice aforesaid, by the Order in Council aforesaid, to declare His Royal Will and Pleasure, that male offenders convicted in Great Britain, and being under sentence or order of transportation, should be kept to hard labour in His Majesty's Colony of Bermuda. And whereas by an Act of Parliament passed in the sixth year of the reign of His said late Majesty, intituled "An Act for punishing Offences committed by Transports kept to Labour in the Colonies,

and better regulating the Powers of Justices of the Peace in New South Wales," it was among other things enacted, that it should and might be lawful for His said late Majesty, by any Order or Orders to be by him from time to time for that purpose issued with the advice of his Privy Council, to appoint, or by any such Order or Orders in Council to authorise the Governor, Lieutenant-governor, or other person for the time being administering the government of any of His Majesty's Foreign Possessions, Colonies, or Plantations, to appoint the place or places within His Majesty's dominions to which any offender convicted in any such Foreign Possessions, Colonies, or Plantations, and being under sentence or order of transportation, shall be sent or transported; and it was thereby enacted, that all such persons should, within the place or places to which in pursuance of any such Order or Orders in Council they should or might be so sent or transported, be subject and liable to all such and the same law, rules, and regulations as were or should be in force in any such place or places with respect to convicts transported from Great Britain. And whereas in pursuance of the said last recited Act of Parliament, and in exercise of the powers thereby vested in him, His said late Majesty, on the 11th day of November, 1825, by and with the advice of his Privy Council, did order that the Governor, Lieutenant-governor, or other persons for the time being administering the government of any of His Majesty's Foreign Possessions, Colonies, or Plantations, should from time to time, by proclamation to be by them respectively for that purpose issued, appoint the place or places within His Majesty's dominions to which any offender convicted in any such Foreign Possessions, Colonies, or Plantations, and being under sentence or order of transportation, should be sent or transported.

And whereas it hath seemed fit to Her Majesty, on the advice of Her Privy Council, to revoke the said recited Orders in Council, and to substitute in lieu thereof such other provisions as are hereinafter mentioned. Now, therefore, in pursuance and exercise of the powers vested in Her Majesty in Council by the said recited Acts of Parliament, Her Majesty, by and with the advice of Her Privy Council, doth order, and it is hereby ordered, that upon and from the 1st day of August in this present year, 1840, the said recited Orders in Council of the 23rd day of June, 1824, and of the 11th day of November, 1825, shall be, and the

same are hereby revoked, so far as respects any act, matter, or thing to be done from and after the said 1st day of August, 1840, in the premises. And it is hereby further ordered by the advice aforesaid, and in pursuance and exercise of the authority aforesaid, that from and after the said 1st day of August, 1840, the island of Van Diemen's Land, and Norfolk Island, and the islands adjacent to and comprised within the government of Van Diemen's Land, shall be the places to which felons and other offenders in the United Kingdom, then being or thereafter to be under sentence or order of transportation, shall be conveyed under the provisions of the said recited Act of the fifth year of the reign of His late Majesty King George the Fourth; and it is hereby further ordered, by the advice aforesaid, and in pursuance and exercise of the authority aforesaid, that male offenders convicted in the United Kingdom shall, from and after the said 1st day of August, 1840, in pursuance of the provisions of the said last recited Act, be kept to hard labour in Her Majesty's Colony of Bermuda; and it is further ordered, by the advice aforesaid, and in pursuance and exercise of the authority aforesaid, that from and after the said 1st day of August, 1840, the respective Governors, Lieutenant-governors, and other persons for the time being administering the government of any of Her Majesty's Colonies, shall, in pursuance of the provisions of the said recited Act of the sixth year of the reign of His said late Majesty, by proclamation to be by them respectively for that purpose issued, appoint the place or places within Her Majesty's dominions to which any offender convicted in any such Colonies, and being under sentence or order of transportation, shall be sent or transported, provided that neither the said Colony of Bermuda, nor any of Her Majesty's Colonies in New Holland, or in the Southern Ocean, be so appointed for that purpose by any such proclamation as aforesaid, other than the said island of Van Diemen's Land and Norfolk Island, and the islands adjacent to and comprised within the government of Van Diemen's Land.

And the Most Noble the Marquis of Normanby, and the Right Honourable Lord John Russell, two of Her Majesty's principal Secretaries of State, are to give the necessary instructions herein accordingly as to them may respectively appertain.

(Signed) WM. L. BATHURST

FORM OF PROCLAMATION TO BE ISSUED BY THE GOVERNOR
RELATIVE TO TRANSPORTATION OF CONVICTS.

WHEREAS by a certain Act of Parliament passed in the sixth year of the reign of His late Majesty King George the Fourth, intituled "An Act for punishing Offences committed by Transports kept to labour in the Colonies, and better regulating the powers of Justices of the Peace in New South Wales," it is, amongst other things, enacted, "That it shall and may be lawful for His Majesty, by any Order or Orders to be by him from time to time for that purpose issued, with the advice of His Privy Council, to appoint, or by any such Order or Orders in Council to authorize the Governors, Lieutenant-governors, or other persons for the time being administering the government of any of His Majesty's Foreign Possessions, Colonies, or Plantations, to appoint the place or places within His Majesty's dominions to which any offender convicted in any such Foreign Possessions, Colonies, or Plantations, and being under sentence or order of transportation, shall be sent or transported; and," that "all such persons shall, within the place or places to which, in pursuance of any such Order or Orders in Council, they shall or may be so sent or transported, be subject and liable to all such and the same laws, rules, and regulations as are or shall be in force in any such place or places with respect to convicts transported from Great Britain." And whereas Her Majesty, by an Order by Her issued, by the advice of Her Privy Council, on the 22nd day of May, 1840, in pursuance of the said Act of Parliament, and in exercise of the powers thereby in Her in that behalf vested, did order that the Governors, Lieutenant-governors, or other persons for the time being administering the government of any of Her Majesty's Foreign Possessions, Colonies, or Plantations, shall, by proclamations to be by them respectively for that purpose issued, appoint the place or places within Her Majesty's dominions to which any offender convicted in any such Foreign Possessions, Colonies, or Plantations, and being under sentence or order of transportation, shall be sent or transported, provided that neither the Colony of Bermuda nor any of Her Majesty's Colonies in New Holland or in the Southern Ocean be so appointed for that purpose other than the island of Van

Diemen's Land and Norfolk Island, and the islands adjacent to and comprised within the government of Van Diemen's Land. Now therefore, I, A. B., Governor, &c., of the Colony of _____, in pursuance of the said Order in Council and Act of Parliament respectively, and in exercise of the powers thereby respectively in me, as such Governor as aforesaid, vested, do appoint that any offenders convicted in the said Colony, and being under sentence or order of transportation, shall be sent by the first convenient opportunity to

ORDER IN COUNCIL RELATIVE TO TRADE WITH CHINA AND INDIA.

At the Court at Buckingham Palace, the 24th day of February, 1843.

Present :

The QUEEN's Most Excellent Majesty in Council.

WHEREAS by an Act passed in the session of Parliament holden in the third and fourth years of the reign of His late Majesty King William the Fourth, intituled "An Act to regulate the Trade to China and India," it was, amongst other things, enacted, that it should and might be lawful for His Majesty, by any such Order or Orders, Commission or Commissions, as to His Majesty in Council should appear expedient and salutary, to give to the Superintendents in the said Act mentioned, or any of them, powers and authorities over and in respect of the trade and commerce of His Majesty's subjects within any part of the dominions of the Emperor of China, and to make and issue directions and regulations touching the said trade and commerce, and for the government of His Majesty's subjects within the said dominions, and to impose penalties, forfeitures, or imprisonments for the breach of any such directions or regulations, to be enforced in such manner as in the said Order or Orders should be specified :

Now, therefore, Her Majesty in Council is pleased, by and with the advice of Her Privy Council, to prohibit, and doth hereby prohibit, Her subjects from resorting, for the purposes of trade and commerce, to any other part of the dominions of the Emperor of China than those of Canton,

Amoy, Foo-chow-foo, Ningpo, and Shanghae, or than may be in the occupation of Her Majesty's forces; and Her Majesty is pleased to order, that any of Her subjects committing a breach or violation of this direction shall, upon conviction thereof in any of Her Majesty's Courts of Record or Vice-Admiralty, be, for every such offence, liable to a penalty, not exceeding one hundred pounds, or to imprisonment, for a term not exceeding three months, at the discretion of the Court before which the conviction shall take place; and Her Majesty is hereby further pleased to order, that all proceedings which may be had under this Order shall be, as far as circumstances will permit, in conformity with the law of England.

And the Right Honourable the Earl of Aberdeen, and the Right Honourable Lord Stanley, two of Her Majesty's principal Secretaries of State, the Lords Commissioners of Her Majesty's Treasury, and the Commissioners for executing the office of Lord High Admiral, are to give the necessary directions herein as to them may respectively appertain.

(Signed) WM. L. BATHURST.

ORDER IN COUNCIL RELATIVE TO TRADE WITH THE
REPUBLIC OF HAYTI.

At the Court at Buckingham Palace, the 23rd day of
August, 1843.

Present :

The QUEEN's Most Excellent Majesty in Council.

WHEREAS by an Act passed in the Session of Parliament held in the third and fourth years of the reign of His late Majesty King William the Fourth, intituled "An Act to regulate the Trade of the British Possessions Abroad," after reciting that by the law of navigation foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods, the produce of those countries, and to export goods from such possessions, to be carried to any foreign country whatever, and that it is expedient that such permission should be subject to certain condition; it is Enacted, that the privileges thereby granted to foreign ships shall be limited to ships of those countries which, having colonial possessions, shall grant the like

privileges of trading with those possessions to British ships; or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favoured nation, unless His Majesty, by his Order in Council, shall in any case deem it expedient to grant the whole or any part of such privileges to the ships of any foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such foreign country.

And whereas Her Majesty, by and with the advice of her Privy Council, doth deem it expedient to grant the aforesaid privileges of trading with the British possessions abroad to the ships of the Republic of Hayti.

Now therefore Her Majesty doth, by the advice aforesaid, and in pursuance and exercise of the power and authority in her respectively vested by the said recited Act, order, declare, and grant that from the date hereof, and in the mean time until Her Majesty in Council shall be pleased to revoke or determine this Order by any other Order in Council, it shall be lawful for vessels to import from the territories of the Republic of Hayti into any of the British possessions abroad, goods, the produce of the said territories of the Republic of Hayti, and to export goods from such possessions, to be carried into any foreign country whatever.

Provided always that nothing herein contained shall be construed to prevent the vessels of the Republic of Hayti from trading with any of the British possessions in Europe, to such extent and in such manner as they lawfully may under the laws of navigation now in force.

Provided further that nothing hereinbefore contained shall extend or apply to the possessions of the East India Company.

Provided always that the privileges hereby granted shall be confined to vessels of the Republic of Hayti, built, owned, and navigated as required by the British laws of navigation for the time being in force.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable Lord Stanley, one of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein accordingly.

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