

for three, as the basis of the average to be calculated ought, I apprehend, to be adopted in every Colonial Railway Act.

7th. The second Section of the same Act contains provisions for the purchase, if it shall be thought fit by the State, after a certain lapse of time, and on the terms there prescribed, of any Railway. In substance such a provision should form a part of any Act which may be passed in the Colony under your Government.

8th. The fifth Section of the same Statute contains a provision for the keeping and the inspection of the Accounts of Railway Companies which with the necessary variations of forms should I think constitute an integral part of every Railway Bill which may be passed in any British Colony. It is, however, material that you should observe with respect to the three last provisions, that they are not intended to rule affirmatively by anticipation the questions to which they relate, or in any manner to prejudge the policy of the purchase of any Railway by the State.—They have been prompted by the belief that the Railway system is still in a great degree an infant system, and that it is impossible accurately to predict the accompaniments and effects of its maturity or to measure the exigencies which it may create. It has therefore been thought wise to take the best general guarantee of which the circumstances will admit, by keeping the field open for the free exercise at a future day of the discretion of the Legislatures and to prevent the growth of any notion of constructive or prescriptive claims, on the part of the Companies, to retain, without reference to public interests as they may hereafter stand their original position.

9th. You will find in the accompanying acts various provisions which have the public safety for their immediate object. Some modifications of them will of course be requisite to meet peculiar local exigencies, but enactments of this kind very carefully considered are essential to all good Legislation on the subject.

10th. In those Colonies in which Representative Assemblies exist, and where the population is numerous, there will I trust be an adequate security, both for the protection of private rights and for preventing any improper favor being shown to the interests of persons possessing peculiar local influence. In other Colonies the security against abuses may be less perfect, and the duty of vigilance on the part of the Executive Government to prevent them may be more urgent. It is a duty for the effective discharge of which the Governor of every such Colony will consider himself as peculiarly responsible.

Such appear to me to be the main general principles or provisions which ought to be embodied in any Railway act which may be passed in the Colony under your Government.—You will perceive that my general object in framing them has been to leave the freest scope to private and associated enterprise by the avoidance of all minute interference, and at the same time to take some simple security for testing the solidity of projects, for guarding against risk to life—and for guaranteeing to the public service from the first a fair share of the advantages of the construction of any Railway, and to the State, as the Representative of the Public, the means of dealing with future contingencies.

But I do not venture to insist even on these provisions as absolutely indispensable in every Colony in every Railway act.

I am too well aware of the diversity of circumstances prevailing in the various Dependencies of the British Crown to attempt so to fetter the discretion of the Local Government, or so to impede the free exercise of the discretion of H. M. confidential Advisers. The practical purposes which these Rules may serve is as follows:

It will not be necessary to reserve for the signification of H. M. pleasure any Railway Law which satisfies all these conditions. On the other hand any Railway Law framed in neglect or disregard of them must be so reserved. In transmitting any Railway Law for the signification of H. M. pleasure you will distinctly point out to what extent these Rules have been followed or neglected, and what are the reasons which in any such case of neglect are supposed to have occasioned or to justify