

This Act, like the act for regulating Savings Banks in this country, states in its preamble, that it is expedient to give protection to Institutions, established for the safe custody and increase of small savings belonging to the *industrious classes* of Her Majesty's subjects; but there is no limit, either as to the annual amount to be invested (which in this country is limited to £30 per annum) or to the total amount to be deposited, (which in this country is limited to £150); but in Sec. 12, it is enacted, "That the Trustees shall not receive as a deposit for the use and benefit of Depositors, any larger sum than £500, at the same time of any one Depositor, other than a Religious or Charitable Corporation;" so that under this clause a party might invest thousands, provided he did not pay in more than £500 at the same time.

The mode of investment by the Trustees, according to Sec. 9, is objectionable, in not confining such investment to the Government security of the Province.

The act does not contain any limit as to the amount of interest, to be paid to Depositors, which is the case in *England*, though it provides that the surplus profits may under certain restrictions be appropriated to charity.

The Institutions by the act, are placed under the management of a Treasurer, Trustees, and Managers, who are to act *gratuitously*; but it provides, that before they undertake the office, *each of them shall take an oath*, for the faithful discharge thereof. This provision is very unusual and objectionable, as well as a subsequent clause, which obliges the Treasurer, Trustees, and Managers, or the major part of them to *swear to the correctness of their annual accounts*.

The Act, as it is at present framed, does not appear to be calculated to carry into effect the establishment of Savings Banks as they exist in this country; the provisions being much more applicable to a Joint Stock Investment Company; and though, in drawing the present Act, reference has certainly been made to the Acts for regulating Savings Banks in this country, yet the spirit and intention of them seem to me to be overlooked, and several important Clauses omitted.

I am aware that much depends on the manner in which the Rules and Regulations may be drawn, but I am nevertheless of opinion that in its present form this Act is not calculated to establish Savings Banks in the Province on a satisfactory foundation. You will therefore invite the Legislature to consider the objections above stated, and Her Majesty's decision on the Act will be suspended until I shall have learnt the result of their deliberations.

I have, &c.
(Signed) Stanley.

The R't Hon. Sir Charles Bagot,
&c. &c. &c.

(Copy.) No. 137.
Downing Street,
30th April, 1842.

Sir,

With reference to my Despatch of the 30th April, enclosing two orders passed by Her Majesty in Council on the 27th instant, confirming and leaving to their operation certain Acts of the last Session of the Legislature of *Canada*, I have to request your attention to the following remarks which arise on the Act to repeal certain Acts therein mentioned, and to "consolidate the Laws relating to the Pro-

vincial Duties to be levied on Goods, Wares and Merchandize imported into this Province."

Although Her Majesty has been advised to leave the Act to its operation, Her Majesty's Government have felt serious doubts as to the policy of maintaining so high a duty on Tea and on *Madeira Wine*, as that Act imposes. A duty of 3d. per pound on Tea will probably afford such encouragement to the illicit introduction of that article into *Canada* from the *United States*, as will at once prejudice the Revenue and discourage the importation of Tea in British Vessels.

There appears to be no sufficient reason for placing *Madeira Wine* in a less favourable position than the Wines of other Countries by subjecting it to higher Duties. Nor can I abstain from observing that the imposition by a Colonial Legislature of a differential Duty operating against the produce of any particular country is open to serious objection, and tends to embarrass the relation of the Mother Country with such Foreign State.

Inconvenience may also be anticipated from the scale of Spirit Duties under this Act when complicated with the Duties imposed by the possessions Act and the Imperial Act 11, Geo. III, Cap. 88, and very accurate instructions will in consequence be required by the Officers of Customs who are employed in collecting both the Imperial and Colonial Revenue, in order to define the amount which may be lawfully collected under these various Acts, not only on Spirits, but on other articles, more especially Wines, Refined Sugar, and Molasses, and Syrups.

Having, however, regard to the inconvenience and dissatisfaction which might arise in *Canada*, from the disallowance of this Act, and to the fact that changes in the Imperial Duties, payable upon the importation of Goods into the British possessions in *America*, are now under the consideration of Parliament, which will, if decided on, necessarily lead to the Revision by the Provincial Legislature, of the Scale of Duties now established, Her Majesty's Government have felt themselves justified in recommending that this act be left to its operation.

I have, &c.
(Signed) Stanley.

The Right Honorable
Sir Charles Bagot, &c. &c.

Extract of a Despatch from the Secretary of State to the His Excellency, the Governor-General, dated, *Downing-street*, 3d April, 1843, No. 15.

Punishment for offences.

"The act for better proportioning the punishment to the offence in certain cases (distinguished in the Records of this office as No. 198), substitutes for transportation, an Imprisonment of equal duration in the Penitentiary. Hence, in some cases imprisonment for life must be inflicted, although this is a penalty unknown to the Law of *England*. Hence, also it will happen that imprisonment for long terms of years must be of frequent occurrence. But between imprisonment for a large portion of a man's life, and transportation for the same period, there is no real equality. Transportation is in such cases by far the less severe penalty of the two, and it is a penalty of which the rigor progressively decreases as time passes on, and which is therefore always cheered and sustained by hope.

I should conclude that these considerations escaped the notice of the Framers of this Law. If brought to their attention by a suggestion from yourself, they would probably introduce into the Legis-