

unless the same should be settled upon him by law within the space of one year after his entrance into the Government, and expressly made irrevocable during the whole term of his residence in the administration, which appeared to be a wise and necessary restriction.

A Governor, on his arrival in the Province, agreeably to the directions of his commission and his instructions in the first place, caused his commission as Governor and Commander-in-Chief and also of Vice-Admiral to be read and published at the first meeting of the Council, and also in such other manner as had been usually observed on such occasions. In the next place, he took the customary oaths of office, and administered the same to each member of the Council. Every Governor, together with his commission, received a large body of instructions for his guidance in the discharge of his various duties. In the event of his death, the senior military officer took the command of the colony until an appointment was made by his Majesty, and was required to take the same oaths, and make the same declaration as a Governor. Such were the powers and duties of a Governor; and the mode of redress for the violation of these duties, or any injuries committed by him upon the people, was prescribed with equal care. The party complaining had his choice of three modes—1st, by application to Parliament; 2nd, by complaint to the Privy Council; 3rd, by action in the King's Bench.

By statute 11th and 12th William III., cap. 12, confirmed and extended by 42nd George III., cap. 85, all offences committed by governors of plantations, or any other persons in the execution of their offices in any public service abroad, might be prosecuted in the Court of King's Bench in England. The indictment was to be laid in Middlesex, and the offenders were punishable as if they had been committed in England. The Court of King's Bench was empowered to award a mandamus to any Court of Judicature, or to the Governor of the Colony where the offence was committed, to obtain proof of the matter alleged, and the evidence was to be transmitted back to that Court, and admitted upon the trial.

#### *The Council.*

The Council consisted of twelve members, who were appointed either by being named in the Governor's instructions, by mandamus, or by the Governor. Their privileges, powers, and office were as follows:—

1. They were severally styled Honourable, and took precedence next to the Commander-in-Chief.