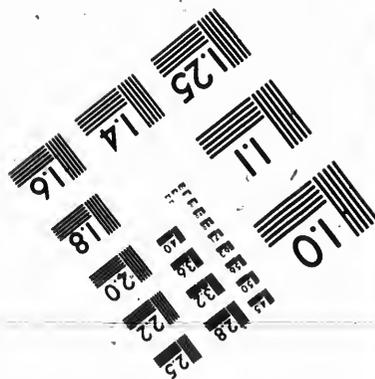
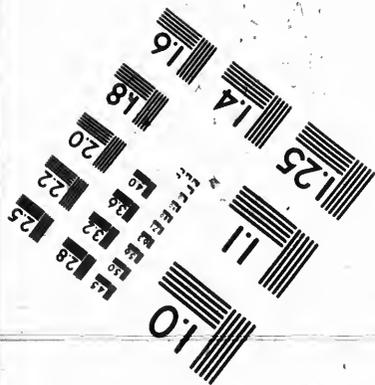
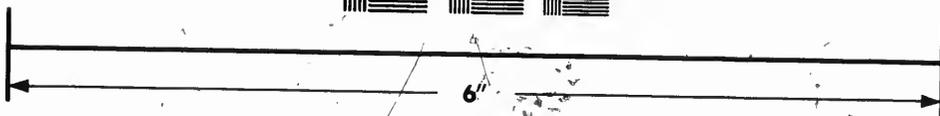
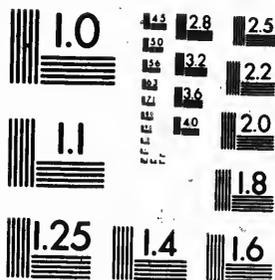


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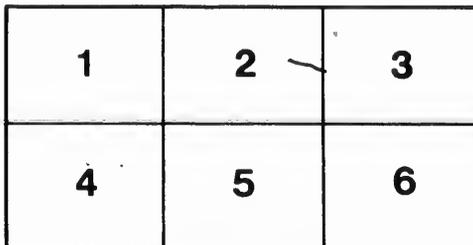
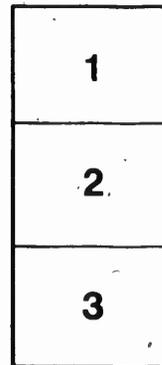
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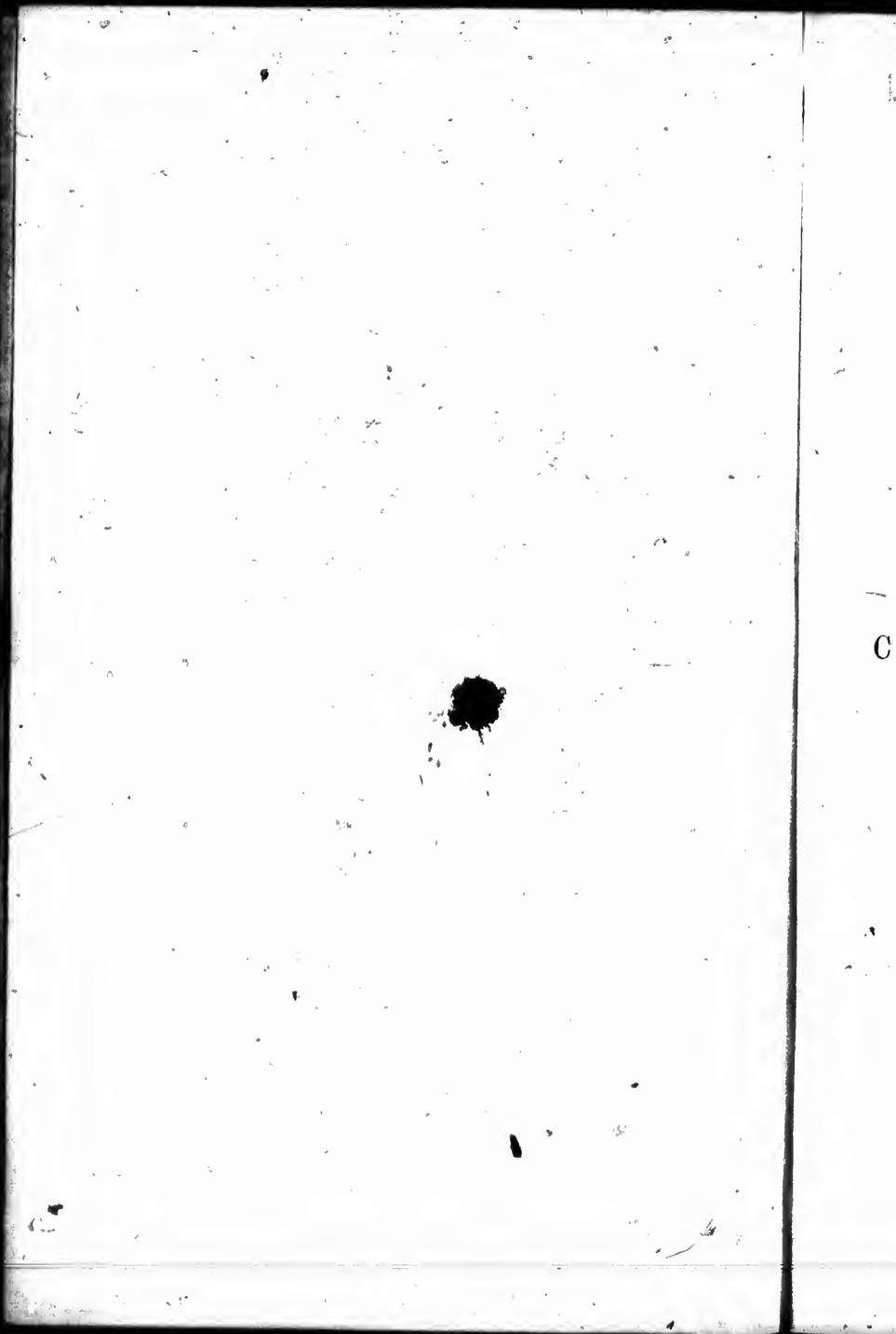
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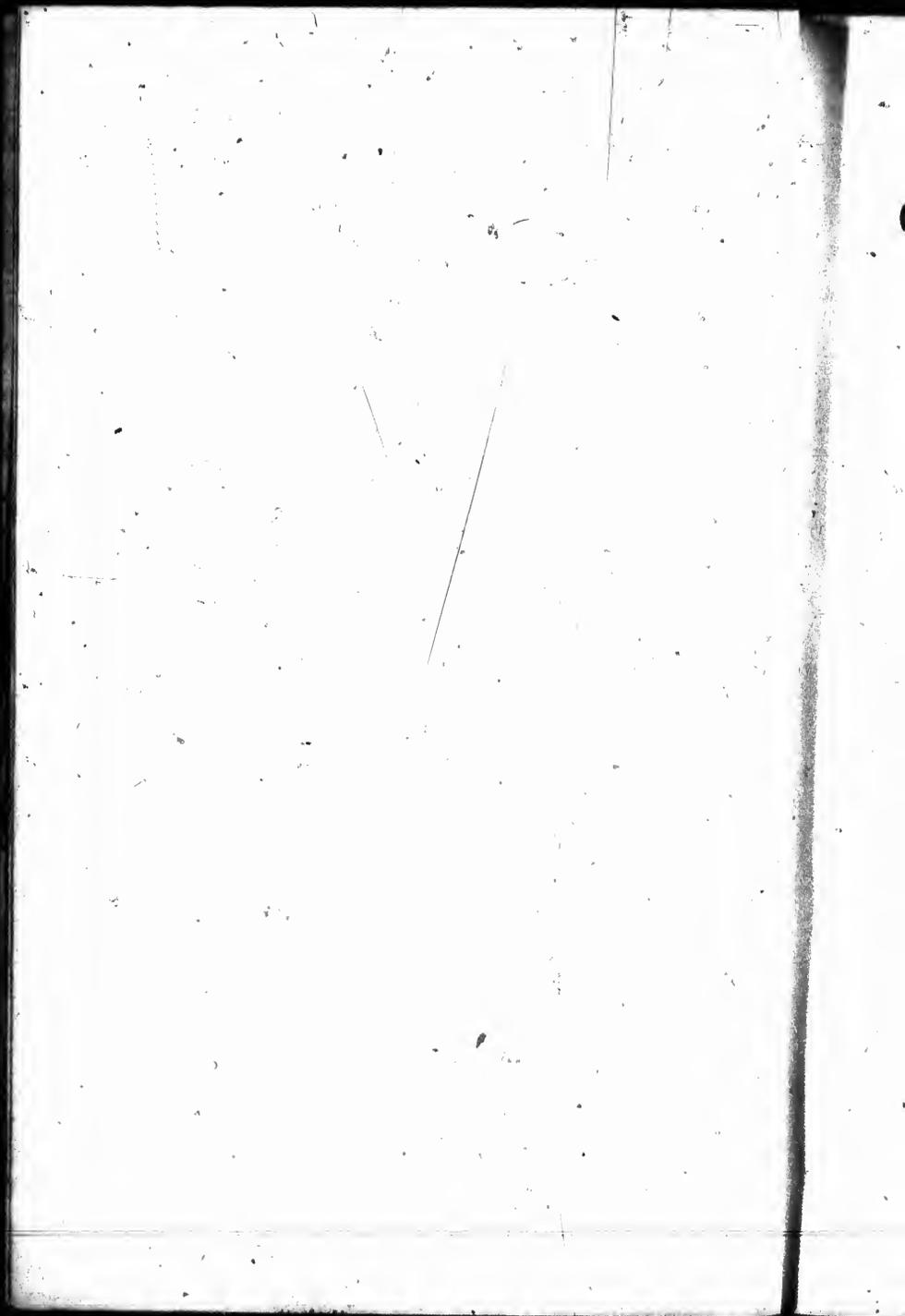
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C

COLONIAL CONSTITUTIONS.



# COLONIAL CONSTITUTIONS:

AN OUTLINE

OF THE

CONSTITUTIONAL HISTORY AND EXISTING GOVERNMENT

OF THE

BRITISH DEPENDENCIES;

WITH SCHEDULES OF THE

ORDERS IN COUNCIL, STATUTES, AND PARLIAMENTARY DOCUMENTS

RELATING TO EACH DEPENDENCY.

BY ARTHUR MILLS, ESQ.,

OF THE INNER TEMPLE, BARRISTER-AT-LAW.

"Und das Band der Staaten ward gehoben,  
Und die alten Formen stürzten ein!"

SCHILLER.

LONDON:

JOHN MURRAY, ALBEMARLE STREET.

1856.

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LONDON :  
PRINTED BY WOODFALL AND KINDER,  
ANGEL COURT, SHANNON STREET.

TO

HERMAN MERIVALE, ESQ.,

UNDER SECRETARY OF STATE FOR THE COLONIES,

AN EARLY AND CONSISTENT ADVOCATE OF

THAT ENLIGHTENED AND PROGRESSIVE SYSTEM OF COLONIAL POLICY

NOW HAPPILY ADOPTED BY GREAT BRITAIN.

*This Volume*

IS INSCRIBED BY HIS SINCERE FRIEND,

THE AUTHOR.

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## PREFACE.

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THE main object of this Volume is to supply a want which has been felt by the writer, and, as he has reason to believe, by others, of some brief compendious information on the Constitutional History and present political condition of the British Dependencies.

With this view, the dates and titles of Public Documents, comprising Orders in Council, Acts of the Imperial Parliament, and Parliamentary Reports, Accounts, and Papers, relating to each Dependency, have been separately arranged, and prefaced by a short historical summary, and a sketch of the present Constitution of each.

The five great divisions of the world—Europe, Asia, Africa, America, and Australasia—have appeared the most convenient basis for the general classification of the British Dependencies, both continental and insular; the latter being grouped with that class with which their geographical position most obviously connected them. Mauritius and St. Helena have thus been regarded as African; the Antilles and the Falklands as American Dependencies.

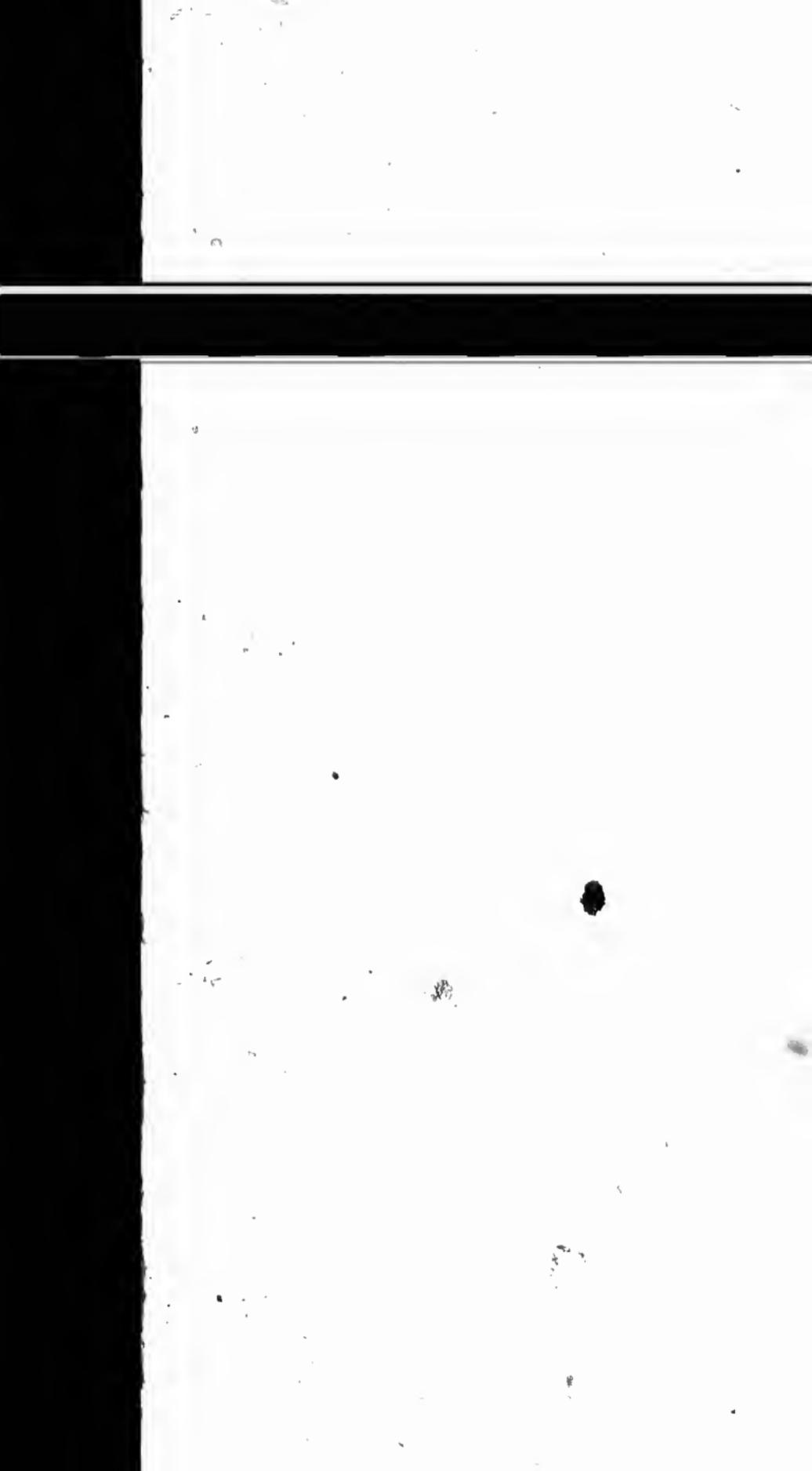
It may be necessary to explain, that the idea of a British Dependency, according to the writer's acceptance of that term, is not limited to territories originally settled by inhabitants of the parent State, nor to those now administered through the Colonial Office, but comprises all the Provinces of the British Empire, insular or continental, near or remote, which are not represented in the British Parliament, but subject to distinct subordinate Governments, absolute or representative.

The territories, for instance, of the East India, and Hudson's Bay Companies, the Isle of Man, and the Channel Islands, though they may not fall within any of the ordinary definitions of "Colonies;" are yet manifestly "Dependencies," by the omission of which any enumeration of the subject Provinces of Great Britain would be rendered incomplete. The same may be said of the Ionian Islands, (the protectorate of which involves the discharge of legislative and executive functions,) and of British Honduras, whatever may be the eventual interpretation of the treaty signed at Washington in 1850.

In the abstracts or titles of Orders in Council and Imperial Statutes relating to each class of Dependencies, many omissions will, doubtless, be detected; and, on the other hand, it will be found, that, in some instances, references to Public Documents of a temporary and purely local nature have been inserted which might seem, at first sight, scarcely worthy of registration. It will, nevertheless, be admitted that a Chronicle of Edicts, though, for the most part, long since inoperative,

is not without its value, as illustrating the gradual relaxation of Imperial authority over the Dependencies in matters to which these Public Documents relate, and the gradual progress of Colonial self-government. With respect to the Orders in Council, the absence of any classification in the Council Office of these documents, to which in many instances no index exists, has rendered accuracy almost unattainable. The same may be said of the dates of commissions and instructions of Colonial Governors, of which no register is kept. These dates are, however, comparatively unimportant, except as conveying information as to the average tenure of office by Governors previous to Mr. Huskisson's administration of the Colonial Department. A brief sketch of the system of transportation, together with the Acts and documents relating thereto, form the subject of the last Chapter. At the end of the Volume, that portion of the recently re-issued "Rules and Regulations" for Her Majesty's Colonial Service" which relates to the existing forms of Colonial Constitutions, has been added; also an Appendix, containing a brief summary of the existing Local Government of British-India.

The important changes, now in progress, in the Constitutions of the Australian Colonies, are of course only brought up to the point at which they have actually arrived, and the inevitable incompleteness of any record which attempts to synchronize the political history of the remote provinces of a wide-spread empire will be in the case of South Australia peculiarly obvious. The Constitution of that Colony,



framed by the Provincial Act of 1854, has been already superseded.\*

This book will not be found free from the inaccuracies almost inevitable in an inquiry comprehending a field of time and space so varied and extensive.†

In a work which professes to be for the most part simply a compilation, the acknowledgment of literary obligations would be, in itself, a voluminous process. In the sketch given in the first Chapter of the "Home Administration of the British Dependencies," reference has been made to Thomas's "Notes of Materials for a History of the Public Departments." Clark's "Colonial Law," and Heeren's "Manual of the Political System of Europe and its Colonies," have been also sources of historical and legal information.‡ In conclusion, the writer cannot omit specially to mention the willing and valuable assistance he has received at the Colonial Office, the Board of Trade, the East India House, and the Council Office, in the prosecution of such inquiries as appertain to those departments of the Public Service.

\* Two Elective Chambers have now been constituted.

† Among the errors of the press or pen which may possibly mislead, is one relating to the Executive Committee of Jamaica, to which attention is called in the *Errata*.

‡ A Map illustrating the existing Dependencies of all the European Powers was originally intended to accompany this volume, the publication of which has been consequently for some time delayed. The Map is not yet complete, and as further postponement was deemed undesirable, a Statistical Table, showing the area of these Dependencies, has been substituted, and will be found in the Appendix.

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" 125,	" 8,	" 17,	read 27.
" 127,	" 40,	" 115,	read 155.
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" 176,	" 34,	" Sept. 13,	read 17.
" 202,	" 32,	" griat,	read quit.
" 228,	" 16,	" Act,	read Secretary.
" 236,	" 4,	" the members,	read three members.
" 243,	" 9,	" constitution,	read consolidation.
" 256,	" 12,	" 1853,	read 1833.
" 265,	" 21,	" 9,	read 7.
" 266,	" 26,	" vote,	read rate.
" 271,	" 9,	" civilisation,	read cultivation.
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## INTRODUCTION.

Arguments for the retention of a Colonial Empire considered, as adduced from the examples of other States.—Phœnician Colonisation.—Carthage.—Greek Colonisation.—Roman Colonisation.—Colonisation of the Italian Republics of the Middle Ages.—Venice.—Genoa.—Colonisation of the Nations of Modern Europe.—Portugal.—Spain.—Holland.—France.—Great Britain.—Historical sketch of British Colonisation.—Present cohesion of British Empire attributed to the relinquishment, on the part of the Parent State, of all those advantages usually assumed to accrue to dominant Countries from the possession of Dependencies.—Arguments for the abandonment of the British Dependencies considered.—Probable disastrous consequences to all parties from such a course.—A Colonial Empire regarded as an instrument of Christian civilisation.—Inevitable difficulties in the Administration of detached Empires.—Opinions of Mr. Burke, Mr. Fox, Sir Samuel Romilly, and Sir Robert Peel.—Self-government for Colonies necessarily implies the powers of self-maintenance and self-defence, as illustrated by the case of the Thirteen United States.—Progress of public opinion in respect of the principles of Self-government for Colonies.—Difficulties in its practical developement.—“Responsible Government.”—Constitution of Colonial Parliaments.—Comparative advantages of two Chambers or one, and of nominated or elective Legislative Councils.—The efficiency of Self-government in Colonies depends mainly on the existing material for its establishment.—Examples of Jamaica and St. Vincent, and Victoria.—Freedom in local government consistent with continued dependence on Imperial Sovereignty.—Hopes for the future.

**T**O a country claiming to sustain the important part now assumed by Great Britain in the controversies of the continental states-system, and yet

occupying so inconsiderable an area in the map of Europe, it would seem at first sight scarcely possible to overrate the importance of the right administration of the outlying portions of her empire. And yet the desire to maintain the integrity of that empire, has not, at the present day, the unanimous character of a national instinct. Doubts, naturally incident to a period of transition in the theory and practice of Colonial Government, have arisen in the public mind, affecting the expediency of any continued exercise of imperial authority over the Dependencies of Great Britain. These popular misgivings, of which it might be as difficult to trace the origin, as it is to deny the existence, assume various forms, economical and political, and sometimes an importance which, would not otherwise belong to them by an appeal to the publicly-expressed sentiments of persons in authority.

If the existence and prevalence of such misgivings in any form is admitted, it would be an evasion of a preliminary difficulty to pass them by unnoticed, even at the risk of encumbering with discussions on controverted questions of Colonial policy, the prefatory pages of a compilation of facts and documents intended to be merely the basis of a correct opinion on the subject to which they relate.

It is not intended here to controvert that class of arguments for the abandonment of Colonies which have no other foundation than those unaccountable popular jealousies of the Executive Government, each and every department of which is in turn impartially

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condemned as a mere field for patronage maintained for the convenience of the governing body at the expense of the community. To defend our system of Colonial Government from such an imputation, would involve at the same time a defence of our whole executive administration, civil and military, foreign and domestic, a task which I do not profess to undertake.

But the retention of the British Dependencies is impugned on special grounds, less vulgar and more plausible. "Extent of territory," it is argued, "is rather a cause of national weakness than of strength. The grandeur which it is supposed to confer on a State, is as unreal and unsubstantial as that which an individual is supposed to derive from power or fame. On what grounds," it is asked, "do you rest the maintenance of a Colonial empire supported at considerable cost to the parent State, from which you derive no profit, and to so large a portion of which you have already conceded the privilege of full and free self-government?" The advocate of our present system appeals, not unnaturally, to the examples of other States, ancient and modern, in vindication of our own practice in the occupation and retention of distant Dependencies. Tyre, Greece, Carthage, Rome, Venice, Genoa, Spain, Portugal, Holland, France, and Denmark, are cited as precedents of colonising powers, which, on various considerations of real or presumed advantage, have, at various periods of the world's history, asserted a dominion over territories far beyond the limits of the parent State, and it is assumed that the policy of those nations, which have occupied and retained a Colonial

Arguments for the retention of a Colonial Empire considered.

empire has, whether wise or unwise, resulted from certain uniform and natural instincts which Governments can neither create nor control. But it is manifest that the value of any precedent, ancient or modern, which may be cited in favour of any given system, depends not merely on its actual success or failure to be learnt from history, but on its accurate application to the national circumstances of that country for whose guidance or warning it is quoted; and the favourite precedents of antiquity especially need to be thus tested.

Phœnician  
Colonisation.

Phœnician colonisation, for instance, of which first Sidon,\* and afterwards Tyre, was the metropolis, consisted of the plantation of emporia of commerce on the islands and shores of the Mediterranean, of the foundation of which few signals or even traditions remain to us, but which, when once founded, were subjected to no interference or effort of the parent State to tax, or govern, or defend them. It is manifest that, notwithstanding the commercial resemblance which the delineations of the Hebrew prophets so strikingly convey to us, any correspondence or data of comparison between the colonising systems of Tyre and Great Britain, will be sought in vain among the records of either.

There was, indeed, one renowned Phœnician Colony,

\* Although the cities of the Phœnician coast were never united in a single monarchy, the superior influence, first of Sidon and afterwards of Tyre, enabled each to exercise a controlling power. There was also a joint place of meeting for representatives of the three principal cities, Sidon, Tyre, and Aradus, in which measures affecting the home dominion of Phœnicia were decided on.—*Vide Kenrick's Phœnicia.*

eventually the independent centre of a vast dominion, in the faint outlines of whose political system, as sketched by contemporary historians, it is difficult to trace the lineaments of a Tyrian parentage. Carthage alone, among ancient States, presents in her Colonial policy any analogies which may serve for warning or for guidance in the government of detached empires at the present day.

Carthage held, for seven centuries, three hundred tributary African cities, on the southern shore of the Mediterranean, extending along a sea-board of two thousand miles. This might be called the Home-Empire of Carthage. Her Colonies comprised Sardinia, Corsica, Sicily, Malta, the Balearic Islands, Gambia and Senegal, together with Settlements or trading factories on the coasts of Spain and Great Britain. The Colonial system of Carthage was based on a strict commercial monopoly: a dispute arose with Rome respecting a Dependency claimed by both powers, the final issue of which was, that the empire of Carthage was destroyed, having experienced no sympathy in the hour of her extremity from those Colonists who had neither the power nor the will to save their despotic mistress, the chief condition of whose empire had depended on perpetuating their poverty and bondage.

But the model of Colonial policy most frequently and prominently exhibited for the emulation of modern States is that of Greece. The historian, in contrasting the early settlements of the *Æolians* in Asia Minor, and of the *Dorians* in Italy and Sicily, with

Greek  
Colonisation.

the colonising efforts of Great Britain, deploras what has been sometimes affectedly denominated "the lost art of colonisation:" the orator on the same text, justly admiring that affectionate alliance which united Locri and Tarentum, Ephesus and Miletus with the land of their origin, praises those good old days when, "through a wise and salutary neglect, a generous nature was suffered to take her own way to perfection." The poet still loves to follow, through the dim distance of two thousand years, the Greek emigrant as he bore across the seas to his adopted home the arts, philosophy, and traditional divinities of his native land. And sometimes, as the more practical politician contemplates the union which subsisted between the Colonies of Greece and the mother country—an union resting not on state contrivances and economical theories, but on religious sympathies and ancestral associations—he is almost tempted to ascribe the contrast presented by our own Colonial Empire to some defect of purpose or of power in modern statesmanship. But a closer examination of its records convinces him that the results presented by Greek colonisation are in no degree to be ascribed to any "lost art," or deliberate policy peculiar to that age and race. Groups of emigrants driven by necessity or adventure, who left home when and whither they pleased, bound to the parent State by no political relation or authority, and subject to no public department or functionary for the administration of any central or local jurisdiction,\* passing through no

\* Though the *ἀρχιστῆς*, or leader of the Greek Colony, who

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gradations of dependence to entire freedom; a cluster of allied, but distinct communities;—such were the Colonies of Greece,\* a political phenomenon which the statesman of our own day may admire, but cannot create;—a simple, inartistic alliance, to which the complicated machinery of modern Colonial Governments for the revision and control of local and municipal legislation may indeed present an unfavourable contrast, but affording no basis of comparison on which any practical political inferences, either to condemn or to justify our present system, can be reasonably founded.

Roman colonisation, considered as a political system, affords a precedent still less applicable than that of Greece to the present circumstances of Great Britain. Its genius was almost wholly military. Its field of operations was one vast camp. To people garrisoned towns, first in the conquered provinces of Italy, then in the distant dominions of the empire, where land was allotted to the soldier instead of pay and provisions, was its main object. The population of the "Colonia" was, indeed, filled up by the poorer freemen, whom the want of any opening for retail trade, in a state of society where all mechanical and agricultural

took with him the sacred fire from the Prytaneum, was sometimes appointed by the parent State, no governing powers were delegated to him. Potidæa, to which Colony the Corinthians sent annually the chief magistrates (*δημοσυνγοί*) appears to have been an exception to the general rule. *Vide* Thueyd. i. 56.

\* The *κληρουχίαι* of the age of Pericles were military allotments of conquered lands, insignificant, as compared with the *ἀποικίαι*, in area and importance.

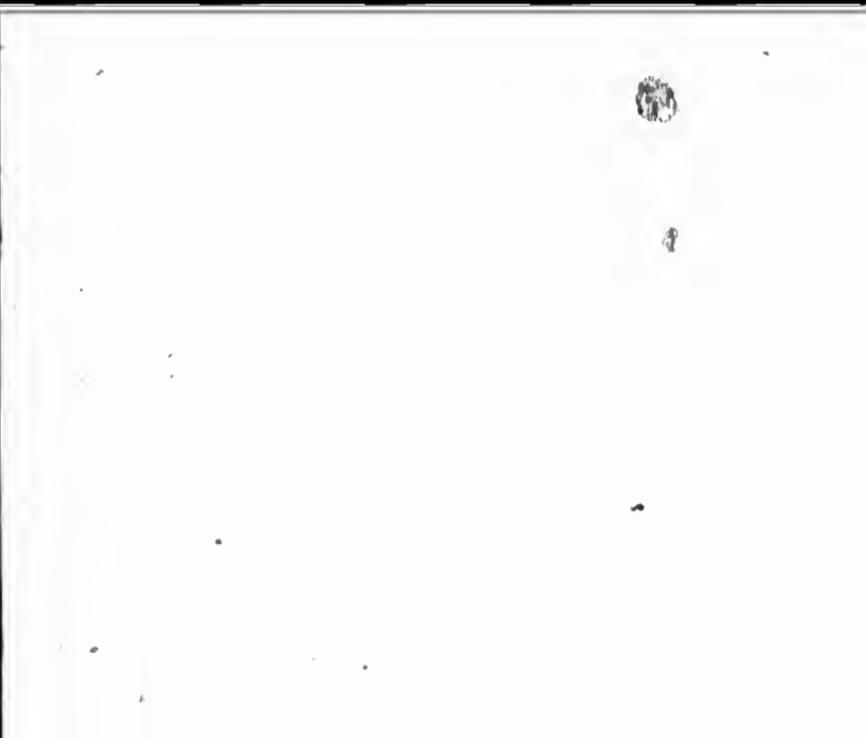
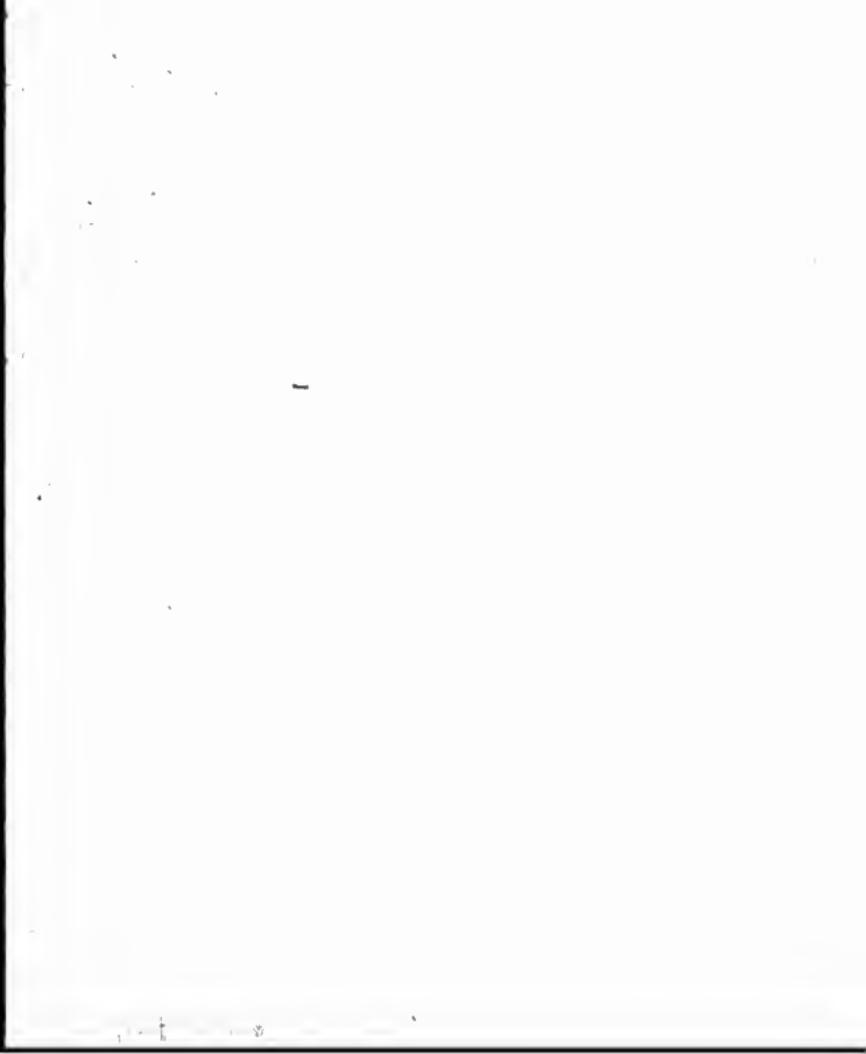
operations were carried on by slaves, compelled to seek the means of subsistence abroad; but the Roman Colonies founded during the three centuries from Augustus to Diocletian did not spring, like those of modern States, from the enterprise, discontent, or commercial speculations of individuals, but were invariably created by the deliberate act of the Imperial Government. They were garrisons established in subject provinces already acquired by war, strong picquets of veterans thrown out on the outmost borders of the empire, and reinforced from time to time by draughts from the poor and crowded Italian population.

Their bond with Rome was a citizenship, the theory of which was strained beyond the utmost limits compatible with centralisation; and when the representative principle was nominally introduced, and all the cities in the empire were turned into 'Municipia,' and the Roman 'Civitas' conferred on the whole Roman world, political rights were a nullity, the free intervention of citizens in government had already disappeared, and the imperial rescript served only to ~~enforce~~ taxations, and level the distinctions between citizens and subjects. The provinces were now Romanised, but though they had ceased to be Syrians, or Gauls, were not truly Romans: their political, like their social state was a kind of living death, for they were bound, like the victims of the old Etruscan tyrant, to the dead body of the Roman State, and felt their own destinies associated by a mysterious law with a power which they hated, but could not shake off. No motive of influencing

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by the institutions, arts, and manners of Rome was mingled with the love of *rule* in the Roman emperors: order without liberty was the highest aim of their administration.

“No indifference was shown to such wants or remonstrances of the provinces as did not interfere with the policy of an enlightened despotism. That the ‘dignity of governing depends on the dignity of the governed’ was a maxim as little regarded by the ancient conquerors of Europe as it has hitherto been by the modern conquerors of India, but, in either case, the civil liberty of the subject has been adequately secured. The administration of the Roman provinces was vested in a succession of functionaries delegated directly by the central Government. Four ‘prefectures’ under prætorian prefects, two of the East, two of the West, comprised the whole empire. Each prefecture was subdivided into ‘dioceses’ ruled by ‘vice prefects;’ each diocese into provinces governed by ‘consulares,’ ‘correctores,’ or ‘præsides.’ Under the name of ‘Decuriones,’ the ancient nobles of the Gaulish States remained in office with senatorial functions. An enormous staff of ministers and officials formed the establishment of the prefect or governor, and discharged all responsible functions: Petty native rulers, as the tetrarchs of Judæa, were sometimes permitted to retain their former titles under the supremacy of Rome. The final decision of every question of importance was referred to the imperial representatives, subject to an appeal to the emperor. In their hands were placed all those powers which



the wisdom of modern statesmanship has confided to separate and independent departments—the executive, the judicial, and the legislative—for without their sanction, the resolutions of municipal or provincial assemblies had no efficacy. In short, the political existence of the provinces was concentrated in that of the Roman Commonwealth, and the whole power of the Roman Commonwealth was swayed by the emperor.

“There cannot be a more melancholy proof that the Imperial Colonies were inefficient for all those great ends for which human society was designed, than the fact that so long as they remained under the Romans, they have no history. It is not only that, in the general decline of literature, events which, in happier times, would have been recorded, passed by unheeded, but there was no development, no progress, no movement, in their population; they were only maintained by new relays of inhabitants from Italy, and had no aspirations beyond their existing state. We that have seen a body of Colonists less numerous than they, and placed in circumstances which taxed physical energy to the uttermost, rise in one century from infancy to maturity, and before the close of another launch into a splendid career of prosperity and power, may well marvel at the immobility of these bands of free emigrants.

“But the life of Roman Colonies is a blank. United to each other and to Rome by a common language, and long protected from the evils of war by submission to a common superior, they exhibited, in the

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course of centuries, not only no amelioration, but even a tendency to impoverishment, and an increase of social inequality.

"A like dearth of contemporary history bars all inquiry into the social state—the every-day life of the Colonial citizens. All is left to uncertain inference from the nature of their institutions, and the material evidences of their tastes and habits. From these it would appear that, under a brilliant but hollow surface, the state of society was scarcely less monotonous than that which lingered on beneath the tedious line of Indian or Egyptian dynasties.

"It was for the supposed advantage of Rome, that the Colonies existed at all, and when she fell, they all fell also. There was no fellowship between the Roman Colonies, but the sad fellowship of simultaneous destruction."\*

But when the power of Rome had passed away, Italy was destined to become once more the centre of a brief but brilliant dominion. The republics of the middle ages reproduced, under more hopeful and less arbitrary auspices, a system to the ephemeral character of which the world already bore witness, in the fallen commercial emporia of extinct Carthage. The Colonies of Genoa, in the thirteenth century, at Galata

\* The paragraphs with quotation marks are extracted from an able unpublished Essay on Roman Colonisation by G. C. Brodrick, Esq., to which the Arnold Prize was awarded at Oxford, in 1855. The chief authorities therein cited are Savigny, also Zumpt, "De Coloniais Militaribus Romanorum," and Heyne, "De Romanorum Prudentiâ in Coloniais regendis."

and Kaffa, in the Crimea, and those of Venice, at Candia, Cyprus, on the coasts of Syria, and on the shores of the Black Sea and the Adriatic, were simply plantations for trade and adventure. In speaking of the individual Venetian's motive in colonising in Illyria or Greece, M. Sismondi says, "Il y venoit pour faire sa fortune; dès qu'elle étoit faite, il se hâtoit de l'emporter ailleurs."\* How precisely do these words define the objects ordinarily contemplated by a large class of British emigrants in that temporary self-exile, which is called colonisation! A distinguished English writer,† in summing up the advantages derived by Great Britain from her Colonies, awards a prominent importance to "the facilities they give to British adventurers, for making fortunes with which they may return to their native land;" and it was doubtless the wealth withdrawn from her Eastern Colonies, which decorated the ruined palaces of Venice, now the melancholy monuments of her fallen fortunes.

But though the moral to be drawn from Venetian colonisation, and its results, was rather one of warning than of encouragement to those nations which might thereafter aspire to a similar dominion, the Italian republics of the middle ages have nevertheless found close imitators among the colonising powers of modern Europe.

The first and natural effect of that romantic enterprise which shed so bright a lustre on the closing

\* Tome x. p. 263.

† McCulloch.

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years of the fifteenth century, and heralded the dawn of modern colonisation, was to transfer for a time the site of commerce from the shores of the Mediterranean to the western coasts of Europe. Without any consideration of the true value and proper use of Colonies, the first and prevalent idea in modern Europe, in the occupation of the Eastern and Western Indies, was in favour of an absolute possession, and total exclusion of strangers. "The propagation of Christianity," says Heeren, "formed a convenient pretext," and none thought of inquiring either into the justice of their treatment, or the principles of their government. The pursuit of national wealth, which a monopoly of the precious metals was expected to confer, furnished, indeed, a new and distinct motive to the Spanish and Portuguese Colonists of South America, but it did not materially affect their political condition.

The Colonial enterprise of modern Europe received <sup>Portu-  
guese Co-  
lonisation.</sup> its first impulse from the maritime energies of the Portuguese, who, long before the close of the fifteenth century, had organised a chain of fortresses and factories on the coasts of India and Africa, and in the Eastern Archipelago, and had laid the foundations of that power which was soon to embrace so large a portion of the South American continent. Four leading features are marked by Heeren as characterising the administration of the dependencies of Portugal:—

- 1, the grant of personal monopolies to civil officers;
- 2, the restricted powers and constant change (trien-  
nially) of viceroys;
- 3, the partial administration of justice;
- 4, the overwhelming power of the clergy.

Under such conditions the authority of the parent State could scarcely be expected to endure the shocks of constant collisions with distant Colonies possessing within themselves all the material elements of independence. And now, when the Azores and Madeira, Angola and Mozambique, with an Indian and Chinese factory, and a few African slave depôts, complete the Colonial roll of Portugal,\* it is difficult to realise the fact that there *was* an age when less than 40,000 armed Portuguese kept the whole coast of the ocean in awe from China to Morocco, when 150 sovereign princes paid tribute to the treasury of Lisbon.

Spanish  
Colonisa-  
tion.

The constitution of the Spanish Colonies was fashioned upon that of the mother country. The supreme authority was vested in a Council resident in Madrid, and dependent solely on the king; this was termed *Consejo real y supremo de Indias*, and had under it a board for the regulation of commerce, entitled *Audiencia real de la Contratacion*, which was held in Seville; and thus a more settled system of Colonial policy was established than any other nation had ever founded.

In the New World itself viceroys (*virreyes*) were appointed to represent the monarch, but the distribution of justice was confined to the Audiencias, which acted as supreme local tribunals, and at the same time as State Councils to the viceroys. The towns elected their own *cabildos*, or municipal officers. All commercial traffic between the Colonies and the parent

\* The Portuguese Colonies are now under the Department of the Marine Minister, and a Council. *Vide* p. 339.

State, except from Seville or Cadiz in Spain, to Vera Cruz and Carthagena in America, was prohibited. But, however arbitrary the political and commercial relations which bound the Colonies to the mother country, those of religion were far more powerful. All the external apparatus of Christianity, her hierarchy, her cloisters, nay, very shortly, her Inquisition, were transported across the Atlantic, and thus an ecclesiastical constitution was formed coeval and interwoven with the State, but, like the State, dependent on the king of Spain, not on the Pope of Rome. The results of this system have been such as might have been anticipated from the vain attempt to retain communities of intelligent men in a state of "perpetual minority." The Spanish dominion on the American continent, which began with the sixteenth century and extended over a period of two hundred years, once comprised Mexico, Guatemala, and the territory of Terra Firma, now subdivided into the independent States of New Grenada, Venezuela, and Ecuador; also Peru, Chili, and La Plata, now forming the two States of Paraguay and Banda Oriental. This vast area is now absolutely independent of the parent State. The only remaining Colonies of Spain are Cuba, Poñtorico, the Philippines, and a few unimportant Settlements on the coast of Africa.\*

It was not until Portugal and Spain had attained Dutch and passed the zenith of their power, that the Dutch <sup>Colonisa-</sup> Republic, which had already succeeded in obtaining <sub>tion.</sub> possession of the commerce of the world, converted

\* Under the Department of Foreign Affairs. *Vide* p. 389.

her factories into Colonies with all the apparatus and organisation of central and local government.

Before the close of the seventeenth century, Holland numbered among her Colonies, Ceylon, the Cape of Good Hope, Guiana, several islands of the Antilles, five distinct Governments under a trading company in the Indian Archipelago, and factories on the Coromandel and Malabar coasts, and in China and Japan.

The chief remaining Dependencies of this once extended empire are, Surinam, Curacoa, St. Eustatius, and certain Settlements in Sumatra, Java, and the Moluccas.\*

French  
Colonisa-  
tion.

France forms no exception to the catalogue of European nations whose colonial policy, when tried by the test of endurance, is found wanting. The Colonies of France embraced, a century ago, half the North American continent, comprising the vast and fertile valleys of the St. Lawrence, the Mississippi, and the Ohio. A French empire in the East which Richelieu had attempted to found, had also grown up under the more successful auspices of Colbert, and included not only Mauritius and Bourbon, but a considerable territory on the continent of India. The only surviving Colonies of France, besides the comparatively recent acquisitions of New Caledonia and Algiers, are Martinique, Guadaloupe, Bourbon, and a few of the smaller Antilles, a dismantled fortress in Hindostan, and an almost deserted depôt in Mada-

\* The existing Colonies of Holland and France are fully enumerated, *infra*, p. 388.

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gascar.\* The Colonial dominion which the genius of Colbert could originate demanded even a more powerful hand than his to maintain and to perpetuate.

To those who would justify the past, and advocate a perseverance in the present, Colonial policy of England, the analogies furnished by the records of colonising States are indeed disheartening; and if there be nothing exceptional and peculiar in the relations subsisting between Great Britain and her Colonies, on which a distinction can be founded between ourselves and those States whose examples have been quoted, the arguments of those who would urge an immediate severance of an union so irksome and unprofitable to all parties concerned would be absolutely irresistible.

Great Britain alone, among the seven States of <sup>British</sup> modern Europe which have, at various periods and <sup>Colonisation.</sup> with various success, attempted the occupation and government of distant dominions, still retains a large portion of her Colonial Empire. In its material features, the policy on which it was originally founded differed but little from that of other European States. The causes which have contributed to its longer duration, its wider expansion, and to the present cohesion of its scattered elements, it may be important to investigate; and a necessary preliminary to this inquiry will be a brief historical recapitulation of the leading events which have marked the rise and

\* Nosibé appears, from recent accounts, to have attained to some degree of commercial activity.

progress of British Colonisation. Its earliest annals present a series of spirited but abortive efforts undertaken by private individuals, with no more substantial encouragement than the vague omnipotence conferred on the adventurers by Royal Charters.

The North-American coasts were first explored under two Commissions from King Henry VII., dated March 5, 1496, and February 3, 1498, respectively, granted to Giovanni Gaboto, a Venetian, resident at Bristol. Similar Commissions, for the same purpose, were subsequently granted by the same monarch to Asshehurst, Elliott, and others, dated March 19, 1501, and December 9, 1502. No political consequences resulted from these discoveries.

The first recorded act of the British Government with a view to Colonial enterprise, which, notwithstanding the failure of the first adventurers, led eventually to permanent results, was the Charter granted by Queen Elizabeth to Sir Humphry Gilbert, of Compton, in Devonshire. By letters patent, dated June 11, 1578, the grantee is authorised "to discover and take possession of all remote and barbarous lands unoccupied by any Christian prince or people; and the full right of property in the soil of those countries whereof he shall take possession, is vested in him, his heirs, and assigns for ever; one-fifth part of the gold or silver ore found there being reserved to the Crown of England. Complete jurisdictions and royalties, as well marine as other, within the said lands and seas thereto adjoining, are conferred on the said Humphry Gilbert, his heirs and assigns; also

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full power to convict, punish, pardon, govern, and rule by their good discretion and policy, as well in causes capital or criminal as civil, all persons who shall from time to time settle within the said countries, according to such statutes, laws, and ordinances as should be by him, his heirs and assigns, devised and established for their better government: provided that all who settled there should have and enjoy all the privileges of free citizens and natives of England, any law, custom, or usage to the contrary notwithstanding."

No Colony was ever planted in pursuance of this Charter; and though Sir Humphry Gilbert took formal possession of Newfoundland in the name of his Sovereign, that right was not practically asserted during her reign. Sir Walter Raleigh's two attempts, in 1584 and 1587, to establish a Colony in Virginia, under the same royal sanction, were as unsuccessful as had been those of his half-brother; and when James I. succeeded to the throne of England, in 1603, there was not a single Englishman settled in America,\* and the only Dependencies of the British Crown at that time were the Channel Islands, which had formed part of the Duchy of Normandy, and the Isle of Man, over which the royal authority was then very slightly exercised.

The restoration of peace abroad, and the revival of religious intolerance at home, were the two chief causes which combined to render the period of the

\* *Vide* Robertson's Works, vol. ii. p. 192.

accession of the House of Stuart to the throne of Great Britain an era most favourable for the early rise of that Colonial Empire which, in the course of two centuries, was destined to embrace so large a portion of the world.

With the seventeenth century, British Colonisation began in earnest. In 1605, a party of British adventurers planted a cross on the future site of James Town, in Barbados, with the inscription, "James, king of England, and of this island." In 1606, Charters were granted by the same monarch to the two English companies which colonised Virginia and New England.\*

In 1612, the London East India Company, which had received its Charter twelve years previously, and had already commenced its mercantile operations, established its first important factory at Surat. In 1619, the first Colonial Representative Assembly was convened at the Bermudas. In 1631, the first British Settlement, in West Africa was established on the Gambia. The colonisation of the Lesser Antilles, Antigua, Nevis, Montserrat, the Virgin Islands, and the Bahamas took place during the reign of Charles I., and Jamaica was wrested from Spain by the forces of Cromwell in 1655. By the Navigation Act, in 1660, the importance of the Colonies to the parent State was first formally recognised by the Imperial Legislature. In the last forty years of the seventeenth century still further advances were made. The

\* *Vide* Lucas's Collection of Ancient Colonial Charters.

continued political and religious ferment under Charles II. and James II: favoured the spirit of colonisation. The whole line of the eastern coast of North America, from Canada to Georgia, was, during this period, annexed to the British dominions in separate provinces under free constitutions; and by a compact with Spain, in 1670, the sovereignty of England over her American possessions was expressly recognised.

Before the year 1700, there existed at Bombay, Fort William, and Fort St. George, the germs of the three great Presidencies of British India, which, in 1702, were further developed by the consolidation of the two then existing Companies under their present style of the "United Company of Merchants trading to the East Indies."

By the Peace of Utrecht, in 1713, England acquired, by cession from France, Newfoundland, Nova Scotia, and the island of St. Christopher's, also the recognition of the rights of the Hudson's Bay Company, chartered by Charles II. forty years before. By the same peace, England acquired from Spain, Gibraltar and Minorca, and the right, under the Assiento Contract, of supplying Spanish America with slaves, and of attending the fair at Porto Bello.

In 1750, the British forts and settlements on the Gold Coast, in West Africa, were established. By the peace concluded at Paris, February 10, 1763, Canada and Cape Breton, ceded by France, and Florida by Spain, were added to the British Empire on the continent of America; and at the same time, the

French Antilles, Grenada, St. Vincent, Dominica, and Tobago were formally ceded to Great Britain. By the same treaty, the existing British rights on the Bay of Honduras were retained. In 1771, Prince Edward's Island became a Dependency, under a distinct Government.

The stricter enforcement of the monopoly of the Colony trade after the Peace of Paris, to the prejudice of the contraband trade theretofore carried on with the French and Spanish possessions, now caused discontent in the British American Colonies, which were finally provoked into rebellion by Grenville's Stamp Act, in 1765, and declared their own Independence, July 4, 1776, and were formally acknowledged as a separate Power, under the title of "The Thirteen United States," by the Peace of Versailles, September 3, 1783.

In the meantime Clive's conquests in India had obtained for Great Britain, Bengal, Behar, and Orissá. The Carnatic, the province of Benares, Guntoor, and the district of the Circars in Southern India, were added by the peace concluded with the Mahrattas, May 17, 1782; and by that with France, November 30 in the same year, all these conquests were confirmed, and exclusive rights of trade to the East India Company secured.

In 1784, New Brunswick was constituted a distinct British province in North America.

In 1784, a Colony of Africans, formerly the slaves of British American royalists, was settled at Sierra Leone; and in the same year, the island of Penang,

in the Straits of Malacca, was added to the territories of British India.

In 1788, the Australian Settlement in Sydney Cove was first planted—the germ of four distinct and increasingly important Dependencies now existing on that continent.

By the defeat of Tippoo Saib at Seringapatam, in 1799, and by the treaties which followed, British India was further extended in the north to the districts of Allahabad, Moradabad, Bareilly, Rohilkund, and the Doab; and in the south to those of Tanjore, Canara, Malabar, and Coimbatore.

By the Peace of Amiens, March 25, 1802, Trinidad was ceded by Spain, and Ceylon by Holland, to Great Britain. In 1803, Van Dieman's Land was first colonised; and in the three following years, vast accessions to our Indian Empire were effected; namely, of the provinces of Delhi and Agra in the north, and of several Mahratta districts in the south.

In 1806, the Cape Colony was wrested from Holland.

By the Peace of Paris, May, 1814, the Ionian Islands were placed under a British Protectorate; Malta, St. Lucia, and Mauritius were confirmed to England; and by a compact with Holland, dated August 13 of the same year, Berbice, Essequibo, and Demerara, now forming the Colony of British Guiana, were ceded to England. In 1817, the Deccan, Nerbudda, and Singapore were added to the British dominion in India; and in 1826, by the treaty which followed the Burmese war, it was ex-

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tended eastward beyond the Ganges, and to the provinces of Arracan and Tenasserim.

In the same year, a Settlement was established at Malacca, now included in the subordinate Indian Government, called the "Straits Settlements."

The present province of Western Australia had its origin in the Settlement on the Swan River in 1829, South Australia in that of Adelaide in 1836, and the present Colony of Victoria in the Settlement of Melbourne, in the following year. New Zealand was included in the limits of the Colony of New South Wales in 1839, and the Falkland Islands were placed under a Resident Governor in 1841.

A war, which broke out in 1842, on our Indian frontier, ended in the annexation of Sind to the territories of British India.

In pursuance of a treaty with China, signed June 25, 1843, Hong Kong became a British Settlement.

Natal, in South Africa, was placed under British government in 1844.

The Island of Labuan was ceded by the Sultan of Borneo, by treaty bearing date December 18, 1846.

Vancouver's Island was committed to the management of the Hudson's Bay Company, by Charter dated January 12, 1849, and in the same year the province of Punjaub was added by conquest to the territories of British India.

By letters patent, dated December 14, 1850, British Kaffraria was erected into a distinct Colonial Government.

Oude was annexed to our Indian possessions in 1856.

The rise and progress of the Colonial empire of Great Britain, from the first attempt to plant Colonies in North America, to the last annexation to her dominions in Hindostan, thus comprise a period of three centuries. In this brief space of time has been consolidated an empire which has been the simple product of Anglo-Saxon energy, stimulated by every variety of motive, political, commercial, and religious, which can actuate mankind;—an aggregate of territorial atoms, thrown under a single rule by the rough chances of war, or the subtle agencies of diplomacy, or the bold spirit of individual adventure;—a political museum comprehending specimens of almost all races and all languages, and fragments of almost every extinct and existing nation of the habitable world. Such is the British Empire at the present day. "A Power to which," an eloquent American statesman has declared that "Rome, in the height of her glory, was not to be compared—a Power which has dotted over the whole surface of the globe with her possessions and military posts—whose morning drum-beat, following the sun, and keeping company with the hours, circles the earth daily with one continuous and unbroken strain of martial music."

Every empire which the world has yet known has manifested at an earlier stage of its existence than Great Britain has yet attained, symptoms of dismemberment and decay; and the falling off of subject provinces has been ordinarily the first token of approaching dissolution. Is there any known principle of political life which history permits us to hope will

be exceptional and peculiar to that cluster of communities which now own the rule of England? Patriotism afforded for a time a bond of union to the Greeks, military despotism to the Romans. Commercial ambition gave a motive for national cohesion to the scattered elements which formed the empires of Carthage and of Venice. Christianity, chivalry, and the municipal organisation bequeathed to her northern invaders by expiring Rome, have been the associative or combining elements of that grand aggregate, which we call civilisation, in which each and every member of the European States-system has participated, and diffused in turn throughout the distant Dependencies which have been subject to its sway.

Causes of present cohesion of British Colonial Empire investigated.

Every State of Europe, except Great Britain, has nevertheless failed in all expedients hitherto attempted for the retention of those Dependencies in political alliance with the parent State. The consciousness of our exceptional position, in this respect, may well lead us to inquire into its cause.

A comparative review of the past and present political condition of the British Colonies will lead to the conclusion, that it has been by the gradual relinquishment of those advantages which have been ordinarily presumed to result to dominant countries from the possession of Dependencies, that Great Britain has been enabled to retain, under her nominal dominion, those distant provinces of her empire which would otherwise have long ago asserted their claim to the dignity of independent principalities. That such

is the correct solution of the otherwise unaccountable phenomenon presented by the British Empire at the present day, will very clearly appear if we contrast those advantages which other States, at other times, have secured, or aimed at securing, to themselves, from their Colonial possessions, with the actual results now accruing to Great Britain, from her political relations with her present Dependencies.

The advantages which have been presumed to result to dominant countries at various times from the possession of Dependencies, may be said to fall exhaustively under the following six leading divisions:—

1. The tribute contributed to the support of the parent State in time of peace.
  2. The military force contributed for the defence of the parent State in time of war.
  3. The wealth contributed to the parent State from the territorial and mineral resources of Dependencies.
  4. The markets for the manufactures of the parent State provided by Dependencies, and the profits of exclusive commerce with them.
  5. The maritime strength conferred on the parent State by an exclusive carrying trade to Dependencies as affording a nursery for seamen.
  6. The relief to the parent State afforded by the removal of a redundant or delinquent population to Dependencies by emigration or transportation.
- Can it be said with truth that any one of the ad-

vantages above enumerated are realised by the present Colonial policy of England?

The attempt to levy tribute cost us the loss of the thirteen United States, the Government of which had, indeed, previously been self-supporting, and has of course never been renewed.\* With respect to military aid, the recent voluntary offers of certain Colonies of support to the Home Government in the war with Russia, are simply evidences of loyalty to the British Crown, which would never have been manifested if the practice of exacting subsidies from the Colonies had ever formed a part of British policy. The territorial revenues, again, of the British Dependencies, which have never been applied to Imperial purposes; are now, as will hereafter be seen, altogether surrendered to the control of the Local Legislatures in almost all Colonies in which Representative Government exists. The next in order, and most plausible, of the advantages above enumerated as presumed to result to a dominant country from the retention of Dependencies, are those arising from the profits of exclusive commerce with those Colonies which afford markets for the manufactures of the parent State. In its application to Great Britain this class of advantages may be said to be no less obsolete than those to which we have already alluded.

\* The Government of British India forms no exception to this statement. The revenue derived from that country has been insufficient, after deducting the disbursements of the East India Company, to cover the costs of its administration.

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p. 230

The anticipations of a distinguished writer\* on this subject are already in a course of rapid and complete fulfilment. "When civilisation shall have made sufficient progress to diffuse generally a knowledge of the few and simple considerations which prove the expediency of freedom of trade, and when, consequently, independent States shall have abandoned their present anti-commercial policy, the possession of Dependencies will no longer produce the advantage in question. The advantage consists in the possession of a specific against the evils arising from an erroneous system of policy. Whenever the errors of the policy shall be generally perceived, and the system shall be exploded, the specific against its evil effects will be valueless. If the Governments of civilised nations could once acquire so much reliance on the enlightenment of other civilised nations, as to expect that the latter would allow an unrestricted trade with their own subjects, the motive for the acquisition and possession of Dependencies, which is founded on the assumed folly of all Governments respecting commercial intercourse, would no longer exist." By the abolition, actual or prospective, of differential duties in favour of Colonial produce, and of all the corresponding restrictions which limited Colonial trade, a state of things has arisen in which the United States or Brazil stand in the selfsame relation to Great Britain in a commercial point of view, with the Colonies of Canada or Jamaica.

\* *Vide* Cornewall Lewis's "Government of Dependencies," p. 230 (Ed. 1841).

The maritime power which it was the assumed object of the Navigation Laws to confer on Great Britain has, indeed, not as yet been affected by their repeal: the change in our commercial policy effected by the Act of 1849, has, however, annihilated the argument for the retention of the British Dependencies which was formerly founded on the value of an exclusive Colonial carrying trade as a means of discipline for our seamen, and of vindicating our maritime ascendancy.

The last of the advantages above mentioned, as presumed to result from the possession of Dependencies, was the relief which they afforded to the parent State as receptacles of its redundant and delinquent population; in other words, as fields for emigration and transportation. There are those, doubtless, whom the desire to live under laws and institutions transplanted from their native land impels to choose a Colony as their adopted home; but the efflux of population which forms the great and continuous stream of voluntary emigration is guided by impulses in which the preference of an ancestral to any new form of government bears no part. The statistical returns of 1853, a year unprecedented in the annals of Colonial emigration from Great Britain, conclusively prove that, notwithstanding the aid afforded by the Home Government in applying the land fund of which they have been stewards, in emigration to the Colonies, and the peculiar inducements presented by the recently-developed mineral resources of Australia, the most popular and attractive field for British colonists has

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been the territory of the United States. The total number of British subjects who emigrated in 1853 to all parts of the world was 300,253: of these not more than 99,052 went to British Colonies, the remainder (201,201) settled in the United States.\* As fields for the reception of free immigrants, the Dependencies cannot then be said to possess any peculiar value which does not also attach to independent countries possessing equal material advantages. What, then, is their present and prospective value as receptacles for transported convicts? The reply to this last question may be said to rest on two contingencies; 1, on the opinion (already in some instances decidedly expressed) which may finally prevail in the Colonies universally as to the continuance of such an application of their territories; 2, on the final decision of the Imperial Parliament with respect to the still controverted question of secondary punishments. In the meantime, the area of the Dependencies available for the transportation of convicts has been materially diminished by the Orders in Council of June 26, 1851, December 29, 1853, and January, 1854, while by statute 16 and 17 Victoria, cap. 99, the punishment itself has been in great measure abolished.†

We have seen, then, that the British Dependencies not only contribute nothing towards the revenues of the parent State, but involve the Imperial Parliament in a considerable portion of the cost of their own

\* In this calculation are not included 29,684 foreigners who passed through England for the same destination.

† *Vide* Chapter vii. *infra*, p. 343.

military defence and civil government. We have seen also, that recent fundamental changes in our commercial policy have snapped asunder the bonds of mutual interest which once united them with Great Britain, while the changes in our criminal law, and the raised tone of public feeling in our penal Settlements, are fast rendering impossible any further attempts at convict Colonisation.

To what purpose, then, it may be and has been asked, is this expenditure? Wherefore, says the political economist, should the people of this country maintain by self-taxation a costly and remote empire, which contributes in no greater degree to their wealth or power than the independent principalities of the world? Great Britain (says Adam Smith, writing in 1775) is, perhaps since the world began, the only State which, as it has extended its empire, has only increased its expense without once augmenting its resources." How long, it is said, shall this anomaly continue?

To a question so propounded, it would be a sufficient reply that the alternatives of pecuniary loss and gain are not the only or even the primary considerations of enlightened statesmen, and though the affairs of empires may indeed be submitted, like those of husbandmen and manufacturers, to the test of the balance-sheet, it is not by this test *alone* that great questions of public policy are to be tried or finally decided.

Monarchical government is a costly institution, but are we prepared therefore to abandon it? To succour

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and defend with our treasure and our arms feebleness nations oppressed by tyranny or endangered by war; is an expensive, and (financially speaking) an unremunerative process. Are we, therefore, at once to discontinue a policy which, while it has imposed on us enormous burdens, has at the same time given to Great Britain a foremost place among the nations of the world?

The Colonial Empire of England, as at present administered, adds three millions sterling to the annual costs of the Imperial Government. Let it be conceded, for the sake of argument, that England receives nothing in return, and yet the advocates for the abandonment of Colonies will have gained not one step towards the attainment of their object by this concession, if it shall appear that the maintenance of a Colonial empire is essential in any one respect, as it is in very many, to the national well-being and influence of Great Britain. It is impossible fairly to appreciate the value of Dependencies to a parent State without contemplating for a moment the inevitable consequences of their abandonment. Let us suppose, that a Colony which has not yet attained that political vigour which is essential to independence is suddenly cut adrift, and appropriated by some rival Power. A state of war exists or arises between that Power and Great Britain. The markets of the abandoned Colony are instantly closed to British trade, which suffers in proportion; but this is not all, for if, as would be highly probable in such a case, public opinion in the Colony is divided,

Probable disastrous consequences of sudden abandonment of Colonial Empire by Great Britain.

civil war ensues, and before the question of allegiance can be decided, all the ripening fruits of early civilisation are blighted and destroyed. The premature and unnatural severance of a parent State from its subordinate provinces, whether it be the result of an act of abandonment on the part of the former or of an act of rebellion on that of the latter, cannot but be permanently calamitous to both, so far as their material interests are concerned. But to those who regard vast empires as created, and permitted to exist and expand for some higher purpose than the gratification of ambition, or the exercise of State-craft, or the development of material wealth, the dismemberment of such empires seems nothing less than the disorganisation of a mighty machinery intended by God for the civilisation of mankind. Nor would it be difficult to prove that it is the interest, no less than the duty, of England to maintain this Imperial machinery unimpaired.

But the real difficulty arises not from the random doctrines of those whose only remedy for every perplexity is to cut the knot which they have neither the power nor the patience to unravel, but in the wise adaptation and gradual modification of our Colonial government according to the varying circumstances and advancing civilisation of those numerous communities which it includes.

It may, perhaps, tend to lessen this difficulty if we admit its existence. The government of distant Dependencies has ever been, and will ever be, among the most perplexing problems of political science. The most distinguished statesmen have failed to solve it

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Modern improvements in the art of navigation, the abandonment of an obsolete and coercive commercial policy, and the gradual relinquishment of Imperial intervention in Colonial affairs, have indeed greatly contributed to simplify the process. Nevertheless, the British statesman has still to grapple with the same unchangeable conditions which baffled the genius of Edmund Burke, when, in adverting to the Colonies of America, he thus admonished the Imperial Parliament:—"Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll and months pass between the order and execution, and the want of a speedy explanation of a single point is enough to defeat a whole system. Nothing worse happens to you than does to all nations who have extensive empire, and it happens in all the forms into which empire can be thrown. In large bodies the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt and Arabia and Kurdistan as he governs Thrace; nor has he the same dominion in the Crimea and Algiers, which he has at Brusa and Smyrna. Spain in her provinces is, perhaps, not so well obeyed as you are in yours. She complies too, she submits, she watches times; this is the immutable condition, the eternal law of extensive and detached empires."

The rapid growth of the British Dependencies during the last half-century, and the corresponding advance of public opinion at home in favour of their

freedom from control, have indeed, by favouring the more expansive exercise of Colonial self-government, narrowed the domain and simplified the process of Imperial intervention. A remarkable illustration of this progress of opinion is afforded by the recorded words uttered forty years ago by a distinguished man who was not then regarded as an advocate of obsolete or impracticable doctrines. On June 13, 1815, a Bill for the Registry of Slaves having been introduced into the House of Commons by Mr. Wilberforce, Sir Samuel Romilly said, "A great deal has been gained by this debate. It is of great importance to put an end to the notion entertained, or at least proposed, by the planters, that their Colonial Legislatures have the sole and exclusive right to make laws to regulate their own internal concerns."

The "notion" then entertained by the planters of Jamaica, which Sir S. Romilly imagined that the discussion in which he was then engaged would for ever suppress, soon became the universally-received opinion not only of all the Colonists of the British Empire, but of all those who claimed any influence in the Councils of the Imperial Parliament.

In 1839,\* the Secretary of State for the Colonies (Lord Glenelg) thus "instructs" Sir Francis Head:—"Parliamentary legislation on any subject of exclusively internal concern to any British Colony, is, as a general rule, unconstitutional."†

\* Vide Parliamentary Papers, 1839, 118.

† And yet when, in 1848, the Legislature of New Brunswick

And now "self-government for Colonies," is among the most popular and fashionable political theses of the day, both with those who are, and with those who are not, accurately informed upon the subject.\*

passed a law granting bounties on the cultivation of hemp, it was deemed constitutional to disallow that enactment, because it conflicted with the political bias of the Executive Government at home.

\* The extravagant opinions which invariably attend all popular reactions, found an echo among the advocates of colonial independence, in the House of Commons, and were thus powerfully exposed by Sir Robert Peel, in a speech on the affairs of Canada, January 16, 1838:—

"It was said that the majority of the people of Canada were disaffected to the British Government, and that, therefore, they ought to be released from their allegiance. Let not the House forget that we had an extended Colonial empire, including India and parts of Europe. Let them not forget the extent to which this principle, if admitted, might be applied. Let it be laid down, then, as a principle, that the first expression of dissatisfaction with our Government, and the first instance of resistance to our authority, was to be a signal for abandoning our claim to superiority. If we laid down that principle, could it be limited to Colonies? Could it not be applied to integral parts of the Empire? Why might it not be extended to a part of England, if that part expressed itself dissatisfied with the rule of England? The fact of dissatisfaction with our Government showed, as the honourable gentleman contended, that the Colony had been misgoverned; and then he asked, what was the good of ruling over discontented subjects? Why, if we were to act on such a rule of public conduct, the glory of England would in ten years be utterly annihilated. Was this great country prepared to say, on the first manifestation of any rebellious feeling, 'Separate from us, and establish a Government for yourselves,' instead of recalling them to their duty? He thought not; and that the application of this principle was perfectly inadmissible. If it applied to distant possessions, it applied also to those which were nearest to this country. Suppose, for instance, that the people of the Isle of Wight should fall out,



Progress  
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Self-Government.

But whatever merit may attach to the earliest advocacy of Colonial self-government belongs not to any statesman of the present generation. We have witnessed in our own days the revival of an old, not the discovery of a new principle in Colonial administration. On the 6th of March, 1791, in the course of a debate in the House of Commons on the Quebec Bill, Mr. Fox warmly advocated the constitution of an Elective Legislative Council in Canada. "If," said he, "a local legislature is liberally formed, that circumstance would induce me to overlook defects in the other regulations, because I am convinced that the only means of retaining distant Colonies with advantage, is to enable them to govern themselves."

But "self-government" necessarily implies the powers of self-maintenance and of self-defence in the community which claims exemption from control.

and say that they had a right to be independent; that the rules of this philosophic argument were made for small as well as large communities; and that they desired to try the system in order to be relieved from the heavy taxes at present imposed on them; and they might say that they could show many equally small Italian States which were well governed and were prosperous; and that the Channel lying between them and the mother country, there was no reason why they should not be equally so, or should not constitute themselves, like the Canadians, a small republic, with laws and institutions of their own. What would the honourable member say to that? His argument would apply there, if it applied at all. But then, seeing that the Isle of Wight might become attached to France, the honourable member might find it convenient to say, 'No: you are essential to our security from your being contiguous to Portsmouth, and we cannot permit you to be separate.' But if the principle was good in one case, it would apply to all."

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These conditions remarkably concurred in the case of the North-American Colonies, which had proved their capacities of self-support before they vindicated their rights of self-government. The whole military expenditure of the thirteen United States before the Revolution, including forts and garrisons, was paid by the produce of their own taxes. Their civil Government, defrayed from the same source, cost less than £80,000 a year. During the seven years' war they raised, clothed, and paid 25,000 men, at the cost to themselves of several millions sterling. "They were governed," in the words of Franklin's evidence before the House of Commons in 1766, "at the expense to Great Britain of only a little pen, ink, and paper; they were led by a thread." The fatal political errors which forced into a reluctant rebellion the fairest provinces of our empire, tended long to embarrass and to complicate the Colonial relations of Great Britain. They bequeathed to ourselves and to our Colonists their appropriate legacy of jealousy and mistrust. These have, however, been in the course of the last half-century gradually dispelled, and have been succeeded by relations of daily increasing mutual confidence, the natural bond of sister States owning a common origin, language, and religion.

It is in the development of this policy, not in any controversies as to the soundness of its foundations, that the present practical difficulties of our Colonial government really consist. We have conceded to our Colonists the right to manage their own affairs, but they have not yet decided as to the degree or mode in

which they will exercise this power, in many important particulars. Hence have arisen the vigorously-debated questions concerning the responsibility of Executive Councillors of Colonial Governors to the Representative Assemblies; also that respecting the comparative advantages of consolidating Colonial Parliaments into one Chamber or dividing them into two; and, lastly, the still fiercer controversy between the advocates of elective and nominated Legislative Councils in the Colonies.

“Responsible Government.”

The chief difficulty in the practical working of Colonial constitutions arises from the deficiency of *material*, that is, of men uniting the qualifications of leisure, capacity, and inclination for the task of legislation. “Statesmanship,” says the biographer of Lord Metcalfe (and the remark applies not to Canada alone, but to all the British Colonies), “has not risen to an independent position, but is an appendage to the more certain support of professional occupation.” To work out the problem of “Responsible Government” in a Colony where the leading men, instead of pressing into the ranks of public life, shrink from its unattractive risks on the various pleas of “urgent private affairs,” would be, indeed, an Herculean task, even if the instructions originally framed for the guidance of Colonial Governors in this behalf, had been as distinct as they were contradictory and obscure.\*

To prescribe certain abstract principles of govern-

\* *Vide* Despatches of Lord J. Russell to Lord Sydenham, quoted *infra*, pp. 27-29.

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\* *Vid*  
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p. 533.

ment suggested by the ancient usages of the British Constitution to the Queen's representative in a distant Colony, was a comparatively easy task; but we can scarcely be surprised if the adaptation of those principles to states of society to which they were utterly inapplicable, should have sometimes baffled the administrative powers of the most distinguished civil servants of the Crown.\*

principles involved in "Responsible Government," according to the general understanding of that phrase, are nowhere more plainly defined, than in the following Resolutions passed by the House of Assembly of Canada in September, 1841.

1. "That the head of the Executive Government of the province, being within the limits of his government the representative of the Sovereign, is responsible to the Imperial authority alone; but that, nevertheless, the management of our local affairs can only be conducted by him, by and with the assistance, counsel, and information of subordinate officers in the province."

2. "That in order to preserve, between the different branches of the Provincial Parliament that harmony which is essential to the peace, welfare, and good government of the province, the chief advisers of the representative of the Sovereign, constituting a Provincial Administration under him, ought to be men possessed of the confidence of the representatives of the people; thus affording a guarantee that the well-understood wishes and interests of the people, which our gracious Sovereign has declared shall be the rule of the Provincial Government, will, on all occasions, be faithfully represented and advocated."

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\* *Vide* Sir Charles Metcalfe's celebrated reply to the Warden and Councillors of the Gore District, *Kaye*, vol. ii. p. 533.

It is manifest that the local administrators of a system so critically devised must be subjected to the perplexing and ever-recurring conflict of an inconsistent allegiance to two masters—the Colonial Assembly and the Sovereign of England. But, nevertheless, "Responsible Government" must be regarded as an accomplished political fact—a system, the success or failure of which, in any given Colony, must depend mainly on the tact and talent of the Queen's representative. The same causes which have led to government by party in almost all countries in which Representative Government exists at all, already operate in the more advanced Dependencies of the British Crown. "Men desire," says Adam Smith, "to have some share in the management of public affairs chiefly on account of the importance which it gives them. Upon the power which the greater part of the leading men, the natural aristocracy of every country, have of preserving or defending their respective importance, depends the stability and duration of every system of free government. In the attacks which these leading men are continually making upon the importance of one another, and in the defence of their own, consists the whole play of domestic faction and ambition."\*

The only formal step by which responsible government is usually established in a Colony, is the insertion in the Governor's instructions of an unlimited power to appoint new Councillors, subject formally to

\* Wealth of Nations, Book iv. cap. 7.

the Crown's confirmation; it being understood that Councillors who have lost the confidence of the Local Legislature will tender their resignation to the Governor.\*

But if the premature and inconsiderate introduction of the system of government by party has sometimes caused embarrassment by reason of the deficiency of materials for the practical working of that system, it has oftener happened that the formation of the constitution itself has exhausted those materials which were available for political workmanship. And this brings us to the question of the comparative advantages of consolidating Colonial Parliaments into one chamber, or of dividing them into two. The difficulty arising from the scarcity of men of leisure and capacity in thinly-peopled Colonies, is of course greater where the constitution consists of two Legislative Chambers, than where their functions are combined in one.

Constitution of Colonial Parliaments. Comparative advantages of a single or double Chamber.

The question, therefore, to be determined, either by or for each particular Colony, is whether the political advantages presumed to arise in the parent State from the influence of an "Upper House," as a check on the deliberations of the Lower, be, under the circumstances of the Colony, really attainable. Should this question be answered in the negative, it is manifest that the introduction of a second deliberative body, whether elective or nominated, into the constitution of any given Colony, can have no other re-

\* *Vide* Colonial Regulations, Appendix B.

sult than to aggravate the admitted difficulties arising from the limited supply of qualified legislators, and to complicate and delay all the processes of executive government.

If, on the other hand, the Colony have attained to that degree of maturity at which the property and intelligence of the community can find an adequate expression through an electoral body, on which certain qualifications of wealth or age may confer the dignity of a Senate, empowered to revise, but not to overawe, the more changeful and impulsive edicts of a more popular Assembly, it would not be otherwise than natural, that a British Colony so circumstanced should frame its constitution on the threefold model of the parent State, which has been tried, and not found wanting, through the vicissitudes of a thousand years.

Comparative advantages of nominated and elective Legislative Councils.

But it is with respect to the mode by which this "Second Estate" of the Colonial Government shall be called into existence, that the most irreconcilable differences of opinion have arisen. The comparative advantages to be derived from the creation of nominated and elective Legislative Councils, have long been, and still are, the subject of warm and constant controversy. The latter system was adopted by three of the New England Colonies, whose Legislative Councils were elected by the representatives of the people.

The powers conferred on existing Legislative Councils, nominated by the Crown, are defined below.\* The

\* *Vide infra*, p. 29.

object contemplated in this institution was doubtless the creation of a Colonial life-peerage; the members of which might, as a distinct legislative body, fulfil in the Colonies the functions of the House of Lords. An experience extending, in the case of some Colonies, over a period of nearly two centuries, has proved that this attractive theory could not be realised in practice. Except in those languid Colonial communities in which no institution could provoke intolerance, or excite enthusiasm, nominated Legislative Councils have been generally regarded simply as the creatures of patronage, or the instruments of despotism.

In Canada, the Cape of Good Hope, and the Australian Colonies,\* this opinion has been, as will hereafter appear, already practically vindicated.

\* It was for the alleged purpose of counteracting the convict element, to which absolutely free institutions might, it was thought, have then given undue predominance, that a composite Chamber, of which one-third were nominees, and two-thirds elected members, was established in New South Wales, in 1841. This form of constitution was extended to South Australia and Van Dieman's Land by the Australian Colonies Government Bill of 1850. It was in reference to the provisions of this Bill that a late member of the Council of New South Wales thus avowed what he declared to be the general opinion in the Australian Colonies respecting nominated Legislative Councils:—"If there be any one institution which tends to bring the Home Government into collision with the Colony; to disturb the action of the constitutional system; to throw discredit upon public men; to introduce discord into the public councils; and to create every disturbance which it is desirable to exclude from the deliberations of a Legislative Assembly—it is the institution of Crown nominees. They represent nobody; they have not the slightest affinity to an aristocratic institution; they are the scapegoats

The Elective Senate of the United States may, indeed, afford a discouraging precedent to those who desiderate, in an "Upper House," efficient guarantees for political order and sedateness; but no rank or dignity which the Crown of England can confer on nominated Legislative Councils can compensate for the inherent infirmities of a deliberative body which does not enjoy the confidence of the Colonial population; and with this attribute, at all events, no conceivable contrivance can invest the constitution of a newly-founded Colony, in which those ancestral associations which give the force of law to usages resting on a loving reverence for the past, have as yet taken no root. It is said that the ivy which clings to the ruined walls of the old world, is not indigenous in the new; and in political architecture, there is no known substitute for the mellowness of age. Time alone softens all things; the influence which already beautifies those glorious minsters which owe

of the constitution, the target for every attack, the butt of every jest. Ignominy and obloquy rain thick upon them; and when it is asked whether the Colonies have materials for a second Chamber, the question may, I think, with more propriety be put, Can they have materials for nominees? Can they have people so paramount in talent, so independent in property, so conciliatory in manner, so combining all sorts of contradictory attributes, that they can hold this invidious office without exposing themselves to the sort of treatment to which I have alluded? That I think is impossible; and it is not my opinion alone, but that of almost every person throughout the Australian Colonies."—Speech of Mr. Lowe at a meeting of the Society for the Reform of Colonial Government, held June 1, 1850.

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their origin to the freemasons of the twelfth century, may one day chasten and subdue all that is now rough and uncomely in those political fabrics which have been so rapidly erected by the statesmen of the nineteenth.

The extravagant and impatient anticipations in which some theorists have indulged as to the immediate effects of self-government on Colonial prosperity, are already contradicted by the actual state of those Dependencies which have enjoyed that boon for the longest period and to the fullest possible extent. Lord Grey may be well considered an impartial witness on any point which may affect the political value of Colonial freedom. Let us hear his testimony concerning the actual condition of the Colony of Jamaica. "This Colony has for two centuries been in possession of a Representative Constitution, and the Assembly not only exercises the ordinary authority of a legislative body, but performs many of what are usually the functions of the Executive Government, the authority of the Crown being more restricted than elsewhere by various laws which have at different times been passed, and by usages which have grown up. But the actual condition of Jamaica, I regret to say, is far from being such as to show that the possession of the powers of self-government affords that complete security for the welfare of a community, and for the good management of its affairs, which many persons seem to suppose."\*

Self-Government does not necessarily ensure Colonial prosperity — examples of Jamaica, St. Vincent, and Victoria.

\* Colonial Policy, vol. i. p. 166.

But Jamaica is not the only British Colony in which "self-government" has disastrously coexisted with social and political retrogression. Jamaica is in this respect but too accurate a type of all those Dependencies which were once the flourishing fields of tropical products, and are now fast relapsing into a state of physical, political, and moral wilderness.

The Colony of St. Vincent, which now forms one of the Windward Group of the West-Indian Islands, received a Representative Constitution about a century ago. The first Assembly was convened in 1767; the first Act in the printed collection bears date July 11, in that year.

In the latest "Reports exhibiting the past and present state of Her Majesty's Colonial Possessions," transmitted with the Blue Books for 1854, and recently presented to both Houses of Parliament, I find the following passage relating to this Colony, which is remarkable not merely as illustrating the decadent state of the West-Indian Islands, already too notorious, but as conveying a warning against over confidence in any political machinery which has not for its motive power the life-giving energy of individual minds.

"The population of St. Vincent is assumed (for no correct census has lately been taken) to be 30,128, who are supposed to be represented by nineteen members, chosen by themselves to form a House of Assembly, intended to be analogous in its constitution, powers, and privileges, to the House of Commons in England.

"By the return given at p. 74 of the 'Blue Book,' it will be observed, that at the last general election, in January, 1853,

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there were only 293 electors registered for the whole Colony, and that, even out of this small number, only 130 came forward as voters. It thus appears, that out of the 30,128 inhabitants, 130 individuals actually elected the whole of the nineteen representatives constituting the House of Assembly, having large powers for either good or evil in relation to the whole Colony, which is bound by their acts, at least in all questions relating to or involving money considerations. But I am credibly informed, that even of these 130, who did appear as voters, a large proportion could scarcely be considered as coming forward voluntarily; but had their voting tickets taken out and paid for by the candidates who polled them. . . . In looking over the records of the returns of writs during the last few years, this indifference is still more strikingly displayed; and I find therefrom (at various times), four members have been returned by ten voters, three members by five voters, two members by two voters, one member by one voter, and in one instance, a single voter actually returned two of the nineteen members composing the whole House of Assembly. Nor is this indifference confined to the electors; there is often as much difficulty in getting a candidate for the representation; and several instances are on record in which, after the issue of writs, no return could be made in consequence of no candidate having come forward.

"When all these difficulties are overcome, and the House actually constituted, a still more insurmountable impediment exists to its efficient working—the difficulty of getting together the number required by law to constitute a quorum. At first this number was eleven; but it being found impracticable to assemble so large a proportion out of the nineteen, the minimum number was reduced to nine; and even now the greatest difficulty is often experienced in getting this reduced number together, and much delay and injury to the public interests necessarily result.

"During the year 1854, the House only transacted business on twenty-eight days, and in the first quarter of the present year on eleven days, although, during this last-mentioned period, the embarrassed circumstances of the Colony, and the lapse of several important laws, seemed to make it doubly essential that no time should be lost in devising, considering, and enacting many measures vitally effecting the interests and well-being of the Colony, and every day's delay of these must

prove a serious evil, as well as render more difficult any satisfactory adjustment of the questions involved.

“The real truth is, that in St. Vincent there is scarcely any resident proprietary body, and hardly any persons of education and ability, who are able or willing to devote their time to the public service without remuneration; and this state of things is daily getting worse, in consequence of the impoverished and decaying condition of the West Indies. Many of the members come in but rarely or irregularly; and, as a natural consequence, the business of the country falls into the hands of a few individuals, who, residing either in the town or in the nearer districts, are still able and willing to give an occasional attendance at the House of Assembly. This is, however, not representation. On the other hand, the Government is powerless; and those measures which, in a Colony possessing a different constitution, would be promptly adopted by a well-organised and efficient Executive, cannot be here resorted to; so, between the inefficient working of representative institutions, and the inability of the Executive to act without them, very little is done, and the Colony still remains without many of the most essential laws and the most necessary institutions.

“At the present moment, there is no public hospital in operation, no orphan asylum, no refuge for the destitute, and no lunatic asylum; no law in existence for the furtherance of education, no law regulating the management of intestate properties, and none legalising a large portion of the public expenditure, or to meet the large debt owing by the Colony, and for which at present not even interest is being paid.”\*

But if “self-government” has not proved an infallible specific against the death-like torpor which has pervaded some of the oldest of our Colonial communities, there are others in which a too precocious development of political life seems likely to be

\* Report exhibiting the Past and Present State of Her Majesty's Colonial Possessions, transmitted with the Blue Books for 1854, and presented to both Houses of Parliament, 1856.

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attended by consequences not less disastrous than the evils arising from stagnation and indifference. If we pass from the ancient free Colony of St. Vincent, to the modern free Colony of Victoria, we shall have witnessed the principle of self-government tried by the severest tests of adversity and prosperity presented by the annals of our colonial history. The revenue of Victoria was, in 1854 (the fifth year of its existence), £3,223,172. The expenditure in the same year was £4,045,291. By what extravagance this juvenile Government incurred this enormous debt, or by what means it has been or will be liquidated, does not clearly appear, but the records of the previous year afford us some clue to the mode in which the vast resources of Victoria have been dissipated by the Local Government.

"In the year 1853 alone, the Council voted £1,353,000 for the erection of public edifices, including the senate-house, palaces, hospitals, and asylums; they patronised the arts, science, and literature; they laid down bridges, built towers, planned public gardens, libraries, and museums; and for a time their benevolence and liberality might be said to be of Imperial magnitude, and, upon some points, without a limit either defined or recognised. All this, of course, led to a large staff of officials, who had, from the unnatural condition of the markets, to be remunerated on a costly scale; and even then, such was the confusion, and with such rapidity were the changes made, that all was in chaotic disorder, so that the authorities found themselves unequal to the task of government, both as regards public order and the regulation of receipts and expenditure."\*

It is not, of course, intended to ascribe the po-

\* "The Commerce and Finance of Australia," 1856, p. 37.



litical and commercial excitement of one group of Colonies, or the ruin and depopulation of another, to any causes connected with the system of self-government, though there can be little doubt, that if Victoria and Jamaica did not possess, as they do, an unfettered control over their own affairs, the disasters of both would be freely attributed to imperial mismanagement; but it is impossible to contrast the actual workings of representative government in the British Dependencies, with the magnificent expectations in which some sanguine theorists have indulged, without admitting that the results as yet realised have fallen far short of those once anticipated from the agency of political organisation.\*

But if representative institutions have failed in our older Colonies to inbreathe life beneath the ribs of death, or to counteract in the younger communities the downward tendencies of a rank material prosperity, this is only to say, that they have not wrought miracles. In the West-Indian Colonies, the wealth, intelligence, and industry which once gave strength and comeliness to the body politic, are shrunk and withered; the skeletons only of the ancient constitutions yet remain. May we not ask without irreverence, "Can these bones live?" In the younger Colonies, on the other hand, forced, as it were, from infancy into middle life, undisciplined by those fiery

\*. The clauses of Statute 5 & 6 Vict. cap. 70, for the creation of Municipal Councils in New South Wales, afford an instance of the futility of the *forcing* system in Colonial Government. *Vide* Parliamentary Paper 715, 1849.

trials which have chastened in the earlier stages of their existence the old communities of Europe, can we marvel if the coarse and crude characteristics of immature nations should be occasionally exhibited in those childish and grotesque forms into which self-government has sometimes effloresced?

It is under the gradual, but certain influences of time alone, that the strength and efficiency of popular government in the Colonies can be fully and fairly tested, and it has been by the whimsical attempts to enforce on them for their presumed advantage political expedients inapplicable to their circumstances, that these ripening influences have been thwarted or delayed.

To a similar impatience of results may be attributed the various contrivances devised from time to time for supplying new bonds of union between the Dependencies and the parent State.

The representation of the Colonies in the Imperial Parliament was advocated before the American Revolution, on the high authority of Adam Smith,\* but

\* "If each Colony were permitted to send such a number of representatives as suited the proportion of its contribution to the public revenue of the empire, a new method of acquiring importance, a new and more dazzling object of ambition, would be presented to the leading men of each Colony. Instead of peddling for the little prizes which are to be won in what may be called the paltry raffles of Colony faction, they might then hope, from the presumption which men naturally have in their ability and good fortune, to draw some of the great prizes which sometimes come from the wheel of the great state lottery of British politics."—*Wealth of Nations*, book iv. cap. 7.

though the same plausible suggestion has been since repeatedly renewed, there are now few persons of any Colonial experience by whom it is regarded in any other light than as a pleasing, but impracticable vision.

If the delegation of full powers to Local Legislatures had not superseded the necessity for such a contrivance, distance in some cases and the lack of political material in others would be insuperable obstacles to its adoption. The remoteness from each other of its five Provinces, and the difficulties of inter-colonial communication; are fast reducing to a nullity even the Federal Constitution of New Zealand. The same causes which have hitherto hindered the political amalgamation of the North-American Colonies, operate still more powerfully in the case of the Australian group, and with tenfold force do they militate against the theory of combining fifty subordinate Governments scattered over the whole world in one central system of Imperial representation. It is not by dreaming of systems which would be valueless even if they were within our reach, but by the gradual expansion of those powers of self-government already conceded to our Colonial Legislatures, and in bringing those Colonies which are geographically remote, closer to us by the appliance of all the arts of modern navigation, that our real bond of union is to be found.\*

\* The establishment of regular steam communication with all the Colonies, and of a low uniform rate of postage, would do more to cement a permanent union than any possible political contrivances could effect.

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If the experience of the past has not enabled us to anticipate all the details of future difficulties, it has at all events furnished irresistible evidence of the instability of those principles of Colonial policy, which were once deemed to be the pillars of our national greatness. To retain for the longest possible period, at the smallest possible cost, with the greatest possible advantage to ourselves, a permanent dominion over the Dependencies of our empire, was once the problem which occupied the minds of British statesmen. To ripen those communities to the earliest possible maturity—social, political, and commercial—to qualify them, by all the appliances within the reach of a parent State, for present self-government, and eventual independence, is now the universally admitted object and aim of our Colonial policy.

It may be, that the critical stage may soon be reached in the progress of the more advanced Dependencies of Great Britain, when the years of their apprenticeship are passed, and nature shall pronounce them free. Let us hear, on this point, the opinion of one whose since-proved powers in Colonial administration lend an additional force to language, still fresh and appropriate, after the rapidly intervening changes and events of fifteen years. "It does not follow," says Mr. Merivale, "as a necessary consequence, that the attainment of domestic freedom is inconsistent with a continued dependence on the Imperial sovereignty. The epoch of separation is not marked and definite—a necessary point in the cycle of human affairs, as some theorists have regarded it. Union

To qualify Colonies for independence, the primary object of the Imperial Government.

might be preserved, for any reason which theory has to show against it, long after the sense of necessary dependence is gone. I do not speak of that inglorious and unlovely subjection which may be maintained by force, a possibility to which the last few years have given more colour than ever from the increased facilities of communication, and the terrible strength which has been added to the resources of modern war, but one which every wise man must deprecate as a far worse result than that which it prevents; but the mere political link of sovereignty may remain, by amicable consent, long after the Colony has acquired sufficient strength to stand alone. Existing relations may be preserved, by very slight sacrifices, on terms of mutual good-will; but this can only be by the gradual relaxation of the ties of dependence. The union must more and more lose the protective and approximate to the federative character, and the Crown may remain at last, in solitary supremacy, the only common authority recognised by many different Legislatures—by many nations politically and socially distinct.

“On such conditions as these—and assuredly if not on these, then on none—may we not conceive England as retaining the seat of the chief executive authority, the prescriptive reverence of her station, the superiority belonging to her vast accumulated wealth, as the commercial metropolis of the world, and united by these ties only with a hundred nations, not unconnected, like those which yielded to the spear of the Roman, but her own children, owning one faith

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pp. 292

and one language? May we not figure to ourselves, scattered thick as stars over the surface of this earth, communities of citizens owning the name of Britons, bound by allegiance to a British sovereign, and uniting heart and hand in maintaining the supremacy of Britain on every shore which her unconquered flag can reach? These may be extravagant views, but if rightly understood, they have this advantage, that the pursuit of them cannot lead the mind to wander in an unprofitable track. They are altogether inconsistent with the notions which have at different times led this country so fatally astray in the defence of valueless rights or imaginary advantages; they are altogether inconsistent with the idea of a subjection enforced by bayonets, of a subjection bought through the means of a constant and galling expenditure, or bought by the still more injurious method of conceding commercial monopolies.

“Every step which could be taken towards the construction or maintenance of an union thus cemented, would be a step favourable to the individual well-being and prosperity of every member: Every experiment in this direction would be serviceable alike to the parent State which accomplished it, and to the Colony affected by it, whether the ultimate destiny of that Colony were an equitable connection, or a bloodless separation.”\*

\* Lectures on Colonisation and Colonies, delivered before the University of Oxford, in 1839, 1840, and 1841, by Herman Merivale, A.M., Professor of Political Economy, vol. ii. pp. 292-4.

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# COLONIAL CONSTITUTIONS.

## CHAPTER I.

### AN OUTLINE OF THE CONSTITUTIONAL HISTORY AND EXISTING GOVERNMENT OF THE BRITISH DEPENDENCIES.

Historical Sketch of the Home Administration of the British Dependencies.—Laws and Government of the British Dependencies as affected by the mode of their original acquisition, either (1) by the occupation of vacant Territory, or (2) by cession or conquest from other Powers.—The existing Constitutions of the British Dependencies. (1) Those possessing Representative Institutions under grant from the Crown. (2) Those for which the Crown retains the power of legislation. (3) Those of which the Constitutions have been established by Act of Parliament.—Powers of Colonial Governors.—Powers of the Executive Councils.—Powers of the Legislative Councils.—Powers of the Representative Assemblies.—Prerogatives reserved to the Crown in the Administration of the British Dependencies. (1) In respect of the confirmation or disallowance of Colonial Acts or Ordinances. (2) In respect of Territorial Revenues, and Royalties on Minerals. (3) In respect of Appellate Jurisdiction. (4) In respect of the Foreign Relations of the Dependencies.

**T**HE Colonial Empire of Great Britain, which now comprises in its insular and continental dominions more than one-seventh of the area of the habitable globe, has been the gradual growth of nearly three hundred years.\* During the first century of this

Historical Sketch of the Home Administration of the British Dependencies.

\* See Appendix A, Historical Sketch of the Order of Acquisition of the British Dependencies.

period—from the earliest attempt of British colonization in Virginia till the enactment of the first Navigation Law—the Dependencies were not deemed of sufficient national importance to require the distinct superintendence of any official department of the Government, and the whole administration, both executive and legislative, was exercised by the Sovereign and Privy Council, with the very occasional interference of Parliament. The earlier Colonies were indeed regarded by the Sovereigns of England rather as part of their own demesnes than as subject to the jurisdiction of the State. Territories in North America were granted to be held “as part of our manor of East Greenwich, in Kent,” “as of our Castle of Windsor,” or “as of Hampton Court.” When the House of Commons attempted to pass laws for establishing a free right of fishery on the coasts of Virginia, New England, and Newfoundland, they were told by the Ministers “that it was not fit to make laws here for those countries which are not yet annexed,”—“that this bill was not proper for this House as it concerneth America.”

First appointment of a Committee of the Privy Council on the affairs of the Plantations.

It was not until the foundations of our future power, American, Asiatic, and European, had been for some years laid that the necessities of an increasing commerce (which had led the merchants of our principal ports to memorialize Cromwell on the same subject) prompted Charles II. to delegate to a Committee of his Privy Council the affairs of a portion of the then existing British Dependencies. The Order in Council by which this Committee was

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constituted appears to have been framed in the first instance in consequence of a dispute concerning the government of St. Nevis. It bears date July 4, 1660, and runs as follows: "Upon a Petition presented to His Majesty by diverse Merchants and others interested in and tradynge to the English Plantacons in America, &c., &c., His Majesty this day sittinge in Council hath appointed the Lord Chamberlain, the Earl of Southampton, the Earl of Leicester, the Lord Viscount Saye and Sele, the Lord Roberts, Mr. Denzill Holles, Mr. Secretary Nicholas, Mr. Secretary Morice, Mr. Arthur Annesley, and Sir Anthony Ashley Cooper, or any three or more of them, to meet and sitt as a Committee every Monday and Thursday, at three of the clock in the afternoone, to receive, heare, examine, and deliberate upon any Petition, Proposition, Memoriall, or other Addresses which shall be presented or brought in by any Person or Persons concerning the Plantacons as well in the Continent as Islands of America, and from tyme to tyme make their reports to this Bord of their Proceedings."

It will be seen that the instructions of this Committee limit both the subject-matter and the scope of its authority to reports on questions arising in the insular and continental Colonies of America. It was, therefore, deemed necessary almost immediately afterwards to establish another tribunal with more extensive powers.

Accordingly, six months after the appointment of this Committee, by Patent dated December 1, 1660, Charles II. (having previously, by another instrument

Creation  
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dated November 7, erected a Council of Trade) established a "Council of Foreign Plantations," to sit in the Star Chamber at Westminster, and altogether distinct from the Privy Council. This Patent sets forth that the King, having provided for the general state and condition of trade, navigation, and foreign commerce of his several kingdoms, &c., is also mindful of his Colonies and foreign Plantations, which were settled and carried on by authority of commissions, &c., of his predecessors, and, thereupon, appoints a Standing Council, giving them full power to take into their consideration the present and future state and condition of the several foreign Plantations. The instructions to the said Council are as follows:— They are commanded—

1. "To inform themselves of the state and condition of all foreign Plantations; by what commissions they are and have been governed and disposed of; to procure copies of commissions and grants, to be transcribed and registered in a book.

2. "To forthwith write letters to all the Governors, &c.; of the English Plantations, informing them of the creation of a General Council of Trade, wherein their governments are mingled and provided for with the rest of the King's dominions, and especially to inform them of this particular Council, which is applied only to the inspection and conduct of foreign Plantations.

3. "To require the Governors, &c., to send an account of their affairs and constitution of their laws and Government.

4. "To order and settle a continual correspondence, so as to be able, as often as required, to give to the King an account of the Government of each Colony and of their complaints.

5. "To use prudential means for rendering those dominions useful to England, and England helpful to them, and for bringing the several Colonies and Plantations within themselves into a more certain and uniform way of civil government, and for better ordering and distributing public justice among them.

6. "To inquire diligently into the several governments and councils of the Colonies, Plantations, and distant dominions belonging to other princes and States, and to examine by what conduct and policies they govern or benefit them. If such councils be good and practicable, to be applied to our own Colonies.

7. "To call to their assistance from time to time, as occasion may require, experienced persons, whether merchants, planters, seamen, artificers, &c.

8. "To inquire into the strict execution of the late Act of Parliament for Encouraging and Increasing of Shipping and Navigation.

9. "To inquire touching emigration, and how noxious and unprofitable persons may be transplanted to the general advantage of the public and commodity of our foreign Plantations.

10. "To take care to propagate the Gospel; to send strict orders and instructions for regulating and reforming the debaucheries of planters and servants; to consider how the natives, or such as have been

purchased from other parts to be servants or slaves, may be best invited to the Christian faith.

11. Lastly: "To advise, order, settle, and dispose of all matters relating to the good government of the foreign Plantations, according to their best skill; and, in all cases in which they shall judge further powers to be necessary, to address themselves to the King or Privy Council for further directions."

It is with reference to this Council that we find the following entry in Evelyn's Diary under date of February 28, 1671:—"The Treasurer acquainted me that His Majesty was graciously pleased to nominate me one of the Council of Foreign Plantations, and to give me a salary of £500 per annum to encourage me."\*

Union of  
the Councils of  
Plantations and  
of Trade.

In 1672, by patent 24 Car. II., the business of the two Councils of Trade and of Plantations were united, by erecting a board, called the "Council of Trade and Plantations." The Earl of Shaftesbury was appointed President, and Lord Culpepper Vice-President of this Council. The patent, dated Sept., 1672, sets forth that the King's dominions had been considerably increased of late years by the accession of many great Colonies and Plantations in America and elsewhere, and that the customs and revenues, as well as the trade and wealth of the King's subjects at home and abroad, had much increased by mutual traffic and commerce between the King's dominions and Colonies and Plantations, as also by their several foreign and domestic trades respectively, and, there-

\* See also subsequent entry of May 26, 1671.

fore, for the improvement, encouragement, and protection of the same, erects a Select Council to take care of the welfare of the said Colonies and Plantations and of the trade and navigation of the King's dominions, domestic and foreign, and of his said Colonies already belonging, or that might come into the King's hands, wheresoever situate (except Tangier). Any five of the Council to be a quorum, whereof the President or Vice-President to be one, except in particular cases, when certain others, particularly named, being present, or one of them with four others might be a quorum in the absence of the President and Vice-President, to act according to the authorities contained in the commission and instructions therewith sent, or according to other authorities and instructions which, from time to time, might be sent to them, under the King's signet or sign-manual, and to certify the results of their resolutions or any propositions submitted to them by the King for consideration and determination. Every member of the Council to be sworn before being admitted according to the oath recited in the patent (except the Privy Councillors who had been sworn). The salary to the President was £800, to the Vice-President £600, and to nine other members £500 each per annum.

Evelyn appears to have been also a member of this Council, from the following entry in his Diary of September 1, 1672:—"Now, our Council of Plantations met at Lord Shaftesbury's (Chancellor of the Exchequer) to read and reform the draught of our

new patent, joining the Council of Trade to our political capacities."

In 1677, by patent 26 Car. II., and bearing date December 21, the above commission of 24 Car. II. was revoked, and their papers, &c., directed to be delivered up to the clerk of the Privy Council. An interval of twenty years now occurred, during which it may be presumed that the functions of the Committee of Council appointed by the first-cited order of July 4, 1660, were resumed with reference to such colonial affairs as came within the scope of their authority.

In 1695, by patent dated December 16, William III. revived the Council of Trade and Plantations, and appointed Commissioners, whose authority was afterwards, from time to time, renewed.

The Commission issued under this last-mentioned patent of 7 Wm. III., was for promoting the trade of the kingdom generally, and inspecting the Plantations in America and elsewhere; and for this latter purpose the Council were directed to take under their care all records, grants, and papers remaining in the Plantation Office, or thereto belonging; to inform themselves of the present condition of the Colonies, as well with regard to the administration of the Government and justice in those places, as in relation to the commerce thereof; to look into the usual instructions given to Governors of Plantations, and to see if anything might be added or omitted; to take account yearly of the administration of the Governors, to con-

sider of proper persons to be Governors or Deputy-governors, in order to present their names to the King in Council; to weigh all acts of the Assemblies of the Plantations that shall be sent to England for the King's approbation: the Commissioners to report from time to time their doings to the King or Privy Council. No records exist of the transactions of this Commission; and that its functions were rather nominal than otherwise may be inferred from an expression contained in a letter from Evelyn to Lord Godolphin, dated June 16, 1696: "There is certainly wanting a Council of Trade, which should not be so called only, but really be in truth what it is called." The Board, however, still existed, and nominally at least, supervised the departments of Plantations and of Trade.

In 1718, Richard West, M.P. for Grampound, was appointed counsel to the Board, and on this officer its colonial department practically devolved.

In 1725, Francis Fane, M.P. for Taunton, and in 1746, Matthew Lamb, M.P. for Stockbridge, held the same office successively.

In 1766, by an official letter, dated August 26, in that year, Lord Shelburne directed that the Board of Trade and Plantations were in future to act as a board of advice on such points only as should be referred from the Privy Council or Secretary of State. This order was, two years afterwards, cancelled by Lord Hillsborough, who, in 1768, restored the Board to its previous authority and practice.

In 1768, the office of Secretary of State for the

First appointment of Secretary of State for the Colonies.

Colonies was first established; but the Commissions to the Council for Trade and Plantations continued to run in the like form and with like powers as before that appointment.

In 1780, in a speech delivered in the House of Commons on Economical Reform, February 11, in that year, Burke speaks of the Board of Trade and Plantations as then consisting of eight Members of Parliament, receiving salaries of £1000 per annum each; and in moving its suppression, he proposes to recommit all its business to the Council, "from whence it was very improvidently taken, and which business (whatever it might be) was much better done and without any expense, and indeed, where in effect it may all come at last."

Abolition of the Council of Trade and Plantations and of the Secretaryship for the Colonies.

In 1782, by statute 22 Geo. III. cap. 82, commonly called Burke's Act, the office of Secretary of State for the Colonies (which the loss of our North-American Provinces had rendered almost a sinecure) and the Board of Trade and Plantations, were abolished. By that Act, his Majesty was empowered to delegate to a Committee of the Privy Council all the functions hitherto fulfilled by the late Commissioners of Trade and Plantations; and by Order in Council dated Sept. 11 of the same year (1782), circular instructions were issued to the governors of the Plantations, directing them to transmit to the Privy Council those duplicates of returns and accounts formerly sent to the Board now abolished.

Until the power conferred by the Act to appoint a Committee was exercised, the details of the execu-

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tive administration of colonial affairs were at once committed to a subordinate branch of the Home (then called "Northern") Department, and were managed there by an under-secretary and three clerks, in what was styled the "Plantation branch" of the Home Office. A law-officer was also appointed to report on Colonial Acts.

In 1784, by Order in Council dated March 5 (in which the original Order of July 4, 1660, is not revoked or noticed), a Committee for the consideration of all matters relating to trade and foreign Plantations was appointed. This Committee, which was constituted in exercise of the powers granted to his Majesty by statute 22 Geo. III. cap. 82, consisted of the following members:—The Earls of Aylesford, Effingham, and Clarendon; Lords Frederic Campbell, Ferrers, Grantham, Walsingham, Grantley, and Sydney; the Bishop of London, Sir Joseph Yorke, K.B., Charles Jenkinson, Henry Dundas, James and William Wyndham Grenville, Esqrs.

Revival of the ancient Committee of the Privy Council on Trade and Plantations, now called the "Board of Trade."

The practical effect of this Order was to revive the ancient Committee of the Privy Council, which the Order of July 4, 1660, had originally created, and to invest in that body, in ampler form, the powers which, from the patent of Charles II., December 1, 1660, till the passing of Burke's Act in 1782, had been partially exercised by an independent and distinct tribunal, finally abolished by the last-mentioned statute.

In 1786, by Order in Council dated August 22, a new Committee for the consideration of all matters

relating to trade and foreign Plantations was appointed, consisting of the following members:—The Archbishop of Canterbury, First Lords of the Treasury and Admiralty, the three chief Secretaries of State, the Chancellor and Under-Treasurer of the Exchequer, the Speaker of the House of Commons, and other public officers; also Lord Frederic Campbell, the Bishop of London, Lord Grantley, Sir Lloyd Kenyon, Honourable Thomas Harley, Sir Joseph Yorke, K.B., Sir John Goodricke, Bart., William Eden, James Grenville, and Thomas Orde, Esqrs. The Order appointing this Committee concludes as follows:—"It is this day ordered by his Majesty in Council that all matters which stand referred to the Committee appointed by his Majesty's Order in Council of March 5, 1784, be; and the same are hereby referred to the Committee of Privy Council appointed this day: And his Majesty is further pleased to order, that the several papers relating to, or in any wise concerning trade and foreign Plantations, which now lye in the Council Office, or which were formerly in the custody of one of the principal officers of the late Board of Trade, or have since been in the custody of one of his Majesty's principal Secretaries of State, be lodged in the office in which the business of the Committee of Council for Trade and Foreign Plantations shall be conducted."

By a subsequent Order, dated August 25, of the same year, the establishment of the Committee for Trade and Plantations is placed on a definite footing, and certain salaries are ordered to be paid to the officers

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and necessary attendants at their office. In pursuance of these Orders, the business which, since the passing of Burke's Act, in 1782, had been transacted in the Plantation branch of the Home Office, was transferred to the Committee of the Privy Council thus constituted; and this body continued to administer colonial affairs till 1794, when the office of Secretary of State for the Colonies was revived in the person of Lord Melville, then Secretary for War, to whom the department of the Colonies was likewise committed.

In 1801, Lord Hobart succeeded to the office, and the departments of War and Colonies were united under one Secretary. This arrangement continued till 1854, when, in consequence of the war with Russia, and the accumulated duties devolving on the Colonial Office, it was thought expedient to appoint a distinct chief Secretary of State to preside over each department.

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The active functions of the Committee of Council appointed in 1786 appear to have ceased, so far as the plantations were concerned, immediately on the appointment of the Secretary for War and Colonies. This Committee, popularly designated "the Board of Trade," is now chiefly occupied in the discharge of those functions which this title imports; as a Committee of Council for "Plantations," it acts simply as the referee of the Colonial Office, and the formal medium of declaring the royal pleasure, in the manner hereafter to be explained, respecting colonial acts and ordinances. Its position and powers are, in fact,

analogous to those of the Committee for the Affairs of Jersey, and Guernsey, or any other sub-committee of the Privy Council similarly constituted. In 1848 an attempt was made by Lord Grey to revive its active political functions, which were exercised in two Reports approved by her Majesty in Council, and dated May 1st, 1849, and January 30th, 1850, respecting the then projected constitutions for the Australian Colonies and the Cape of Good Hope respectively, and on a few other occasions on which Colonial questions of importance have been submitted to a Sub-Committee of the Board of Trade, constituted for the purpose. The various changes which have taken place in the administration of the Colonies since the first minister of that department was appointed, will appear from the following Table:—

OFFICERS OF STATE WHO HAVE SUPERINTENDED THE AFFAIRS OF THE BRITISH DEPENDENCIES UNDER SUCCESSIVE ADMINISTRATIONS, FROM 1768 TO THE PRESENT TIME, WITH THE DATES OF THEIR APPOINTMENTS, AND OFFICIAL TITLES OF THEIR DEPARTMENTS.

The names of those who have held office twice are printed in Italics.

1768. Feb. 27	Wills, Earl of Hillsborough.	Secretaries for the "American or Colonial Department."
1772. Aug. 27	William, Earl of Dartmouth.	
1776. Jan. 25	Lord George Sackville Germaine.	
1782. Mar. 27	William, Earl of Shelburne.	Secretaries for the "Home (formerly Northern) Department."
— July 17	Thomas, Lord Grantham.	
1783. April 2	Frederic, Lord North.	
— Dec. 23	Francis, Marq. of Carmarthen.	
1789. June 25	Right Hon. W. Wyndham Grenville.	

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1794. July 11	{ Right Hon. Henry Dundas (Lord Melville).	Secretaries for "War and Colonies."
1801. Mar. 17	Robert, Lord Hobart	
1804. May. 12	John, Earl Camden	
1805. July 10	Robert, Viscount Castlereagh	
1806. Feb. 14	Rt. Hon. William Wyndham	
1807. Mar. 15	<i>Robert, Viscount Castlereagh</i>	
1809. Oct. 11.	{ Robert Banks, Earl of Liver- pool.	
1812. June 11	Henry, Earl Bathurst	
1827. April 30	Rt. Hon. William Robinson	
— Aug. 17	Rt. Hon. William Huskisson	
1828. May 30	Rt. Hon. Sir George Murray	
1830. Nov. 22	<i>Viscount Goderich</i>	
1833. April 3	Right Hon. E. G. S. Stanley	
1834. June 5	Rt. Hon. Thomas Spring Rice	
— Dec. 20	George, Earl of Aberdeen	
1835. April 18	Right Hon. Charles Grant	
1839. Feb. 20.	{ Constantine Henry, Marquis of Normandy.	
1839. Aug. 30	Lord John Russell	
1841. Sept. 3	<i>Lord Stanley (Earl Derby)</i>	
1845. Dec. 23	{ Right Hon. William Ewart Gladstone.	
1846. July 6	Henry, Earl Grey	
1852. Feb. 27	{ Right Hon. Sir John S. Pakington.	
— Dec. 28	{ Henry Pelham, Duke of Newcastle.	
1854. June 12	Right Hon. Sir George Grey	Secretaries for the Colonies."
1855. Feb. 8	Right Hon. Sidney Herbert	
— May. 1	<i>Lord John Russell</i>	
— July 21	Right Hon. Sir W. Molesworth	

The general administration of the British Dependencies, with the three exceptions of British India, the Channel Islands, and the Isle of Man, is now committed to the Secretary of State for the Colonial Department. The proximity of the two latter Dependencies to the parent State appears to account for the reference of all questions involving the exercise of central authority over them to the

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Home Office. The larger and more important exception of the territories of the East India Company from the ordinary system by which our subordinate Governments are administered, requires a fuller explanation, which the detailed history of those territories can alone supply. It may be sufficient here to remark, that the expansion of British power and dominion in India precisely concurred, in point of time, with the loss of those American provinces which had theretofore formed the bulk of our colonial domain. The Imperial Parliament which, at the suggestion of Burke, in 1782, had broken up as useless the whole existing framework of colonial administration, was compelled, only two years afterwards, at the suggestion of Pitt, in 1784, to devise an entirely new machinery for the Home government of its Dependencies in Hindostan, which it has since been deemed expedient, with various subsequent modifications, to retain.

A fourth exception to the general rule may possibly be found in the vast territories, subject to the Crown of Great Britain, but of which both the soil and government are vested by charter in the Hudson's Bay Company. The Secretary for the Colonial Department is, indeed, the recognised channel of communication with that Company when its affairs come under the notice of Government; but he does not interfere in the internal administration of those territories.

The Dependencies now administered through the Colonial Office, by distinct subordinate Governments, are as follows :—

Three in Europe, besides the Ionian Islands, over which Great Britain exercises only the authority of a protecting State; three in Asia; eight in Africa (including Mauritius and St. Helena, as geographically nearest to that continent); seventeen in America (calculating the Lesser Antilles as consolidated under the two Governments, formerly, of the Leeward and Windward Isles, now officially termed of Antigua and Barbados); and six in Australasia: making in all, thirty-eight subordinate Governments.

With respect to these, certain exceptions, limiting the authority of the Colonial Department in some particulars, must be noticed. Military works, buildings, roads, and barfaeks are subject to the Ordnance Office. Customs appointments, where the patronage is exercised by the Home Government, are vested in the Lords of the Treasury. The transport of stores is placed under the Lords of the Admiralty; and the discipline and employment of troops under the Commander-in-Chief. The appointment of a Secretary for War may occasion further changes in this distribution of authority.

We have thus traced the Home administration of the British Dependencies through its various changes, from the appointment of the first Committee of Council on Plantations, in 1660, to the re-constitution of the Secretaryship for the Colonies, as a distinct department of the Government, in 1854. But, in order to apprehend directly the present bearings of imperial law and government on all the

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Dependencies, some reference to the mode of their original acquisition is essential.

The Dependencies have been classified by commentators on colonial jurisprudence, under two leading divisions : —

1. Those acquired by the occupation of vacant territory.

2. Those acquired by cession or conquest from other powers.

This classification affects not only the constitutional history of the Dependencies, but their political and legal relations with the parent State at the present day.

To trace the diversities of colonial laws as resulting from the mode in which the Dependencies were each originally acquired, belongs not to our present inquiry, which is limited to the effects of that distinction on their constitutional lineage, and their present forms of government.

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In Dependencies acquired by the occupation of vacant territory, the common law of England, and so much of the statute law as is applicable to the situation and circumstances of an infant Colony, is immediately in force. One of the earliest authoritative expositions of this rule is contained in the judgment of the Privy Council on an appeal from the plantations in 1722, where it is said that "if there be a new and uninhabited country found out by British subjects, as the law is the birthright of every subject, so, wherever they go, they carry their laws with them;

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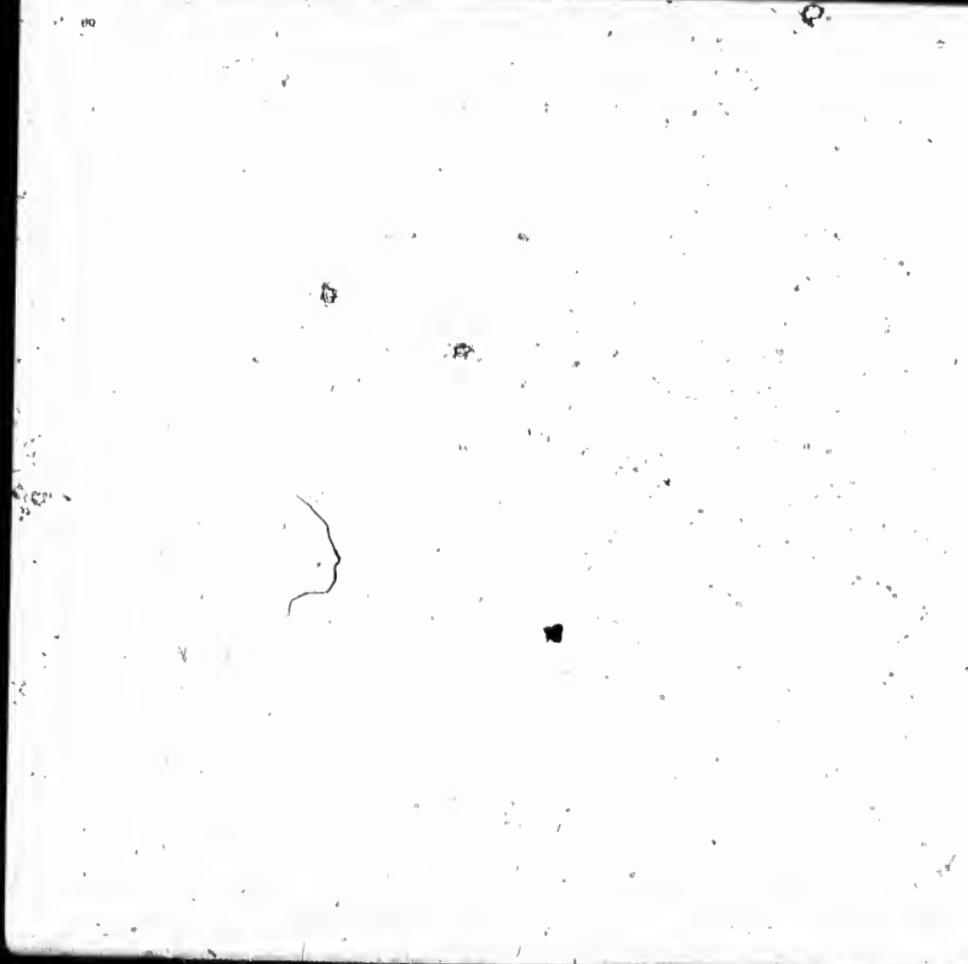
\* 2 Peer

and therefore such new-found country is to be governed by the laws of England."\* The same doctrine was asserted and developed by Lord Mansfield in the celebrated case of *Campbell v. Hall*,† which may be said, to form the leading authority on this highly important subject. The results of this doctrine, as now generally understood, are, that when a new Colony is formed by occupation, the inhabitants are entitled to be represented in their Legislature; that the Crown may constitute a Legislature containing this representative element, which is usually done by commission to the Governor. But the Crown cannot take away this inherent right to self-government: if it is desired to establish any different form of legislature (as, for instance, in Colonies to which transportation took place), this must be done by Act of Parliament. It follows, as a natural consequence of this rule, that the creation of laws and forms of government for unoccupied and newly-acquired territories has been regarded as a national function, to be exercised by the collective power of the Imperial Parliament, as trustees for the inhabitants.

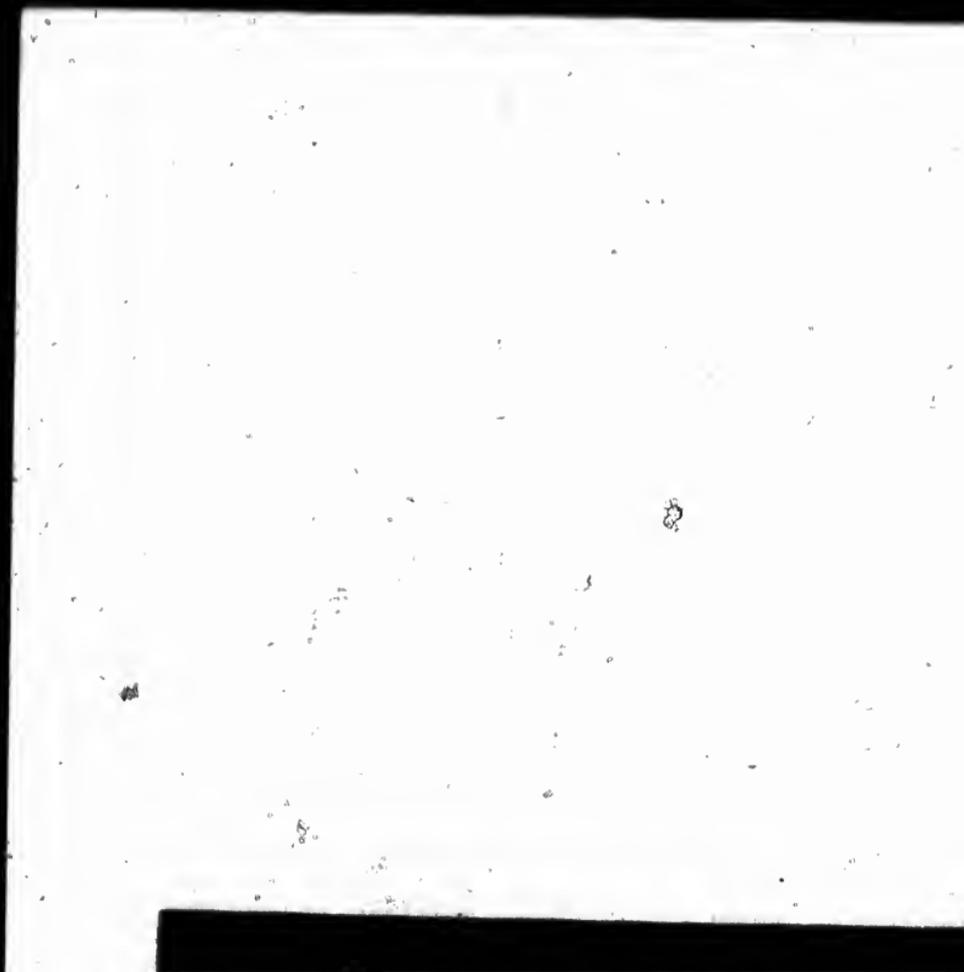
In those Dependencies, on the other hand, which have been acquired by conquest or cession from other powers, the laws imposed by former sovereignties remain in force until provision is made for their government either by the Crown (which has full power of legislation for such Colonies, generally exercised by Order in Council) or by Parliament. It is,

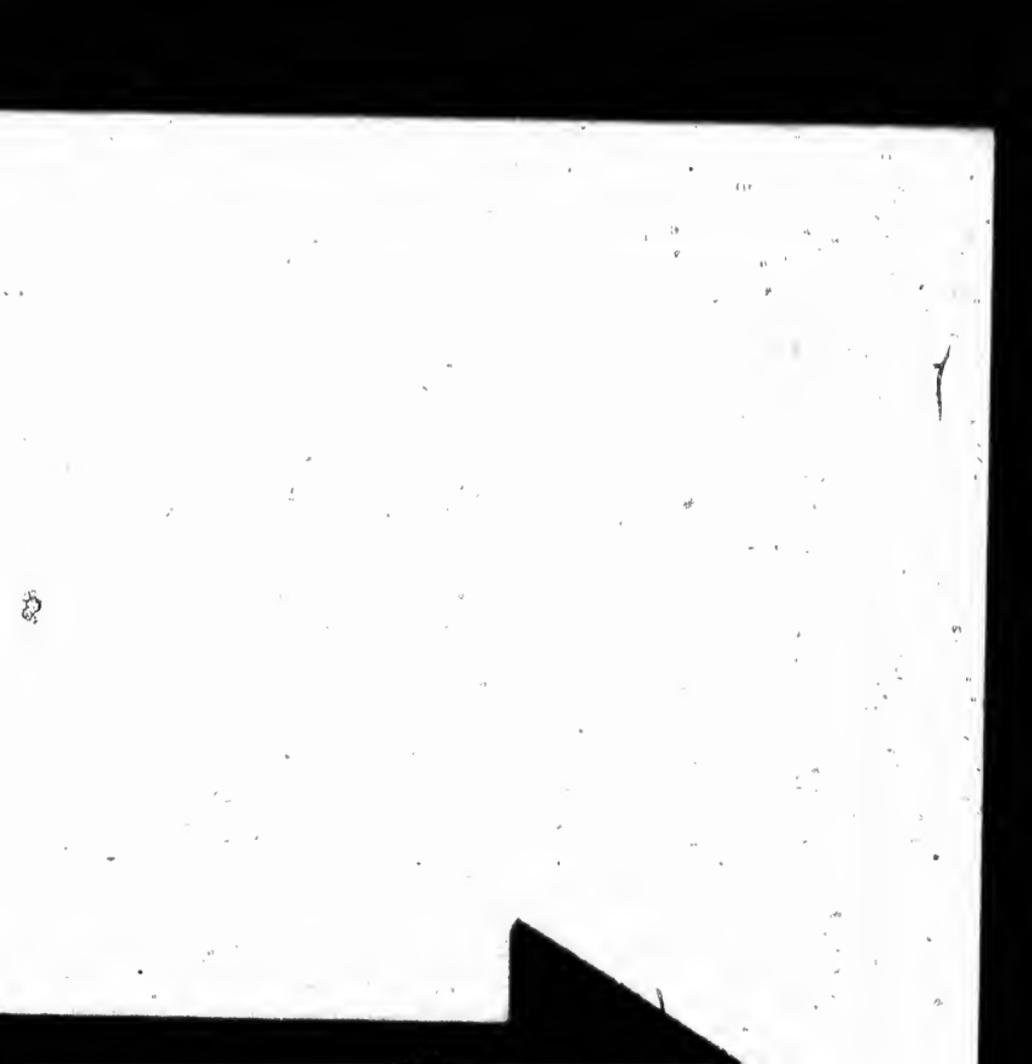
\* 2 Peere Williams, p. 75.

† Cowper's Reports, p. 206.

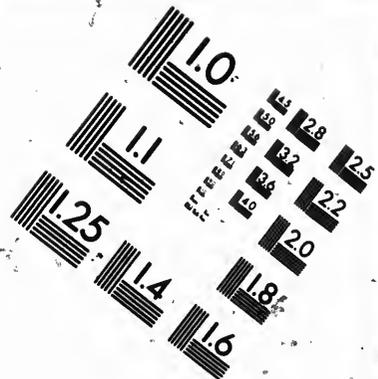
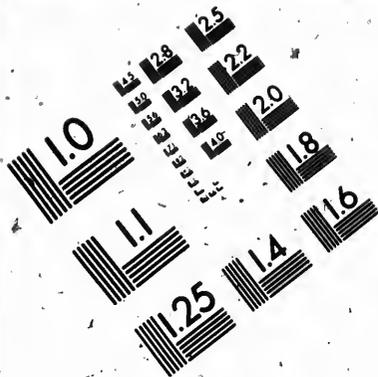




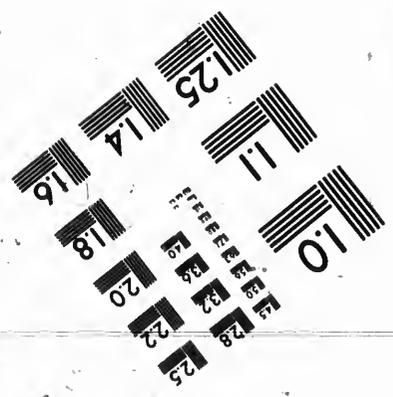
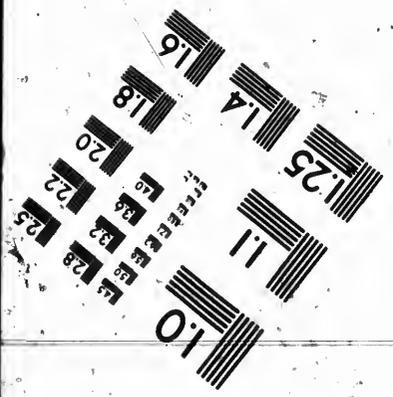
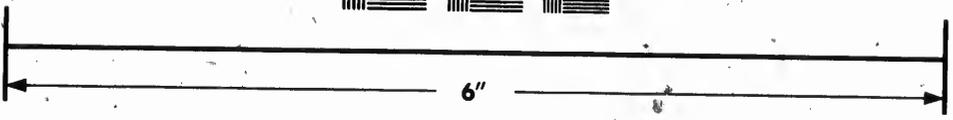
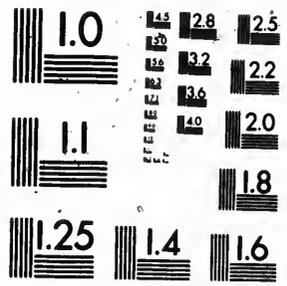








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however, held that when once the Crown has established in a Colony of this description a Legislature with a representative element, its own power to tax and to legislate ceases: a point on which questions of some nicety have arisen, which have never received full decision. If a representative constitution is created in such Colony, it is of course competent to the Legislatures so established to embody the common law and all or any portion of the statute law of England in their own codes, as was done by the Legislature of Antigua in 1705.

The laws of Spain, Holland, and France are still wholly or partially in force in those Colonies which Great Britain has acquired from those powers. The French Code de la Martinique, for instance, in St. Lucia, and part of the feudal laws of France affecting land in Lower Canada; also four of the five branches of the Code Napoleon in the Mauritius; the ancient customs of Normandy, as contained in "Le Grand Coutumier," or in La Somme de Mançel, in the Channel Islands; the Spanish Recopilacion de las Indias in Trinidad; the Roman-Dutch Law of the Seven United Provinces in British Guiana, the Cape of Good Hope, and Ceylon; the old Sicilian laws in Malta; and the Hindoo and Mohammedan laws in British Hindostan. Nor are there wanting instances in which the laws and usages of ceded and conquered territories, though inconsistent with, and even repugnant to, those of the parent State, have been permitted to survive their annexation to the British Empire. Thus, in the celebrated case of General

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Picton, the question was much argued, though not finally decided, whether obtaining evidence by torture was legal in Trinidad; polygamy has been tolerated in Ceylon, the burning of widows in India, and slavery in the American Dependencies.

The powers of the Crown in respect to conquered Dependencies are thus defined by Sir Edward Coke in his report of a case decided in 1609: "If a king come to a Christian kingdom by conquest, seeing that he hath 'vitæ et necis potestatem,' he may, at his pleasure, alter and change the laws of that kingdom." Again, in 1722, in the case above cited,\* it was held by the Lords of the Privy Council that "where the King of England conquers a country, the conqueror, by saving the lives of the people conquered, gains a right and property in such people, in consequence of which he may impose on them what laws he pleases." Again, in 1774, Lord Mansfield's judgment in *Campbell v. Hall*,† which was a case involving the claim of the Crown to the four and a half per cent. duties on exports from Grenada, affirms the same proposition, with this modification: that "if the King (and, when I say the King, I always mean the King without the concurrence of Parliament) has a power to alter the old, and introduce new, laws in a conquered country, this legislation being subordinate to his own authority in Parliament, he cannot make any new change contrary to fundamental principles—that is to say, he cannot exempt an inhabitant of such conquered

\* *Supra*, p. 18.

† *Supra*, p. 19.

country from the power of Parliament, or give them privileges exclusive of his other subjects."

The maxims here laid down as to the royal prerogative in providing for the government of conquered countries have been uniformly applied to those ceded by treaties to the British Crown, unless the right be restricted by compact with the ceding party; and it is an essential element of this rule that the articles of peace by which a country is ceded are sacred and inviolable, according to their true intent and meaning.

To recognise, remodel, or altogether to supersede the existing laws of conquered and ceded Dependencies, though no longer asserted in the arbitrary language of our ancient lawyers, is still deemed the prerogative of the Crown; while, on the other hand, the exercise of the same powers, in respect of Dependencies acquired by the occupation of vacant territory, is still in theory and in practice the prerogative of Parliament.

Existing constitutions of the British dependencies:

1. Those possessing representative institutions under grant from the Crown.

The Dependencies may, therefore, be divided, as regards their political institutions, into three classes; although such is the great variety of our system, both as to its origin and its practice, that a much more minute classification would be required to exhaust the subject.

1. Dependencies possessing representative institutions under grant from the Crown, usually by commission, sometimes by Order in Council or charter. To this class belong Jamaica and all the older, or British West-Indian Colonies; all the North-Ameri-

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can Colonies (except Canada and Newfoundland), the Cape of Good Hope, and Malta, where a certain number of elective representatives have recently been added to the Council by charter.

2. Dependencies obtained by conquest, for which the Crown retains the power of legislation, and which are popularly termed "Crown Colonies." They are now reduced in number to the following: Gibraltar, Heligoland, Labuan, Ceylon, Mauritius, Natal, British Kafaria, Trinidad, St. Lucia.

2. Those for which the Crown retains the power of legislation.

British Guiana, with its very peculiar institutions, seems to hold an intermediate position.

In most of these Dependencies, the ordinary functions of legislation are vested in Councils nominated by the Crown; but the Crown retains the concurrent and paramount power of legislation in itself.

3. Dependencies of which the constitution has been established by Act of Parliament. The aid of Parliament has been requisite in some cases to give representative institutions where former Acts, or other obstacles, stood in the way; in other cases to establish Crown or nominated Councils where thought expedient. To the first division belong Canada,\* Newfoundland, the Australian Colonies generally, and New Zealand; to the latter, Western Australia, the settlements on the west coast of Africa, St. Helena, Hong Kong, the Falkland Islands, and the territories of the East India Company.

3. Those of which the constitutions have been established by Act of Parliament.

\* The religious rights which by the terms of capitulation were reserved to Canada could only be legally and effectually guaranteed by an Act of the Imperial Parliament,

With respect to the more numerous and important class of Dependencies which possess representative institutions, the constitutions, whether established by the Crown or Parliament, have been framed generally on the model of that of the parent State.\*

The Governor, Legislative Council, and House of Assembly, have respectively represented, in theory at least, the Sovereign, Lords, and Commons of the Imperial Parliament. It is remarkable that, with the exception of military garrisons and colonies vested in chartered companies, this threefold form of government was, until the commencement of the present century, the uniform type of a colonial constitution.

The powers vested in its Three Estates respectively remain to be considered.

Powers of  
Colonial  
Governors.

In every British Dependency, the personal authority of the Sovereign is represented and executed by the Governor, who is uniformly appointed by Royal Commission. And with respect to this prerogative, the expediency of which has been recently called in question, it is not unimportant to observe that even over the ancient proprietary colonies of North America, sometimes cited as precedents for the elective system, a royal veto on the appointment of Governors was specially reserved. By statute 7 & 8 Wm. III. cap. 22, s. 16 (passed in 1696), it was provided "that all Governors nominated and appointed by the proprietors of any islands or tracts of land on the

\* In some instances, as in the Australian Colonies, the establishment of a threefold form of government has been preceded by that of a single legislative chamber, composed partly of elected members, and partly of nominees.

continent of America, who shall be entitled to make such nomination, shall be allowed and approved by his Majesty, and shall take the oaths enjoined by this or any other Acts to be taken by the Governors in other his Majesty's colonies, before entering on their respective governments." The Governor of each Dependency is now appointed by her Majesty in Council, his powers being defined by the commission and instructions under which he acts.

In pursuance of a rule first prescribed by Mr. Huskisson, his appointment is usually understood to last for six years.

The Governor has the prerogative of summoning, adjourning, proroguing, and dissolving all legislative assemblies; of veto on all their Bills; of reprieving and pardoning under certain restrictions; of suspending for misconduct all officers, civil, naval, and military, in his colony. The appointment to many salaried offices is vested in him by law in certain Colonies; but on general principle, colonial appointments are vested in the Crown and made by the Secretary of State. It is, however, understood that appointments under £300 a year are left to Governors, while their recommendations are very generally followed as to others. He is custodier of the Public Seal of the Colony. Process is issued by him, and tested in his name. He has the general superintendence of education within his Colony. He appoints, on behalf of the Crown, to ecclesiastical benefices in the Colonies, when these exist. The moneys to be expended for the public service are issued under his warrant.

He is Vice-Admiral within the limits of his government. He is also Captain-General and Commander-in-Chief in all Colonies, except those in which the command of her Majesty's land forces may be specially committed to a military officer of the rank of colonel.

Under the old colonial constitutions, extensive powers of a judicial nature were vested in Governors. They exercised, generally speaking, not only in name, but in fact, the authority of the Court of Chancery, and also of Courts of Error at common law. They also exercised certain branches of ecclesiastical jurisdiction, such as the grant of probates, administrations, and licences for marriage. The chief remains of these old usages are now to be found in the West India Islands; but the powers of most Governors, in these respects, have been so curtailed by modern legislation, that their enumeration is now rather antiquated.

Among the special civil duties imposed on the Governor of each Colony, is the compilation and return to the Colonial Office of specific reports of the civil establishments, revenue, and expenditure of the Colony which he governs. In pursuance of statutes 11 and 12 Wm. III. c. 12, and 42 Geo. III. c. 85, colonial Governors may be tried for misconduct in the Court of Queen's Bench in England.

Powers of  
Executive  
Councils.

The Governors of all the Colonies, with two exceptions, are aided in the discharge of their duties by an Executive or Privy Council, composed ordinarily of a selection from the leading civil officers for the time being. According to the old form of colonial consti-

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tution still subsisting in most of the West India Islands, the "Council," or "Privy Council," is at once the Governor's council of advice, and the legislative council of the Colony. But according to modern practice, in almost all Colonies, even down to the smallest, the two bodies are distinct. The Executive Council is composed of a small number of the principal officials of the settlement, appointed and removable by the Crown. There are many functions which, either by positive law or recognised usage, the Governor is bound to perform, "with the advice of his Council;" such, for instance, as appointment to offices in his gift; suspension and punishment of officers, the introduction of Government measures to the Legislature.

This institution, however, has undergone a change of very great importance in some Colonies, by the establishment of what is popularly termed "responsible government."

In 1838, an attempt was made in Canada to place the Executive Council on the same tenure of responsibility to the Assembly of that province which the British Ministry now occupies in reference to the House of Commons—removable, that is to say, by a vote of censure. In a despatch addressed to Lord Sydenham, and dated October 14, 1839, Lord John Russell, then Secretary of State for the Colonies, thus expressed himself on this subject:—"It appears from Sir George Arthur's despatches, that you may encounter much difficulty in subduing the excitement which prevails on the question of what is called 're-

sponsible government.' I have to instruct you, however, to refuse any explanation which may be construed to imply an acquiescence in the petitions and addresses upon this subject. The power for which a Minister is responsible in England is not his own power, but the power of the Crown, of which he is for the time the organ. It is obvious that the Executive Councillor of a colony is in a situation totally different. The Governor under whom he serves receives his orders from the Crown of England. But can the Colonial Council be the advisers of the Crown of England? Evidently not; for the Crown has other advisers for the same functions, and with superior authority. It may happen, therefore, that the Governor receives, at one and the same time, instructions from the Queen and advice from his Executive Council totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails; if, on the other hand, he is to follow the advice of his Council, he is no longer a subordinate officer, but an independent sovereign."

This despatch was immediately followed by another, bearing date October 16 in the same year, the object of which is stated to be to lay down certain rules applicable to Canada, respecting the tenure on which offices in the gift of the Crown were then held throughout the British Colonies. In this second despatch, Lord John Russell instructs Lord Sydenham that hereafter the tenure of certain enumerated colonial functionaries, being Members of Council and heads of administra-

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tive departments, holding office during her Majesty's pleasure, would not be regarded as equivalent to a tenure during good behaviour; but that such officers would be called upon to retire from the public service "as often as any sufficient motives of public policy might suggest the expediency of that measure." This despatch has been interpreted to sanction the removal, by vote of censure or otherwise, of the members of the Executive Councils whenever unable to command majorities in the Representative Assemblies, and has been thus regarded as the charter of "responsible government," in respect of which Lord John Russell had, two days previously, forbidden Lord Sydenham to grant any explanation which might imply acquiescence. This principle is now not only established and acknowledged in the North-American provinces, but partially introduced in Jamaica, and prospectively adopted throughout the five chief Colonies of the Australasian group.

The Second Estate of our colonial Governments, <sup>Powers of Legislative Councils.</sup> intended by the theory of its constitution to fulfil the functions of the hereditary peerage of Great Britain, is the Legislative Council. This body is ordinarily nominated by the Crown, and consists of a certain number of civil functionaries and a certain number of private colonists, commonly called the "official and non-official members." As legislators, its members act in an upper House. They can originate and reject Bills, or propose amendments, except in cases of Money Bills. The extent of their Parliamentary

privileges is considerable, but hardly admits of legal definition.

The members of the Legislative Council are styled "Honourable" by courtesy, but receive no emoluments. It is said they may be suspended by the Governor for misconduct.\*

Up to the present year (1855) the experiment of an upper Elective Chamber (formed in American constitutions the Senate) has been tried in one Colony only, namely, the Cape of Good Hope, where it was introduced in 1852. But a tendency to this change has for some time existed in other Colonies, and in some it is on the eve of introduction, as will be hereafter more fully noticed.

It may be convenient to state here, that in Crown Colonies the single Legislative Chamber, or Legislative Council, is constructed in precisely the same manner as the Legislative Council in representative Colonies, although its powers and functions are of course widely different.

Powers of  
Representative  
Assemblies.

The Third Estate, or "House of Assembly," is, in those Colonies to which free constitutions have been granted, simply a miniature copy (so far as its organisation is concerned) of the British House of Commons. The Assemblies in the older Colonies were summoned by royal writ, in pursuance of commissions and instructions to Governors, on the principle that the election of representatives is, as Lord Chief Justice Holt expresses it, "an original right,

\* *Vide* Clark's Colonial Law.

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vested in and inseparable from the freehold," neither to be given nor taken away by the Crown or Parliament of the parent State; though, in more recent times, the power of the latter to confer or withhold this privilege has been repeatedly asserted.

The constitution of these Assemblies, both as to qualification of members and electors, and in other particulars, varies in the various Colonies of the empire: certain uniform features, nevertheless, attach to all.

In all, the suffrages of electors are taken by a Crown officer; in all, oaths of allegiance are administered, and the session opened by the representative of the Crown. All elect their Speaker, have power to commit for certain contempts (although the equality of their powers in this respect with those of the House of Commons has been denied), to control public accounts, vote supplies, impose taxes, and frame laws and ordinances. As our older colonial constitutions are of earlier date than the famous standing order of the House of Commons of 1706, "that this House will receive no petition for any sum of money relating to the public service, but what is recommended from the Crown;" they, and indeed many of more recent time, want this important provision, so valuable at once as a check on needless expenditure, and as a support to the Executive. In the West India Islands generally, for instance, any member of the Assembly may initiate a money vote. But in all Acts of Parliament constitutions, and in those recently granted by the Crown, this initiative is carefully preserved to the local government. In Jamaica, the



Assembly has recently parted with this portion of its ancient privileges, from the recognised abuses to which it had led.

The affirmative voice of the people in the colonial Assemblies may be opposed by three negatives—the first vested in the Council, the second in the Governor, and the third in the Crown.

The Assemblies have, with concurrence of the Governor and Council, absolute legislative powers, subject to the Crown's power of disallowance, as hereafter explained; subject also to a provision contained in statute 3 and 4 Wm. IV. cap. 59, s. 56: "that all laws, bye-laws, usages, or customs, which at the time of the passing of this Act, or which hereafter shall be in practice, or endeavoured or pretended to be in force or practice in any of the British possessions in America, which are in any wise repugnant to this Act or to any Act of Parliament made or hereafter to be made in the United Kingdom, so far as such Act shall relate to and mention the said possessions, are and shall be null and void to all intents and purposes whatsoever."\* A provision, as may be easily supposed, not very manageable in practice.

Prerogatives reserved to the Imperial Government in the administration of the Dependencies.

The legislative powers of our colonial Governments having been thus defined, the prerogatives reserved to the parent State, in dealing with the laws passed in the Dependencies, and in the exercise of a general imperial control, remain to be considered. The laws passed in those Dependencies in which representative government exists, are generally called "Acts:" the

\* See also 8 & 9 Vict. cap. 93, s. 63.

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laws passed in those in which it does not exist are called "Ordinances." "Ordinances" are simply confirmed or disallowed by the Crown; the Crown's pleasure being signified by despatch from the Secretary of State.

"Acts," in Colonies under the ordinary constitution, are dealt with by Order in Council, either specially confirming them, leaving them to their operation, or disallowing them. The second is now the ordinary form, and practically amounts to confirmation, there being no instance in modern times of an Act left to its operation, and afterwards disallowed.

But in parliamentary colonial constitutions this course has been considerably varied, generally by leaving the Governor power to give the Crown's assent, thereby superseding the necessity of an Order in Council, except for the purpose of disallowing.

The Crown's power of disallowance, it is commonly said, may be exercised at any time; Acts of Parliament, however, have generally restricted it to a period of two years.

Colonial Acts and Ordinances come into operation on receiving the Governor's assent, unless a different period be specified therein. If the Crown disallow an Act or Ordinance, it becomes of no effect from the date of publication of such disallowance in the Colony; but things done under it while in force remain valid.

They often, however, contain a clause delaying their operation until specially assented to by the Crown, commonly termed a "suspending clause."

Governors are directed by their formal instructions—which, however, have become a little antiquated in this respect, and are not very scrupulously regarded—to require the insertion of this kind of clause in several classes of Acts. And for a similar purpose, in parliamentary colonial constitutions, the Governor is directed to “reserve for the Crown’s assent” such Acts as he may, in his discretion, think proper, instead of either assenting to or negating them.

Under an Order in Council of January 15, 1800, Acts passed with a suspending clause become absolutely extinct unless they receive the royal assent within three years.

(1.) In respect of the confirmation or disallowance of colonial Acts and Ordinances.

The will of the Imperial Government in respect to colonial laws is carried out by the following process. These laws having been transmitted by the several colonial Governments to the Secretary of State for the Colonies, are by his direction first considered in his department to obtain an opinion on them in point of law. Such as are passed in Colonies under the ordinary constitution are then forwarded to the Clerk of the Privy Council, and are thus submitted to her Majesty, who thereupon, in pursuance of Order in Council of May 30, 1828, orders a reference to be made to the Committee for Trade and Plantations, the origin and history of which has been already explained, and which is now commonly known as the “Board of Trade.” The Secretary of State for the Colonies being himself a member of the Board, communicates with the President of the Council by means of minutes, pointing out, in the first instance, the Acts

which appear to him to require the peculiar attention of the Board, or which should be referred for the opinion of any other department of the Government—most frequently the Treasury. Those Acts which do not appear to him to fall within the peculiar province of the Committee for Trade, are recommended to be confirmed, disallowed, or left to their operation, as the case may require, which recommendation is, as a matter of course, complied with; but all colonial Acts requiring to be confirmed or left to their operation by the Crown must receive the formal sanction of the Committee for Trade; and private Acts, and others presenting points of novelty, difficulty, or importance are ordinarily referred to the law officers of the Crown.

The Ordinances of the "Crown Colonies" do not come necessarily before the Board; but such of them as relate to matters of trade are usually referred to it either directly by the Secretary of State, or by the Lords of the Treasury, where a reference has been made to their department in the first instance.

Out of a total number of 9626 statutes passed in the American Dependencies, including the British Antilles, during a period of twenty years from 1823 to 1853, no less than 8808 statutes were left to their operation; nor is it unworthy of remark and reflection, on the part of those who ascribe every political disaster in our Dependencies to the obstructions and interventions of the Home Government, that the total number of disallowed Acts, during the twenty years above-mentioned, did not exceed 185—

a very minute proportion, it must be admitted, to the vast mass of legislative enactments remitted, during that period, from that portion of her Majesty's Dependencies, for the exercise of an unquestioned Imperial Prerogative.

By the occasional practice of the Colonial Office, laws framed in the Dependencies, which, for some defect in form or substance, might otherwise require to be disallowed, are remitted to the Colony from whence they came, accompanied by a despatch suggesting modification or abandonment, and are thus withdrawn from royal cognizance altogether.

(2.) Imperial prerogatives in respect of territorial revenues in the Dependencies.

We have hitherto reviewed those prerogatives of the Crown which appertain to the rejection or allowance of colonial Acts and Ordinances, and the appointment, suspension, or removal of the chief colonial functionaries. There are, however, certain elements of government which are, or have been, deemed the subjects of exclusive imperial authority, altogether removed from the cognizance of the subordinate Legislatures.

The first of these which requires a distinct and separate notice,—not so much on account of its present importance as because its gradual relinquishment throughout those Dependencies which possess representative constitutions affords the most remarkable token of the progress of colonial freedom,—is the management and alienation of Crown lands in the Colonies.

In the first age of British colonisation, every continent and island on which the flag of England was

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planted was deemed at once to become a portion of the royal domain. Empires whose only landmarks were the parallels and meridians which were supposed to be their limits, were granted to enterprising navigators or needy courtiers by the Princes during whose reigns they were discovered. In some instances conditions were attached to the grant; but, for the most part, these gifts, being supposed to be valueless, were free, minerals only being reserved to the Crown. And even after the geographical boundaries of the various remote Dependencies had been ascertained, and a system of survey had been commenced, that of free grants of colonial territory continued. Vast tracts in British North America were thus lavished on refugees from the revolted provinces, whom it was thus deemed politic to loyalise. In the course of seven years from the first settlement of Western Australia more than a million and a half of acres were given away, and before the close of 1831 more than three million acres had been granted to free settlers and emancipists in New South Wales. Chartered Associations, incorporated for special purposes of trade, as the Hudson's Bay and East India Companies, had long acquired territorial rights; and early in the present century land companies became favoured instruments for the sale and settlement of colonial territory. It is through such agencies that in Canada, Nova-Scotia, New Brunswick, Australia, and New Zealand the functions of Government in this behalf have been chiefly exercised. Probably, not less than two-thirds of the surveyed and available

soil in the British Colonies has passed through the hands of such associations.

Systems of public sales of Crown lands, generally by auction, at advertised prices, were afterwards introduced into various Colonies under instructions from the Home Government. In 1831, in pursuance of a scheme suggested three years before by Mr. Huskisson, a system of land sales and pasture licences of Crown lands, in blocks of one square mile, or 640 acres, was introduced into the Australian Colonies. The proceeds of land sales were in this year (1831) first applied to the purposes of Immigration, at the suggestion of Lord Howick. In 1835, ten Colonisation Commissioners were appointed by royal warrant, in pursuance of statute 4 and 5 Wm. IV., cap. 95, passed in the previous year, and reciting in its preamble that "it was expedient that provision should be made for an uniform system of disposing of the land in South Australia." In 1837, this Commission was reappointed, and in the same year a new functionary was added to the Colonial Office staff, for the purpose of regulating the application of the proceeds of the land sales in the same Colony to the importation of labour. It was not, however, until 1840 that the Administration of Colonial Crown lands was fully organised. By warrant, under the royal sign manual dated January 10, 1840, three Commissioners, who are in the nature of an ancillary board to the Colonial Office, were appointed, and styled "Colonial Land and Emigration Commissioners." The instructions of Lord John Russell,

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then Secretary for the Colonies, accompanying the Commission, and dated January 14, 1840, defined their duties as fourfold:—

1. The sale of waste lands in the colonies.
2. The application of the proceeds of sales to the removal of emigrants.
3. The collection and diffusion of accurate statistical information.
4. The rendering half-yearly reports of the administration of their trust.\*

The Colonies deemed within the scope of this Commission (which has since been renewed in 1843, 1846, and 1847 successively) were as follows:— British Guiana, Trinidad, St. Lucia, Grenada, Dominica, Bahamas, Bermudas, Mauritius, the Cape of Good Hope, Ceylon, Van Dieman's Land, Australia, and New Zealand. In the remaining Dependencies, the demesne lands of the Crown had been either already alienated or surrendered to the control of the Provincial Legislatures. The authorities conferred on the Commissioners did not, however, interfere with those included in the commissions and instructions to such Governors of the British Colonies as might be empowered to convey and make contracts for the sale of the unalienated waste lands of the Crown within the limits of their respective governments. One of the most important functions of the Board has been the application of the land or other revenues of certain Colonies (requiring free labour to

\* As an Emigration Board, the Commissioners have also other important functions with which we are not here concerned.

supply the place of their emancipated slaves) to a species of inter-colonial immigration, by virtue of which Indian Coolies and liberated Africans have been imported in large numbers into Mauritius, Guiana, and some of the Antilles. It has, however, been chiefly in the Australian Dependencies, where by far the largest proportion of available Crown land existed, that the authority of the Imperial Government, either through the Board or otherwise, has been exercised.

In 1842, by statute 5 and 6 Vict. cap. 36, the Governors of the five Australian Colonies, including New Zealand and Van Dieman's Land, were empowered to survey and sell at quarterly auctions, at a minimum upset price of £1 per acre, all waste lands therein, the proceeds to be applied to the public service of each Colony, and one moiety thereof to the importation of labourers to those Colonies from the United Kingdom. Depositors of sums not less than £100 each were also enabled to purchase land in the Colonies by means of certificates to be presented to the Governor of the Colony where the purchase was made. By section 17 of that Act, the system of granting pasture and timber licences in those Colonies (first introduced in 1831 by Lord Ripon) received the sanction of Parliament, and was carried out under the provision of local Acts, Ordinances, and regulations prescribing the amounts of licence-fees and taxes on stock framed from time to time according to the peculiar circumstances of the Colonies to which they applied.

\* See  
of March

In 1845, by statute 8 and 9 Vict. cap. 95, Van Dieman's Land was, for special reasons therein recited, exempted from the operations of the last-mentioned Act. In 1846, by statute 9 and 10 Vict. cap. 104, her Majesty was empowered to grant leases and pasture licences of the Crown lands in New South Wales, South Australia, and Western Australia (New Zealand being specially exempted), and to issue regulations respecting the occupation of such lands. And, by Orders in Council\* framed under the powers given by the last-mentioned Act, rules for the occupation of such lands, under certain classes of districts, were established in those Colonies, and detailed regulations were promulgated by the Governors accordingly.

In 1846, regulations were issued in New South Wales, dated October 9, for the payment or redemption of all quit-rents due to the Crown, in respect of ancient grants made before the system of sales was introduced, and these quit-rents have since formed an item in the territorial revenue of New South Wales. The chief elements of this revenue have, however, consisted, in the Australian Colonies, of the proceeds of sales, leases, and pasture-licences, and, in the other Dependencies, of such dispositions of the Crown lands as might be effected by their respective Governors, or by corporate bodies sanctioned by Parliament.

The powers hitherto reserved by the Imperial Government over the colonial domain include, how-

\* See Order in Council of March 9, 1846, and Regulation of March 29, 1846, for New South Wales.

Imperial rights in respect of minerals in the Dependencies.

ever, one class of subject-matter which recent circumstances have rendered so important as to require a distinct and separate review. The ancient reservation of mineral rights to the Crown in all grants of land was a practice borrowed, perhaps, from the uniform usage of those European nations which had preceded us in the path of colonisation; and even after the policy which may have originally dictated this reservation was abandoned, the prerogative was still formally retained.

In the "Regulations for Granting Lands in British North America," inclosed in a despatch from Viscount Goderich to Lord Aylmer, and dated March 7, 1831, it is expressly stated that "the Crown reserves to itself all mines of precious metals." It does not appear, however, that any case arose for the exercise of this right; and on the appointment of the Colonial Land Commissioners in 1840 the reservation of mineral rights to the Crown was practically surrendered, and, on all alienations then made, all minerals beneath the surface were deemed to be conveyed to the purchaser of the soil. It was not until 1844 that the discovery of considerable mineral resources in South Australia led to the revival of a dormant claim on the part of the Crown to certain reservations in respect of such mineral resources then or thereafter to be developed.

In pursuance of a report of the Colonial Land Commissioners, dated May 14, 1844, and of instructions from the Colonial Office based on that report, regulations were framed in South Australia, and subse-

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quently sanctioned by the Home Government, reserving a royalty of one-fifteenth on all metals and ores of metal thereafter to be found in or upon the Crown lands in that Colony. It does not appear that these regulations were ever acted upon; and in the Commissioners' Report of May 17, 1848, it is stated that "the Crown dues on minerals have not been worth the trouble and expense of collecting." The discovery of gold in New South Wales in 1851 led to the re-assertion of this claim. By proclamation dated May 22 in that year, the rights of the Crown in respect of all gold found on or in the territory of New South Wales is formally declared; and on the subsequent discovery of the same metal in other districts of Australia a system was established by the local Governments of licences to search for alluvial gold on Crown lands and on private lands, granted and renewed on certain monthly payments, and of licences to search for matrix gold on bonds from the licensees for payment of royalties in respect of all gold discovered in the district to which the licences applied. This system has, with various modifications from time to time, been established in South Australia; and in that portion of New South Wales which now forms the Colony of Victoria various local acts have been passed, the latest of which received the royal assent December 1, 1853, for the management of the gold fields in that Colony. By order in Council, dated June 13, 1853, regulations were established for the demise of lands in the Colony of South Australia, supposed to contain minerals not auriferous, for terms

of fourteen years, at certain fixed terms therein prescribed.

It will be observed that the statutes and public documents above cited, in which the claims of the Crown to mineral reservations are from time to time asserted, have reference only to the Australian Colonies. The same principles must, however, in the absence of express provisions to the contrary, be presumed to extend to all or any of the British Dependencies whose mineral resources may now, or hereafter, be discovered and developed. In the Cape Colony, for instance, regulations on the same subject were promulgated September 13, 1853, asserting the same rights.

The royal prerogative, in respect of the sale, lease, or other disposition of the colonial Crown lands, and the proceeds of mineral licences and royalties, has, however, been simply administrative, and has yielded no returns to the Imperial Treasury. The territorial revenue, whether arising from the sale or lease of lands, or from licences to depasture stock, to fell timber, or to search for minerals, has always been deemed applicable to the public service of the respective territories yielding those proceeds; subject in each case to the expenses of survey, management, and sale, as a primary charge on those revenues; and in the case of the Australian Colonies (as provided by sec. 19 of the "Land Sales Act" of 1842), to the reservation of one moiety of such revenues to the transport of immigrants to these colonies from the United Kingdom. By statute 15 and 16 Vict. cap.

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72, sec. 72, which received the royal assent June 30th, 1852, the Home Government renounced in favour of the Provincial Parliament created by that Act, all future control over the territorial revenues of New Zealand; and in the same year all doubts as to the power of the Imperial Parliament to dedicate these funds to colonial purposes in all the Dependencies were removed by statute 15 and 16 Vict. cap. 39, which specially provides that the proceeds of waste lands in the Colonies shall not be deemed part of the casual territorial revenues of the Crown. At the close of the same year, by a despatch, dated December 15, 1852, and addressed by the then Secretary of State for the Colonies (Sir John Pakington) to the Governors of New South Wales, Victoria, South Australia, and Van Dieman's Land, it was proposed, on certain conditions therein prescribed, to repeal all the existing Land Sales Acts, by which powers were reserved to the Crown, and to surrender the land revenues in those colonies to the Provincial Legislatures. When the measures thus initiated shall have been carried out, the renunciation of this branch of the royal prerogative, in respect of British Australasia, will be complete. In the European Dependencies no subject-matter for its exercise remains. In the North-American provinces it has been long relinquished. In the Antilles, with the exception of some tracts of unalienated lands in the Bahamas and Trinidad, the territories of the Crown have been appropriated. Ceylon and Labuan are probably the only Asiatic Colonies in which unsold lands, available for settle-



ment, exist. These, in respect to the former, have been, since 1848, too insignificant to form the subject of a report to the Home Government, while the territories of British India are removed from its direct control. In Southern Africa alone any considerable area remains unalienated, and still subject to the disposition of the Crown. But here, as elsewhere, the mere administrative control reserved to the agents of the Home Government is a barren right, which may be unpopular, and must be unprofitable; and should its renunciation be, at any period, regarded as a boon or demanded as a right, by the Provincial Parliaments at the Cape Colony, or elsewhere, it may fairly be anticipated that it will be conceded, and that the burden and responsibility of administering their national estates will, through all the Dependencies of the British Empire, be cast on those communities whose freedom from imperial intervention in the practical ownership and enjoyment of their soil has been so long and so universally acknowledged.

"If we recognise the principle that colonists should govern themselves, except in those particulars where the exercise of self-government would necessarily clash with Imperial Sovereignty, this (the control over their territorial revenues) is one of the functions which should seem in theory more peculiarly fit to be exercised by the colonial, not the imperial, authorities."\*

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Prerogative of

There is a yet unquestioned element of imperial

\* Lectures on Colonies and Colonization, by Herman Merivale, Esq., p. 91, Lect. xv., ed. 1842.

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power in the government of our Dependencies which remains to be considered. I allude to the judicial prerogative of the Queen. The right of determining in the last resort all controversies between the citizens of a State has always been considered at once the best evidence and the firmest safeguard of sovereign power. Appellate jurisdiction, in all causes arising throughout the British Dependencies, has been exercised uniformly and universally, and is still an undisputed prerogative of the British Crown. It has been thought that the right claimed and exercised by the Sovereigns of England, of deciding appeals from the Channel Islands which the Dukes of Normandy formerly determined is the basis on which the appellate jurisdiction of the Privy Council in all colonial causes is founded. A submission to one common appeal, in the last resort, would, however, appear to be a natural consequence of the adoption of local systems of jurisprudence, which, notwithstanding the varieties in written laws, will be found, on examination, to possess certain uniform features throughout the British Empire. The Courts of Justice in the Dependencies, whose functions and jurisdiction are defined by the terms of each Royal Commission, and by Imperial Acts extending to them, are generally a Court of Chancery, a Superior Common Law Court, uniting the jurisdiction of the Queen's Bench and Common Pleas in England; a Court of Ordinary; a Court of Admiralty; a Court for the administration of criminal justice, frequently called a "Court of Grand Session;" and a Court of Error. The right

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of appeal from Colonial Courts of Error has been defined by instructions to the Governors of the various Colonies, and has been limited ordinarily to cases where the subject in dispute has been certified to exceed a certain amount, varying from £200 to £1,000, but in most cases fixed at £500.

The present course of proceeding in appeals from the Dependencies was regulated in 1833, by statute 3 and 4 William IV. cap. 41. By this Act a Committee of the Privy Council is constituted, under the style of the "Judicial Committee," consisting of the following members:—the President for the time being, the Lord Chancellor, and such Privy Counsellors as shall, from time to time, hold any of the following offices—Lord Keeper of the Great Seal, the Chief Justices of the King's Bench and Common Pleas, the Chief Baron of the Exchequer, the Master of the Rolls, the Vice-Chancellor and the Judges of the Prerogative and Admiralty Courts. This Committee, of which four form a quorum, is empowered to hear and report to her Majesty on all appeals brought from the Colonies, and from the Courts at the East-Indian presidencies in the form prescribed.

Imperial control over the Foreign relations of the Dependencies.

The remaining evidences of imperial power presented by the existing Government of the British Dependencies may be readily enumerated. They comprehend all questions involving the relations of those Dependencies, and, consequently, of Great Britain herself, with foreign States; the formation of treaties and alliances, the naturalisation of aliens, the declaration of war or peace, and, by consequence, all naval and

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military regulations. The external relations of every British province, however free may be the form of each subordinate Government, are, for obvious reasons, reserved for the arbitrament of the parent State. The fullest conceivable development of the principles of self-government, and as a natural result of those of self-defence, as applied to our Dependencies, can never conflict with this prerogative, essential as it is not only to the harmonious action, but to the very political existence of a detached and fragmentary empire.\*

\* In two Bills framed in 1853 by the Legislative Councils of New South Wales and Victoria, remodelling the constitutions of those Colonies, clauses were inserted defining "Imperial subjects," and empowering the governors to reserve Bills affecting such matters for the royal pleasure; these clauses were, however, deemed to involve an unconstitutional interference with Imperial authority, and were accordingly omitted from the Acts, as finally adopted by the Home Government, and assented to by the Queen.

ORDERS IN COUNCIL RELATING TO THE BRITISH  
DEPENDENCIES GENERALLY.

Year.	Orders in Council.
1660	July 4. Appointing a Committee to deliberate and report on all matters relating to the Plantations in the islands and continent of America.
1676	April 28. Directing Attorney-General to prepare a form of oath to be taken by the governors of his Majesty's Plantations.
1679	April 25. Ordaining that all clergymen sent as chaplains to his Majesty's Plantations shall retain their fellowships during absence.
1681	July 28. Prohibiting all governors of his Majesty's Plantations beyond seas, also of Guernsey and Jersey, to leave their respective governments without licence first obtained from his Majesty in Council.
1699	November 2. Ordering returns of all governors of Plantations, who have been appointed by the proprietors, and not approved by his Majesty.
1726	August 9. For passing a Commission empowering the Bishop of London to exercise spiritual jurisdiction in the Plantations, and appointing a Court of Appeal from any sentences that shall be given under this Commission.
1732	May 4. Forbidding all governors of his Majesty's Plantations from assenting to any laws whereby the inhabitants there may be placed on a more advantageous footing than those of Great Britain.
—	October 9. Directing the Board of Trade and Plantations to write circular letters to the governors of all his Majesty's Plantations, ordering the transmission of accounts and financial reports.
1735	June 18. Directing the Board of Trade and Plantations to make abstracts of all papers relating to the British Colonies, beginning with Jamaica.
1752	March 11. Approving instructions to the governors of his Majesty's Plantations, directing them to revise and transmit copies of their laws to the Board of Trade and Plantations.
1766	September 20. Approving instructions to the governors of his Majesty's Plantations, directing them to correspond with the Secretary of State, and not with the Board of Trade.

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Year.	Orders in Council.
1769	April 21. Approving circular instructions to the governors of his Majesty's Plantations, forbidding them to assent to Acts for raising money by way of lottery, unless first transmitted for his Majesty's approbation.
1771	June 7. Ordering Secretary of State to receive his Majesty's pleasure for inserting in all future commissions to governors of Colonies a clause authorising them to issue commissions for the care and custody of lunatics, the said order to be also communicated to the Board of Trade.
1774	February 2. Approving Report of Committee on drafts of instructions to the governors of his Majesty's Plantations relative to granting lands.
1782	September 11. Approving circular instructions to the governors of his Majesty's Plantations, directing them to transmit those duplicates of returns and accounts formerly sent to the Board of Trade, to the Committee of Council for Plantations, and directing that, in pursuance of a statute passed for that purpose, all Patent Offices shall be held only during good behaviour in the Colonies.
—	September 27. Approving circular instructions to governors of his Majesty's Plantations, directing them to conform to the provisions of two Acts of 4 & 13 Geo. III., for restraining the issue of paper bills of credit in the Colonies.
1784	March 5. Appointing a Committee for the consideration of all matters relating to Trade and Foreign Plantations.
1786	August 22. Appointing and new a more numerous Committee for Trade and Foreign Plantations.
—	August 25. Approving report as to the establishment and necessary attendants for the service of the Committee for Trade and Plantations.
1787	April 4. For regulating the trade between Great Britain and his Majesty's Colonies in America, and the West Indies and the United States.
1800	January 15. Declaring that, in cases where his Majesty's confirmation shall be necessary to give validity and effect to any Act passed by the Legislature of any of his Majesty's Colonies or Plantations, unless his Majesty's confirmation thereof shall be obtained within three years from the passing such Act in

## ORDERS IN COUNCIL RELATING

Year.	Orders in Council.
	any of the said Colonies, such Act shall be considered as disallowed.
1822	March 28. Approving report of Committee for Trade and Plantations respecting the revision of salaries, and of the establishment of the Committee.
1826	December 16. For amending an Order of June 1, 1826, regulating the trade of the British possessions abroad.
1827	July 16. Specifying the countries which are entitled to carry on trade with his Majesty's possessions abroad, under the provisions of the laws now in force.
—	November 16. For the suppression of piracy, and the more effectual protection of the trade and commerce of his Majesty's subjects in the Mediterranean.
1828	May 30. Directing that all Colonial Acts transmitted to the Lord President should be referred by their Lordships to the Committee for Trade and Plantations.
1829	January 15. For giving effect to certain Letters Patent in the Colonies named in the Order, wherein the law of England in that behalf is not in force.
1830	July 24. Re-appointing certain Privy Councillors members of the Trade and Plantations Committee.
1833	April 3. Providing for the Colonial Office Establishment.
—	October 16. Referring all pending appeals from the Plantations to the Judicial Committee of the Privy Council.
1834	April 17. For gazetting general rules framed by Commissioners appointed by his Majesty under the authority of 3 & 4 Wm. IV. cap. 73., for the abolition of slavery throughout the British Colonies.
—	October 1. For approving of an oath to be taken by the governors of his Majesty's Colonies in lieu of the oath heretofore taken.
1836	October 5. For regulating the terms on which appeals to his Majesty in Council from the awards of the Commissioners of Compensation are to be allowed under statute 3 & 4 Wm. IV. cap. 73.
1840	May 22. For determining the places to which convicts may be transported from the United Kingdom,

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TO THE BRITISH DEPENDENCIES.

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Year.	Orders in Council.
	and from the Colonies; from and after August 1 next.
1842	January 4. For extending to all the Colonies such of the provisions of Order of April 7, 1838, as relate to condemned or forfeited slaves.
1854	April 7. For extending through her Majesty's Indian territories and foreign or colonial possessions, the indulgence which has been granted to Russian vessels under Order of March 29, 1854.

ACTS OF THE IMPERIAL PARLIAMENT RELATING TO THE BRITISH DEPENDENCIES GENERALLY.

Royal Assent.	<i>*** Statutes extending to more than one of the five groups of Dependencies are inserted in this abstract.</i>
1782	22 Geo. III. cap. 75.—An Act to prevent the granting in future any patent office to be exercised in any Colony or Plantation now or at any time hereafter belonging to the Crown of Great Britain, for any longer time than so long as the grantee thereof or the person appointed thereto, shall discharge the duty thereof in person, and behave well therein (amended by 54 Geo. III. cap. 61).
1803	(August 12.) 43 Geo. III. cap. 160.—An Act for the encouragement of seamen, and for the better and more effectually manning his Majesty's navy; and for making provision for the salaries of judges of Vice-Admiralty Courts at Malta, the Bermudas, and Bahamas (amended by 45 Geo. III. cap. 72).
1814	(July 27.) 54 Geo. III. cap. 142.—An Act to permit the exportation of Tea to the British Colonies in America, Europe, and Africa, free of duty. (July 30.) 54 Geo. III. cap. 184.—An Act for the effectual examination of accounts of the receipt and expenditure of colonial revenues at Ceylon, Mauritius, Malta, Trinidad, and at the Cape of Good Hope (continued by 59 Geo. III. cap. 67, and 1 Geo. IV. cap. 65).
1817	(June 27.) 57 Geo. III. cap. 53.—An Act for the

## IMPERIAL ACTS RELATING TO

Royal Assent.	Acts of Parliament.	Royal Assent.
	more effectual punishment in his Majesty's Plantations of offences committed in places without the dominions of Great Britain (amended by 59 Geo. III. cap. 44).	1840
1819	(July 2.) 59 Geo. III. cap. 60.—An Act to permit the Archbishops of Canterbury and York, and the Bishop of London, for the time being to admit persons into holy orders specially for the Colonies.	1843
—	(July 12.) 59 Geo. III. cap. 120.—An Act for establishing a registry of colonial slaves in Great Britain, and for making further provisions as to the removal of slaves from the British Colonies.	—
1821	(July 11.) 1 & 2 Geo. IV. cap. 121.—An Act for the effectual examination of certain colonial revenues.	1844
1824	(June 24.) 5 Geo. IV. cap. 113.—An Act to amend and consolidate the laws relating to the abolition of the slave trade.	—
1826	(May 26.) 7 Geo. IV. cap. 48 (ss. 43-9).—An Act to alter and amend the several laws relating to Customs duties on colonial produce.	1845
1830	(December 23.) 1 Wm. IV. cap. 4.—An Act to render valid acts done by the governor of any of his Majesty's Plantations after the expiration of his commission, and to extend the periods within which the patents of governors of Colonies shall, on any future demise of the Crown, become vacant, and to provide for the longer duration of such patents.	1848
1832	(April 9.) 2 Wm. IV. cap. 26.—An Act to authorise the Commissioners for auditing the public accounts of Great Britain, to examine and audit accounts of the receipt and expenditure of colonial revenues.	1849
1833	(August 28.) 3 & 4 Wm. IV. cap. 73.—An Act for the abolition of slavery throughout the British Colonies, for promoting the industry of the manumitted slaves, and for compensating the persons hitherto entitled to the services of such slaves.	—
1836	(July 4.) 6 & 7 Wm. IV. cap. 26.—An Act for granting to his Majesty certain duties on sugar imported into the United Kingdom, for the service of the year 1836 (continued by 1 & 2 Vict. cap. 33, 2 & 3 Vict. cap. 21, 3 & 4 Vict. cap. 23, and 9 & 10 Vict. cap. 63, and repealed by 11 & 12 Vict. cap. 97).	1852

Royal Assent.	Acts of Parliament.
1840	(August 10.) 3 & 4 Vict. cap. 96 (s. 6).—An Act for the regulation of postage duties (colonial).
1842	(April 29.) 5 & 6 Vict. cap. 14.—An Act to amend the laws for the importation of corn.
—	(August 22.) 5 & 6 Vict. cap. 107.—An Act for regulating the carriage of passengers in merchant vessels to her Majesty's Colonies and elsewhere.
1843	(May 31.) 6 & 7 Vict. cap. 22.—An Act to authorise the Legislatures of certain of her Majesty's Colonies to pass laws for the admission of unworn testimony in certain civil and criminal proceedings.
—	(July 28.) 6 & 7 Vict. cap. 34.—An Act for the better apprehension of offenders escaping to or from the Colonies.
1844	(July 29.) 7 & 8 Vict. cap. 49.—An Act for the better regulation of colonial posts.
—	(September 5.) 7 & 8 Vict. cap. 112 (s. 61).—An Act to amend and consolidate the laws relating to merchant seamen.
1845	(August 4.) 8 & 9 Vict. cap. 89 (ss. 3-6).—An Act for registering British vessels.
—	(August 4.) 8 & 9 Vict. cap. 90 (ss. 13, 14, 18, and 19).—An Act for granting duties of Customs.
—	(August 4.) 8 & 9 Vict. cap. 93.—An Act to regulate the trade of the British possessions abroad.
1848	(September 4.) 11 & 12 Vict. cap. 97.—An Act to repeal the Customs duties on the importation of sugar, and to impose new duties in lieu thereof.
1849	(June 26.) 12 & 13 Vict. cap. 29.—An Act to amend the laws in force for the encouragement of British shipping and navigation.
—	(July 28.) 12 & 13 Vict. cap. 66.—An Act to empower certain colonial Legislatures to establish inland posts.
—	(August 1.) 12 & 13 Vict. cap. 96.—An Act to provide for the prosecution and trial in the Colonies of offences committed within the jurisdiction of the Admiralty.
1852	(June 30.) 15 & 16 Vict. cap. 52.—An Act to enable colonial and other bishops to perform certain episcopal functions under Commissions from bishops of England and Ireland (extended by 16 & 17 Vict. cap. 49).

## PARLIAMENTARY PAPERS RELATING

Royal Assent.	Acts of Parliament.
1853	(August 4.) 16 & 17 Vict. cap. 48.—An Act for the punishment of offences in the Colonies in relation to the coin.

PARLIAMENTARY REPORTS, ACCOUNTS, AND  
PAPERS RELATING TO THE DEPENDEN-  
CIES GENERALLY.

Year.	Sessional Number.	<i>** Parliamentary documents relating to more than one of the five groups of Dependencies are inserted in this abstract.</i>
1806	206	Papers relating to Trade and Foreign Plantations.
1813-14	87 114 181	Papers relating to appointments to offices in the Colonies. Official papers relating to Roman Catholics in several States of Europe and the British Colonies, and proceedings in Council relating to estates of Jesuits in Canada.
1814-15	137	Return of number of newspapers sent postage free to the Colonies by the Secretary to the Post Office.
	224	Estimates of charge of colonial establishments.
	353	Names of the governors, lieutenant-governors, and officers superintending the government of the several Colonies.
1816	148	Return of the salaries, &c., of officers in the Colonies, so far as relates to the General Post Office.
	216	Return of civil and military offices in the West Indies and the Mauritius, with salaries and emoluments.
1817	129	Return of offices in the Colonies held under the Crown.
	497	Official returns of the value of British colonial trade.
1819	552	Return of coals exported at the public

Year.	Sessional Number.	Parliamentary Reports, &c.
1819-20	85 } 86 }	charge for the service of Government departments in the Colonies. Returns of the civil and military establishments of the West Indies, North America, New South Wales, and Sierra Leone.
1820	62	Statement relating to the audit of colonial accounts.
1821	64	Returns of Colonies in the possession of the United Kingdom.
—	119	Return of British troops stationed at Trinidad, St. Lucien, Tobago, Demerara, Essequibo, Berbice, Malta, Ionian Islands, Ceylon, Mauritius, Cape of Good Hope, Sierra Leone, and Van Diemen's Land.
—	362	Return of colonial troops embodied or disembodied.
—	485	Correspondence respecting the expenses of the military defence of the Colonies in the possession of the United Kingdom.
—	508	Accounts of the Colonies of Ceylon, Mauritius, Trinidad, Cape of Good Hope, Malta, and other places, returned by the Commissioners of the Audit Office.
1822	377	Names of certain colonial officers, and the dates of their appointments.
1823	126	Abstracts of accounts relating to Commissaries in certain Colonies.
—	167	Returns of persons holding office in the Colonies.
—	343	Accounts of receipts and disbursements at Trinidad, Malta, Mauritius, the Cape of Good Hope, and Ceylon.
—	401	Estimates of sums required to facilitate emigration from Ireland to Canada and the Cape of Good Hope; also estimates of sums required in aid of the Society for the Propagation of the Gospel in certain Colonies.
1824	17	Estimate of sum required for certain colonial services.

Year.	Sessional Number.	Parliamentary Reports, &c.
1824	116 } 440 }	Return of persons holding offices, who are not now in the execution of them, in the Colonies.
1825	30	Estimate of the sums required for certain colonial services.
—	131	Estimate of sums required in aid of emigration.
—	363	Persons holding offices in the Colonies, but not in the execution of them.
—	450	Accounts relating to exports to the East Indies, Sierra Leone, Cape of Good Hope, Mauritius, and the Antilles.
1826	156	Estimate of the sums required for certain colonial services.
—	332	Copies of instructions originally given by the Secretary of State to the Commissioners sent out to inquire into the state of the Cape of Good Hope, the West Indies, and Sierra Leone.
—	350	Returns relating to the population of Barbadoes, St. Lucia, and the Cape of Good Hope.
1826-7	87	Abstract of accounts relating to Commissaries on certain colonial stations.
—	160 } 161 }	Estimates of sums required in aid of emigration; and estimates of sums required for certain colonial services.
—	428	Accounts and papers relating to appeals from the Colonies to the Privy Council in each year since 1814.
—	276	Returns of shipping and tonnage entered inwards and cleared outwards between the United Kingdom and the American, African, and Asiatic Dependencies, from 1814 to 1826.
1828	57	Abstract of accounts relating to Commissaries at certain colonial stations.
—	122	Estimate of expense of certain colonial services.
—	191	Schedule to the printed copies of Acts and proceedings of the Legislative Assemblies of certain Colonies.
1829	41	Estimates of the sums required for certain colonial services.

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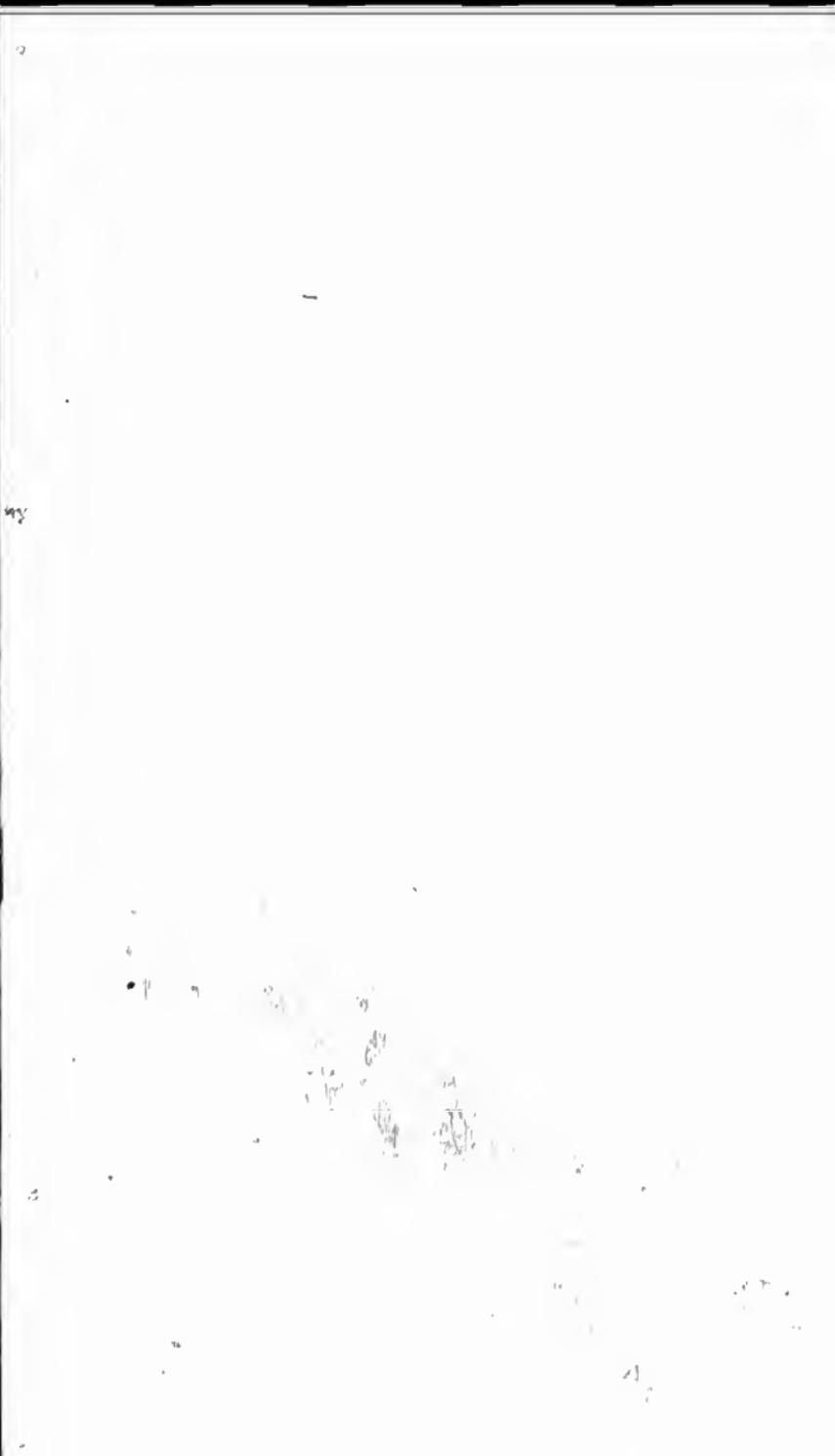
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Year.	Sessional Number.	Parliamentary Reports, &c.
1829	44	Abstracts of accounts relating to Commissaries on certain colonial stations.
1830	89	Estimates of the sums required for certain colonial services.
—	190	Abstracts of accounts relating to Commissaries on certain colonial stations.
—	270	Return of timber imported into the United Kingdom from European countries and British Colonies from 1827 to 1829.
—	212	Correspondence relating to the revenues of Ceylon, Mauritius, the Cape of Good Hope, and Trinidad.
—	352	
—	351	Papers relating to the conditions on which lands are granted in the North-American Colonies and New South Wales.
—	650	Number of persons who have emigrated to the Colonies.
1830-31	268	Abstracts of accounts relating to Commissaries on certain colonial stations.
—	323	Estimates of sums required for certain colonial services. (See 1831—31.)
1831	260	Return showing date at which each Colony was ceded, captured, or settled; population, distinguishing white from coloured and free from slaves; whether having Legislative Assemblies or governed by Orders in Council; value of imports and exports, &c. (See 1845—49.)
1831-32	164	Return of persons holding offices in the Colonies who are not at present in the execution of the duties of them.
—	210	Returns of pensions and retired allowances granted to persons for service connected with the Colonies since 1815, stating name, office, date, and fund whence pension is paid.
—	211	Returns of number and names of persons appointed to judicial stations in the Colonies, and in British India, since January 1, 1801, specifying dates and emolu-



## PARLIAMENTARY PAPERS RELATING

Year.	Sessional Number.	Parliamentary Reports, &c.
1831-32	431	ments, and whether from the English, Irish, or Scotch bar.
—	423	Returns of colonial and other appeals lodged at the office of the Privy Council from 1826 to 1831, the mode in which disposed of, and copies of Orders and regulations made in respect of the same.
—	696 } 724 }	Value of corn and meal imported from the British Colonies and from Ireland, from 1815 to 1831.
1834	570	Reports from Colonisation Commissioners, and returns relating to emigration.
1835	616 } 87 }	Report from Select Committee on the military establishments of the Colonies.
—	473	Despatches relating to emigration.
1836	76 } 512 }	Report from Select Committee on colonial military expenditure.
—	512	Despatches relating to emigration.
1837	538	Report from the Select Committee on the disposal of lands in the British Colonies.
1839	55 } 125 }	Report from Select Committee on native races in the Colonies.
1840	35 } 613 }	Return of the number of ecclesiastics of all denominations in the Colonies and territories of the East India Company maintained by grants of public money.
1844	530	Copies of commissions and correspondence relating to the Colonial Land and Emigration Board.
—	608	Papers relating to the emigration of labourers from the west coast of Africa to Jamaica, British Guiana, Trinidad, and Mauritius.
1845	257	Abstract of civil, naval, and military colonial expenditure and revenue in each Colony in 1842-3.
—	356	Estimate of the sums required for colonial and consular services, &c.
		Return of endowments for religious education in the Colonies, whether under

Year.	Sessional Number.	Parliamentary Reports, &c.
		the authority of the Crown, of Parliament, or of the colonial Government; with number and names of colonial bishops, deans, and other recipients of such endowments, also the number and spiritual provision for all convicts in the Colonies.
1845	520	Royal orders and proclamations relative to coin and currency in the various Colonies.
—	617	Fifth report of the Colonial Land and Emigration Commissioners.
—	623	Return of all agents acting for Colonies in Great Britain, names, duties, authority, salary, and emoluments.
1846	266	Estimates of the sums required for colonial or consular services.
—	400	Copies of all applications from various Colonies made to the Colonial Office for representative government, with the answers thereto.
—	691	Returns relating to the population and social state of certain Colonies.
—	702	Return of the provisions, if any, made by law or otherwise, in her Majesty's different colonial possessions for destitute persons.
—	706	Sixth report of the Colonial Land and Emigration Commissioners.
—	728	Reports exhibiting the past and present state of her Majesty's colonial possessions.
1847	119	Memorials from various Colonies respecting differential duties since 1845.
—	200	Report of Lords' Committee on colonisation from Ireland.
—	229	Estimate of the sums required for colonial and consular services.
—	716	Correspondence between her Majesty's Government and persons interested in railways in Ceylon, Trinidad, and British Guiana.
—	710	Indexes to reports of Emigration Commissioners.

Year.	Sessional Number.	Parliamentary Reports, &c.
1847	740	Returns of revenues and disbursements of each Colony for the last year to which they can be made up; also of the Colonies which have adopted the House of Commons' resolutions for return of colonial accounts; and of those which have and those which have not Representative Assemblies.
—	809	Seventh report of the Colonial Land and Emigration Commissioners.
—	800	Correspondence on the subject of transportation and convict discipline in the Colonies.
—	811	
—	869	Reports exhibiting past and present state of her Majesty's colonial possessions.
—	{ 232	Four reports from the Select Committee on the Navigation Laws, with minutes of evidence and appendix.
—	{ 246	
—	{ 392	
—	{ 678	
1847-8	241	Return of colonial-built vessels and their tonnage, registered at each port of the United Kingdom in 1847.
—	327	Estimates of sums required for colonial and consular services.
—	340	Reports from Lords' Select Committee on the operation and policy of the Navigation Laws, with evidence, appendix, and index.
—	754	
1848	749	Correspondence between the Secretary of State and the governors of the sugar-growing Colonies on the distress existing there.
—	747	Colonial laws passed under authority of statute 9 & 10 Vict. cap. 94, to enable the Legislatures of certain British possessions to repeal or reduce certain duties of Customs.
—	748	
—	941	Correspondence on the subject of convict discipline and transportation in the Colonies.
—	961	Eighth report of the Colonial Land and Emigration Commissioners.
—	1005	Report exhibiting past and present state of her Majesty's colonial possessions.

Year.	Sessional Number.	Parliamentary Reports, &c.
1849	3	Return of the names of all governors of the British Colonies, with salaries, places of residence, and former profession.
—	86	Third report on colonisation from Ireland.
—	224	General abstract of colonial military, civil, and naval expenditure.
—	239	Return of all the Colonies, with dates of acquisition, and form of government, number of her Majesty's troops and of colonial military force employed in each, and at what cost during five years past.
—	217	Correspondence, memorials, &c., relating to the transportation of convicts to the Cape of Good Hope and Ceylon.
—	268	Estimates for colonial and consular services.
—	1121	Correspondence on the subject of convict discipline and transportation to the Colonies.
—	1122	
—	1126	Reports exhibiting the past and present state of her Majesty's colonial possessions.
1850	69	Return showing how far crimes for which capital punishments have been abolished in this country, are still capitally punished in the Dependencies of Great Britain.
—	738	
—	352	Return of duties payable under colonial enactments on goods imported into the British Colonies, at the dates mentioned in the several tabular statements.
—	256	Estimates for colonial and consular services.
—	693	Correspondence between her Majesty's Government and the East India Company and others respecting steam communication <i>via</i> Suez to the East Indies, Ceylon, Hong Kong, and the Australian colonies.
—	740	Communications addressed to the Secretary of State for the Colonies on supply of cotton from any of the British Dependencies.

Year.	Sessional Number.	Parliamentary Reports, &c.
1850	752	Copies of all treaties, Acts, or ordinances of the local Legislature of India, and the transmarine possessions of the Crown, whereby provision is made for ministers of the Roman Catholic Church in such possessions
—	1153	Correspondence on transportation to the Colonies.
—	1285	
—	1232	
1851	11	Reports on past and present state of her Majesty's colonial possessions. Returns showing how far crimes for which capital punishments have been abolished in this country, are still capitally punished in the Dependencies. ( <i>Supra</i> , 1850—69.)
—	86	Accounts of exports to and imports from the British Colonies and East Indies in 1848.
—	180	Returns of postage charged on letters to British Colonies and East Indies, and revenue and expenditure of the several post offices for the three years ending January 5, 1848.
—	498	
—	227	Copies of provincial Acts of Canada and Jamaica by which the civil disabilities of the Jews were removed, and correspondence relating thereto.
—	163	Statement of measures adopted respecting the erection and management of lighthouses in the British Colonies; with an abstract of all returns received on the subject.
—	372	First report of Select Committee on steam communication with the East Indies, Australia, and New Zealand.
—	627	Return of the colonial expenditure of Great Britain for the years 1847-8 and 1848-9.
—	680	Returns exhibiting statistics of emigration, from 1846 to 1850, to British Colonies and other parts.
—	1383	Eleventh general report of the Colonial Land and Emigration Commissioners.
—	1421	Reports on the past and present state of her Majesty's colonial possessions.

Year.	Sessional Number.	Parliamentary Reports, &c.
1852	23	Returns relating to emigration and colonial lands.
—	84	Returns of duties payable under colonial enactments.
—	92	Return of troops employed in British Colonies.
—	144	Accounts of exports from and imports to all the British Colonies from 1845 to 1849.
—	200	Returns of gross revenues and disbursements of each of the Colonies of Great Britain, exhibiting the cost of collection.
—	249	Copies of all tenders, letters, or statements relating to steam communication to the East Indies and Australian Colonies.
—	355	Petitions to her Majesty and representations to the Government, on colonial church legislation, or on any points affecting the management of the affairs of the Church in the Colonies since 1845.
—	391	Return of names of all governors and lieutenant-governors of the different Colonies, with salaries, dates of appointment, previous profession, and residences.
—	458	Return of number of colonial bishops, stating the salaries of each, and the sources whence these salaries are derived.
—	566	Return of her Majesty's troops employed in the British Colonies in the last three years, with cost for pay and commissariat expenses.
—	1466	Tables of the revenue, population, and commerce of the United Kingdom and its Dependencies.
—	1499	Twelfth general report of the Colonial Land and Emigration Commissioners.
—	1517	Papers on convict discipline and transportation.
—	1515 } 1516 }	Reports of the Committee (appointed by the Treasury) on the naval, ordnance, and commissariat establishments and expenditure in the Colonies, with correspondence thereon.

Year.	Sessional Number.	Parliamentary Reports, &c.
1852	1539	Reports from governors of the Colonies on the past and present state of her Majesty's colonial possessions.
1853	65	Return of shipping engaged in the colonial trade.
—	84	Return of, Customs duties payable in the Colonies.
—	92	Number of troops employed in the Colonies in 1851 and 1852.
—	113	Return of emigrant ships cleared for the Colonies.
—	204	Correspondence respecting colonial postage.
—	261	Estimates relating to colonial and consular services; abstract for 1853.
—	398	General abstracts of colonial expenditure.
—	793	Rates of colonial postage.
—	836	Further returns relating to Customs duties in the Colonies.
—	927	Returns of revenue and expenditure of the Colonies.
—	1000	General abstract of colonial expenditure.
—	1004	Number of letters received and despatched by the Colonial Land and Emigration Commissioners.
—	1595	Further reports on the state of the colonial possessions, for 1852, from the governors of the various Colonies.
—	1647	Thirteenth annual report of the Colonial Land and Emigration Commissioners.
—	1693	Further reports of the state of the colonial possessions for 1852.
1854	46	Return of troops employed in the Colonies in 1851, 1852, and 1853.
—	172	Estimates for colonial and consular services.
—	177	Correspondence relating to the removal of troops stationed in Colonies.
—	487	List of governors of Colonies.
—	491	Return respecting ocean postage.
—	1795	Papers relating to transportation to the Colonies.

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## CHAPTER II.

## EUROPEAN DEPENDENCIES.

IONIAN ISLANDS—MALTA—GIBRALTAR—HELIGOLAND—ISLE OF  
MAN, AND CHANNEL ISLANDS.

## IONIAN ISLANDS.

THE protectorate of these islands involves the exercise of Imperial authority, both executive and legislative; though not fulfilling the definition of a Colony, or forming a portion of the British Empire, they cannot be properly omitted from the category of British Dependencies.

The Ionian Islands—Corfu, Cephalonia, Zante, Santa Maura, Theaki or Ithaca, Paxo, Cerigo, and several small islets—comprise an area of about 1000 square miles. The chief island, Corfu, now the seat of government, the ancient Corcyra, was originally a Colony of Corinth. The islands became a part of the Roman Empire after the decadence of Greece. They were, in the 14th century, under Venice, until the dissolution of that Republic in 1796, when they fell into the hands of the French; but in 1799 were retaken by the combined fleets of Russia and Turkey, and in 1800 the Emperor Paul declared them an independent State under the pro-

tection of the Porte. They were restored to France at the Peace of Luneville, confirmed by the Treaty of Presburg in 1806, and that of Vienna in 1809, but were all, except Corfu, taken by a British squadron in 1810, and remained in the hands of Great Britain till, by the Treaty of Paris in 1814, they were declared a free, single, and independent State; and placed under the protection of his Britannic Majesty, and an Act of Ratification was executed at Constantinople, April 25, 1819.

By the 3rd Article of the Treaty of Paris, the Ionian Republic was empowered to regulate its own internal economy, subject to the approbation of Great Britain; and a Lord High Commissioner, invested with the necessary power and authority for this purpose, was to reside upon the islands. His Britannic Majesty was to have the right of occupying all the fortresses and fortified places of the seven islands, and of maintaining garrisons in them, and the military force of the said States was to be under the orders of the Commander-in-Chief of the British troops.

A charter was granted to the United Islands in May, 1817, by which the following constitution was established. A Legislative Assembly of 40 members, seven elected by each of the larger islands, Corfu, Cephalonia, and Zante respectively, and four by Santa Maura, and four by the remaining islands, making in all 29 members, the synclitæ and nobles being in all cases the electors; their qualifications being the same as prescribed in the Emperor Alexander's charter of

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1803. The remaining 11 members of the Legislative Assembly (called integral or ex-officio members), comprising the Regents or Governors of the five larger islands, were to be nominated by the Lord High Commissioner. The Assembly to meet every two years for a session of three months; 11 being a quorum. The duration of each Parliament being five years.

A Senate of five members, elected by the Legislative Assembly, having a President and Secretary appointed for five years by the Lord High Commissioner, was also constituted, and to this body the executive administration was committed, under the supreme authority of the Lord High Commissioner. Regents were also appointed for each island, with their respective subordinate Councils. A supreme Court of Justice was established at Corfu, with subordinate Courts in the other islands. Certain modifications in this constitution were proposed in 1849.

The chief functionary in the islands is the Lord High Commissioner, appointed by the Crown.

THE FOLLOWING ARE THE NAMES OF THOSE WHO HAVE HELD  
THE OFFICE OF LORD HIGH COMMISSIONER, WITH THE  
DATES OF THEIR RESPECTIVE COMMISSIONS.

Lieut.-General Sir T. Maitland, May 7, 1816.

Lieut.-General Sir F. Adam, April 7, 1824.

George, Lord Nugent, September 8, 1832.

Lieut.-General Sir Howard Douglas, March 13, 1835.

Right Hon. Alexander Stewart Mackenzie, Dec. 2, 1840.

Lieut.-General J. Colborne (Lord Seaton), Feb. 24, 1843.

Sir H. G. Ward, May 2, 1849.

Sir John Young, March 10, 1855.

ORDERS IN COUNCIL RELATING TO THE  
IONIAN ISLANDS.

Year.	Orders in Council.
1813	(August 14.) Authorising the civil commissioner, or governor, to grant licences for carrying on the trade between the United Kingdom and the Ionian Islands.
1816	(May 6.) Providing for the provisional government of the Islands till the Constitutional Charter shall be in force.
1834	(March 19.) Approving proclamation for dissolving present Parliament of the United States of Ionian Islands.
1838	(September 7.) Approving proclamation for dissolving Parliament of the Islands.
—	(November 5.) Regulating the salutes to be paid to the Lord High-Commissioner.
1839	(June 17.) Approving proclamation for dissolving the Parliament.
1842	(December 10.) Disallowing an Act of the Ionian Parliament for organising courts of law in these States.
1851	(November 14.) Approving proclamation for dissolving the Parliament.

PARLIAMENTARY REPORTS, ACCOUNTS, & PAPERS  
RELATING TO THE IONIAN ISLANDS.

Year.	Sessional Number.	Parliamentary Reports, &c.
1816	228	Lord Collingwood's instructions to Captain Spranger respecting the attempt to deliver the Ionian Isles from the French in 1809.
1818	132	Constitutional chart of the Ionian Islands.
1819-20	82	Abstract of expenses incurred there.
1821	21	Statement of the militia embodied there.

Year.	Sessional Number.	Parliamentary Reports, &c.
1821	591	Accounts and papers relating to the revenue and expenditure of the Islands.
—	601	Paper respecting disturbances at Santa Maura.
1822	376	Proclamations issued by Sir Thomas Maitland.
1842	341	Quarterly payments made to the Treasury from the contribution of 35,000 <i>l.</i> per annum, payable to Great Britain for military protection of the Ionian States from 1823, with dates of payments.
1844	591	Quantities and declared value of British and Irish produce and manufactures exported thereto.
1850	215	Returns of editors of newspapers expelled from the Islands in 1849, and the number of persons tried by courts-martial in Cephalonia.
—	607	Papers respecting recent changes in the constitution of the Islands.
1852	1276	Despatches between Sir H. G. Ward, Lord High Commissioner, and Earl Grey, respecting the first meeting, dates of several meetings, prorogations, and list of laws passed by the late Legislative Assembly; also respecting the number, duties, and salaries of the senators, and the changes in the local jurisdiction of the judges, and mode of electing the municipal councils in the different islands; also returns of all laws passed for altering the finances of the Islands.
—	567	
—	1477	Convention between her Majesty and the King of the Netherlands relative to the commercial intercourse between the Netherlands and the Ionian Islands, signed January 14, 1852.
1852-3	226	Correspondence respecting the banished members of the Legislative Assembly, and the prorogation of the newly-elected Assembly.
—	772	Papers relating to Chevalier Mustoxedi.

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## MALTA, GOZO, AND CUMINO.

These islands were, in past ages, successively under the dominion of the Carthaginians, Romans, Saracens, and Sicilians, and in 1530 were granted, by the Emperor Charles V., who had become possessed of them, to the Order of the Knights of St. John, and were by them held for more than two centuries till captured by the French, under Bonaparte, in 1798. They were afterwards retaken by the English in 1800, and finally ceded to Great Britain by the Treaty of Paris, in 1814. Representative government existed in Malta and in Gozo as early at least as in 1690, in the form of a "Consiglio Popolare," which elected its own officers, appointed its own ambassadors, and exercised; under the Suzerain in Sicily, the whole legislative authority in the island until it was abolished by the Grand Master Rohan, and a new code of laws, entitled "Dritto Municipale di Malta," was introduced. A Supreme Council of Justice now exercises the highest judicial functions in the islands, and the Chief Justice of this tribunal is appointed by the Crown. By Order in Council of Dec. 18, 1834, regulations were made for appeals from its decisions to the Sovereign in Council.

The administration of affairs in the islands is committed to a Governor appointed by the Crown. In 1835 a Council of Government was created under the royal sign manual, and in 1838 was reconstructed. It consisted of three official members (besides the Governor), namely, the Senior Officer

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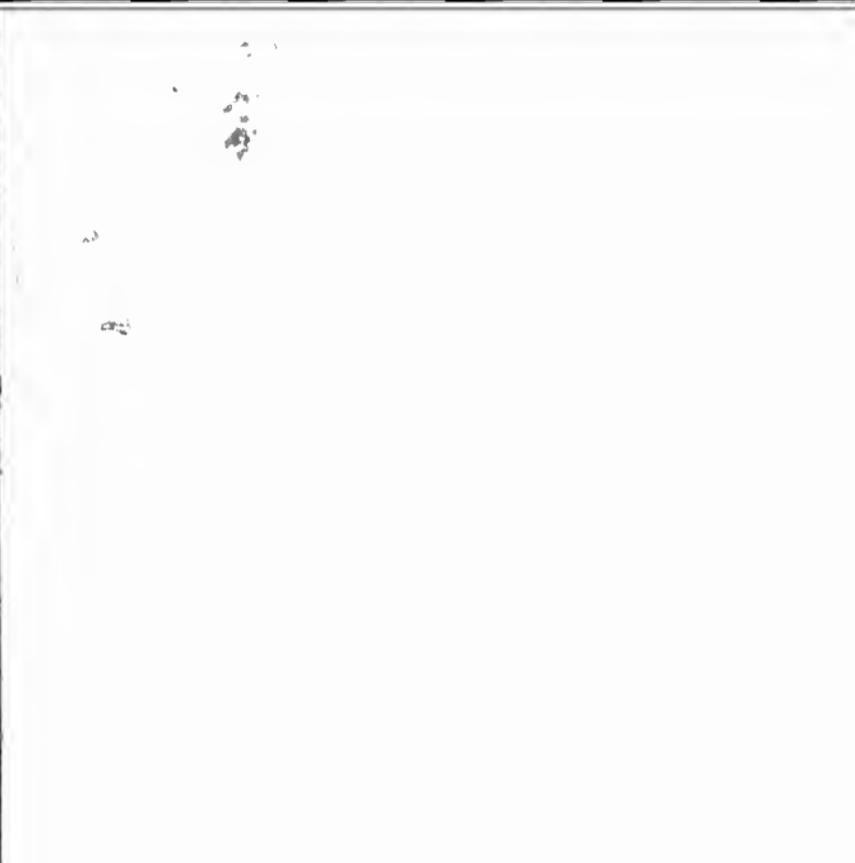
of the troops, the Chief Secretary, and the Auditor General, and three unofficial members, two of whom were to be native-born Maltese, and one British-born (but two years resident in Malta), all to be appointed by the Governor, subject to the confirmation of the Crown. By letters patent, dated May 11, 1849, this Constitution was altered, and a new Council constituted, of 18 members, eight of whom are elected by the inhabitants. The Governor is President, has two votes as member of Council, and a veto on all its proceedings. His salary is £4500 per annum.

THE FOLLOWING HAVE HELD THE OFFICE OF GOVERNORS OF MALTA, HAVING RECEIVED THEIR COMMISSIONS AT THE DATES APPENDED TO EACH NAME.

- 1813, July 15, Lieut.-General Thomas Maitland.  
 1824, May 6, Francis, Marquess of Hastings.  
 1826, December 22, Major-General T. C. Ponsonby.  
 1836, October 1, Major-General Sir H. T. Bouverie.  
 1843, June 14, Lieut.-General Sir P. Stuart.  
 1847, October 27, Right Hon. R. More O'Ferrall.  
 1851, October 1, Colonel Sir William Reid.

ORDERS IN COUNCIL RELATING TO MALTA  
AND GOZO.

Year.	Orders in Council.
1801	(July 30.) Declaring La Valette, in the island of Malta, a free port.
1803	(June 8.) Continuing till January 1, 1804, a previous Order regulating the trade to and from Malta. (December 1.) Continuing above Order till six months after peace shall have been concluded.





Year.	Orders in Council.
	same officer who superintends the steam machinery of dockyard.
1845	(June 30.) Approving proclamation legalising the tender and currency in Malta of the Sicilian dollar at the rate of 4s. sterling.
1846	(May 19.) Referring to Committee petition of certain inhabitants, complaining of certain grievances, and especially of the interference of the police at the last Carnival.
1849	(May 1.) Approving letters patent altering the Governor's commission in respect of the constitution of the Council of Government.
1850	(June 19.) Authorising the Governor to issue Mediterranean passes on certain conditions, and revoking Order of November 20, 1819.
	(November 13.) Regulating the Maltese currency, and legalising the circulation of five-franc pieces.
1852	(March 5.) Approving instructions to Governor revoking appointment of Purveyor of Charities as an ex-officio member of the Council of Government.
1854	(January 30.) Establishing a code of criminal laws, and regulations of police, for the island and its dependencies.
	(April 15.) Prohibiting the exportation of arms from the island or its dependencies.
	(July 3.) Approving certain instructions for executing the Commission for examining witnesses on the standing interrogatories in prize causes, and in regard to the custody and sale of prizes and their cargoes at Malta under statute 17 Vict. cap. 18, ss. 52 & 53.

PARLIAMENTARY REPORTS, ACCOUNTS, & PAPERS  
RELATING TO MALTA AND ITS DEPENDENCIES.

Year.	Sessional Number.	Parliamentary Reports, &c.
1801-2	82	Account of territorial revenues of Malta, Gozo, and Cumino.

## EUROPEAN DEPENDENCIES.

Year.	Sessional Number.	Parliamentary Reports, &c.
1816	217	Papers relating to Malta.
1821	69	Return of Knights of Malta receiving pensions from Great Britain.
1837-38	141	Reports of Commissioners appointed to inquire into the affairs of the island.
1839	140 } 211 }	Reports of Commissioners on affairs of the island, and correspondence thereon.
1845	326	Correspondence on the subject of the Malta currency.
1846	343 } 513 }	Petition of Maltese to her Majesty respecting the interference of the police at the celebration of the Carnival on the island, and despatches thereon.
1850	134	Despatches between Governor of Malta and the Colonial Office relating to the admission of foreigners to the island.
1853	924	Extract from the criminal code of Malta relating to the punishment to be inflicted for offences against the respect due to religion.
1854	290	Despatches relating to the criminal code.

## GIBRALTAR.

Gibraltar (founded by a Moorish Chief in the eighth century) was ceded to Spain by the Moors in the 14th century, and in 1704 was captured by the English, under Admiral Sir George Rooke, and, having successfully resisted, at four different periods, four several attacks from French and Spanish forces, has ever since remained in the possession of Great Britain. In 1722, in pursuance of a petition of the inhabitants, a Judge for the trial of Civil or Criminal

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Causes was appointed by royal commission. Two Charters of Justice were granted by George II. and one by George III., by which a Court of Civil Pleas and a Court of Appeals were established. These, however, were abolished by the Charter dated Sept. 1, 1830, by which the Supreme Court of Gibraltar, as at present existing, was constituted. By Order in Council, dated April 1, 1841, Gibraltar was declared to be a place to which convicts might be sent. In 1842 an episcopal diocese was erected at Gibraltar.

The administration of affairs at Gibraltar is vested in the Commander-in-Chief of the troops as Governor, in whom alone the power of enacting laws is vested. His salary is £5000 per annum.

THE FOLLOWING LIST CONTAINS THE NAMES OF THOSE WHO HAVE BEEN GOVERNORS OF GIBRALTAR AT THE DATES PREFIXED TO EACH NAME.

- 1704. Prince George of Hesse Darmstadt.  
Major-General Shrimpton (Lieutenant-Governor).
- 1706. Lieut.-General David, Earl of Portmore.
- 1720. Brigadier-General A. Kane.
- 1727. Brigadier-General J. Clayton.
- 1730. Lieut.-General J. Sabine.
- 1738. Lieut.-General F. Columbine.
- 1739. Lieut.-General W. Hargrave.
- 1749. Lieut.-General Humphry Bland.
- 1752. Lieut.-General Thomas Fowke.
- 1756. Lieut.-General James, Lord Tyrawley.
- 1756. Major-General William, Earl of Panmure (second in command).
- 1758. Major-General William, Earl of Home.
- 1761. Major-General Parslow.
- 1762. Lieut.-General Hon. E. Cornwallis.
- 1770. Major-General Robert Boyd.

1776. Lieut.-General George Augustus Elliot.  
 1787. Major-General Charles O'Hara.  
 1790. Lieut.-General Sir Robert Lloyd.  
 1794, July 19, General Sir H. Clinton.  
 1796. Major-General Sir Thomas Trigge.  
 1802, March 24, H.R.H. Edward, Duke of Kent and Strathern.  
 1804. Lieut.-General Hon. H. E. Fox,  
 1810. Major-General Sir Colin Campbell, } Lieut.-Governors.  
 1814. Lieut.-General George Don, }  
 1820. March 5, General John Pitt, Earl of Chatham.  
 1831. April 8, Lieut.-General Sir W. Houston.  
 1835. February 28, Major-General Sir Alexander Woodford.  
 1843. October 4, General Sir R. T. Wilson.  
 1848. November 21, Major-General Sir R. W. Gardiner.

## ORDERS IN COUNCIL RELATING TO GIBRALTAR.

Year.	Orders in Council.
1720	(August 11.) Establishing a court of judicature, and ordering Attorney-General to prepare draft accordingly.
1722	(June 14.) Approving instructions to Governor about Mediterranean passes, with forms of bond and oath (revoked by Order of September 30, 1825).
1728	(December 16.) Referring to Attorney-General and Board of Trade draft of charter for establishing civil government.
1744	(March 29.) Empowering Governor to grant letters of marque.
—	(September 6.) Ordering Admiralty to transmit thither 19th article of Treaty of Utrecht.
1752	(June 30.) Approving charter for erecting court of criminal jurisdiction.
1779	(June 23.) Directing Advocate-General to prepare Commissions authorising Governor of Gibraltar to grant letters of marque and reprisal against Spain.
1783	(December 31.) Ordering the Governor to call in the old Mediterranean passes, and issuing others in a new form.

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Year.	Orders in Council.
1805	(May 9.) Authorising Governor to grant licences for import and export of goods to and from Spain.
1809	(March 16.) Referring to Attorney-General Order respecting duties and fees to be paid on wine and other articles of consumption.
1816	(August 3.) Imposing certain duties on ships coming to anchor off the port and in the harbour.
1825	(September 30.) Revoking Order of June 14, 1722, respecting passes to vessels belonging to residents.
1826	(November 20.) Approving the proceedings of the Commissioners for settling the titles to lands, and confirming various grants.
1827	(February 5.) Amending and confirming a proclamation prepared by the Lieutenant-Governor for the regulation of the police.
1830	(July 30.) Ordering certain quarantine regulations to be published in the Gazette.
1832	(October 12.) Confirming an ordinance made by Lieutenant-Governor respecting the putting in force, within the said garrison, of the laws of England relating to bankrupts.
1833	(February 4.) For the improvement and more easy collection of the revenue.
1841	(April 1.) Authorising the transportation of convicts from the United Kingdom to Gibraltar.
—	(June 23.) Revising an Order of February 4, 1833, for management and collection of Her Majesty's revenues at Gibraltar, and amending the schedule to an Order of February 6, 1822, relating to the wharfage dues on exports.
1843	(February 1.) For removing doubts as to the Governor's authority to prevent the residence of aliens within the limits of his government.
1844	(May 23.) Approving proclamation fixing the rate at which certain gold and silver coins shall pass current in Gibraltar.
1845	(April 26.) Revoking so much of Order of September 3, 1844, as relates to the tender of Mexican and South American doubloons.
1846	(November 14.) Approving instructions to the Governor respecting the promulgation of laws and ordinances.
1848	(February 11.) Empowering the Governor to purchase land in the garrison when required for the public service

Year.	Orders in Council.
1848	(October 31.) Amending the regulations in force for collecting the wine duties.
1850	(June 19.) Authorising Governor to issue Mediterranean passes on certain conditions, and revoking Order of September 30, 1825.
1851	(March 7.) Confirming an Ordinance of January, 1851, to amend and consolidate the law relating to bankrupts; also for the regulation of the wine and spirit trade.
—	(June 25.) Correcting an error in Order of March 7 respecting the wine trade.
1854	(April 15.) Prohibiting the exportation of arms, ammunition, and military and naval stores from the town and garrison of Gibraltar.

PARLIAMENTARY REPORTS, ACCOUNTS, & PAPERS  
RELATING TO GIBRALTAR.

Year.	Sessional Number.	Parliamentary Reports, &c.
1822	65 }	Returns of revenue collected at Gibraltar.
	284 }	
1831	68	Return relating to certain offices there.
1843	512	Commercial tariffs and regulations of Gibraltar.
1844	591	Quantities and declared value of British and Irish manufactures and produce exported to Gibraltar.
1854	130	Memorial of merchants at Gibraltar, with correspondence.
1855	161 }	Reports of Dr. Baly respecting quarantine at Gibraltar.
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HELIGOLAND.

This island, situate about 46 miles from the mouth of the Elbe, in the North Sea, was a Dependency of Denmark till 1807, when it was captured by the British under Admiral Russell. By the Treaty of Paris, in 1814, it was confirmed to Great Britain.

The government is committed to a Lieut.-Governor, appointed by the Crown, under whom are local Magistrates.

ORDERS IN COUNCIL RELATING TO HELIGOLAND.

A.D.	Orders in Council.
1809	(May 31.) For regulating the trade to and from Heligoland.
1811	(June 15.) Authorising the Governor to protect British property there from attachments by subjects of Hamburg.
	(September 6.) Enabling the Governor to grant licences for vessels to trade between that island and the ports between Norden and the Eyder.
1812	(April 8.) Extending Order of September 6, 1811, to ports between Norden and Horn Point.
1813	(January 26.) Directing Attorney-General to prepare Order for removing certain persons from the island.
1843	(June 10.) Imposing export duties on manufactures made from foreign materials, otherwise liable to Customs duties on importation into the United Kingdom.

THE ISLE OF MAN.

The Isle of Man, notwithstanding its geographical proximity—not more than 35 miles from the British shore—yet falls within the definition of a Dependency

as being the subject of a distinct government.\* The island comprises an area of about 220 square miles. From the 10th to the 13th century the island was under the dominion of Norway. In 1266 it was ceded by Norway to Alexander, then King of Scotland, for 5000 marks sterling.

During the 17th century, though the authority of the British Government was exercised there by Orders in Council, the island passed successively into the possession of the Earls of Salisbury, Northumberland, and Derby, till 1705, when it descended to the then Duke of Athol, in the possession of whose family it remained till 1765, when arrangements were proposed for ceding it to the Crown of England for £72,000.

By statute 45 George III. cap. 123, passed in 1805, one-fourth of the island-revenues were reserved to the Duke of Athol, and finally, in pursuance of statute 6 George IV. cap. 34 (passed in 1825), the island, with all its manorial rights and revenues, and patronage of the See, was, in consideration of a sum of £416,000, awarded by arbiters, for ever ceded to the British Government.

The constitution of the Isle of Man comprises three estates—the Governor, appointed by and representing the Sovereign; the Council; and the House of Keys. The Council consists of the Bishop of the diocese, the Attorney-General, the Receiver-General, the two Deemsters or Chief Justices, the Clerk of the Rolls, the Water-Bailiff or Judge-Admiral, and the two Vicars-General, who are members ex-officio.

\* Administered through the Home Office.

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The House of Keys consists of 24 principal landed proprietors, who themselves fill up vacancies arising by death or resignation, by presenting two qualified candidates for selection to the Governor, who nominates one. The Governor assembles the House of Keys at his discretion, 13 forming a quorum, and they possess not only legislative but judicial powers as a Court of Appeal. All legislative acts of the House of Keys must be sanctioned by a majority of the Council and by the Governor before they are presented for the royal assent. Detailed information on the laws and constitution of the island will be found in the Abridgment of the Manks Statutes, and the Report of the Commissioners, 1792, and in a book entitled the "Lex Scripta of the Isle of Man," comprehending the ancient ordinances and statute laws from 1422 to 1819.\*

ORDERS IN COUNCIL, RELATING TO THE  
ISLE OF MAN.

A.D.	Orders in Council.
1624	(November 24.) Declaring the privileges of the island in the matter of a French ship seized and detained there.
1663	(July 15.) Declaring that the Act of general pardon did extend to the island, and ought to have been taken notice of in the case of one W. Christian.
1722	(July 19.) Referring to Attorney-General the complaint of bishop and vicars-general against the Governor for imprisoning them.
1724	(July 4.) Reversing the sentence against the bishop and vicars-general on their appeal against the officers of the Earl of Derby.

\* Published at Douglas, 1819.

A.D.	Orders in Council.	A.D.
1728	(November 14.) Calling on the Earl of Derby and his deputy officers to answer the complaint of the House of Keys.	1892
1764	(August 3.) Ordering Attorney-General to prepare Orders for executing the laws for preventing illicit trade carried on in the island.	1834
1765	(February 26.) Ordering copies of records in council-books relative to the island to be made, and clerk to attend House of Commons with the same.	1835
1765	(June 19.) Approving report of Committee relative to the taking possession of the island by the Government, and directing a proclamation, with commission and instructions, to John Wood, Esq, as Governor, to be prepared.	1836
1793	(July 6.) Approving Commission of the Duke of Athol as Governor there.	—
1808	(May 14.) Permitting foreign goods to be imported thither from Guernsey under licences from the Commissioners of Customs.	—
1812	(September 29.) Authorising Messrs. Boulton and Watt to coin £1000 in pence for circulation in the island.	1839
1814	(March 7.) Confirming two Acts passed in the island relative to insolvent debtors.	—
1817	(July 1.) Confirming two Acts passed in the island: 1. For altering the criminal law; 2. For preventing the circulation of promissory notes.	—
1819	(February 1.) Confirming an Act passed in the island to prevent the recovery of tipping debts.	—
—	(December 3.) Confirming an Act for the better making and repairing of roads and bridges.	1840
1823	(April 3.) Confirming an Act to prevent the brewing of beer from sugar and molasses.	1842
1826	(July 27.) Confirming an Act respecting the appointment of attorneys, and their fees.	—
—	(November 20.) Confirming two Acts: 1. For preventing tumults and riotous assemblies; 2. For appointment of magistrates.	1843
1830	(July 3.) Referring to Committee letter from Sir R. Peel, inclosing an Act of the island respecting preservation of game there.	1846
1832	(March 14.) Confirming two Acts: 1. Respecting the granting leases of mines; 2. Respecting a new parish church in the parish of Kirkchrist.	—

A.D.	Orders in Council.
1832	(May 30.) Confirming Acts: 1. For the amendment of the criminal law; 2. For regulating the sale and purchase of articles by weight; 3. For better regulating of juries.
1834	(January 24.) Confirming Acts: 1. For supplying the town of Douglas with water; (2) for building church at Kirk Michael.
1835	(April 23.) Confirming Act relating to mortgages.
—	(July 14.) Confirming two Acts relating to fish and game.
—	(September 11.) Confirming Act for lighting town of Douglas with gas.
1836	(February 23.) Confirming Act rendering written memorandums necessary to the validity of certain engagements.
—	(April 28.) Confirming three Acts: 1. For extending powers of magistrates; 2. For punishing plunderers of wrecked vessels; 3. For preventing tumultuous and riotous assemblies.
1839	(March 1.) Confirming three Acts: 1. For commutation of tithes in the island; 2. For a new church in St. Andrew's parish; 3. For amending an Act respecting church at Kirk Michael.
—	(April 10.) Confirming Act for suppression of lotteries.
—	(April 10.) Ordering issue of copper coinage for the island.
1840	(January 3.) Confirming two Acts: 1. For assimilating currency of the island to that of Great Britain; 2. Respecting weights and measures and sale of bread.
1842	(December 10.) Authorising Bishop of Sodor and Man to distribute, according to his judgment, a charity paid by the Crown under letters patent from Charles II.
1843	(October 2.) Confirming an Act for ascertaining and defining certain rights of ecclesiastical persons, parish clerks, and schoolmasters.
1846	(August 1.) Confirming an Act abolishing distinctions in the law of arrest as affecting persons born off the island.
—	(September 26.) Confirming three Acts: 1. Respecting the printing of newspapers; 2. Respecting

A.D.	Orders in Council.
	defamatory words and libels; 3. Regulating gaol in Castle-Ruthen.
1847	(February 4.) Confirming an Act for appointing an incumbent to vicarage of Braddon.
—	(July 22.) Confirming Act of March 16, 1846, respecting the security to be given by parties appealing at common law.
—	(August 10.) Confirming Act of July 8, 1847, respecting the registration of deeds, conveyances, and wills.
1848	(June 27.) Confirming an Act of March 10, 1848, amending the law relative to bail, actions of debt, and insolvent debtors.
—	(August 11.) Confirming three Acts: 1. For registering deeds, &c.; 2. For selling trust estate in Braddon; 3. For providing burial-ground at Braddon.
1849	(February 13.) Confirming three Acts: 1. Respecting solemnization of marriages, &c.; 2. Respecting registration of births and marriages of Dissenters; 3. Respecting custody of insane persons.
—	(May 1.) Disallowing an Act of August 10, 1847, "to abolish the punishment of death in certain cases."
—	(November 6.) Confirming two Acts of July 5, 1849: 1. To allow Quakers to make declaration in lieu of oath; 2. Amending Act compelling appellants in certain cases to give security.
1850	(August 14.) Confirming Act of July 5, 1849, for improvement of parochial and other schools.
1851	(March 7.) Confirming five Acts: 1. For more effectual draining of land; 2. To incorporate Bank of Mona; 3. For prevention of contagious diseases; 4. Respecting weights and measures, and sale of bread; 5. To regulate affiliation of bastards.
—	(June 25.) Confirming Act of April 10, 1851, amending law relating to commons and turbaries.
—	(August 7.) Confirming an Act of April 30, 1851, partly repealing an Act of 1758 respecting the worrying of sheep.
1852	(January 10.) Confirming an Act of December 11, 1851, to prevent practice of inoculation.
—	(June 15.) Confirming four Acts of May 25, 1852: 1. To abolish punishment of death in certain cases; 2. To regulate wife's interest in husband's estate;

A.D.

1852

ACTS O

Royal Assent.

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1829

1835

1838

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1844

A.D.	Orders in Council.
1852	3. For punishing drivers of stage coaches; 4. For regulating coroners and juries. (October 16.) Enacting an Act to prevent cruel and improper treatment of animals.

ACTS OF THE IMPERIAL PARLIAMENT RELATIVE  
TO THE ISLE OF MAN.

Royal Assent.	Acts of Parliament.
1725	12 Geo. I. cap. 28 (ss. 25-6).—For empowering the Treasury to treat on behalf of the Crown for the purchase of the Isle of Man.
1805	(July 12.) 14 Geo. III. cap. 123.—An Act for settling and securing a certain annuity out of the revenues of the island on John, Duke of Athol, and the heirs general of the seventh Earl of Argyll.
1825	(June 10.) 6 Geo. IV. cap. 34.—An Act to empower the Commissioners of His Majesty's Treasury to purchase a certain annuity in respect of duties of Customs levied in the Isle of Man, and any reserved sovereign rights there belonging to John, Duke of Athol.
1829	(June 19.) 10 Geo. IV. cap. 50.—An Act for extending certain provisions relative to the land revenue of the Crown to the Isle of Man.
1835	(August 21.) 5 & 6 Will. IV. cap. 23.—An Act to extend the provisions of the Friendly Societies Acts to the Isle of Man (amended by 3 & 4 Vict. cap. 110).
1838	(July 4.) 1 & 2 Vict. cap. 30.—An Act for continuing the bishopric of Sodor and Man.
1840	(August 7.) 3 & 4 Vict. cap. 63.—An Act to extend the powers of the Commissioners appointed to execute two Acts for supporting the several harbours and seaports in the Isle of Man.
1844	(July 19.) 7 & 8 Vict. cap. 43.—An Act to amend the laws relating to the Customs in the Isle of Man.

## EUROPEAN DEPENDENCIES.

Royal Assent.	Acts of Parliament.
1845	(August 4.) 8 & 9 Vict. cap. 94.—An Act for regulating the trade of the Isle of Man.
1846	(August 7.) 9 & 10 Vict. cap. 46.—An Act to continue till December 31, 1851, statutes 4 & 5 Vict. cap. 30, for authorising a survey of the Isle of Man.
1848	(September 4.) 11 & 12 Vict. cap. 117.—An Act for rendering certain newspapers published in the island liable to postage.

PARLIAMENTARY REPORTS, ACCOUNTS, AND PAPERS RELATING TO THE ISLE OF MAN.

Year.	Sessional Number.	Parliamentary Reports, &c.
1805	29	Amount of duties on imports and exports.
—	139	Reports on petitions of the Duke of Athol relative to the island.
—	159 } 160 }	Accounts of revenues and expenditure.
1823	477	Civil establishment of the island.
—	492	Produce of Customs, and expense of the establishment.
1843	351	Receipt and expenditure of the island in the years 1840, 1841, and 1842, showing the various sources whence derived and purposes to which applied; also appropriation of surplus revenues.
1845	29 }	Orders of Treasury admitting articles to be imported into the island duty free.
1846	26 }	
1847	48 }	
1852	322	Returns relating to the state of the island, its judicial establishments, government, trade, imports, and exports.
		Returns of the gross Customs revenue of the island in each year from 1804 to 1851, and of the gross expenditure in 1851; of the gross receipts of the Woods and Forests of the island in each year from 1827 to

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Year.	Sessional Number.	Parliamentary Reports, &c.
1853	501	1851, and of the Post Office from 1842 to 1851; and correspondence between the Governor and the Secretary of State for the Home Department on other matters relating to the island.
—	605	Accounts of the island from 1805 to 1853, and of moneys voted for public works there from 1841 to 1851.
—	746	Memorial relating to Customs duties in the island.
—	847	Treasury minute respecting Customs duties in the island.
—	977	Reply to deputies from the House of Keys on Customs duties in the island.
		Return respecting lighthouses on the island.

## CHANNEL ISLANDS.

Jersey, Guernsey, Alderney, and Sercq (with the islets called Herm, Jethou, Le Marchant, and the Caskets).

These islands, having formed part of the territories of the Dukedom of Normandy, were retained by England when the continental possessions of the Duchy were relinquished, and were, in 1108, formally annexed, by King Henry I., to the British Crown, under the dominion of which they have since remained.

The laws which govern these islands are the ancient customs of Normandy, as contained in "Le Grand Coutumier," or in "La Somme de Mancel," municipal and local usages, Ordinances made by the Sovereigns of England, or by Royal Commissioners, and

Orders in Council. The earliest exercise of royal authority over the Anglo-Norman isles, in the Records of the Council Office, is an Order, dated Nov. 12, 1404, declaring the will of King Henry IV. that the inhabitants of the islands should not acknowledge the authority of the Admiral of France.

Acts of the Imperial Parliament intended to affect the Channel Islands must either expressly name them or be formally registered and published there by the Royal Courts, which are the Civil and Criminal Tribunals of the islands, erected by Royal Charter in the reign of King John—there being one Court in Jersey and another in Guernsey, with jurisdiction over Alderney, Sercq, and its smaller Dependencies. A Bailiff, appointed by the Crown, presides over each Court, and 12 jurats or judges, elected in Jersey by the people, in Guernsey by an electoral body called the "States of Election," the constitution of which will hereafter be more particularly described. The chief officers of these Courts are, in Jersey, the Vicomte, Procureur de Roi, Advocate and Greffier; in Guernsey, the Prevost or Sheriff and the Controller. From these Courts an appeal lies to Her Majesty in all civil causes affecting property exceeding the value of 300 livres tournois. Trial by jury in criminal cases was established in Jersey in pursuance of an Order in Council, dated June 3, 1791; seven out of twelve jurors having the power to convict, with an appeal to a grand inquest of twenty-four, five of whom have power to acquit. In Guernsey, trial by jury does not exist.

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The Channel Islands have been at various times the subject of dispute between England and France, in the reigns of the 1st, 3rd, 4th, and 6th Edwards, also of Charles II. and George III.

By an Order in Council of March 11, 1568, the islands were placed, in ecclesiastical matters, under the See of Winchester.

The basis of their Civil Constitution has, notwithstanding certain modifications, remained unchanged,\* though the institutions and laws of the islands differ in some respects, as will appear from the following brief account of each.

#### JERSEY.

The government of Jersey is administered by a Lieutenant-Governor, usually a military officer, appointed by the Crown, and a legislative body, called the "States," of 36 members (comprising the 12 Judges, who are elected, for life, by all heads of families in Jersey being ratepayers). The 12 Rectors of the 12 parishes of the island, nominated (with the exception of the Dean) by the Lieutenant-Governor, are also life legislators; and these, together with the 12 Constables of the 12 parishes, elected triennially by the people, form the "States," to which the Lieutenant-Governor and the Bailiff or President of the Royal Court, the Vicomte, and the law officers also belong—the last mentioned having seats but not votes.

\* Official Correspondence now passes through the Home Office.

in the Assembly. The "States" cannot be convened without the assent of the Lieutenant-Governor, who has a veto on all its deliberations. All Acts of the States must receive the royal assent within three years in order to make them permanent laws.

The Bailiff and the Vicomte (whose functions correspond with those of the Prevost or Sheriff in Guernsey) are appointed by the Crown.

### GUERNSEY.

The government of Guernsey, as modified by a *Projet de Loi* passed by the States, June 9, 1843, and confirmed by Her Majesty in Council, Dec. 13, 1844, is committed to a Lieutenant-Governor (usually a Major-General in the Army) and appointed by the Crown. There is also a body called the "Assembly of the States," consisting of 210 members, namely, the eight Rectors of the ten parishes of the island, two Constables from each parish, and 180 douzainiers or parish officers from the whole. The Bailiff and Procureur, both appointed by the Crown, have also seats in this Assembly, which is commonly called the "Elective States," and is convened for the purpose of electing the Jurats and other officers of a more limited Assembly of 37 members, called "The States of Deliberation," by which the finances and general affairs of the island are administered. This body includes the Bailiff as President, the Procureur, eight Rectors, 12 Jurats or Judges, and 15 Deputies from the town and country douzaines. The States of De-

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liberation, or "Administrative States," are convened by the Bailiff whenever he sees fit; but on the requisition of six members, he is bound to call a meeting. The Bailiff acts as President both of the States and of the Royal Court, in which the 12 Jurats act as judges. The Bailiff is appointed by the Crown. The office of Governor, which had been a sinecure, was abolished in 1835, and a portion of its emoluments applied to augment the stipends of the clergy, the law officers, and in aid of schools in the island. The Lieutenant-Governor, as the chief functionary, now receives about £1400 a year, and the Bailiff £300, from the insular Crown revenues, and his fees of office. There are local corporations in Guernsey, called Central Douzaines.

ALDERNEY is a Dependency of Guernsey, but has a little Parliament of its own, consisting of six Jurats, elected by the ratepayers, and 12 Douzainiers, also elected by the people. There is also a Judge there.

SERCQ is also a Dependency of Guernsey, but has a constitution, with powers to make local enactments, consisting of the Seigneur and an Assembly of 40 tenants, over whom, at their meetings, held three times a year, the Seneschal, nominated by the Seigneur, presides. The Assembly have power to elect the island police officers. As regards all military and ecclesiastical affairs, and criminal jurisdiction, Sercq is under the authority of Guernsey.

Herm, Jethou, Le Marchant, and the Caskets are small islets with only a few poor inhabitants, and under the government of Guernsey.

ORDERS IN COUNCIL RELATING TO THE  
CHANNEL ISLANDS.

A.D.	Orders in Council	A.D.
		1627
1404	(November 12.) Approving instructions to be sent to the Ambassadors sent to Picardy to treat with the French, and declaring the will of King Henry IV., that the inhabitants of the islands should not acknowledge the authority of the Admiral of France.	1628 1635
1405	(May .) Confirming the appointment of Sir Thomas Picworth and Sir John L'Isle to the government of these islands.	1639 1640
1437	(April 9.) For granting the islands to Humphry, Duke of Gloucester, and his heirs.	1641
1542	(June 13.) Directing the Lord Chancellor to cause to be searched all indentures passed between the King and his progenitors and the Captains of these Islands.	1660
1557	(March 15.) Declaring that Her Majesty Queen Mary shall not be at the charge of sending men for defence of the island of Jersey.	—
1613	(June 11.) Concerning the sale of ships, and the customs of Normandy regarding that matter in Jersey.	—
—	(November 4.) Orders relative to the ecclesiastical affairs of the islands.	—
1616	(March 13.) Instructing Sir Edward Conway and another to inquire into the state of the island, and to survey fortifications of Jersey.	1666
1618	(June 15.) For the better government of the island of Jersey, martial and civil, maintenance of harbour, &c.	1669
1619	(March 19.) Approving the appointment of Governor, Bayliffe, and States for settlement of ecclesiastical affairs there.	1672
—	(July 2.) Approving the appointment of a Governor for the civil and military government of the islands, and imposing tax on retail sale of wine, &c.	1677
—	(December 10.) Ordering the collection in Alderney for the expense of erecting a fort there.	1679
1621	(December 23.) For better government of the island of Guernsey.	—
1626	(December 16.) Ordering militia of the counties of Dorset, Hants, and Wilts to garrison the islands	1686

## CHANNEL ISLANDS.

95

A.D.	Orders in Council.
	in case of necessity, and for permitting the importation of coals, leather, and wool.
1627	(July 23.) Orders for raising and victualling certain troops, to be levied for service in the islands, to be armed from stores there, the deficiency to be made up from England.
1628	(December 24.) Ordering the island of Jersey to be guarded against foreign invasion.
1635	(June 19.) Ordering repair of fortifications of Jersey, and giving power to impress workmen and labourers.
1639	(May 24.) Ordering arms to be sent to Guernsey.
1640	(September 13.) Ordering Earl of Danby to proceed forthwith to his government at Guernsey.
1641	(December 26.) For suppressing traffic carried on in the Channel Islands with the Irish rebels.
1660	(March 13.) For establishing a system of jurisdiction in the islands.
—	(March 20.) Approving certain resolutions for establishment of future government there.
—	(August 13.) Ordering Attorney-General to prepare a form of general pardon to the inhabitants on their acknowledging their "onfayned greife of heart" for having submitted to usurping powers.
—	(August 15.) Ordering Attorney-General to prepare commission to proper persons to report on the state of these islands.
1666	(January 29.) Commanding Governor Bayliffe and Jurats to yield obedience to the High Court of Admiralty.
1669	(August 27.) Ordering an exemplification of the Act of Oblivion to be sent to Jersey.
1672	(February 7.) Directing Lord Arlington to command the Bayliffe and Jurats to aid in suppressing unwarrantable proceedings of certain Nonconformists and Dissenters in Guernsey.
1677	(May 30.) Commanding the magistrates to send to the Council an account of the laws and customs of the Channel Islands.
1679	(May 7.) Declaring that the Committee for Trade and Plantations are likewise a Committee for the affairs of the islands.
1686	(August 15.) For registration of the Articles of War in the Channel Islands.

A.D.	Orders in Council.	A.D.
1689	(August 8.) Declaring the privileges of the islands (notwithstanding the present suspension thereof) in respect of trade with France.	1810
1731	(March 9.) Ordering Royal Court to answer the petitions of the Clergy against the Bayliffe and Jurats for refusing them their usual seats in the States.	1811
1739	(November 9.) Ordering Secretary at War to lay before the Committee an account of the forces sent to those islands during the wars in the reigns of King William and Queen Anne.	1817
1769	(March 13.) Peremptorily ordering Royal Court to carry into execution His Majesty's Order in Council of December 16th last, relative to the visiting of ships to prevent illicit trade	1826
1785	(March 9.) Ordering the Governor and authorities immediately to convene the States of Jersey.	1827
1791	(June 3.) Appointing Commissioner to proceed thither with reference to the establishment of trial by jury in Jersey.	1829
1794	(July 4.) Confirming an Act of the States of Jersey relative to planting trees on the highways and the killing of game.	1830
1796	(February 23.) For relieving persons calling themselves Methodists from being compelled to attend militia exercise on Sunday.	—
1798	(November 14.) For the registration of an Act of the past session "For the better protection of the Trade of the Kingdom."	—
1805	(March 6.) Ordering Royal Court of Guernsey to return an answer to the memorial of the Bishop of Winchester touching the interference of the said Court with his ecclesiastical jurisdiction.	1831
—	(December 6.) For establishing custom-house officers in the islands.	—
1806	(August 27.) Confirming an Act of the States of Jersey laying an additional duty on wiper.	1832
1807	(July 15.) Approving report of Committee respecting the number of members necessary to constitute an Assembly of the States.	—
—	(August 26.) For registering in the islands an Act to make more effectual provision for the prevention of smuggling.	—
1808	(April 13.) Confirming the sale by M. Le Pelley of a part of the island of Sereq to the Government.	84.

A.D.	Orders in Council.
1810	(April 18.) Declaring that it shall be lawful for persons belonging to the Jersey militia to elect whether to attend military instruction and exercise on Sunday or weekday.
1811	(May 9.) Declaring that the coin of Great Britain shall be the legal current coin of Jersey, at the rate of £1 sterling for 24 livres of the former French currency.
1817	(July 11.) For authorising the sale and exchange of the Crown lands.
1826	(May 29.) Approving report on petition of sundry inhabitants of Peter's Port, Guernsey, praying to be allowed the right of naming their own parochial officers.
1827	(March 14.) Confirming an Act of the States of Jersey prohibiting the importation of cows, heifers, and bulls.
1829	(May 13.) For transmitting to the islands the Act for punishing mutiny and desertion, and for better payment of the army and their quarters.
1830	(April 7.) Referring to Committee letter from Sir Robert Peel respecting the holding of elections on Sunday in the parish churches in Jersey.
—	(June 20.) Appointing a Committee consisting of the whole, or any three members of the Council, for the affairs of Jersey and Guernsey.
—	(July 13.) Confirming Act of States of Jersey for regulating the oyster fishery between Jersey and the French coast.
1831	(March 2.) Confirming Act of States of Jersey, regulating election of jurats and centeniers.
—	(June 8.) Transmitting to Royal Courts, Census Act for registration.
—	(October 12) For registering an Act, 2 Geo. IV. cap. 1, relating to the removal of paupers.
1832	(March 14.) Confirming two Acts passed by the States of Jersey:—1. Regulating the qualifications for certain offices; 2. Amending the laws relating to decrets.
—	(July 11.) For registering in the islands the Habeas Corpus Act.
—	(October 12.) For registering in the islands the Acts 54 Geo. III. cap. 156, and 2 & 3 Will. IV. cap. 84.

A.D.	Orders in Council.	A.D.
1833	For registering in the islands the Acts 9 Geo. IV. cap. 92, and 3 Will. IV. cap. 14, relating to savings banks.	1840
1834	(January 24.) For enabling Royal Court to try persons accused of crimes in vacation as well as in term.	—
1835	(July 15.) Confirming three Acts passed in Jersey in 1833 respecting elections and the reform of the Royal Court.	—
—	(July 31.) Confirming an Act of the States in Jersey establishing a Merchant Seaman's Benefit Society.	1841
1836	(February 3.) Confirming an Act of the States of Jersey respecting the public library of the island.	1842
—	(February 23.) For registering in Guernsey the Act 1 & 2 Will. IV. cap. 38, relating to the building of churches.	—
—	(August 10.) Confirming an Act of the States of Jersey for diminishing the expense of proceedings in décrets.	1843
1837	(August 21.) Approving Act of States for the abolition of lotteries in Jersey.	—
—	(December 11.) For carrying into effect certain arrangements for improving prison discipline in Jersey.	—
1838	(February 15.) For registering in the islands statutes 5 & 6 Will. IV. cap. 62, for the abolition of unnecessary oaths.	—
—	(September 14.) For registering statutes 1 & 2 Vict. cap. 113, amending laws relating to the Customs.	—
1839	(May 2.) Confirming Act of States of Jersey reducing the number of members necessary to form a quorum.	—
—	(July 31.) Confirming Act of States regulating the forms to be observed in the alienation of lands and other tenements belonging to various ecclesiastical benefices.	1844
1840	(January 3.) For registering two Acts, 9 Geo. IV. cap. 32, and 3 & 4 Will. IV. cap. 40, respecting Quakers' and Dissenters' oaths.	—
—	(May 22.) For registering statutes 3 & 4 Will. IV. cap. 101.	—
—	(July 13.) Confirming a Projet de Loi of Guernsey	—

A. D.

Orders in Council.

- of February 14, 1840, altering the laws of succession and inheritance.
- 1840 (September 11.) Confirming an Act of the States for issuing a copper coinage for the island of Jersey to amount of £1000.
- (October 3.) Confirming an Ordinance passed by the States of Guernsey for registration of births, deaths, and marriages.
- (December 8.) For registering in the islands statute 3 & 4 Vict. cap. 96, regulating postage duties.
- 1841 (August 21.) Confirming the Naturalization Acts Amendment Act passed by the States.
- 1842 (April 27.) Confirming three Acts of the States of Jersey:—1. For substituting declarations in lieu of oaths; 2. Regulating wine duties; 3. Regulating election of vintners.
- (September 24.) For registering in Jersey statutes 3 & 4 Will. IV. cap. 51, and 5 & 6 Vict. cap. 56.
- 1843 (February 1.) Confirming Act of States of Jersey respecting the evidence in criminal prosecutions of the relatives of the accused.
- (October 2.) Confirming two Acts of States of Jersey:—1. Regulating mode of numbering houses at St. Helier's; 2. Respecting limitation of criminal prosecutions.
- (November 10.) For registering four Acts of the last session of Parliament; namely 6 & 7 Vict. cap. 34, relating to the apprehension of offenders in the Colonies; cap. 65, relating to the copyright of designs; cap. 79, respecting a Convention between Great Britain and France concerning the fisheries; and cap. 84, relating to the Customs.
- (December 13.) For registering 6 & 7 Vict. cap. 37, respecting the endowments of populous parishes.
- 1844 (May 23.) Confirming three Acts of the States, passed March 9, 1844:—1. For levying fines adjudged by Royal Court; 2. For local purposes at St. Helier's; 3. For dividing the Vingtaine du Mont au Prêtre into two districts.
- (October 7.) For registering 7 & 8 Vict. cap. 83, relating to savings' banks.
- (December 13.) Confirming (with amendments) a *Projet de Loi* passed by the States of Guernsey, June

A.D.	Orders in Council.	A.D.
	9, 1843, for making an alteration in the constitution thereof.	1848
1845	(January 13.) For registering 5 & 6 Vict. cap. 90, and 6 & 7 Vict. cap. 95, respecting out-pensioners of Chelsea Hospital.	
—	(September 13.) For registering 8 & 9 Vict. cap. 69, 84, 85, 86, 87, 89, and 93.	
—	(November 20.) Appointing Commissioner to proceed to the Islands to examine into and report on criminal laws now in force there, and the constitution of the tribunals charged with their execution.	
1846	(March 18.) For registering Merchant Seamen's Act, 7 & 8 Vict. cap. 112.	
—	(July 6.) For registering certain Acts having reference to church matters, to wit: 1 & 2 Vict. cap. 107, 2 & 3 Vict. cap. 49, 3 & 4 Vict. cap. 60, 5 & 6 Vict. cap. 108, and 6 & 7 Vict. cap. 37. Also confirming two Acts of the States of Jersey: 1. Authorising collections of wine duties for three years. 2. For construction of certain works at St. Helier's Harbour.	1849
—	(October 30.) Confirming Act of States of Jersey, March 7, 1842, for exempting Quakers and Moravians from giving evidence on oath.	
1847	(February 27.) For registering two Acts, 9 & 10 Vict. caps. 100 & 102 respectively, relating to regulations of steam navigation, and amendment of Customs laws.	
—	(July 22.) Confirming a Naturalisation Act of the States of Jersey, of April 9, 1845. Also confirming a Projet de Loi adopted by the Royal Court, January 18, and approved by the States, May 7, for affording relief to lands encumbered with rent-charges in Guernsey.	
—	(July 22.) Confirming four Projets de Loi adopted by the Royal Court, April 12, and approved by States of Guernsey, May 7, to wit: 1. Relating to prescriptions as applied to claims to personalty. 2. Regulating the form of wills for disposal of personal estate. 3. Relating to devises of real property. 4. Relating to the law of guarantee.	1850
—	(August 10.) Authorising the Procureur and Receiver General of Guernsey to grant leases of the Crown lands, under directions of the Lords of the Treasury.	

A. D.	Orders in Council.
1848	(June 28.) Confirming a <i>Projet de Loi</i> adopted by the Court of Chief Pleas, and approved by the States of Guernsey, July 2, 1848, intituled "Loi d'Expropriation forcée."
—	(August 11.) For granting to the Court of Alderney criminal jurisdiction in certain cases.
—	(September 5.) Confirming Act of States of Jersey of April 11, 1848, abolishing rentes foncières, or perpetual mortgages on real property.
—	(October 31.) For registering two Acts 11 & 12 Vict. cap. 42 and 43, respecting the duties of Justices of the Peace out of sessions.
1849	(January 15.) Authorising Royal Court of Guernsey to stay inflictions of punishments on notifications from Secretary of State of intended remission of sentence by the Crown.
—	(May 1.) For registering statute 11 & 12 Vict. cap. 105, prohibiting the importation of diseased cattle or sheep.
—	(May 21.) Confirming a <i>Projet de Loi</i> amending the law of evidence in Guernsey.
—	(July 30.) Amending Order of August 10, 1849, in regard to the granting leases of certain Crown lands in Guernsey.
—	(July 30.) For transferring the charge of the fortifications of Guernsey to the Ordnance department.
—	(October 6.) For registering the following statutes : 11 & 12 Vict. cap. 81, regulating Steam Shipping ; 12 & 13 Vict. cap. 29, Navigation Act ; 12 & 13 Vict. cap. 33, Passengers Act ; 12 & 13 Vict. cap. 90, Customs Act.
—	(October 6.) Confirming <i>Projet de Loi</i> , of Guernsey, authorising Queen's Serjeant to execute civil process in the Island.
1850	(January 8.) Peremptorily directing the registration of the Habeas Corpus Act, 21 Car. II., cap. 2, as directed by Order of July 11, 1832.
—	(June 19.) Confirming an Ordinance passed by States of Guernsey in February, 1850, intituled "Des Prêteurs sur Gages."
—	(June 19.) Approving a <i>Projet de Loi</i> passed by the States of Alderney, October 1, 1849, relative to the marriage of Dissenters thereon.

A.D.	Orders in Council	A.D.
1850	(November 13.) For registering in Jersey statutes 13 Vict. cap. 21, and 13 and 14 Vict. cap. 95.	1854
—	(December 12.) Confirming Act of States for improving the Administration of Criminal Justice by introducing publicity in certain cases.	—
1851	(May 5.) Confirming an Act of States of Jersey of December 13, 1850, authorising the issue of a copper coinage to the amount of £1000 sterling.	—
—	(July 17.) Confirming Ordinance of Royal Court of January 20, 1851, respecting the eligibility of Cantonal, Douzainiers to the office of Parochial Douzainiers.	—
1852	(March 5.) Confirming Projet de Loi of Royal Court, April 28, approved by States of Guernsey, December 23, 1851, intituled "De la Prescription Immobilière."	—
—	(April 5.) Confirming an Ordinance, passed by Royal Court in October, 1851, and approved by States respecting the taking of solemn affirmations.	ACTS C
—	(May 15.) For registering the following Acts—10 & 11 Vict. cap. 62, for establishing naval prisons, and prevention of desertion from Her Majesty's navy; and 14 & 15 Vict. cap. 99, to amend the laws of evidence.	Royal Assent.
—	(June 15.) Confirming a Projet de Loi of Guernsey, intituled, "Des Formalités requises pour les Testaments d'Immeubles."	1830
—	(June 30.) For renewing, for five years, the law intituled "Loi d'Expropriation forcée."	1835
—	(December 28.) Confirming certain statutes for the government of Elizabeth College, in Guernsey.	1845
1853	(January 4.) For regulating the government of Victoria College, in Jersey.	—
—	(June 13.) Approving report of Committee on an arrangement for attendance of Incumbents of parishes, at State meetings.	1848
—	(August 19.) Approving a Projet de Loi for amending the law of evidence in Guernsey.	—
—	(October 24.) For registering the following statutes of 16 & 17 Vict., namely, cap. 37: Excise Duties on Spirits Act; cap. 73: Naval Coast Volunteers Act; cap. 107. Customs Consolidation Act.	1853
—	(November 25.) Approving report of Committee respecting establishment of dues for maintenance of St. Sampson's Harbour.	—

A.D.	Orders, in Council.
1854	(March 9.) Confirming <i>Projet de Loi</i> relative to the manner of proving documents in Guernsey.
—	(October 18.) For registering, in the Channel Islands, the "Foreign Deserters Act, 1852," and the "Prize Acts, Russia, 1854," and the "Merchant-Shipping Act, 1854."
—	(October 18.) Confirming Ordinance approved by States July 28, 1854, relating to the granting licences and the sale of beer and cider.

ACTS OF THE IMPERIAL PARLIAMENT RELATING  
TO THE CHANNEL ISLANDS.

Royal Assent.	Acts of Parliament.
1830	(March 19.) 11 Geo. IV. and 1 Will. IV. cap. 5. An Act to make provision for the removal of vagrant and poor persons born in the Isles of Jersey and Guernsey and chargeable to parishes in England.
1835	(August 21.) 5 & 6 Will. IV. cap. 23. An Act to extend the provisions of the Friendly Societies Acts, to the Islands of Guernsey and Jersey. (Amended by 3 & 4 Vict. cap. 10.)
1845	(July 31.) 8 & 9 Vict. cap. 65. An Act to determine the countervailing duties on plain spirits manufactured in the Channel Islands, and to prohibit the importation of rectified or compound spirits therefrom.
1848	(September 4.) 11 and 12 Vict. cap. 117. An Act for rendering certain newspapers published in the Channel Islands liable to postage.
1853	(July 8.) 16 & 17 Vict. cap. 32. An Act to regulate the Excise duties on spirits, and to increase the countervailing duties on spirits the manufacture of the Channel Islands into Scotland and Ireland.

PARLIAMENTARY REPORTS, ACCOUNTS, & PAPERS  
RELATING TO THE CHANNEL ISLANDS.

A.D.	Number.	Parliamentary Reports, &c.
1807	57	Account of vessels cleared out from Guernsey.
1810-11	125	Correspondence relating to specie in circulation in Alderney.
1822	478	Returns of the civil and military expenses of Guernsey, Jersey, and Alderney, and of the amount collected there.
1835	18	Copy of letter from Secretary-at-War respecting office of Governor of Guernsey, and emoluments from tithes of corn, King's revenue.
1847-8	945	Report of Commissioners appointed to inquire into the state of the criminal law in the Channel Islands.
1850	318	Correspondence relating to the amendments of the criminal law in Guernsey and Jersey.
1852-3	577	Correspondence relating to lighthouse in Guernsey.
1854	25	Return of cost of land for harbours and fortifications.

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## CHAPTER III.

## ASIATIC DEPENDENCIES.

## BRITISH INDIA—CEYLON—HONG-KONG, AND LABUAN.

## BRITISH INDIA.

THE British Empire in India may be divided politically into three classes of territories, distinguishable by the degree of British influence and authority exercised over each.

I. The territories directly governed through the East India Company, either by the supreme or any of the four subordinate Governments.

II. The territories of native princes with whom we have subsidiary or protective relations, and who are under the political supremacy of the East India Company.

III. The territories of States which have undertaken to accept British mediation, or are under British influence, but are not ruled directly by Great Britain.

The insular territories of the East India Company are included politically within the first of the above classes; they have been, since 1853, constituted a

distinct subordinate Government, called the "Straits Settlements."\*

British India, continental and insular, may thus be said to comprise altogether an area of more than a million square miles. The triangle of Hindostan (of which Hyderabad, Chittagong, and Cape Comorin, are the three points) forms the most important portion of this empire. Hindostan was, for 1800 years, alternately the seat of Greek, Tartar, Mahommedan, and Mogul rule; and was, in the latter part of the 15th century, first colonized by the Portuguese, and afterwards, in the 17th, by the Dutch, French, and English.

The Government of British India, unlike those systems of polity which have gradually expanded with

\* The Prince of Wales Island, now the seat of Government, is situate in the Straits of Malacca, on the west coast of the Malay peninsula, and comprises an area of about 160 square miles.

Singapore, a settlement comprising one island and about fifty islets off the south point of the Malay peninsula, comprising an area of about 275 square miles, was formerly the site of a Malay kingdom. In 1252, Singapore was captured by a King of Java, and afterwards abandoned. In 1819, it was first occupied by Great Britain; and, in 1824, purchased in fee-simple, from the Sultan of Johore, for the sum of 60,000 Spanish dollars, and an annuity of 24,000 Spanish dollars for the natural lives of the Proprietors.

Malacca, a settlement comprising an area of about 1000 square miles, on the west coast of the Malay peninsula, between the parallels of 2° and 3° north latitude, and the meridians of 102° and 103° east longitude. The chief town was founded (as is said) in 1252; occupied by the Portuguese in 1511, by the Dutch in 1641, and by the English in 1795; again held by the Dutch from 1818 to 1825, when it was exchanged with the British for Benecoolen, in Sumatra.

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the advancing civilisation of other countries, has consisted, for more than two centuries, of a sort of temporary machinery, contrived and modified from time to time to meet the necessities of successive conquests. Political powers, delegated, in the first instance, to a trading corporation for the limited purposes of their own commerce, were of course wholly insufficient for the government of a vast empire. Each succeeding change in the Administration of British India has been thus only the natural result of each succeeding conquest, which necessitated some fresh contrivance for strengthening the hands of the ruling power over the constantly-increasing area of the Imperial domain. Each successive change in the constitution of British India will be found, on a review of those events in the order of their occurrence, to have been ordinarily preceded by an advance, not so much in the power and resources of the country, as in its territorial boundaries.

The first British East India Company was formed in London in 1599, and received its Charter in 1600. Its first factory was established at Bantam in 1602. The Charter was renewed in 1609, and in 1612 the joint-stock system of trade was adopted; and in the same year a second factory at Surat established; a third at Fort St. George on the Coromandel Coast, in 1640; and a fourth on the Hoogley, in 1656. In 1658, the Charter was renewed by Cromwell; and in 1661, by Charles II. In 1662, the island of Bombay was ceded as dower to Charles II. on his marriage with the Infanta Catherine; and in

Historical sketch.

1687, the Presidency of Surat was transferred thither, but the revenue not covering the expenses, it was, in 1688, made over to the Company, and has since been the centre of their dominions in Western India. In 1689, after a three years' war with the Mogul, it was laid down as a fixed policy, that dominion was to be acquired in India, and that the Company were to become a nation. Land was purchased and settled. In 1693, the Charter was again renewed; and in 1698, Fort William was erected, and the district round Calcutta purchased. In the same year, by statute 9 and 10. Will. III. cap. 44, in consideration of certain Customs' duties to be levied on imports from the East Indies, the Company were guaranteed for three years the privileges of trade to all countries between the Cape of Good Hope and the Straits of Magellan. On September 5, in the same year, a second Company, called the English East India Company, received its Charter. By an indenture tripartite, under the Great Seal, dated July 22, 1702, to which the two Companies and the Crown were parties, the Companies were first designated as the "United Company of Merchants trading to the East Indies." In 1707, by statute 6 Anne, cap. 17, provision was made for legally amalgamating the two Companies; all differences to be submitted to Lord Godolphin as arbitrator, and his award to be binding. In 1711, by statute 10 Anne, cap. 28, the corporate capacity of the United East India Company was recognised, and their privileges of trade continued. In 1720, the Company were established at

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the seats of their three present Presidencies, Bombay, Madras, and Calcutta; and in 1744, by statute 17 George II. cap. 17, their privileges were continued for a certain term, and on certain conditions therein defined: The Government of the three British factories in India was at this time committed to a President and Council, appointed by the Company, at each of the three stations, and its affairs were conducted by civil officers sent out from England under covenants of service. In 1746, war with the French began in the Carnatic, and, with various successes, continued till 1755, when Commissioners were appointed who restored all the territories taken in the war to the natives, Mohammed Ali, the ally of the British, being left in possession of the Carnatic. In 1756, war broke out again. The British conquered the Carnatic; and in January, 1761, Pondicherry, the last stronghold of the French, was taken, and their empire in India brought virtually to an end. In the same year, the three districts of Burdwar, Midnapore, and Chittagong, were added, by cession of the native prince, to the Presidency of Bengal. In 1764, the British had reduced every strong place which opposed them, vanquished the Mogul Emperor and his feudatories, and made themselves masters of the great central plain of India. In 1765, Lord Clive was sent out by the Company with the supreme command. He concluded a treaty with Sujah Dowlah, by which the Company obtained the management of the revenue, including, in fact, the entire sovereignty of the provinces of Bengal, Bahar, and Orissa. In

the same year, by statute 7 George III. cap. 57, the territories and revenues thus acquired were guaranteed for two years to the East India Company on payment of £400,000 per annum. In 1769, by statute 9 George III. cap. 24, the provisions of the last-mentioned Act were continued for five years.

First appointment of Governor-General and Council.

In 1773, by statute 13 George III. cap. 63, the Imperial Parliament first made provision for the Government of British India. That statute enacted that the election of the twenty-four Directors of the East India Company (theretofore annual) should be thenceforward for certain terms prescribed in the Act. A Governor-General and four Councillors were also appointed for five years (their seat of government to be at Fort William, in Bengal), to administer the whole civil and military government of Bengal, Bahār, and Orissa, and the revenues thereof, and to have a general control over the subordinate Presidencies and Councils of Madras and Bombay. The Act empowered the Governor-General to frame ordinances and regulations, which must, in order to give them force, be registered in a "Supreme Court" constituted by the Act, and holding its sessions at Calcutta. In the same year (1773), another Act (13 George III. cap. 64) was passed, which, after reciting the financial difficulties of the East India Company, relieves them from their annual payment, and authorises the issue of £1,400,000 in Exchequer-bills, to be applied in their relief. By the same Act, the Company are bound to export annually merchandise to the amount of £380,837 (exclusive of naval and military stores),

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for two years. In 1779, statute 19 George III. cap. 61, continued to the East India Company all their territories and revenues until April 5, 1780.

In 1781, by statute 21 Geo. III. cap. 65, the privileges of the Company were continued for ten years, determinable thereafter on three years' notice. It was also enacted that the Company should pay £400,000 in full satisfaction of all claims on them, that their dividends should be limited to eight per cent., and that after payment thereof, three-fourths of their surplus receipts should be paid into the Exchequer. It was in this year that the Dutch Settlement of Negapatam capitulated to the English—an event which was followed by the fall of that power on the mainland of India.

In 1784 (by statute 24 Geo. III. cap. 25, commonly called Pitt's Act,) His Majesty was empowered to appoint six Privy Councillors as Commissioners for the Affairs of India—three to form a quorum—and either the Chancellor of the Exchequer or one of the Secretaries of State to be President. By the same Act, appointments to vacancies in the offices of Governor-General, and in the subordinate Governments at Fort St. George and Bombay, and of the Councillors at each Presidency, also the right to recall the Governor-General and to declare war, are vested in the Court of Directors.

First establishment of Board of Control.

In 1788, by statute 28 Geo. III. cap. 8, the Commissioners appointed by the last cited Act, called the "Board of Control," were empowered to direct that the expense of raising, transporting, and maintaining

such troops as might be required for the security of the British territories in the East Indies, should be defrayed out of the territorial revenues. The same Act compelled the Court of Directors to lay annually before Parliament an account of the revenues and disbursements of each Presidency.

In 1793, by statute 33 Geo. III. cap. 52, the territorial possessions and revenues of India were further confirmed to the Company for twenty years, together with their commercial privileges. The powers of the Board of Control were also renewed and extended. The Governor-General of India was also invested with absolute powers in certain cases, and further provisions were made for the local government of the three Presidencies. In the meantime, the Mysore and Mahratta Wars had in their results brought vast accessions to the British dominions in Hindostan. Before the close of the eighteenth century, the power of Tippoo Saib had been annihilated by Lords Cornwallis and Wellesley, and his territory entirely subdued. The East India Company had taken in full sovereignty the Coast of Canara, the district of Coimbatore, the passes of the Ghauts, and Seringapatam. The district in the interior of Mysore had been placed indirectly, and that of Tanjore immediately, under British government. In 1801, the same course was pursued with the Carnatic, and in the same year the Governor of Oude ceded half his territory Allahabad, Rohilcund, and a portion of the Doab, while Great Britain assumed the protection of the whole. In 1802, war began with the Mah-

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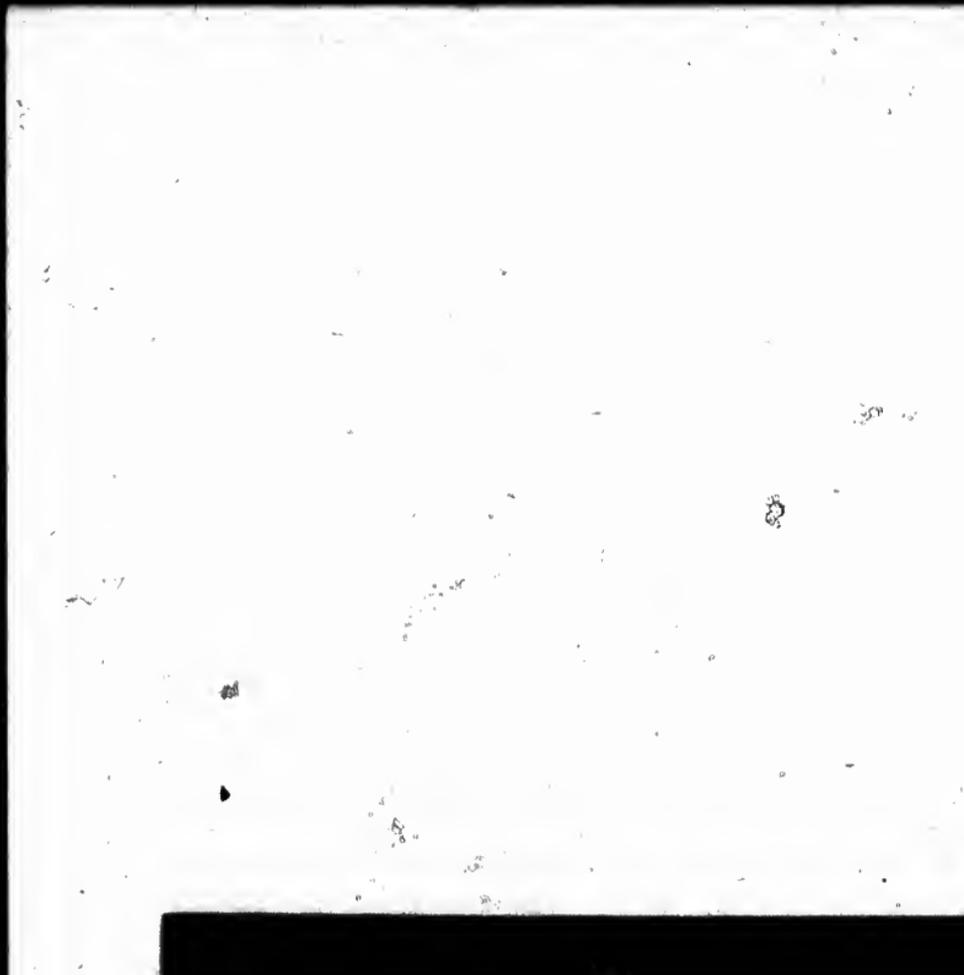
rattas. In 1803, the whole of the Doab, Delhi, Agra, part of Bundelcund and Cuttack, were yielded to our arms, and the battle of Assaye, fought in September of that year, "fixed the dominion of England over prostrate India."

In 1813, by statute 53 Geo. III. cap. 155, the Company were confirmed in the possession of all their past and lately acquired territories for a further period of twenty years, together with their privileges of exclusive trade in tea with China; the cost of their establishments and payment of forces to be defrayed from their territorial revenues. The Act also provides for distinct accounts of territorial, political, and commercial affairs to be returned by the Directors. By the 49th section of this statute, the first ecclesiastical provision was made for British India. It enacts that if His Majesty shall by letters patent, countersigned by the President of the Board of Control, appoint a bishop and three archdeacons, their salaries shall be paid by the Company.\*

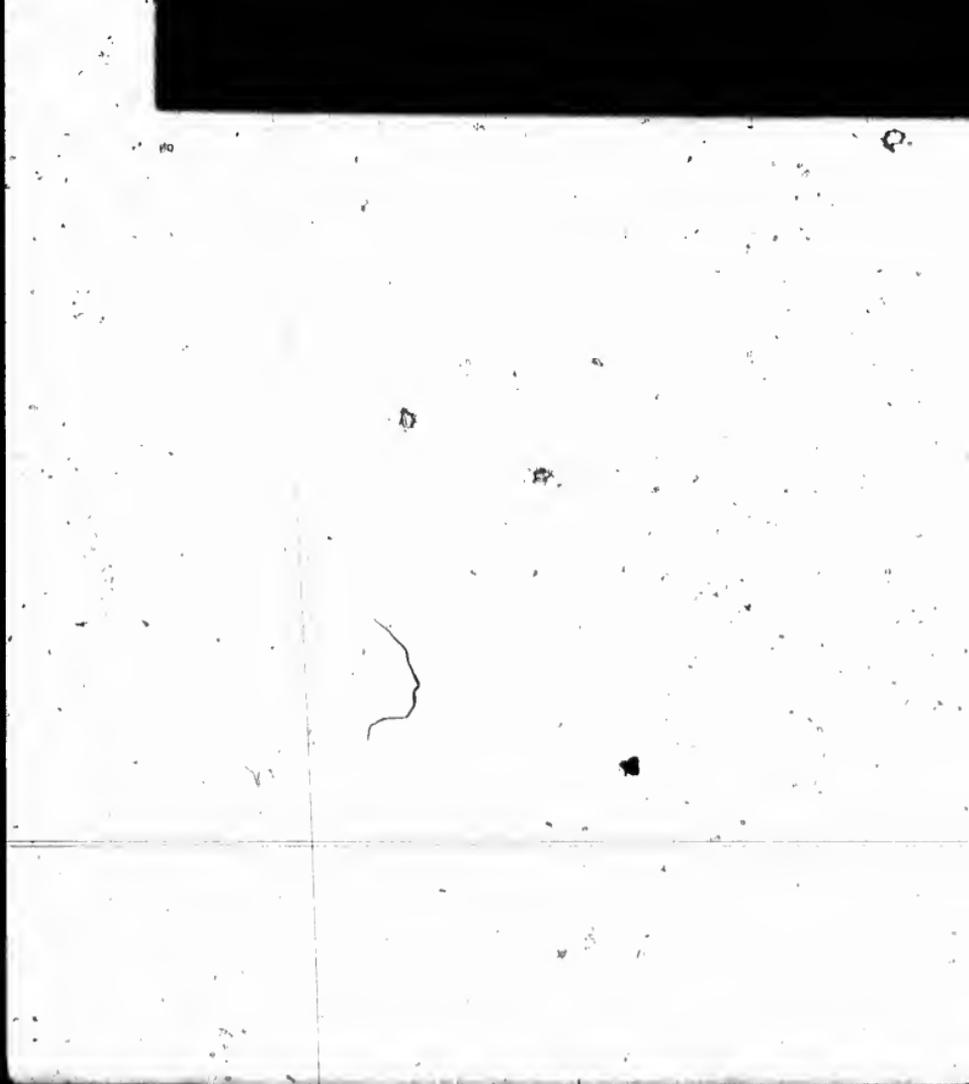
In 1814, war again broke out with Nepaul, and ended in the establishment of British influence there in 1816. In 1817, the Peishwar of Poonah was deposed, and the greater part of his territory was attached to the Presidency of Bombay.

In 1818, the supremacy of Great Britain over Central India was established. In 1824, some districts on the eastern coasts of the Bay of Bengal

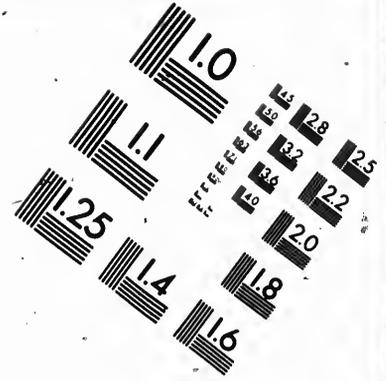
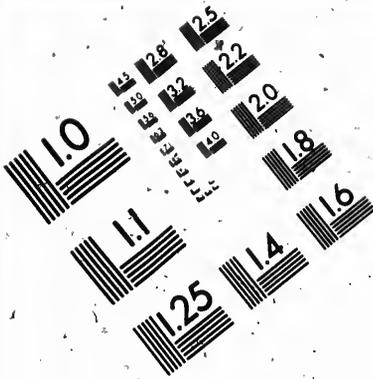
\* Three dioceses have been since erected—at Calcutta in 1814; Madras, 1835; and Bombay, 1837.



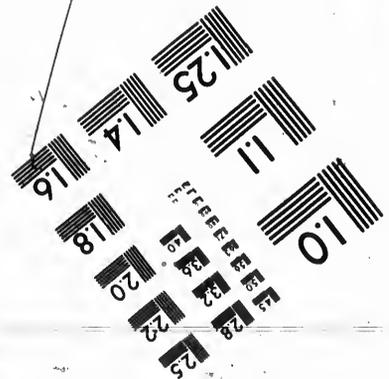
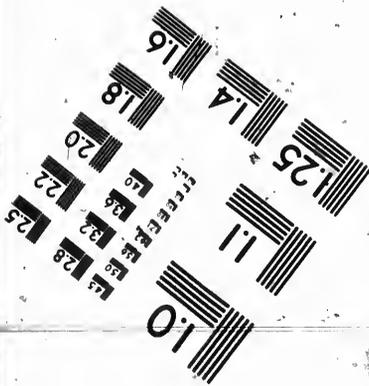
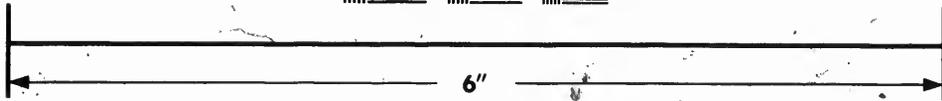
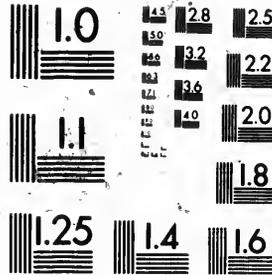








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were acquired by the Burmese War. Assam was at the same time added to our Empire, and in 1826, Bhurtpore.

In 1833, by statute 3 and 4 Wm. IV. cap. 85, the possession of the British territories in India was confirmed to the Company for a further period of twenty years; their privileges of exclusive tea-trade to China were discontinued; the Board of Commissioners for the Affairs of India was remodelled, and the civil and military government vested in the Governor-General and four councillors, three of whom were to be servants of the Company of ten years' standing. The Council was to assemble at such place in India as the Governor-General might appoint; and to make laws and regulations subject to the disallowance of the Court of Directors. The appointment of the Governor-General was vested in the Court of Directors subject to the royal approval, to be signified through the President of the Board of Control. Provision was likewise made by the Act for the payment and jurisdiction of bishops to be appointed at Madras and Bombay. The island of St. Helena was vested in the Crown. The Governor-General was empowered to appoint a "Law Commission" to report on the system of judicial and police establishment in India—an authority which he exercised December 27, 1833. The rights of the Imperial Parliament to legislate for India are, by section 51 of this statute, expressly reserved.

In 1835, by statute 5 and 6 Wm. IV. cap. 52, the

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Directors of the East India Company were authorised to suspend the provisions of the last-cited Act, so far as they related to the subordinate Government of Agra. And the Governor-General in Council was empowered, during such suspension, to appoint a Lieutenant-Governor of the North-Western Provinces.

In the same year (1835), the hitherto protected State of Mysore was taken under direct British management. In 1839, Afghanistan was unsuccessfully invaded. In 1843, Scinde was annexed. In 1845 the war with the Sikhs commenced, and ended in the cession of the Cis-Sutledge territory and the Doab. In 1849 Sattara lapsed, in the same year the Punjab was annexed, and in 1856, Oude.

In 1853, by statute 16 and 17 Vict. cap. 95, all the provisions of former Acts relating to the Government of India, not inconsistent with that Act, were confirmed; and the possession of their territories in India was continued to the Company until Parliament should otherwise provide for the same. The Constitution of the Court of Directors was remodelled: six Legislative Councillors were added to the Council of India, and the Directors were empowered to add two more members to the Council, and the fourth ordinary member was enabled to sit and vote at all its meetings.\* The Crown was also empowered to appoint Commissioners in England to report on Law Reforms recommended by the Indian Law Commission appointed under statute 3 and 4.

\* Vide sections 21-26.

Wm. IV. cap. 85, such report to be presented within three years from the passing of the Act. The Board of Control was also empowered to frame regulations for the admission of candidates to the East India Company's Colleges at Haileybury and Addiscombe, and for the system to be pursued there, and for determining the qualifications of all candidates for the Military and Civil Service in India.\* The Court of Directors was also by the Act empowered to create a new Presidency, or constitute a new Lieutenant-Governorship, and to alter the limits of existing Presidencies.

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It will appear from the preceding summary that the Government of British India is administered in England by two distinct Departments: 1. By the East India Company, as represented by the Court of Directors. And 2. By the Crown, as represented by the Board of Control. The Court of Directors, as reconstituted in 1853, by statute 16 and 17 Vict. cap. 95, consists of eighteen members, twelve elected by the Proprietors, and six appointed by the Crown (ten forming a quorum), to whom is committed the civil, military, financial, and general administration of all the Company's territories in India. All the Directors appointed by the Crown must be qualified by ten years' *service*, and six of those elected by the Proprietors by ten years' *residence* in India. The twelve elective Directors are chosen by all Proprietors holding £1000 stock, and all the Directors, both nominated and elective, must possess the same qualification. The Chair-

\* Vide sections 36-42, abolishing patronage, &c.

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man and Deputy-Chairman are elected by the Court. There are certain distinct Committees of the Court for despatch of business, and a secret Committee of three members for the transmission of despatches from the Board of Control to India. The Board of Control, or of "Commissioners for the Affairs of India," first appointed in 1784, now consists of certain Ministers of the Crown, the First Lord of the Treasury, the Lord President, Lord Privy Seal, the three Secretaries of State, and the Chancellor of the Exchequer, being *ex-officio* members; and the Commissioner first named in the patent (usually a Cabinet Minister), being the President. The Board exercises on behalf of the Crown, a veto on certain appointments, a supervision over the correspondence, and a general control over the civil and military Government of India, as administered by the East India Company.

The supreme local administration of India is vested in a Governor-General and a Council, now consisting of eleven members.\* The seat of Government is at Calcutta; and it exercises a general authority over the four subordinate Governments, and a direct control over all those districts of British India which are not included within any of the four. The Governor-General of India is appointed by the Court of Directors of the East India Company, and is revokable by them; but ordinarily, since Lord Hastings' time, holds office for five years. He is invested with

\* Exclusive of the Lieutenant-Governors of the subordinate Presidencies.

supreme executive authority, which may be exercised with or without the concurrence of his Council.

The Council of India is now constituted as follows : —the Governor-General, and four ordinary members, who must have been civil or military servants of the Company of ten years' standing; there are also four legislative members, being civil servants of the Company of ten years' standing, but entitled to vote only in the framing of laws and regulations. There are also three *ex-officio* members, namely, the Commander-in-Chief, the Chief Justice, and one of the other judges of the Supreme Court of Bengal. The Governor-General in Council exercises a general authority, both civil and military, over the Presidencies of Bengal, and the North-West Provinces, Madras, Bombay, and the Straits' Settlements, and a direct control over all those territories which are not included in any of the subordinate Governments. His authority extends also to the territories of all native princes with whom we have contracted subsidiary or protective relations, and to the exercise of such influence as Great Britain may possess by treaty over those independent States which have accepted of our mediation.

Governors and Councils were established at Madras and Bombay, in 1784. A Lieutenant-Governor of the North-West Provinces was appointed in 1835, and the "Straits' Settlements" were constituted a distinct subordinate Government in 1853.

The Governor-General of British India receives a salary of 25,000*l.* per annum.

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THE FOLLOWING ARE THE NAMES OF THOSE WHO HAVE HELD THE OFFICE OF GOVERNOR-GENERAL, WITH THE DATES OF THEIR APPOINTMENTS (THOSE APPOINTED PRIOR TO THE REGULATION ACT IN 1773. HAVING BEEN STYLED ADMINISTRATORS).

- Alexander Dawson, January 27, 1748.  
 William Fytche, January 8, 1752.  
 Roger Drake, August 8, 1752.  
 Colonel Robert Clive, March 25, 1758.  
 Henry Vansittart, November 23, 1759.  
 John Spencer, November 26, 1764.  
 Lord Clive (Second Time), June 1, 1764.  
 Harry Verelst, January 26, 1767.  
 John Cartier, December 16, 1769.  
 Warren Hastings, April 25, 1771.  
 John Macpherson, February 1, 1785.  
 Lord Macartney, July 1785. (Declined Office.)  
 Lord Cornwallis, February 24, 1786.  
 Major-General W. Meadows, April 28, 1790.  
 Sir John Shore (Lord Teignmouth), September 19, 1792.  
 Sir Alured Clarke, September 20, 1797.  
 Lord Mornington (Marquess Wellesley), October 4, 1797.  
 Marquess Cornwallis (Second Time), January 9, 1805.  
 Sir George H. Barlow, February 19, 1806.  
 Lord Minto, July 9, 1806.  
 Earl of Moira (Marquess of Hastings), November 18, 1812.  
 George Canning, March 27, 1822. (Declined Office.)  
 William, Lord Amherst, October 23, 1822.  
 Lord William Cavendish Bentinck, July 18, 1827.  
 William, Lord Heytesbury, January 28, 1835.  
 George, Lord Auckland, August 12, 1835.  
 Edward, Lord Ellenborough, October 20, 1841.  
 Sir Henry Hardinge (Viscount Hardinge), May 2, 1844.  
 James Andrew, Marquess of Dalhousie, August 4, 1847.  
 Charles John, Viscount Canning, July —, 1855.

THE FOLLOWING ARE THE NAMES OF THOSE WHO HAVE HELD THE OFFICE OF PRESIDENT OF THE BOARD OF COMMISSIONERS FOR THE AFFAIRS OF INDIA SINCE ITS CONSTITUTION, IN 1784.

- Thomas, Lord Sydney, September 3, 1784.  
 Right Hon. W. Wyndham Grenville, March 12, 1790.  
 Right Hon. Henry Dundas, June 28, 1793.  
 George, Viscount Lewisham, May 19, 1801.

Robert, Viscount Castlereagh, July 12, 1802.	
Gilbert, Lord Minto, February 12, 1806.	
Right Hon. Thomas Grenville, July 16, 1806.	
Right Hon. George Tierney, October 1, 1806.	
Right Hon. Robert Dundas, April 6, 1807.	1618
Dudley, Earl of Harrowby, July 16, 1807.	
Right Hon. R. Dundas (second time), November 13, 1809.	1619
Robert, Earl of Buckinghamshire, April 7, 1812.	
Right Hon. George Canning, June 20, 1816.	
Right Hon. Charles Bathurst, July 16, 1821.	1622
Right Hon. C. Watkin Williams Wynn, July 8, 1822.	
Robert Dundas, Viscount Melville, February 7, 1828.	
Edward, Lord Ellenborough, April 24, 1828.	1626
Right Hon. Charles Grant, December 6, 1830.	
Edward, Lord Ellenborough (second time), December 20, 1834.	1627
Right Hon. Sir John C. Hobhouse, Bart., April 29, 1835.	
Edward, Lord Ellenborough (third time), April 9, 1841.	
W. F. Fitzgerald, Lord Fitzgerald and Vescei, October 28, 1841.	1631
Frederic J., Earl of Ripon, May 28, 1843.	
Sir J. C. Hobhouse, Lord Broughton (2nd time), July 10, 1846.	1638
Right Hon. Fox Maule, February 5, 1852.	
Right Hon. J. C. Herries, February 27, 1852.	
Right Hon. Sir Charles Wood, Bart., December 28, 1852.	
Right Hon. R. Vernon Smith, ———, 1855.	

ORDERS IN COUNCIL RELATING TO THE TERRITORIES OF THE EAST INDIA COMPANY.

Year.	Orders in Council.	
1613	(June 13.) For regulating the trade to the East Indies.	1661
1614	(January.) For ordering certain criminals to be transported to the East Indies.	1662
1615	(July.) For delivering J. Gates, and other reprieved convicts, to the Governor of the East India Company, to be sent to India.	1663
1617	(March 20.) For delivering John Browne, now a prisoner in the castle of Canterbury, convicted of felony (but not of murder, burglary, or witchcraft), unto Sir J. Smith, Knight, Governor of the East India Company, to be sent beyond the seas to the East Indies.	1668
		1677
		1681

Year.	Orders in Council.
1618	(May 28.) Ordering the East India Company to advance, in connection with the Muscovy Company, a loan of 100,000 rubles to the Emperor of Russia.
1619	(February 28.) For separating the financial affairs of the East India Company from the Muscovy Company.
1622	(January 31.) For declaring the will of King James concerning certain points in dispute between the East India Company and the Dutch, and for ordering payment of £20,000 to the Company in reals.
1626	(January 29.) For permitting the East India Company to export bullion.
1627	(January 25.) For ordering vessels belonging to the East India Company to be prepared for Government service.
1631	(September 29.) Ordering strict observance of the Proclamation regulating the East India Company's officers at various outports.
1636	(May 25.) For appointing Committee to inquire into the present state of the trade to the East Indies, and to receive propositions for the better regulation thereof.
—	(September 2.) For declaring His Majesty's answer to four propositions of the East India Company touching the regulation of their trade.
1661	(February 7.) Ordering certain munitions of war to be sent to Bombay.
1662	(March 13.) Ordering Lord Treasurer to send £1000 sterling to Bombay for the present supply of His Majesty's forces there.
1663	(October 21.) Appointing Committee to adjust the differences between the East India Company and the Dutch.
1667	(March 20.) For reforming abuses at Bombay, Surat, and other factories in the East Indies.
1668	(March 6.) Ordering a patent for granting Bombay to the East India Company, to be engrossed, and to pass the seals.
1677	(October 26.) Ordering Mr. Barry at Lisbon to solicit about the quiet possession of the island of Bombaine (Bombay).
1681	(November 23.) Licensing the East India Company to transport sixty-six pieces of iron ordnance to Fort St. George.

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Year.	Orders in Council.	Year.
1691	(February 4.) Granting Commissions to ships of the East India Company against the French.	1830
1693	(November 2.) Approving the East India Company's Charters, with twenty-six regulations set forth in the Order.	1832
1702	(June 11.) Approving the Indenture uniting the two East India Companies.	
1721	(October 2.) Prohibiting ships going to the East Indies from trading to the Plantations.	
1726	(August 9.) For passing letters patent granting the Company further privileges and franchises.	1833
1735	(December 18.) Approving proclamation prohibiting all persons from trading to the East Indies, contrary to the privileges granted to the East India Company.	1836
1760	(November 26.) Approving Charter to the East India Company to erect courts of justice near Bencoolen, in the island of Sumatra.	
1806	(August 5.) Approving Charter for establishing courts of judicature in the Prince of Wales's Island, and for trial of piracies.	
1808	(October 15.) For permitting the East India Company to export stores to their settlements at Canton and St. Helena.	1838
1809	(March 27.) Authorising the East India Company to permit the sale, by public auction, of several articles, the produce and manufacture of China.	
1813	(August 14.) For regulating the trade between the United Kingdom and the East Indies.	
1827	(March 14.) For submitting for His Majesty's approval a table of fees to be taken in the Supreme Court of Judicature at Bombay.	
—	(June 30.) For allowing to the officers of the Bombay Marine, within the limits of the East India Company's Charter, the privilege of taking rank agreeably to their several degrees, with the officers of the Royal Navy.	1839
1828	(March 5.) Approving the report of Committee on certain rules relating to juries in the Supreme Court of Judicature at Fort William, in Bengal.	1840
1829	(June 10.) Approving report of Committee on the petition of Sir Peter Grant, the only surviving justice of the Supreme Court of Judicature at Bombay; also on a memorial from the East India Company.	1841

Year.	Orders in Council.
1830.	(June 28.) Approving report of Committee on certain variations in the times of holding Sessions of Oyer and Terminer in the Supreme Court of Bombay.
1832	(July 11.) Approving report of Committee for dismissing petition of certain Hindoos of Bengal, complaining of the suppression of the practice of Suttee by a regulation of the Governor-General of India in Council.
1833	(July 3.) Approving report of Committee on petition of Major-General Sir Lionel Smith on the subject of the Deccan booty.
1836	(April 19.) Approving report of Committee respecting certain rules and orders for the plea, equity, and Crown sides of the Supreme Court of Judicature at Bombay.
—	(November 30.) Approving certain rules proposed by the Commissioners for the affairs of India, relating to the preparation of the annual prospective estimates of vacancies in the Indian establishments, under sections 103 & 106 of statute 3 & 4 Will. IV. cap. 85.
1838	(January 23.) Approving report of Committee on certain rules and tables of fees established by the Supreme Court of Judicature in Bengal.
—	(April 10.) Establishing certain rules in appeals from Her Majesty's Supreme Courts in India and elsewhere to the eastward of the Cape of Good Hope.
—	(July 30.) Confirming certain statutes framed by the Commissioners for the affairs of India, under statute 1 & 2 Vict. cap. 22, for the good government of the East India Company's College at Haileybury.
1839	(October 21.) Approving report of Committee on certain alterations in the statutes of the East India Company's College at Haileybury.
1840	(May 7.) For allowing the importation of sugars, the produce of the Presidency of Fort St. George, at a duty of £1 4s. per cwt.
1841	(May 8.) For reducing the duties payable on the produce and manufactures of the British possessions in India on their importation into certain colonies therein named; to wit, Australia, Ceylon, and the Cape of Good Hope.

Year.	Orders in Council.	Royal Assent.
1842	(April 27.) Confirming certain rules and orders made by the Supreme Court of Judicature at Fort William, October 22, 1841.	1711
1847	(June 17.) For granting Charter of Incorporation to the Eastern Archipelago Company.	1744
—	(July 22.) Approving rules of November 7, 1846, and April 22, 1847, of the Supreme Court of Judicature of Bombay.	1754
1848	(June 27.) Confirming certain rules of October 25, November 15, and December 10, 13, and 22, 1847, and of January 2 and February 2, 1848, of Supreme Court of Judicature of Bengal.	—
1849	(May 21.) Confirming rules of the Court of Judicature of the Prince of Wales's Island, Singapore, and Malacca, of November 6, 1848.	1767
1850	(June 19.) Disallowing certain rules of the Supreme Court of Judicature of Bengal, confirmed by the Legislative Council of India, under statute 3 & 4 Vict. cap. 34.	1769
1852	(August 18.) For apprehending, within the territories of the East India Company, seamen, being deserters from Russian, Swedish, Norwegian, and Peruvian merchant ships.	—
		1773
		1781

ACTS OF THE IMPERIAL PARLIAMENT RELATING  
TO THE TERRITORIES OF THE EAST INDIA  
COMPANY.

Royal Assent.	Acts of Parliament.	Royal Assent.
1698	9 & 10 Wm. III. cap 44.—An Act for raising a sum not exceeding two millions upon a fund for payment of annuities after the rate of 8 per cent. per annum, and for settling the trade to the East Indies.	1784
1707	6 Annè. cap. 17.—An Act for assuring to the English Company trading to the East Indies, on account of their United Stock, a larger interest in the fund	1788
		1793

Royal Assent.	Acts of Parliament.
	and trade therein mentioned, and for raising thereby 120,000 <i>l.</i> for carrying on the war.
1711	10 Anng. cap. 28.—An Act for continuing the trade of the East India Company.
1744	17 Geo. II. cap. 17.—An Act for continuing the trade of the East India Company for a further period.
1754	17 Geo. II. cap. 9.—An Act for punishing mutiny and desertion of officers and soldiers in the service of the United Company of Merchants trading to the East Indies, and for the punishment of offences committed in the East Indies or at the island of St. Helena.
1767	7 Geo. III. cap. 57.—An Act for establishing an agreement for the annual payment of £400,000 for a limited time, by the East India Company in respect of the territorial acquisitions and revenues lately obtained in the East Indies.
1769	9 Geo. III. cap. 24.—An Act for continuing, for five years, the provisions of statute 6 Geo. III. cap. 57.
—	13 Geo. III. cap. 63.—An Act to regulate the government of India.
1773	13 Geo. III. cap. 64.—An Act to authorise the issue of £1,400,000 in Exchequer Bills, to be applied in relief of the East India Company.
1781	21 Geo. III. cap. 65.—An Act for establishing an agreement with the United Company of Merchants trading to the East Indies, for the payment of the sum of £400,000 in full discharge and satisfaction of all claims of the public, from the time the bond debt of the Company was reduced to £1,500,000 till March 1, 1781.
1784	24 Geo. III. cap. 25.—An Act to provide for the government of India.
1788	28 Geo. III. cap. 8.—An Act to provide for the expense of raising, transporting, and maintaining such troops as may be required for the security of the British territories in the East Indies.
1793	(June 11.) 23 Geo. III. cap. 52.—An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with the exclusive trade under certain limitations; for appropriating to certain uses the revenues

Royal Assent.	Acts of Parliament.	Royal Assent.
	and profits of the said Company, and for making provision for the good order and government of the towns of Calcutta, Madras, and Bombay.	1810
1799	13 Geo. III. cap. 89.—An Act for regulating the manner in which the East India Company shall hire and take up ships for their regular service. (Amended by 50 Geo. III. cap. 86.)	—
1800	(July 28.) 39 & 40 Geo. III. cap. 79.—An Act for establishing further regulations for the government of the British territories in India, and for the better administration of justice within the same.	1811
1802	(March 24.) 42 Geo. III. cap. 29.—An Act to authorise the East India Company to make their settlement at Marlborough, in the East Indies, a factory subordinate to the Presidency of Fort William, in Bengal, and to transfer the servants who, on the reduction of that establishment, shall be supernumerary, to the Presidency of Fort St. George.	1812
1803	(August 11.) 43 Geo. III. cap. 107.—An Act to enable the Court of Directors of the East India Company to make allowance to the owners of certain ships in their service.	—
—	(December 15.) 44 Geo. III. cap. 3.—An Act to regulate the bonds issued by the East India Company, with respect to the rate of interest and duty payable thereon.	1813
1805	(April 10.) 46 Geo. III. cap. 36.—An Act to enable the East India Company to appoint the Commander-in-Chief on the Bengal establishment to be a member of the Council of Fort William, in Bengal, notwithstanding the office of Governor-General of Fort William and of Commander-in-Chief of the forces being vested in the same person.	1814
1807	(August 8.) 47 Geo. III. cap. 41. (Sess. 2).—An Act to enable the East India Company to raise money on bond, instead of increasing their capital stock.	—
—	(August 13.) 47 Geo. III. cap. 68. (Sess. 2).—An Act for the better government of the settlements of Fort St. George and Bombay, for the regulation of public banks, and for amending so much of statute 33 Geo. III. cap. 52, as relates to the periods at which the civil servants of the East India Company may be employed in their service abroad.	1815

Royal Assent.	Acts of Parliament.
1810	(June 15.) 50 Geo. III. cap. 87.—An Act to provide for the raising of men for the service of the East India Company.
—	(June 20.) 50 Geo. III. cap. 114.—An Act for granting to His Majesty a sum of money to be raised by Exchequer Bills, and to be advanced and applied in the manner and on the terms therein mentioned, for the relief of the United Company of Merchants trading to the East Indies. (Amended by 52 Geo. III. cap. 10.)
1811	(June 10.) 51 Geo. III. cap. 64.—An Act to enable the East India Company to raise a further sum of money upon bond, instead of increasing their capital stock.
1812	(July 13.) 52 Geo. III. cap. 121.—An Act to authorise the transfer to the East Indies of debts originally contracted there on the part of the East India Company, payable in England.
—	(July 18.) 52 Geo. III. cap. 135.—An Act for advancing two millions and a half sterling to the East India Company, to enable them to discharge part of the Indian debt.
1813	(July 21.) 53 Geo. III. cap. 155.—An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from places within the limits of the Company's charter.
1814	(May 17.) 54 Geo. III. cap. 56.—An Act to repeal the duties on teak wood and other ship timber imported from the East Indies.
—	(July 23.) 54 Geo. III. cap. 105.—An Act to remove doubts as to the duties and taxes heretofore imposed and levied under the authority of the several Governments in the East Indies.
1815	(May 25.) 55 Geo. III. cap. 64.—An Act to explain and amend 53 Geo. III. cap. 115 so far as relates to the granting gratuities by the East India Company.
—	(June 14.) 55 Geo. III. cap. 84.—An Act to make provision for the Judges in the East Indies in certain cases.

Royal Assent.	Acts of Parliament.	Royal Assent.
1817	(June 20.) 57 Geo. III. cap. 36.—An Act to regulate the Trade to and from the places within the limits of the Charter of the East India Company, and certain possessions of His Majesty in the Mediterranean.	
—	(July 10.) 57 Geo. III. cap. 95.—An Act to exempt the Territories within the limits of the East India Company's Charter from certain of the Navigation Laws.	1826
1818	(June 5.) 58 Geo. III. cap. 83.—An Act to amend and reduce into one Act the several Laws relating to the manner in which the East India Company are required to hire ships.	1828
—	(June 5.) 58 Geo. III. cap. 84.—An Act to remove doubts as to the validity of certain Marriages had and solemnized within the British Territories in India.	
1820	(July 24.) 1 Geo. IV. cap. 99.—An Act to enable the East India Company to raise and maintain a Corps of Volunteer Infantry.	
—	(July 21.) 1 Geo. IV. cap. 101.—An Act to enable the Examination of Witnesses to be taken in India in support of Bills of Divorce on account of Adultery committed in India.	
1822	(July 30.) 3 Geo. IV. cap. 93.—An Act for carrying into execution an Agreement between His Majesty and the East India Company.	
1823	(July 11.) 4 Geo. IV. cap. 71.—An Act for defraying the Charge of Retiring Pay, Pensions, or other expenses of that nature of His Majesty's forces serving in India; for establishing the Pensions of the Bishops, Archdeacons, and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay.	1829
1824	(June 21.) 5 Geo. IV. cap. 88.—An Act to authorise the East India Company to trade direct from China to the British Colonies and Plantations in America.	1833
—	(June 24.) 5 Geo. IV. cap. 108.—An Act for transferring to the East India Company certain possessions, newly acquired, in the East Indies, and for authorising the removal of convicts from Sumatra.	
1825	(July 5.) 6 Geo. IV. cap. 85.—An Act for further regulating the payment of the Salaries and Pensions	1834

Royal Assent.	Acts of Parliament.
	to the Judges of His Majesty's Courts in India, and the Bishop of Calcutta; for authorising the transportation of Offenders from St. Helena, and for more effectually providing for the Administration of Justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.
1826	(May 5.) 7 Geo. IV. cap. 37.—An Act to regulate the Appointment of Juries in the East Indies.
—	(May 26.) 7 Geo. IV. cap. 52.—An Act for defraying the expense of any Additional Naval Force to be employed in the East Indies.
1828	(June 27.) 9 Geo. IV. cap. 33.—An Act to declare and settle the Law respecting the Liability of the real Estates of British subjects and others within the Jurisdiction of His Majesty's Supreme Courts in India as assets in the hands of Executors and Administrators to the payment of the Debts of their deceased Owners.
—	(July 19.) 9 Geo. IV. cap. 73.—An Act to provide for the Relief of Insolvent Debtors in the East Indies until March 1, 1833 (continued by 4 & 5 Wm. IV. cap. 79, 6 & 7 Wm. IV. cap. 47, and 3 & 4 Vict. cap. 80).
—	(July 20.) 9 Geo. IV. cap. 74.—An Act for Improving the Administration of Criminal Justice in the East Indies.
1829	(June 24.) 10 Geo. IV. cap. 63.—An Act to exclude persons accepting Offices in the East Indies from being Members of the House of Commons.
1832	(August 16.) 2 & 3 Wm. IV. cap. 117.—An Act to amend the Law relating to the Appointment of Justices of the Peace and of Juries in the East Indies.
1833	(August 28.) 3 & 4 Wm. IV. cap. 85.—An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till April 30, 1854.
—	(August 28.) 3 & 4 Wm. IV. cap. 93.—An Act to regulate the Trade of China and India.
—	(August 29.) 3 & 4 Wm. IV. cap. 101.—An Act to provide for the Collection and Management of the Duties on Tea.
1834	(July 25.) 4 & 5 Wm. IV. cap. 33.—An Act to repeal so much of several Acts as requires Deposits to

Royal Assent.	Acts of Parliament.	Royal Assent.
	be made on Teas sold at the sales of the East India Company.	1844
1835	(August 31.) 5 & 6 Wm. IV. cap. 52.—An Act to authorise the Court of Directors of the East India Company to suspend the provisions of 3 & 4 Wm. IV. cap. 85, so far as they relate to the Government of Agra.	1849
1836	(August 13.) 6 & 7 Wm. IV. cap. 52.—An Act for enabling His Majesty to grant Admiralty Jurisdiction to the Courts of Judicature of Prince of Wales's Island, Singapore and Malacca.	1851
1837	(July 12.) 7 Wm. IV. & 1 Vict. cap. 47.—An Act to repeal so much of certain existing Acts as prohibits the Payment of Salaries of the East India Company's Officers during their absence from their respective stations in India.	—
1839	(July 29.) 2 & 3 Vict. cap. 34.—An Act to confirm certain rules and orders of the Supreme Courts of Judicature at Fort William and Madras, and to empower the same courts and the Supreme Court of Judicature of Bombay to make rules and orders concerning pleadings.	1853
1840	(August 4.) 3 & 4 Vict. cap. 37.—An Act to consolidate and amend the laws for punishing mutiny and desertion of officers and soldiers in the service of the East India Company, and for providing for the observance of discipline in the Indian Navy.	
—	(August 7.) 3 & 4 Vict. cap. 56.—An Act further to regulate the trade of ships built and trading within the limits of the East India Company's Charter.	
1841	(April 6.) 4 Vict. cap. 8.—An Act to reduce the duty on rum and rum shrub, the produce of and imported from certain British possessions in the East Indies into the United Kingdom.	1801
1842	(August 10.) 5 & 6 Vict. cap. 101.—An Act for extending to the governors of the East India Company the powers given by statute 5 Geo. IV. cap. 113, for suppressing the importation of slaves into India by sea.	1801-2 1802-3 1803-4
—	(August 12.) 5 & 6 Vict. cap. 119.—An Act to enable Her Majesty to grant furlough allowances to the Bishops of Calcutta, Madras, and Bombay, who shall return to Europe for a limited period, after residing in India a sufficient time to entitle them to the highest rate of pension.	1805

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Year.

Royal Assent.	Acts of Parliament.
1844	(June 6.) 7 Vict. cap. 18.—An Act to remove doubts as to the power of appointing and confirming the sentences of courts martial in the East Indies.
1849	(July 28.) 12 & 13 Vict. cap. 43.—An Act for punishing mutiny and desertion of officers and soldiers in the service of the East India Company, and for regulating, in such service, the payment of regimental debts and the distribution of the effects of officers and soldiers dying in the service.
1851	(July 24.) 14 & 15 Vict. cap. 40.—An Act for marriages in India.
—	(August 7.) 14 & 15 Vict. cap. 81.—An Act to authorise the removal from India of insane persons charged with offences, and to give better effect to inquiries of lunacy taken in India.
1853	(August 20.) 16 & 17 Vict. cap. 95.—An Act to provide for the government of India.

PARLIAMENTARY REPORTS, ACCOUNTS, & PAPERS RELATING TO THE TERRITORIES OF THE EAST INDIA COMPANY.

Year.	Sessional Number.	Parliamentary Reports, &c.
1801	64	Accounts of the annual revenues and disbursements of Bengal, Fort St. George, Bombay, Bencoolen, and Prince of Wales's Island.
—	122	Papers respecting private trade between India and Europe.
1801-2	126	Accounts of annual revenues, &c.
1802-3	60	Accounts of annual revenues, &c.
1803-4	111	Accounts of annual revenues, &c.
—	116	Papers relative to the Mahratta war.
1805	40	Papers respecting Prince of Wales's Island.
—	48	Treaties, engagements, and correspondence between the British Government and the Mogul.

## ASIATIC DEPENDENCIES.

Year.	Sessional Number.	Parliamentary Reports, &c.	Year.
1806	158	Accounts of annual revenues, &c.	1818
	205	Political correspondence relative to Oude.	1819
1806-7	94	Papers relating to the affairs of the Carnatic.	1820
	{ 2		1821
1807	{ 24	Accounts of annual revenues, &c.	1822
	{ 54		1823
1808	42	Correspondence of Marquess Cornwallis with the Court of Directors.	1824
	{ 194		1825
	{ 240	Accounts of annual revenues, &c.	—
1809	91	Report of Committee on East India patronage.	1826
	268	Return of writers and cadets sent to India by the Company.	—
	275	Accounts of annual revenues, &c.	1826-27
1810	{ 227		1828
	{ 228		—
1810-11	{ 165		—
	{ 200	Accounts of annual revenues, &c.	—
	{ 186		—
1812	{ 343		—
	{ 153		—
1812-13	{ 154		1829
	194	Papers relating to the Christians in Malabar, Roman Catholic Chapel, temple of Juggernaut, missionaries in Bengal, &c.	1830
	264	Return of answers of circuit judges respecting the religion of the Hindoos; also respecting missionaries, and the first introduction of Christianity into India.	—
1813-14	188	Accounts of annual revenues, &c.	1831
1814-15	39	Regulations passed by the Governments of the three Presidencies.	1831-32
	323		—
1816	381	Accounts of annual revenues, &c.	—
1817	310		1833
	389	Papers relating to the war in Nepal.	—
1818	65	Regulations passed by Governments of the three Presidencies.	—

Year.	Sessional Number.	Parliamentary Reports, &c.
1818	362	Accounts of annual revenues, &c.
1819	299	
1820	89	
	91	
1821	596-618	
1822	433-446	
1823	406-431	Papers relating to the Burmese war, and to discussions with that Government. Papers relating to the burning of Hindoo widows, and voluntary immolation. Regulations passed by the Governments of Bengal, Fort St. George, and Bombay.
1824	346 460	
1825	315 354	
—	360	
—	508 18	
1826	158	Accounts of annual revenues, &c.
1826-27	349	
	410	
1828	390	
	325	
—	129	Regulations of the Governments of the three Presidencies.
—	390	Rules relating to juries in the Supreme Court of Judicature at Fort William, in Bengal.
1829	201	Regulations of the Governments in the three Presidencies.
—	240	Accounts of annual revenues, &c.
1830	60-682	Regulations of the Governments at the three Presidencies.
—	398	Accounts of annual revenues, &c.
—	633	Returns of East India civil offices.
1831	4	Accounts of annual revenues, &c.
1831-32	450	
	734-5	
—	125	Reports from Select Committee appointed to consider the present state of the affairs of the East India Company, with an Appendix on the state of society among the Asiatic subjects of Great Britain.
1833	126	
	370	
	378	
	549	
—	—	Correspondence and papers respecting the renewal of the East India Company's Charter.

Year.	Sessional Number.	Parliamentary Reports, &c.	Year.
1833	271	Accounts of annual revenues, &c.	
	{ 277 }	Regulations of the Governments of the three Presidencies.	1843
	{ 754 }		
1836	518	Report on salt monopoly in India.	
1837-8	51	Accounts of annual revenues, &c.	
	156	Regulations of the Governments of the three Presidencies.	
	673	Copy of the penal code prepared by the Indian Law Commissioners, published by command of the Governor-General in Council.	
1839	40	Treaty with Runjeet Singh and Shah Shujah-ool-Moolk at Lahore, June 26, 1838.	1844 1845
	431	Various papers relating to the present state of steam communication with India by the various routes, and expenses incurred.	1846 1847
	552	Accounts of annual revenues, &c.	
1840	527	Minute by the Governor-General of India on the cultivation of cotton in the East Indies, and comparative cost of producing cotton-yarn in England and in India.	
	614 }		
1841	22 }	Accounts of annual revenues, &c.	
	30 }	Acts of the Government of India.	1847-
	86	Correspondence between the Government of India and the Court of Directors relative to contributions to Hindoo temples.	
	{ 97 }	Statements showing the pay and allowances of Her Majesty's troops serving in India.	
	{ 428 }		
	328	Despatch from the Court of Directors on the further severance of Government from all connection with the idolatry and superstition of Mahomedans and Hindoos.	
1842	58	Acts of the Government of India.	
	200	Accounts of annual revenues, &c.	
	585	Special reports of the Indian Law Commissioners.	1849

Year.	Sessional Number.	Parliamentary Reports, &c.
1843	{ 30 85 }	Proclamations of the Governor-General of India respecting the gates of the temple of Somnauth and the evacuation of Afghanistan.
—	300	Special reports of the Indian Law Commissioners.
—	{ 313 489 490 }	Treaties with the Ameers of Scinde and other conventions, and correspondence relating thereto.
—	613	Papers relating to infanticide in India.
—	{ 367 506 }	Accounts of annual revenues, &c.
1844	506	
1845	272	Special report of the Indian Law Commissioners.
1846	18	Acts of the Government of India.
—	406	Accounts of annual revenues, &c.
1847	14	Special reports of the Indian Law Commissioners.
—	68	Reports relating to railways in India.
—	190	Papers relating to Scinde.
—	439	Return of papers in possession of the East India Company showing the measures taken to promote the cultivation of cotton in India since 1836.
—	712	Report relating to cotton in Bombay.
1847-8	{ 191 330 }	Special reports from the Indian Law Commissioners.
—	123	
—	137	
—	167	Eight reports from Select Committee on sugar and coffee planting in the East Indies, with minutes of evidence, appendix, and index.
—	184	
—	206	
—	230	
—	245	
—	{ 361 431 }	Return of register of ships built in the Hooghly from 1781 to 1846.
—	481	Accounts of annual revenues, &c.
—	511	Reports from Select Committee on the growth of cotton in India, with minutes of evidence, appendix, and index.
—	974	Statutes of education in India.
1849	452	Accounts of annual revenues, &c.

Year.	Sessional Number.	Parliamentary Reports, &c.	Year.
1819	621	Communications on the connection of the Government of British India with idolatry or Mahommedanism.	1851
1850	479	Accounts of annual revenues, &c.	1852
—	669	Documents relative to the revenue and expenditure of the State of Sattara since the death of the rajah, under the administration of the East India Company.	—
—	752	Treaties, Acts, and Ordinances, relating to the Roman Catholic Church.	—
—	1203	Report of Commissioners on law of marriage in the East Indies.	—
1851	17	Laws passed by the Governor-General and Council in India, in 1847, 1848, and 1849, with indexes.	—
—	90	Correspondence between the Government of India and the Court of Directors, and the Government of Bombay and the resident Commissioner at Sattara, relative to the annexation and government of that territory.	—
—	112	Statement showing the cost of postal communication with the East Indies.	—
—	219	Reports and statements relative to the grand trigonometrical survey of India.	—
—	276	Communications relating to the connection of the Government of British India with idolatry or Mahommedanism.	—
—	326	Accounts respecting the annual revenues for the last three years.	—
—	385	Home accounts of the East India Company.	1852-53
—	583	Returns showing nature of examination of cadets before appointment or promotion in the service of the East India Company.	—
—	605	Second report from Select Committee on steam communication with India.	—
—	622	Return of all roads, bridges, factories, docks, and all other public works, completed in India by the East India Company within the last ten years, with cost thereof.	—

Year.	Sessional Number.	Parliamentary Reports, &c.
1851	059	Statement of nature and locality of maritime surveys undertaken by the East India Company since 1820.
1852	41	Lords' report on Indian territories.
—	60	Copies of all documents furnished by the Resident at Sattara to the Bombay Government, showing revenues of Sattara, and charges thereon, under the administration of the East India Company.
—	73	Papers relating to Meer Ali Morad.
—	338	East India Acts for 1850, with index.
—	87	Returns relating to postal communication in India.
—	301	Return of number of scholars in the several educational establishments of the several Presidencies of British India, distinguishing Christian, Mussulman, and Hindoo scholars, and whether the Christian Scriptures are used in such schools.
—	437	Accounts of annual revenues, &c.
—	484	Home accounts of the East India Company.
—	533	Report from the Select Committee on Indian territories, with minutes of evidence, appendix, and index.
—	561	Correspondence between the Bombay Government and the authorities at home on the trade of Scinde and the establishment of an annual fair at the port of Currahee.
1852-53	41	Report from the Select Committee (House of Lords) on Indian territories, with index.
—	73	Papers relating to Meer Ali Morad and the affairs of Scinde.
—	369	Statistical papers, recently prepared, relating to India.
—	{ 426	First, second, third, fourth, fifth, and sixth reports from Select Committee on Indian territories, with appendix and index.
—	{ 479	
—	{ 556	
—	{ 492	
—	{ 768	
—	{ 897	

Year.	Sessional Number.	Parliamentary Reports, &c.	Year.
1852-3	430	Papers relating to the Rajah of Sattara.	1852-3
—	505	Territorial accounts of the East India Company.	1854
—	556	Third report from Select Committee on India.	—
—	560	Home accounts of East India Company.	—
—	615	Papers relating to Djackee Dedajee's attempt to bribe the Bombay Government (with lithographs annexed).	—
—	627	First, second, and third reports from the Lords' Committee on Indian territories.	—
—	632	Correspondence respecting the Government of India, between the Board of Control and Directors.	—
—	681	Returns relating to East India Proprietors, their voting, and the patronage of Directors since 1834.	—
—	770	Instructions to the Governor-General of India respecting Sir James Brooke.	—
—	787	Correspondence relating to railways in India.	—
—	883	Returns of the subjects of the Guicowar enjoying the British guarantee.	—
—	884	Papers relating to public works, and financial letters from Madras.	—
—	928	Returns of the Indian impositions.	—
—	948	List of bonded and uncovenanted servants on the East-India civil service.	—
—	975	Monies disbursed by way of gratuities in the East Indies at the three Presidencies.	—
—	988	Despatch respecting the allowance to the temple of Juggernaut from the Treasury.	—
—	999	Papers illustrative of the revenue survey and assessment of Bengal and Bombay, with plans.	1855
—	{ 407 }	Reports and returns relative to public works in Bengal, Madras, and Bombay.	—
—	{ 987 }	Instructions from the Court of Directors to the Government of India respecting public works.	—
—	884		—

Year.	Sessional Number.	Parliamentary Reports, &c.
1852-3	897	Index and appendix to reports on Indian territories.
1854	21	Report of Commissioners on public works in Bengal and Bombay.
—	29	Return of sums spent on education in India since 1834.
—	80	Papers relative to Sir Charles Napier's resignation.
—	131	Memorandums of Major Kennedy, with plan respecting railways in India.
—	188	Correspondence respecting the claims of Meer Oomaid Sing.
—	213	Return relating to public works in India.
—	224	Return of the quantity of land under cultivation in the East Indies, and papers respecting public works.
—	247	Correspondence respecting the China expedition.
—	{ 251 }	Accounts of annual revenues, &c.
—	{ 272 }	
—	292	Home accounts of East India Company.
—	318	Correspondence relating to railways in India.
—	393	Despatch relating to education in India.
—	413	Letter from Court of Directors respecting public works in India.
—	416	Returns relating to the Rajah of Berar.
—	418	Papers relative to the Nizam's territory.
—	483	Reports on the administration of Scinde.
—	497	Correspondence respecting postage in India.
—	513	Despatch from the Court of Directors respecting military appointments in India.
—	514	Return of number of divisional and brigade commands in the army in India.
1855	34	Papers relating to Assistant-Surgeons in the East India Civil Service.
—	183	Return respecting torture by the police in India.
—	226	Return of sums paid and remaining due for Carnatic debts.

Year.	Sessional Number.	Parliamentary Reports, &c.
1855	242	Receipts and charges from 1850 to 1854 respecting Sattara.
—	243	Reports respecting telegraphs in the East Indies, with a plan.
—	253	Territorial accounts of the East India Company.
—	272	Abstract of correspondence respecting railways in India.

### CEYLON.

Ceylon is situate between the parallels of  $5^{\circ} 55'$  and  $9^{\circ} 48'$  N. latitude, and the meridians of  $79^{\circ} 55'$  and  $82^{\circ}$  E. longitude, and comprises an area of about 24,000 square miles. The island was known and visited by the Greeks, Romans, and Venetians; and, in the sixteenth century, colonised by the Portuguese, who, in the seventeenth century, were dispossessed by the Dutch. In 1796, the English forces under Colonel Stuart dispossessed the Dutch, and their Settlements in Ceylon were first annexed to the Presidency of Madras; but afterwards, in 1798, constituted a separate Colony under Governor the Honourable Frederick North. By three several Charters under the Great Seal, dated respectively April 18, 1801, August 6, 1810, and October 30, 1811, provisions were made for the administration of justice in Ceylon; and by the last of these trial by jury was introduced. By the provisions of this Charter, every man has a right, in criminal cases,

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to be tried by thirteen persons of full age of his own caste.

At a convention held in the city of Kandy, March 2, 1815, between Lieutenant-General Brownrigg, on behalf of the British Government, and the principal Kandyan Chiefs, the reigning Rajah, of Malabar race, was solemnly deposed, and the dominion of the Kandyan Provinces was declared to be vested in the Sovereign of the British Empire, and to be exercised through the Governors of Ceylon for the time being, saving certain secular and religious native rights and privileges.

By letters patent, under the Great Seal, dated April 23, 1831, a Council of Government was appointed in Ceylon, and by a supplementary commission to Sir Wilmot Horton, the Governor, dated March 19, 1833, the form of government now existing in the Island was established.

By Charter of Justice of the same date, a Supreme Court of the Island was constituted, to be holden at Colombo, with power to issue writs of Habeas Corpus. District and Circuit Courts were established at the same time. The laws and usages of the Cingalese, except where repugnant to the laws of England, still exist, and the Roman-Dutch law was administered in the Supreme Court long after the British conquest, and still prevails in the maritime provinces.

The present constitution of Ceylon consists of a Governor appointed by the Crown, aided by an Executive Council of five members, namely, the Second Officer in Command, the Colonial Secretary, the Queen's Advocate, the Treasurer, and Auditor-General.

There is also a Legislative Council of fourteen members, including the above-mentioned members of the Executive Council and other unofficial members, being the chief merchants and proprietors in the Colony, appointed by the Governor, subject to the confirmation of the Crown.

In 1845, certain official appointments in the Colony were first thrown open to the Natives.

The salary of the Governor-General and Commander-in-Chief of Ceylon is 7000*l.* per annua.

THE FOLLOWING ARE THE NAMES OF THOSE WHO HAVE HELD THE OFFICE OF GOVERNOR OF CEYLON, WITH THE DATES OF THEIR RESPECTIVE PATENTS.

Frederic North, March 26, 1798.

Sir Thomas Maitland, January 15, 1805.

Lieut.-General Sir Robert Brownrigg, October 4, 1811.

Sir Edward Paget, November 4, 1820.

Sir Edward Barnes, April 22, 1823.

Sir Robert Wilmot Horton, April 23, 1831.

Right Hon. J. Alexander Stewart Mackenzie, April 1, 1837.

Sir Colin Campbell, January 15, 1841.

George, Viscount Torrington, March 27, 1841.

Sir George W. Anderson, September 24, 1850.

Sir H. G. Ward, February 8, 1855.

#### ORDERS IN COUNCIL RELATING TO CEYLON.

Year.	Orders in Council.
1798	(April 18.) Approving Commission for trial of pirates at Ceylon.
1823	(January 31.) For regulating the trade between Ceylon and foreign States in amity with His Majesty. (Revoked by Order, April 26, 1845.)
1830	(November 1.) Making provision respecting the issue of writs of Habeas Corpus at Ceylon.

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Year.	Orders in Council.
1831	(August 10.) Approving Commission and instructions to Sir R. J. Willmot Horton, Governor and Commander-in-chief at Ceylon.
1832	(April 12.) For abolishing the system of forced labour at Ceylon.
1833	(February 4.) Approving Charter for regulating the administration of justice in Ceylon, and directing the Lord Chancellor to pass the same under the Great Seal.
1835	(March 4.) For continuing in force an Order of November 1, 1830, respecting writs of Habeas Corpus.
1840	(January 3.) Approving instructions to the Governor for the appointment of the Auditor-General as Member of the Executive Council in the room of the Government agent of the central province.
—	(August 10.) For granting a Charter of Incorporation to the Bank of Ceylon.
1841	(May 8.) For admitting into the United Kingdom sugar, the produce of and imported from Ceylon, on payment of the same duties as may at the time be payable on sugar, the produce of and imported from the British possessions in India.
—	(August 11.) Confirming, with amendments, an Ordinance passed by the Governor and Council in October, 1840, to prevent encroachment on Crown lands.
1842	(April 27.) Confirming, with amendments, the Ordinance of the Governor and Council amending the laws relating to vagrants.
—	(June 3.) For allowing rum and rum-shrub, the produce of and imported from Ceylon, to be admitted into the United Kingdom.
—	(December 10.) Authorising the Governor and Council of Ceylon to amend the Charter of Justice of February 18, 1833.
1844	(June 19.) Revoking so much of letters patent of January 18, 1843, as enable the Governor and Legislative Council to alter the Charter of Justice of Ceylon.
1845	(April 26.) For regulating the trade of Ceylon.
1847	(June 17.) Approving instructions to Governor as to time from which ordinances passed by Legislative Council are to take effect.

Year.	Orders in Council.
1848	(April 15.) Approving additional instructions to the Governor respecting the place at which grants of land shall be delivered.
1853	(December 29.) Confirming an Ordinance of Governor and Council of August 31, 1853, respecting temporary appointments to certain offices.

PARLIAMENTARY REPORTS, ACCOUNTS, AND PAPERS RELATING TO CEYLON.

Year.	Sessional Number.	Parliamentary Reports, &c.
1819	319	Papers relating to the war in Ceylon.
1825	513	Papers relating to the government of the island.
1828	593	Accounts of colonial debt, revenue, establishments, and salaries paid in Great Britain, and returns relating to cinnamon trade.
1829	344	Returns of civil and military establishments of the East India Company maintained on the island, from 1796 to 1798.
1831-2	274	Reports of Colonel Colebrooke and D. H. Cameron on judicial establishments and procedure in Ceylon.
1833	332	Charter for improving the administration of justice in Ceylon.
1834	228	Letters from Sir Robert Wilmot Horton to the Secretary for the Colonies on the salt monopoly in Ceylon.
1840	527 A	Ordinance of Governor and Council for establishing a new tariff of duties on exports and imports.
1843	568	Correspondence relative to the abolition of slavery on the island.
1847-48	41	Returns of exports and imports of the island, and also of aggregate expense of Customs establishments.

Year.	Sessional Number.	Parliamentary Reports, &c.
1849	{ 279 573 591 }	First, second, and third reports of the Select Committee on Ceylon, with minutes of evidence, appendix, and index.
1850	{ 66 106 605 }	First, second, and third reports of Select Committees, with evidence, appendix, and index.
1851	30	Fourth report of Select Committee on Ceylon.
—	{ 99 634 }	Copy of report of Commission sent to Ceylon, with correspondence thereon.
—	414	Account of total charge to the British Government of the military establishments at Ceylon.
—	1413	Papers relating to the court-martial held on Captain Watson at Ceylon.
1852	571	Instructions to the Governor of Ceylon as to repeal of export duty on cinnamon.
1852-3	88	Return respecting the expenses of the Ceylon Commission, and specially of the inquiry respecting Captain Watson.
—	410	Despatch respecting idolatry in Ceylon.
—	927	Reply to Sir John Pakington's despatch.
—	919	Return respecting lighthouses and beacons on the coast of Ceylon.
—	985	Despatch from the Duke of Newcastle respecting idolatry in Ceylon.

## HONG KONG.

An island off the Chinese Coast, situate in latitude 22° 12' N., and longitude 114° 13' E.,\* comprising an area of about 27 square miles. The island was ceded to Great Britain by Treaty with China, dated June 25, 1843.

The Government is administered by a Governor;

\* Victoria.

aided by an Executive Council of three members, including the Commanding Officer of the troops.

There is also a Legislative Council, over which, likewise, the Governor presides; and of which, the Chief Justice, the Attorney-General, and the Colonial Treasurer are members.

The Episcopal Diocese, called Victoria, was established by patent, dated May 11, 1849.

The Governor and Commander-in-Chief of Hong Kong, who is also Chief Superintendent of trade in China, receives a salary of £4000 per annum.\*

THE FOLLOWING HAVE HELD THE OFFICE:—

Sir H. Pottinger, February 24, 1843.

J. Davis, Esq., March 4, 1846.

S. G. Bonham, Esq., November 22, 1847.

J. Bowring, Esq., December 29, 1853.

ORDERS IN COUNCIL RELATING TO HONG KONG.

Year.	Orders in Council.
1843	(January 4.) Directing that the court of justice appointed by Order of December 9, 1833, to be holden at Canton, or on board any British vessel in that port, shall henceforth be holden in the island of Hong Kong.
—	(April 3.) Approving device of a seal for the Government of Hong Kong.
—	(October 2.) For enabling the Governor to suspend the operation of any of the Orders made December 9, 1833, January 4 and February 24, 1843.
1844	(April 17.) Authorising Her Majesty's consuls and vice-consuls in China, and certain other persons, to

\* £2000 only is now voted by the Imperial Parliament.

Year.	Orders in Council.
	exercise jurisdiction over British subjects in China, in civil and criminal matters, and appointing Hong Kong as a British Colony, wherein crimes and offences committed within the Chinese dominions may be inquired of, tried, determined, and punished.
1844	(November 28.) Approving proclamation giving effect to an alteration in the rate at which the dollar or rupee shall be issued at Hong Kong in payment of salaries or other transactions, with reference to British currency, and for the further regulation of the standard of value there.
1845	(December 23.) Approving additional instructions to the Governor, permitting and regulating appeals from the Supreme Court of Hong Kong.
	(December 23.) For appointing a Vice-Admiralty Court at Hong Kong.
1852	(October 16.) Approving proclamation limiting the tender of silver coins at Hong Kong.

-PARLIAMENTARY REPORTS, ACCOUNTS, AND  
PAPERS RELATING TO HONG KONG.

Year.	Sessional Number.	Parliamentary Reports, &c.
1844	484	Estimate of amount required to defray the charge of the British Settlement at Hong Kong, and of the consular establishments at the five ports open to British trade in China.
1847	743	Correspondence between Mr. Montgomery Martin and the Secretary of State relating to the resignation of the office of Treasurer of Hong Kong.

## LABUAN.

Labuan is situated in latitude  $5^{\circ} 14' N.$ , and longitude  $115^{\circ} 16' E.$ , about twenty miles from the western coast of Borneo, in the Malay Archipelago. It was incorporated with the British Empire by Treaty, bearing date December 18, 1846, made between the British Government and the Sultan of Borneo.

By letters patent, dated December 15, 1847, James Brooke, Esq., was appointed Governor of Labuan.

By commission and instructions of the same date, he is authorised to appoint two Justices of the Peace there to be members of the Legislative Council of Labuan.

By letters patent, dated April 3, 1848, a Court of Vice-Admiralty was appointed in the Island.

An Episcopal Diocese was established in Borneo, in which Labuan is included, by Patent, dated August 6, 1855.

The salary of the Governor of Labuan is £800 per annum.

PARLIAMENTARY REPORTS, ACCOUNTS, AND PAPERS, RELATING TO LABUAN AND BORNEO.

Year.	Sessional Number.	Parliamentary Reports, &c.
1847-8	460	Instructions to the Governor of the new settlement of Labuan, and correspondence on the subject with the Treasury.
1850	662	Correspondence relating to Labuan.
1854	12	Supplemental return relating to head-money at Borneo.
—	1771	Papers respecting Sir James Brooke.

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## CHAPTER IV.

## AFRICAN DEPENDENCIES.

- I. SOUTHERN,—COMPRISING THE CAPE OF GOOD HOPE, BRITISH KAFFRARIA, AND NATAL.
- II. WESTERN,—COMPRISING SIERRA LEONE, THE GAMBIA SETTLEMENTS, AND THE GOLD COAST SETTLEMENTS.
- III. MAURITIUS.
- IV. ST. HELENA AND ASCENSION ISLAND.

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 CAPE OF GOOD HOPE.

THE Cape Colony is that portion of South Africa which is bounded, on the north by the Orange River and its tributaries, on the east by the Kei and the Keiskamma; and comprises an area of about 200,000 square miles. Its southern point was called first, by Diaz, a Portuguese commander under John II., who discovered it, in 1486, on a voyage to India, "The Cape of Storms," afterwards "Cape of Good Hope;" and was, during the fifteenth and sixteenth centuries, used chiefly as a station for Portuguese, Dutch, and English ships bound to and from India. In 1652, the Colony was formally settled by the Dutch East India Company under Van Riebeck. During the seventeenth and eighteenth centuries, the government was committed by them to various commanders, over a

miscellaneous population of (besides Dutch) Prussians, Hanoverians, Flemings, Poles, and French refugees, whom the revocation of the Edict of Nantes had driven thither. Predatory warfare and traffic was, during this period, carried on with the Hottentots, Bosjesmans, and Kaffirs. In 1793, the Boers rebelled, expelled the Dutch governor, and attempted to establish a republic. In 1797, a British force having previously occupied Cape Town, Lord Macartney was sent to the Cape as British governor. The Colony was again ceded to the Dutch in 1799, at the Peace of Amiens; but, in 1805, reoccupied by the British, and taken by Sir David Baird. The slave trade from Guinea, which had been carried on in the previous century, was abolished in 1808. Persecution of the Hottentots and wars with the Kaffirs continued during the Governments of Lord Caledon, Sir J. Cradock, Lord C. Somerset, Sir B. D'Urban, and Sir Lowry Cole; and from 1815 till 1836, when their territory was restored by Lord Glenelg, a continuous border war with the Kaffirs was maintained, which has, with more or less interruption, lasted to the present day. The government of the Colony, which had, under the Dutch, been administered by district councils and magistrates (Land-roost), was, on its final occupation by Great Britain, in 1806, committed to a Military Governor sent from England. This system lasted till 1835, when an Executive Council was formed, which consisted, till the late changes, of the Colonial Secretary, the Treasurer-General, the Attorney-General, the princi-

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pal Officer of Customs, and the senior Commanding Officer. A Legislative Council of twelve members—six official and six unofficial—was also constituted, all nominated by the Governor, subject to the confirmation of the Crown. The Colony was, at the same time, divided into two provinces: the Western, in which the metropolis, Cape Town, is situate; and the Eastern, of which Graham's Town is the capital. These were again divided into twenty counties or divisions, which were further partitioned into about 275 field-comfectcies or wards. The administration of justice at the Cape was committed, by the Dutch, to the Landroosts and the Heemraden, or District Councils of Burghers. There was also a Weiskammer, or Orphan Court, for managing the effects of minors and orphans, and an inferior Court, called the Court of Commissaries. A Charter of Justice was granted in 1827; and by a subsequent Charter, dated May 4, 1832, Supreme and Circuit Courts were constituted in the Colony. Trial by jury has been also introduced.

The Government established in 1835 continued till 1850, when, by letters patent, dated May 23, 1850, the Governor and Council were empowered to enact two Ordinances for the establishment of a Representative Government, which Ordinances were afterwards amended and confirmed by Her Majesty in Council. The constitution thus established consists of two Elective Chambers—a Legislative Council, and a House of Assembly. The Council is composed of fifteen members and the Chief Justice for the time

being; five forming a Quorum. The House of Assembly consists of forty-six Members; twelve, with the President, forming a Quorum. House or land holders to the amount of £25 per annum, and receivers of salary to the amount of £50 per annum, are electors qualified to vote, in every district where they have property, for members of the House of Assembly, in one only for members of the Legislative Council.

The salary of the Governor and Commander-in-Chief was, in 1854, £5000 per annum.\*

AMONG THOSE WHO HAVE HELD THE OFFICE OF GOVERNOR ARE THE FOLLOWING, WITH THE DATES OF THEIR RESPECTIVE COMMISSIONS.

George, Earl Macartney, December 30, 1796.  
 Sir George Yonge, Bart., March 23, 1799.  
 Dupre, Earl of Caledon, July 10, 1806.  
 Sir J. F. Cradock (afterwards Lord Howden), April 9, 1811.  
 Lieut.-General Lord Charles Somerset, November 2, 1813.  
 Sir G. Lowry Cole, March 20, 1828.  
 Sir Benjamin D'Urban, October 23, 1833.  
 Sir George Napier, November 4, 1837.  
 Lieut.-General Sir Peregrine Maitland, December 19, 1843.  
 Sir Henry Pottinger, Bart., October 1, 1846.  
 Sir H. G. Wakelyn Smith, Bart., December 15, 1847.  
 Major-General Hon. G. Cathcart, January 10, 1852.  
 Sir George Grey, K.C.B., July 24, 1854.

\* By patents, dated June 25, 1847, Nov. 23 and Dec. 8, 1853, the episcopal dioceses of Cape Town and Graham's Town were created, the former including British Kaffraria and St. Helena.

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ORDERS IN COUNCIL RELATING TO THE CAPE  
OF GOOD HOPE.

Year.	Orders in Council.
1796	(November 20.) Ordering Secretary of State to prepare Commission for establishing Court of Vice-Admiralty at the Cape of Good Hope.
—	(December 28.) For regulating the trade to and from the Colony of the Cape of Good Hope.
1797	(January 4.) Approving Commission for trial of pirates there.
1798	(January 24.) For regulating the trade of the Colony.
1801	(February 11.) Empowering the Governor to grant licences to import, in British vessels, goods from the Spanish Colonies in America, and to export goods from the Cape of Good Hope to those Colonies; also forbidding commanders of ships of war and privateers to molest vessels engaged in that trade.
1807	(May 13.) Authorising the Governor to impose a duty of 15 per cent. on all goods not of British or Irish manufacture.
1809	(April 12.) For regulating the trade to and from the Colony. (Partly revoked by Order, April 12, 1820.)
1820	(July 12.) For regulating the trade to and from the Colony.
1821	(November 14.) For altering the duties on certain articles, being the produce or manufacture of the United Kingdom, imported into the Colony.
1823	(September 19.) For further regulating the trade of the Colony.
1826	(May 3.) Approving report of Committee on petition of Orphan Chamber from the Colony.
1828	(March 20.) Approving commission and instructions to Sir Galbraith Lowry Cole, G.C.B., Governor and Commander-in-Chief.
—	(November 24.) Confirming, with amendments, an Ordinance of the Governor of the Colony for regulating the re-establishment of the Orphan Chamber, and for the better administration of estates held in trust for the members thereof.
1829	(January 15.) Confirming an Ordinance of the Lieutenant-Governor for the regulation and good govern-

Year.	Orders in Council.
	ment of Hottentots, and other free persons of colour, within the Colony.
1830	(February 2.) For improving the condition of the slave population in the Colony.
1832	(February 6.) For adapting to the circumstances of the Colony certain provisions of an Order of November 2nd last, for improving the condition of slaves in Colonies having Legislative Assemblies.
—	(February 22.) For regulating the trade of the Colony.
—	(November 6.) Amending Order of November 2, 1831, for improving the condition of the slaves in the Colony.
1833	(August 13.) Approving commission and instructions to Major-General Sir Benjamin D'Urban.
1834	(June 10.) For gazetting general rules framed under statute 3 & 4 Will. IV. cap. 73, for abolition of slavery in the Colony.
1835	(April 1.) Approving certain rules for regulating claims for compensation under statute 3 & 4 Will. IV. cap. 73.
—	(April 1.) Revoking so much of Order of February 22, 1822, as prohibits the importation of tea into the Colony, except from the United Kingdom.
1836	(February 3.) Approving letters patent for dividing the eastern provinces of the Colony into a separate and distinct Government, and providing for the administration thereof. (Revoked by Order, January 22, 1852.)
—	(April 13.) Declaring Port Elizabeth to be a free warehousing port.
—	(June 16.) Approving device for a seal for the Government of the eastern division of the Colony.
1838	(February 15.) Confirming, with certain exceptions, an Ordinance enacted by the Governor and Legislative Council, for the better observance of the Lord's Day. (Revoked by Order, February 4, 1839.)
1839	(February 20.) For saving to the Clergy and ministers of the Christian religion in the Colony, the heretofore existing rights to fees on celebration of marriage.
1840	(April 3.) For repealing so much of an Order of September 7, 1838, as respects marriages solemnised according to the ritual of the Dutch Reformed Church.

Year.	Orders in Council.
1840	(August 10.) For levying Customs dues at the Cape of Good Hope. (Amended by Order, May 8, 1841, and March 11, 1842.)
1842	(August 27.) Confirming Ordinance of March 1, 1841, amending and consolidating laws regulating the rights and duties of masters, servants, and apprentices.
1843	(February 1.) Empowering the Governor to exercise prerogative of pardon in cases of treason and murder.
—	(October 2.) Revoking certain prohibitions on the importation of foreign meat, and the produce of foreign countries, into the Colony.
—	(November 10.) Authorising the Governor and Legislative Council to pass laws and ordinances providing for the better administration of justice.
1844	(May 23.) Approving letters patent for annexing Natal to the Settlement of the Cape of Good Hope.
—	(December 13.) For continuing in force till June, 1846, an Ordinance regulating the rights and duties of masters and servants.
1845	(April 26.) For equalising the duties on French brandy with those on other foreign spirits imported into the Colony.
—	(June 30.) Disallowing Ordinance of December, 1844, directing that certain ordinances shall take effect from date of promulgation, and defining the period from whence they shall take effect.
1846	(January 21.) Confirming an Ordinance of March 1, 1841, regulating the relative rights and duties of masters and servants, and apprentices.
1847	(January 18.) Confirming certain rules concerning emancipated slaves brought into the Colony and its dependencies.
—	(April 24.) Repealing all former Orders respecting the trade of the Colony, and regulating it for the future. (Amended by Order, September 28, 1847.)
—	(July 22.) Declaring Colony to be a place to which offenders sentenced to transportation in Mauritius by courts-martial may be conveyed.
1848	(September 4.) Appointing Colony a place to which felons and other offenders under sentence of transportation or banishment may be conveyed. (Revoked by Orders, January 8, 1850, and June 25, 1851, and January, 1854.)

## AFRICAN DEPENDENCIES.

Year.	Orders in Council.
1848	(October 31.) Giving validity to three Ordinances passed by the Legislature of the Colony, to which there is no evidence of the Governor's assent: to wit, 1. Amending law respecting appointments of officers of the Supreme Court; 2. Relating to apprehension and trial of prisoners; 3. Amending law relating to Grand and Petit Juries.
—	(October 31.) Imposing duty of 2s. 3d. per gallon on spirits imported into the Colony, and permitting delivery, duty free, of one gallon of spirits for every ten gallons of Cape wine exported.
—	(December 13.) Declaring ports of Waterloo Bay and East London free warehousing ports. (Revoked by Order, March 1, 1849, so far as regards Waterloo Bay.)
1849	(January 31.) Providing for summary trial of felons and other offenders transported from the United Kingdom to the Cape of Good Hope, for offences committed in the Colony, and for the discipline of such as may be employed on roads and public works.
—	(July 13.) Approving report of Committee on correspondence between Earl Grey and the Governor of the Colony relating to the several acquisitions of territory adjacent thereto.
—	(November 13.) Approving letters patent for erecting the territories of British Kaffraria into a separate and distinct Government; and for empowering the Governor of the Cape Colony to make laws for the government of the said territories. Also, approving commission and instructions to the Governor in that behalf.
1850	(January 30.) Approving commission and letters patent to Governor empowering him to pass an Ordinance, with advice and consent of his Legislative Council, for constituting a Parliament, to consist of the Governor, Legislative Council, and House of Assembly.
—	(January 30.) Approving report of Committee for trade on various papers relative to the establishment of a Representative Legislature at the Cape of Good Hope.
1851	(March 22.) Approving commission and instructions to the Governor for erecting the Orange River Sovereignty into a distinct and separate Government,

Year.	Orders in Council.
1851	and empowering the Governor to make laws for the government of that territory.
—	(May 5.) Approving instructions to the Governor reducing the number of the Legislative Council.
—	(June 25.) Approving devices of seals for the Government of British Kaffraria and the Orange River Sovereignty.
1852	(March 5.) Enabling Legislature to alter and repeal certain Customs duties.
1853	(March 11.) Confirming, with amendments, Ordinance enacted by Governor and Legislative Council, for constituting a Parliament for the Colony.
—	(March 11.) Confirming an Ordinance for regulating, in certain respects, the appropriation of the revenue of that Colony by the Parliament thereof.
1854	(January 30.) Revoking Her Majesty's letters patent of March 22, 1851, constituting the Orange River territories a distinct Government.
—	(January 30.) Approving proclamation making known the abandonment of the sovereignty over the Orange River territories.
—	(January 30.) Approving Charter and instructions to provide for the future government of the territories of British Kaffraria.
—	(July 24.) Approving commission and instructions to Governor Sir George Grey, K.C.B.
1855	(March 10.) Suspending the prohibition against the importation into the Cape of Good Hope of foreign reprints of English books.

PARLIAMENTARY REPORTS, ACCOUNTS, AND PAPERS RELATING TO THE CAPE OF GOOD HOPE.

Year.	Sessional Number.	Parliamentary Reports, &c.
1816	214-15	Return of offices held at the Colony of the Cape of Good Hope.
1817	225	Return of value of imports and exports.
1819-20	58	Account of revenues of the Cape of Good Hope.

Year.	Sessional Number.	Parliamentary Reports, &c.
1827-28	{ 282 406 }	Reports of the Commissioners on the administration of the government and finances of the Colony, with documents.
1830	584	Reports of Commissioners of Inquiry into the condition of the native tribes of South Africa.
1834	617	Papers relative to proclamations at the Cape of Good Hope with respect to aborigines.
1836	279	Papers relative to the Kaffir War and the death of Hintra.
1846	400	Application for Representative Government.
1847	786	Correspondence with the Governor of the Cape of Good Hope relative to the state of the Kaffir tribes on the eastern frontier of the Colony.
1848	{ 912 969 }	
1849	86	Correspondence relative to the rebellions of the Boers.
1850	{ 104 1138 }	Despatches relating to convict discipline and the employment and reception of convicts at the Cape of Good Hope.
—	{ 1137 1234 }	Correspondence relative to the establishment of a Representative Assembly at the Cape of Good Hope.
1851	1282 424	Correspondence with the Governor relative to the state of the Kaffir tribes on the eastern frontier.
—	1362	Correspondence relative to the establishment of a Representative Assembly at the Cape of Good Hope.
—	635	Report of Select Committee on Kaffir tribes.
—	633	Return of Her Majesty's troops employed in South Africa since 1843, in each year, and abstract of expenditure of Great Britain on South Africa during that time.
—	227	Estimate of sums required for the Kaffir war beyond ordinary grants for army, navy, ordnance, and commissariat services.
1852	89	Return of troops employed in South Africa.
—	57	Copies of all Ordinances passed by the

Year.	Sessional Number.	Parliamentary Reports, &c.
1852	107	Legislative Council of the Cape of Good Hope since its recent reconstruction.
—	124	Estimates of sums required for the cost of the Kaffir war, beyond ordinary grants for army, navy, ordnance, and commissariat services.
—	544	Return of white and coloured population of the Colony in the several districts of the eastern and western divisions, and also of British Kaffraria.
—	(1834)	Treasury minute directing Commissioners of Audit to prepare account of extraordinary expenses of the Kaffir war.
—	1852	Correspondence with the Governor of the Cape of Good Hope on the state of the Kaffir tribes and the recent outbreak on the eastern frontier of the Colony.
—	1880	Correspondence with the Governor on the assumption of sovereignty over the territory between the Vaal and Orange Rivers.
—	1428	Correspondence relative to the establishment of a Representative Assembly at the Cape of Good Hope.
1853	130	Return of petitions received from the Cape of Good Hope, and of letters patent appointing the Governor and Lieutenant-Governor.
—	258	Return of number and cost of troops in South Africa.
—	264	Estimate of further sums required for the Kaffir war.
—	(1581)	Further papers relative to a Representative Assembly at the Cape of Good Hope.
—	(1636)	Correspondence relating to the Kaffir tribes and recent outbreaks on the eastern frontier.
—	1636	Two Ordinances enacted by the Governor and Council of the Cape of Good Hope constituting a Parliament for the Colony, and regulating the appropriation of the revenue thereof by the said Parliament.
1854	{1646}	Further correspondence relative to the Orange River Sovereignty.
—	{1758}	

## BRITISH KAFFRARIA.

By Proclamation dated December 23, 1847, and issued by Sir H. G. W. Smith, then Governor of the Cape Colony, the boundaries of this district were first defined. By letters patent, dated December 14, 1850, British Kaffraria was erected into a separate and distinct Government. By Charter, dated March 6, 1854, the present boundaries of the Colony are minutely defined, and that part of the territories hitherto called British Kaffraria which lies between the Klip Plaat River and the Zwart Kei is annexed to the Colony of the Cape of Good Hope. By the same Charter provision is made for the separate and distinct government of British Kaffraria, and that laws passed in the Cape Colony shall be of no force in Kaffraria. The government is committed by the above-cited Charter to the Governor of the Cape Colony for the time being, subject to the special instructions which are appended to the Charter, power being reserved to Her Majesty to appoint a Lieutenant-Governor.

Provision is made for the local government of the Colony by the same instrument which is the basis of its present constitution.

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## NATAL.

This territory, extending about 200 miles along the east coast of Africa, between the parallels of  $27^{\circ} 10'$  and  $30^{\circ} 40'$  south latitude, and between the meridians of  $20^{\circ}$  and  $31^{\circ} 10'$  east longitude, comprises an area of about 18,000 square miles. It was first discovered by the Portuguese at the end of the 15th century, and afterwards settled by the Dutch East India Company; and at various times between 1823 and 1844, attempts to colonise the country were made by Boers from the Cape Colony and by various Englishmen, among whom were Lieutenant Farewell and Captain Gardiner. In May, 1844, letters patent were issued annexing the district to the Cape Colony. By subsequent letters patent, dated April 31, 1845, Natal was made a distinct and separate Government; but power was still entrusted to the authorities of the Cape Colony to make laws, if required, for the new province. By a royal Charter, dated March 2, 1847, the power granted to the Cape Legislature was revoked, and vested in the officer administering the government of Natal, and in certain public functionaries, who constitute the Legislative Council.

The salary of the Lieutenant-Governor of Natal was, in 1854, £800 per annum.\*

\* By patent, dated Nov. 23, 1853, an episcopal diocese was created in Natal.

## ORDERS IN COUNCIL RELATING TO NATAL.

Year.	Orders in Council.
1844	(May 23.) Approving letters patent for annexing Natal to the Settlement of the Cape of Good Hope.
1845	(April 26.) Approving commission for erecting district of Natal into a separate and distinct Government.
1846	(February 25.) Approving commission and instructions to the Lieutenant-Governor for establishing an Executive Council at Natal.
—	(July 8.) Approving device of a seal for the Government of Natal.
—	(September 26.) For regulating the trade of Natal.
1847	(February 27.) Establishing a Legislative Council at Natal.
1848	(February 11.) Designating the public officers who are to compose the Legislative Council of Natal.
—	(June 27.) Exempting agricultural implements from duty on importation into the district of Natal.
1849	(June 19.) Giving effect to an Ordinance (No. 3 of 1849) passed by the Legislature of the district of Natal, providing for the better administration of justice among the natives.
1850	(January 8.) Approving supplementary commission providing for the administration of government there in the event of the Lieutenant-Governor's office suddenly becoming vacant.

## PARLIAMENTARY REPORTS, ACCOUNTS, AND PAPERS RELATING TO NATAL.

Year.	Sessional Number.	Parliamentary Reports, &c.
1847-8	980	Correspondence relative to the establishment of the Settlement of Natal.
1849	{ 86 1059 }	Correspondence on the Settlement of Natal and rebellion of the Boers.
1852	{ 1292 1417 }	Further correspondence relative to the Settlement of Natal.
1852-3	1697	

## II. WESTERN AFRICAN DEPENDENCIES.

## SIERRA LEONE.

The Settlement of Sierra Leone comprises a tract of territory about 18 miles by 12, on the west coast of Africa.\* It is a peninsula, on the north side of which the capital, Freetown, is situated. Sierra Leone was first occupied by the Portuguese in 1463. Slave factories were established there at various times by the English and Portuguese. In 1787, it was ceded to the King of England by the native chiefs, for the settlement of some liberated negroes who had come to England at the close of the American war, and had been emancipated in consequence of Lord Mansfield's decision. In 1791, the Sierra Leone Company was formed, under the auspices of Granville Sharp, Wilberforce, Clarkson, and Thornton. In 1792, a further settlement of Africans from Nova Scotia was planted there. In 1808, the Colony was surrendered to the Crown, and the civil and military authority there transferred to the British Government, which now consists of a Governor, and a Legislative Council composed of seven or more members, comprising the Chief Justice, Colonial Secretary, and one or two merchants. In Sierra Leone, the laws of England generally prevail. Trial by jury is in force. The courts of justice are, the Court of Royal Commission, of Vice-Admiralty, of the Recorder of Freetown, and an Appeal Court, at which the Governor and Council preside, and from which, where the matter in dispute exceeds £400, there is an appeal to Her Majesty in

\* Also the Ilhas dos Idolos and Banana Islands.

Council. By a Charter of Justice dated October 17, 1834, nine Councillors were appointed to assist the Governor, with certain judicial and legislative powers.

The Governor's salary was, in 1854, £2000 per annum.\*

AMONG THOSE WHO HAVE HELD THE OFFICE OF GOVERNOR ARE THE FOLLOWING, WITH THE DATES OF THEIR RESPECTIVE COMMISSIONS.

Charles Maxwell, June 22, 1811.

Lieut.-Colonel G. Macdonald, December 10, 1841.

William Ferguson, April 26, 1845.

Norman W. Macdonald, April 6, 1846.

A. E. Kennedy, August 18, 1852.

Lieut.-Colonel Stephen Hill, November 14, 1854.

#### ORDERS IN COUNCIL RELATING TO SIERRA LEONE.

Year.	Orders in Council.
1800	(June 11.) Granting a Charter for the government of Sierra Leone.
1826	(May 3.) For prohibiting the exportation of gunpowder to the coast of Africa. (Continued by Order, November 20, 1826.)
1829	(October 12.) Extending to Sierra Leone and the West African Settlements the provisions of certain statutes relating to the Customs. (Revoked by Order, February 13, 1849.)
1837	(April 5.) Approving commission and instructions to Lieutenant-General Richard Doherty, Captain-General and Governor-in-Chief of Sierra Leone and its dependencies.
1839	(November 15.) Authorising the Governor to exercise prerogative of pardon in certain cases.
1840	(October 3.) Approving commission and instructions to J. Jeramie, Esq., Captain-General and Governor-in-Chief.

\* By patent, dated May 22, 1852, the episcopal diocese of Sierra Leone (including the Gambia and Gold Coast Settlements) was constituted.

Year.	Orders in Council.
1843	(June 10.) Approving proclamation respecting value of certain silver coins at Sierra Leone, and revoking Order of March 23, 1825, for payment of troops in British money.
1849	(July 13.) Approving report of Committee on extension of British jurisdiction over British subjects residing in countries under dominion of native princes adjacent to Sierra Leone.
1852	(March 5.) Enabling the Legislature of Sierra Leone to alter or repeal Customs regulations made by certain Orders in Council.
—	(June 30.) Approving proclamation regulating the rates at which certain gold coins of the United States are to pass at Sierra Leone.
—	(June 30.) Approving Charter of Incorporation of African Steam-Ship Company.
1853	(November 25.) Approving instructions to Governor ratifying the Bishop's appointment as a Member of the Council of Sierra Leone.

ACTS OF THE IMPERIAL PARLIAMENT RELATING  
TO SIERRA LEONE.

Year.	Acts of Parliament.
1807	(August 8.) 47 Geo. III. cap. 44.—An Act for transferring to His Majesty certain possessions and rights vested in the Sierra Leone Company, and for shortening the duration of the said Company, and for preventing any dealing or trafficking in slaves within the Colony of Sierra Leone.
1821	(May 7.) 1 & 2 Geo. IV. cap. 28.—An Act for abolishing the African Company, and transferring to and vesting in His Majesty all the forts, possessions, and property now belonging to or held by them.
1843	(April 11.) 6 Vict. cap. 13.—An Act to enable Her Majesty to provide for the government of her Settlements on the coast of Africa, and in the Falkland Islands.
1853	(August 20.) 16 & 17 Vict. cap. 86.—An Act to remove doubts as to the rights of the liberated Africans in Sierra Leone.

PARLIAMENTARY REPORTS, ACCOUNTS, AND  
PAPERS RELATING TO SIERRA LEONE.

Year.	Sessional Number.	Parliamentary Reports, &c.
1801-2	{ 100 }	Reports on petition of the Court of Directors of the Sierra Leone Company.
1803-4	{ 24 }	
1806	195	Accounts of grants to the Sierra Leone Company.
1806-7	55	Report on petition of Court of Directors of the Company.
1810-11	101	Accounts of grants to the Company.
1820	90	Papers respecting the state of the Settlement, being reports of Sir George Collier on the character of the natives, and on the productions of the soil.
1824	269	Accounts relating to the trade with Sierra Leone and the coasts of Africa.
1825	503	Returns of grants of money for the civil establishment of Sierra Leone.
—	520	Returns of revenue, exports, population, schools, churches and chapels, vessels and fishing-boats, marriages, &c., &c., at Sierra Leone.
1827	{ 312 }	Reports of Commissioners of Inquiry into the state of Sierra Leone and its dependencies.
1829	{ 552 }	
1829	236	Returns of the population in Sierra Leone, distinguishing the liberated Africans from other African residents.
1830	57	Abstract of expenditure from 1812 to 1828; correspondence as to treatment of captured negroes, the militia, the transfer of dependencies; queries and replies as to climate, troops, vessels, &c., employed on the West-African station since 1815.
—	661	Report from the Select Committee on the Settlements of Sierra Leone and Fernando Po.
1845	520	Various accounts relative to the taxes, duties, fees, and other sources of revenue, in the years 1842 and 1843, at Sierra Leone and the Gambia Settlements.

Years.	Sessional Number.	Parliamentary Reports, &c.
1850	643	Correspondence relative to the emigration of labourers from Sierra Leone to the West Indies.
	53	Report from Lords' Select Committee on means to be adopted for the final extinction of the African slave trade.
1852-3	1680	Papers relative to slave dealing at Sierra Leone.

### THE GAMBIA RIVER SETTLEMENTS.

The seat of Government of these Settlements is Bathurst, a town situate on an island at the mouth of the Gambia River, on the west coast of Africa, between 13° and 14° N. latitude, and about 16° W. longitude. These Settlements were first visited by the Portuguese in 1456, and afterwards by the Dutch. Patent grants in respect of these territories were made at various times by British Sovereigns to African Companies. The first was granted by Queen Elizabeth in 1588, for trading from the Gambia and Senegal Rivers, and renewed by James I. in 1618, by Charles I. in 1631, and by James II. in 1673.

In 1713, the African Company entered into what was called the "Assiento Contract," with the Spanish and English Governments, by which they undertook to supply to Spain a certain number of slaves yearly for a certain time, a portion of the profits of the undertaking to be divided between the English and

Spanish Governments. In 1749, the Company surrendered its charters, forts, and other property to the British Government, which paid their debts, and a new Free Company was formed which existed till 1821, and was then dissolved. The present Government of the Gambia Settlements at Bathurst was established by letters patent, dated June 24, 1853. It consists of a Governor and an Executive and Legislative Council (the Colonial Secretary, the Collector of Customs, and the Queen's Advocate, being members of the former). The salary of the Governor and Commander-in-Chief was, in 1854, £1000 per annum.

AMONG THOSE WHO HAVE HELD THE OFFICE OF GOVERNOR ARE THE FOLLOWING :—

- H. P. Seagram, June 10, 1843.  
 Ed. Norcott, November 10, 1843.  
 C. Fitzgerald, May 23, 1844.  
 R. G. Macdonnell, August 10, 1847.  
 A. Kennedy, May 15, 1852.  
 Major L. S. O'Connor, August 18, 1852.

ORDERS IN COUNCIL RELATING TO THE  
 GAMBIA RIVER SETTLEMENTS.

Year.	Orders in Council.
1669	(September 24.) Granting licence to the African Company to carry out battery work to the Gambia.
1765	(February 22.) Directing Board of Trade to take proper measures for taking Senegal and Gambia out of the hands of the African Company, and to erect them into a province under His Majesty's government.

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Year.	Orders in Council.
1765	(November 1.) Approving report of Committee for erecting territories of Senegal and Gambia into one Government by the name of the Province of Senegambia, and for forming a civil constitution and military establishment therein; also directing Secretary of State to appoint a Governor for the said province.
1766	(March 21.) Ordering Court-house and Government-house to be erected at St. Louis, in that province.
1843	(June 10.) See SIERRA LEONE. (July 15.) For establishing a Vice-Admiralty Court at the Gambia River Settlements.
1849	(January 31.) Regulating the trade of Her Majesty's Settlements on the Gambia River.
1852	(March 5.) Enabling the Legislature at the Gambia to alter or repeal Customs regulations made by certain Orders in Council.

## GOLD COAST SETTLEMENTS.

These Settlements comprise certain forts and stations on the coast of Upper Guinea in Western Africa, extending between 5° and 4° 20' E. longitude. The chief are Cape Coast Castle, Annamaboo, Dix Cove, and Accra.

Cape Coast Castle was first settled by the Portuguese in 1610. They were dispossessed by the Dutch, and the Settlement was confirmed in the possession of England by the Treaty of Breda in 1672. When the African Company, under whose control these forts remained for a long period, was abolished in 1821, several of the forts were abandoned, and the remainder

surrendered to the Crown and subjected to the authority of the Governor of Sierra Leone. In 1827, the retained forts were placed under the management of a London Committee of African merchants, to whom the disbursement of an annual Government grant was confided. The local authority is vested in a Lieutenant-Governor, under whom is a judicial assessor appointed by the Queen. No Council, Legislative or Executive, exists at the Gold Coast: the power of enacting laws is vested in the Governor and Council of Sierra Leone. There are also at Annamaboo and Dix Cove, resident magistrates, by whom local affairs are administered.

ACCRA, with forts Christianborg and Friedensborg and other now deserted forts, was purchased by the British Government from Denmark for £10,000 in 1850. These forts are governed by a resident magistrate under orders from Sierra Leone. British influence is also now paramount at Lagos and at Abbeokouta, a town about fifty miles inland, which was lately colonised by about 3000 liberated Africans from Sierra Leone. In April, 1852, the Governor of the Gold Coast assembled the native kings and chiefs, who formed themselves into a legislative assembly for the regulation of the local affairs of a district comprising an area of 8000 square miles.

The salary of the Governor was, in 1854, £800 per annum.

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ORDERS IN COUNCIL RELATING TO THE GOLD  
COAST SETTLEMENTS.

Year.	Orders in Council.
1843	(August 23.) Approving device of a seal for the Government of the Gold Coast Settlements.
1844	(September 3.) Directing all judges and others, in exercising power and jurisdiction under statute 6 & 7 Vict. cap. 94, within the countries and places adjacent to Her Majesty's forts and Settlements on the Gold Coast, to observe such of the local customs as are compatible with the law of England; and appointing Cape Coast Castle and Sierra Leone as places to which persons coming within the operation of the said Act may be sent for trial and punishment.
—	(October 7.) Approving instructions to Governor of Sierra Leone for making further provisions for the administration of Her Majesty's forts and Settlements on the Gold Coast.
—	(November 8.) Approving instructions to the Governor of Sierra Leone authorising certain persons therein named to exercise jurisdiction within the countries adjacent to Her Majesty's Settlements on the Gold Coast.
1850	(January 8.) Approving Charter for the government of Her Majesty's Settlements on the Gold Coast.
—	(February 5.) For establishing a Vice-Admiralty Court at the Gold Coast Settlements.
1853	(February 7.) Approving instructions to Governor appointing the Colonial Secretary for the time being to be a member of the Legislative and Executive Councils in place of the Collector of Customs.

PARLIAMENTARY REPORTS, ACCOUNTS, AND PAPERS RELATING TO THE GOLD COAST SETTLEMENTS.

Year.	Sessional Number.	Parliamentary Reports, &c.
1816	{ 470 506 }	Report and evidence respecting the condition and management of the Gold Coast Settlements.
1823	192	
1824	17	
1825	30	
1826	156	
1826-7	161	Estimates of the civil and military establishments of the Gold Coast Settlements.
1828	122	
1829	41	
1830	89	
1830-1	323	
1831	31	
1831-2	157	
1842	551	Report of Select Committee on West Coast of Africa.
1850	754	Despatches from the Governor of Cape Coast Castle relating to the case of Robert Erskine, and correspondence between the Colonial Office and the Aborigines Protection Society on the same subject.
1852	{ 1171 1238 1298 }	Papers respecting the cession to Great Britain of the Danish possessions on the coast of Africa, and the convention between Her Majesty and the King of Denmark, signed in London, August 17, 1850.

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## MAURITIUS.

Mauritius is classified under the African Dependencies, as being geographically nearest to that continent. It is situated in the Indian Ocean between the parallels of  $19^{\circ} 58'$  and  $20^{\circ} 32'$  S. latitude, and the meridians of  $57^{\circ} 17'$  and  $57^{\circ} 46'$  E. longitude. The island, which comprises an area of about 700 square miles, was called by the Portuguese who discovered it, Ilha do Cerné. In 1639, it was settled by the Dutch, and named after Prince Maurice of Nassau. It was abandoned in 1710, and was next occupied by the French, and held by them till 1810, when it was captured by the British under General Abercrombie, and ceded to Great Britain at the Peace of 1814. By the 8th Article of the Capitulation, it was stipulated that the inhabitants should preserve their religion, their laws and customs, and by virtue of this provision, the authority of the Code Civile, the Code de Procedure, the Code de Commerce, and the Code d'Instruction Criminelle, except so far as altered by the Charters of Justice of April 13, 1831, have since been recognised in Mauritius. By that Charter the Court of Appeal in the island was re-constituted.

It appears that when the Mauritius was a French Dependency some form of representative government existed, and by a Decree dated September 29, 1810, only two months before its capture by the British, an Elective Colonial Council was created in order to provide means for the defence of the island. Afterwards in 1817, a different form of representative govern-

ment was established by a proclamation of Governor Farquhar, which, however, was afterwards suppressed in 1821, in pursuance of instructions from Lord Bathurst.

The Government of Mauritius, as at present constituted, is vested in a Governor, aided by an Executive Council, of which the Colonial Secretary, Procureur, and Advocate-General, and the second officer in command of the troops, are members. There is also a Legislative Council or Council of Government, to which, besides the three above-named members of the Executive Council, the Collector of Customs, Auditor-General, Treasurer and Collector of Internal Revenues also belong, making altogether seven official members. There are also seven unofficial members selected by the Governor from the chief landed proprietors and merchants of the island, and submitted for appointment to Her Majesty.

The SEYCHELLES ISLANDS are distant about 900 miles from Port Louis in the Mauritius; they comprise altogether (including about 30 islands) an area of 50,000 acres, and are governed by a Civil Commissioner acting under the orders of the Government of Mauritius.

The salary of the Governor and Commander-in-Chief, is £6000 per annum.\*

AMONG THOSE WHO HAVE HELD THE GOVERNMENT ARE—  
Major-General Sir William Maynard Gomm, June 3, 1812.  
G. W. Anderson, Esq., February 13, 1849.  
J. M. Higginson, Esq., August 14, 1850.

\* By patent, dated Nov. 24, 1854, an episcopal diocese was constituted in Mauritius.

ORDERS IN COUNCIL RELATING TO MAURITIUS  
AND ITS DEPENDENCIES.

Year.	Orders in Council.
1814	(September 24.) For establishing a registry of slaves in the Isle of France and its dependencies.
1817	(March 1.) For permitting foreign vessels to import and export certain articles to and from the island.
1820	(July 12.) For regulating the trade of the island.
1824	(March 10.) For permitting the importation of cattle into the island from Madagascar under the French flag.
1826	(January 30.) For amending Order of September 24, 1814.
—	(July 27.) Approving additional instructions to the Governor, respecting the bringing before the Council of the island questions connected with its administration.
1828	(March 5.) Approving commission and instructions to Sir Charles Colville.
1829	(June 22.) For removing the disabilities to which Her Majesty's subjects of free condition but of African or Indian birth or descent are subject in Mauritius.
1830	(February 2.) For improving the condition of the slave population in Mauritius.
—	(November 5.) For regulating the administration of justice in Mauritius.
—	(November 22.) Approving Report of Committee for Trade, recommending that a Charter be granted for establishing a bank in Mauritius.
1831	(February 23.) Disallowing an Ordinance of the Governor and Council of Mauritius, and for prohibiting the use of chains and irons in the punishment of slaves in the island.
—	(April 13.) For improving the administration of justice in Mauritius.
1832	(May 2.) Constituting Port Louis in Mauritius, a free warehousing port.
—	(November 6.) Approving Proclamation, admonishing the inhabitants of the island of the danger they will incur by remaining in arms.
—	(November 6.) For the suppression of the military force, which has been arrayed in the island without

Year.	Orders in Council.
	legal authority, for the punishment of persons who shall continue in arms, and for the establishment of martial law if required for the maintenance of His Majesty's authority.
1832	(November 6.) For removing doubts as to the necessity of registration of laws and Royal Commissions in the Courts of Mauritius, to provide for the administration of judicial oaths, and to consolidate the offices of Procureur and Advocate-General.
	(November 6.) For amending Order of November 2, 1831, for improving the condition of slaves in Mauritius.
1834	(June 10.) For gazetting general rules formed under 3 & 4 Wm. IV. cap. 73, for abolition of slavery in Mauritius.
	(September 17.) For giving effect in Mauritius to statute 3 & 4 Wm. IV. cap. 73.
1835	(April 1.) For gazetting certain rules respecting claims for compensation under statute 3 & 4 Wm. IV. cap. 73, s. 55.
	(June 10.) Approving instructions to the Governor of Mauritius for remodelling the list of official members of the Council.
1836	(February 23.) For improving the administration of justice at Mauritius.
	(June 20.) For abolishing certain restrictions existing under local enactments on establishment of schools in Mauritius, and for encouraging the progress of education there.
	(July 6.) Approving Report of Judicial Committee on registry of the negro population of Mauritius.
	(November 30.) For ensuring at the Seychelles Islands the effect and execution of the provisions of the Act for the Abolition of Slavery, and of Order in Council of September 13, 1834, relative to apprenticeship.
1837	(November 18.) For enabling Judges of Supreme Court of Mauritius to correct in certain cases the classification of persons apprenticed in the Colony under statute 3 & 4 Wm. IV. cap. 73.
1838	(June 20.) For extending to Mauritius the provisions of an Order of April 25, 1838, for fixing allowance of food to apprenticed labourers.
	(September 7.) Three Orders: 1. For regulating rights and duties of masters and servants; 2. For

Year.	Orders in Council.
1838	prevention and punishment of vagrancy; 3. For regulating law of marriage at Mauritius. (November 5.) For terminating at a period to be named by the Governor, the obligations of prædial apprentices in Mauritius, created by statute 3 & 4 Wm. IV. cap. 73.
1839	(August 26.) Granting Charter of Incorporation to the Mauritius Commercial Bank. (November 15.) Approving instructions to Governor to appoint Collector of Internal Revenue one of the official members of the Council, instead of the President of the Appeal Court.
1840	(July 13.) Approving instructions to Governor, authorising him under certain circumstances to assent to Ordinances for the Naturalisation of Aliens.
1841	(February 25.) Declaring that the English and not the French version of Mauritius Ordinances should be considered as the original version. (June 23.) For amending Order of September 7, 1838, respecting contracts between masters and servants at Mauritius.
1842	(January 15.) For regulating emigration from British India to Mauritius. (January 15.) For assimilating the law of Mauritius to that of England, so far as regards tenure of lands or irremovable property by aliens. (June 3.) For permitting French ships to import into Mauritius from the island of Bourbon, ice being the produce of that island.
1843	(February 1.) Approving proclamation regulating the rates at which foreign coins and coins of the East India Company's territories are to be current in Mauritius, also revoking Order of March 23, 1825. (June 10.) Empowering the Governor to alter provisions of Order of September 7, 1838, respecting rights and duties of masters and servants, and for suppression of vagrancy, and of an Order of October 6, 1838, respecting encroachments on Crown lands.
1845	(September 13.) Fixing date for introducing into the legal tribunals of Mauritius the exclusive use of the English language. (November 20.) For exempting pot and pearl ashes and specimens illustrative of natural history, from the 4 per cent. <i>ad valorem</i> import duty at Mauritius.

## AFRICAN DEPENDENCIES.

Year.	Orders in Council.
1848	(December 16.) Declaring royal assent to a Mauritius Ordinance, repealing certain Customs Duties.
1849	(May 1.) Approving additional instructions to the Governor for altering the constitution of the Council of Mauritius.
1850	(December 12.) Regulating Coolie Immigration into Mauritius.
1851	(October 23.) Declaring royal assent to a Mauritius Ordinance, 1850 (No. 2). For altering the organisation of the several Courts there.
—	(December 26.) Declaring royal assent to a Mauritius Ordinance, repealing certain Customs Duties.
1852	(October 16.) Approving Proclamation limiting the tender of silver coins in Mauritius.
1853	(April 1.) For suspending during the continuance in force of a Mauritius Ordinance (No. 24), 1851, relating to Copyright, the prohibition against the importation of foreign reprints of British books.

## ACTS OF IMPERIAL PARLIAMENT RELATING TO MAURITIUS.

Year.	Acts of Parliament.
1848	(September 5.) 11 & 12 Vict. cap. 130.—An Act for guaranteeing the interest on certain loans raised at Mauritius.
1852	(December 16.) 16 Vict. cap. 4.—An Act to amend statute 11 & 12 Vict. cap. 130.

PARLIAMENTARY REPORTS, ACCOUNTS, AND PAPERS RELATING TO MAURITIUS AND ITS DEPENDENCIES.

Year.	Sessional Number.	Parliamentary Reports, &c.
1819-20	57	Accounts of the revenues of Mauritius.
	89	Return of civil officers at Mauritius.
1825	236	Papers relating to the colonial trade of Mauritius.
1826	428-9	Return of regiments stationed in Mauritius.
1826-7	284	Return of the quantity of cotton exported from the Seychelles Islands in each year since the period of their occupation.
1837	516 A	Abstract of revenue and expenditure of Mauritius, money raised, debts paid off.
1837-8	{ 180 232 }	Copies of Mauritius Ordinances for regulating the relative duties of masters and employers and articed servants and labourers there.
1841	66	Papers relating to the introduction of Indian labourers.
1844	356	Correspondence relating to the immigration of Indian labourers into Mauritius.
1846	691	Papers relating to the state of the labouring population of Mauritius.
1850	741	Despatches from the Governor and memorials from the Mauritius Association relative to the trade and finances of the island.
1852	110	Despatch from the Governor to the Secretary of State, with report on the state of the rural districts of Mauritius.

## ST. HELENA AND ASCENSION ISLAND.

St. Helena is situate 1200 miles from the African coast. The observatory is in  $15^{\circ} 55'$  S. latitude, and in  $5^{\circ} 44'$  W. longitude. The island comprises an area of about 30,000 acres. It was discovered by the Portuguese in 1502, and afterwards held by the Dutch, who abandoned it in 1651; and from that time till the renewal of their Charter in 1833, it was held by the English East India Company. It was in the latter year surrendered to the Crown, and is now governed by a military officer aided by a Council, of which the Chief Justice and Lieutenant-Colonel commanding the troops are members, having been appointed by warrant under His Majesty's sign manual in conformity with the Order in Council, dated October 12, 1835.

The salary of the Governor was, in 1854, £2000 per annum.\*

ASCENSION ISLAND was discovered on Ascension Day in 1501, and taken possession of by the English in 1815. The fort is situate in latitude  $7^{\circ} 56'$  S., longitude  $14^{\circ} 26'$  W. The island comprises an area of about 35 square miles.

\* By patent, dated June 25, 1847, St. Helena was included in the episcopal diocese of Cape Town, constituted by that patent.

## ORDERS IN COUNCIL RELATING TO ST. HELENA.

Year.	Orders in Council.
1835	(April 1.) For making provision for the administration of the civil affairs of the island on its transfer from the East India Company to the Crown with a seal under His Majesty's sign manual to the Civil Commissioner appointed. (Revoked by Order, October 12, 1835.)
—	(May 20.) Approving device of new seal for the Government of the island.
1836	(October 26.) For establishing a Vice-Admiralty Court at the island.
1839	(June 3.) Approving, with amendments, an Ordinance of the Governor in Council amending and consolidating the laws relating to taxes.
—	(July 11.) Regulating the duties of Customs in the island.
1840	(January 15.) For carrying into effect an Ordinance of the Governor in Council respecting counterfeit coins. (See Order, July 15, 1843.)
1843	(December 13.) Authorising the duties of Customs to be paid and received according to imperial weights and measures.
1845	(September 13.) Confirming an Ordinance of the Governor in Council for levying a tonnage duty on all merchant vessels trading to the island—the dues to be applied to the erection of a civil hospital.
—	(November 20.) Placing trade of France with St. Helena on same footing as with other British possessions.
—	(November 20.) Confirming two Ordinances passed by Governor in Council: 1. Imposing duty on all boats used as tanks for watering vessels, and on pleasure-boats; 2. Respecting issue of licences.
1850	(January 8.) Imposing tonnage duty on all merchant vessels in aid of the erection of an hospital and prison on the island.
1851	(June 25.) Approving certain rules of the Vice-Admiralty Court in slave trade and other cases.
1852	(January 10.) Permitting the free importation of oil into the island.
—	(April 5.) Enabling the Governor to act as Chief Justice.
1853	(February 21.) Confirming an Ordinance of September 9, 1852, respecting certain duties of Customs.

ACTS OF IMPERIAL PARLIAMENT RELATING TO  
ST. HELENA.

Year.	Acts of Parliament.
1816	(April 11.) 56 Geo. III. cap. 23.—An Act for regulating the intercourse with the island of St. Helena during the time Napoleon Bonaparte was detained there.

PARLIAMENTARY REPORTS, ACCOUNTS, AND  
PAPERS RELATING TO ST. HELENA.

Year.	Sessional Number.	Parliamentary Reports, &c.
1850	643	Correspondence relative to the emigration of labourers from St. Helena to the West Indies.
1851	{ 163 435 }	Returns of revenue collected in St. Helena in 1848, 1849, and 1850, with salaries of certain government officers.

## CHAPTER V.

## AMERICAN DEPENDENCIES.

Sect. I. NORTHERN,—Comprising CANADA—EAST AND WEST, NOVA SCOTIA, NEW BRUNSWICK, NEWFOUNDLAND, PRINCE EDWARD'S ISLAND, THE HUDSON'S BAY TERRITORIES, VANCOUVER'S ISLAND, and BERMUDAS.

Sect. II.—CENTRAL,—Comprising HONDURAS and the ANTILLES, or WEST INDIA ISLANDS.

Sect. III. SOUTHERN,—Comprising BRITISH GUIANA, THE FALKLAND ISLANDS, and PITCAIRN.

## SECT. I.—NORTHERN AMERICAN DEPENDENCIES.

## CANADA.

CANADA\* comprises that portion of the North-American continent, which is situated between the parallels of 42° and 53° north latitude, and the meridians of 64° and 90° west longitude, being an area of about 350,000 square miles, including both provinces. East Canada was discovered by Giovanni Gaboto, a Venetian, holding a commission from Henry VII. of England, in 1497, but immediately afterwards fell into the possession of France, to which power it was formally ceded, in 1632, by the treaty of St. Germain, and so remained till 1759, when it was conquered by the British, under General Wolfe,

\* Called from an Indian word *Kanata*, a cluster of huts.

and by the treaty of Paris, in 1763, was ceded to England. In 1774, by statute 14 George III. cap. 83, the Crown was empowered to appoint a Council for the administration of the affairs of the Province, of not less than 19, or more than 23 members.

In 1791, by statute 31 George III. cap. 31, Upper and Lower Canada were divided and constituted into two Provinces. By this Act, the Governor was empowered to summon 15 Councillors in the Lower, and 7 in the Upper Province, where a Lieut.-Governor was appointed. Houses of Assembly were at the same time formed, to consist of not less than 50 members in Lower, nor than 16 in Upper Canada. The electors for counties were to be freeholders or roturiers possessing 40*s.* sterling per annum. The electors for towns and townships, £5 *house-owners*, or £10 *house-holders*. By an Act passed in 1830, foreigners, naturalized by five years' residence in Canada, were rendered capable (if possessing the necessary qualifications) of exercising the franchise. In consequence of the Rebellion, this constitution was suspended in East or Upper Canada in 1838, and a Special Council appointed. In 1840, by statute 3 and 4 Vict. cap. 35, Upper and Lower Canada were re-united, and a Legislative Council of the two united Provinces consolidated. This Council was to consist of not less than 20 members (and has, in fact, numbered 45), 10, including the Speaker, to be a quorum. All to be appointed for life by the Crown, and to be natural-born subjects of Her Majesty, and of full age. The House of Assembly constituted by this Act, con-

sisted of 42 representatives of the Eastern, and 42 of the Western Province, 84 altogether, 20 being a quorum, elected for four years. Freeholders or roturiers, to the amount of £500 sterling, were to be eligible as members, and freeholders or roturiers, to the amount of 40s. sterling, to be entitled to vote in districts, counties, or circles. House-owners to the amount of £5 per annum, and house-renters to that of £10, for towns. Members to take oath or affirmation of allegiance. Each member to be allowed, by the Legislature, 10s. currency per diem during the session, and 4s. per league for travelling expenses.

By statute 10 and 11 Vict. cap. 71, the provisions of the Act of Union, relating to the Civil List of Canada, were repealed, and Her Majesty was enabled to assent to a Provincial Act, under which the whole expenditure of the Colony now takes place.

Municipal institutions were established in 1840, being district Councils composed of representatives of a certain number of townships, elected by the householders (the qualifications of a Councillor being real estate, to the value of £500). The Presidents of these Councils are wardens appointed by the Crown; they meet quarterly for the management of all local affairs.

The present constitution of Canada is defined by three Provincial Acts, all of which were assented to on June 14, 1853. By the first of these, namely, 16 Vict. cap. 152, intituled "An Act to enlarge the Representation of the People of this Province in Parliament," certain new constituencies were created,

and several of those already existing were subdivided or reconstructed. The result is, that the two Provinces of Canada now consist of 125 electoral divisions (counties, ridings, and towns included), returning altogether 130 members to the Legislative Assembly.

By the second of the Acts above-mentioned (16 Vict. cap. 153), intituled "An Act to extend the Elective Franchise, and better to define the Qualifications of Voters in certain Electoral Divisions, by providing a System for the Registratipn of Voters," the qualifications of electors are defined as follows:—

Every male of full age, being a subject of Her Majesty, by birth or naturalization, and not being disqualified as the holder of any office, or otherwise by law, is entitled to vote. The special pecuniary qualification of electors for cities and towns, is either ownership, tenancy, or occupation of real property in such city or town, or within its liberties or municipal boundaries, to the amount of £7 10s. per annum, or of such property beyond the municipal, but within the electoral, boundaries of such city of the gross value of £50, or the annual value of £5. The special pecuniary qualifications of electors for counties and ridings is the ownership, tenancy, or occupation of real property of the gross value of £50, or the annual value of £5, in any parish, township, town, or village, in such county or riding, not included within the limits of any represented city or town.

The third Act is 16 Vict. cap. 154, intituled "An Act to amend the Act 7 Vict. cap. 65, for better

Securing the Independence of the Legislative Assembly of this Province." By this Act it is provided that no office-holder, nominated by the Crown, shall be eligible for a seat in the Legislative Assembly, except members of the Executive Council and the Receiver-General, Inspector-General, Secretary of the Province, Commissioner of Crown Lands, Attorney and Solicitor General, Commissioner of Public Works, President of the Executive Council, and Postmaster-General.

The qualification for members of the House of Assembly remains unchanged, as fixed by statute 3 and 4 Vict. cap. 35.

The Legislative Council of Canada consists, at present, of 42 members, who have been nominated by various Governors of the Province successively. The Provincial Legislature is, however, empowered by statute 17 and 18 Vict. cap. 118 (passed in 1854), to constitute the Legislative Council an elective body.

The Executive Council has usually consisted of 11 members, including the President, Secretary, Inspector-General, Law Officers, Commissioners of Crown Lands and Public Works, and other ministers who are deemed "responsible" to the people, and liable to be displaced by the vote of the House of Assembly.\*

The Governor of Canada is styled "Governor General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of

\* *Vide* Resolutions of Canadian Parliament, Sept. 3, 1841; Parliamentary Paper, 1848, 621.

Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same." His salary is £7000 per annum.\*

THE FOLLOWING ARE THE NAMES OF THOSE WHO, SINCE THE UNION OF EAST AND WEST CANADA, HAVE HELD THE OFFICE OF GOVERNOR.

Right Hon. C. Paulett Thomson (Lord Sydenham), Sept. 6, 1839.

Sir Charles Bagot, Oct. 7, 1841.

Sir Charles (afterwards Baron) Metcalfe, Feb. 24, 1843.

Earl Cathcart, March 16, 1846.

Earl of Elgin and Kincardine, Oct. 1, 1847.

Sir Edmund Head, Sept. 20, 1854.

#### ORDERS IN COUNCIL RELATING TO CANADA.

Year.	Orders in Council.
1760	(August 28.) Referring to Attorney-General the petitions of the Earl of Stirling, praying to be put in possession of a tract of land called Canada in America.
1765	(November 15.) Ordering Board of Trade to prepare draft of an instruction to the Governor of Quebec to pass an Ordinance there relative to juries, barristers, and attorneys.
1773	(April 22.) Ordering Attorney-General to prepare an instrument for re-annexing to the Government of Quebec such parts of the coast of Labrador as are situated between the river St. John and bay Phillippeaux.
1779	(July 16.) Appointing instructions to the Governor of Quebec for framing an Ordinance to amend certain Ordinances for establishing Courts of civil and criminal jurisdiction there.
1796	(April 6.) Approving instructions to the Lieutenant-Governor of Upper Canada respecting the future conduct and management of the Indian department.

\* Since 1849, the Provincial Parliament has been alternately held at Toronto and Quebec.

Year.	Orders in Council.
1797	(July 5.) Approving instructions to the Lieutenant-Governor of Upper Canada directing that in all future grants of land, mines of gold and silver only be reserved to His Majesty, except as therein mentioned.
---	(July 20.) Approving instructions to Governor of Lower Canada authorising him to take higher fees for land grants than those already fixed.
1799	(February 1.) Confirming three Acts of Upper Canada: 1. For the better divisions of the Province. 2. For regulating the performance of statute duty on the highways. 3. For establishing a Court of civil and criminal jurisdiction.
---	(April 11.) For granting the estates formerly held by the Jesuits, in Lower Canada, to the Right Hon. W. Pitt, Earl Amherst.
1802	(June 2.) Approving instructions to Governor for granting the Crown Lands in Lower Canada.
1829	(August 17.) Confirming Act of Legislature of Lower Canada relative to the subdivisions of the province into counties.
1830	(August 25.) Approving commission and instructions to Lord Aylmer, Captain-General and Governor-in-Chief of British North America.
1835	(April 1.) Approving commission to Earl Amherst for investigations and settlements of complaints preferred to His Majesty by the House of Assembly of Lower Canada.
---	(June 24.) Approving commission and instructions to the Earl of Gosford.
---	(September 9.) Confirming two Acts of Upper Canada relating to the bank of that Province.
1838	(February 15.) Approving instructions to Governor Earl Gosford to appoint special councillors in Lower Canada, under 1st 2 Vict. cap. 9.
---	(February 15.) Approving commission and instructions to the Earl of Durham, Governor-General and Captain-General of all Her Majesty's Provinces within and adjacent to the continent of North America, and High Commissioner for the adjustment of certain important affairs affecting the Provinces of Upper and Lower Canada.
---	(December 12.) Disallowing an Ordinance of the Governor and Special Council of Lower Canada, of

Year.	Orders in Council.
	June 28, 1838, "to provide for the security" of that Province.
1840	(January 3.) Granting Charter of Incorporation to the British Bank of North America.
—	(August 10.) Authorising the Governor-General to declare, by proclamation, that the Provinces of Upper and Lower Canada shall be one Province, under the name of the Province of Canada, and approving device of a seal for the Government thereof.
—	(August 10.) Approving commission to the Right Honourable Charles Paulett Thomson, Captain-General and Governor-in-Chief of the Province of Canada.
1841	(October 6.) Approving Commission and Instructions to Sir Charles Bagot, Governor-in-Chief, &c.
—	(October 21.) Approving certain regulations of the Governor and Council of the Province for the sale of the clergy reserves.
1842	(June 3.) Declaring Toronto and Hamilton to be free warehousing ports.
—	(December 10.) Approving two amended regulations of the Governor and Council for the sale and alienation of the clergy reserves.
1843	(July 15.) Specially confirming an Act passed in Canada imposing a duty on foreign wheat.
—	(August 23.) Exempting from duty on importation specimens illustrative of natural history.
1844	(October 7.) Approving instructions to the Governor directing him to issue letters patent for the incorporation of the Roman Catholic bishopric of Quebec, with power to hold property under limitations in Mrtmain.
1847	(February 4.) Giving effect to certain regulations for the disposal of the clergy reserves.
1848	(February 11.) Assenting to a Canada Act repealing and consolidating the Duties of Customs.
—	(August 11.) Approving instructions to Governor authorising him to appoint to certain vacant offices.
1850	(January 8.) Suspending the operation there of statute 6 & 7 Vict. cap. 76, "to give effect to a treaty between Her Majesty and the United States for the apprehension of certain offenders, so long as a certain Provincial Act shall continue in force."

Year.	Orders in Council.
1850	(December 12.) Assenting to a Canada Act for the establishment and regulation of inland postage.
—	(December 12.) Suspending, during the continuance of an Act passed in Canada, the prohibition against the importation into the said Province of foreign reprints of books published in the United Kingdom.
1852	(May 15.) Revoking an Order specially confirming a Canada Act (994) establishing a Church Society.
—	(August 18.) Approving supplemental Charter to bank of British North America.
1853	(February 21.) Including district of St. Francis within the limits of the diocese of Quebec.

ACTS OF THE IMPERIAL PARLIAMENT RELATING  
TO CANADA.

Year.	Acts of Parliament.
1768	14 Geo. III. cap. 83.—An Act for making more effectual provision for the government of the Province of Quebec.
—	14 Geo. III. cap. 88.—An Act to establish a fund towards further defraying the charges of administration of justice and support of civil Government within the Province of Quebec.
1791	31 Geo. III. cap. 31.—An Act to repeal certain parts of statute 14 Geo. III. cap. 88, and to make further provision for the government of the Province of Quebec.
1803	(August 11.) 43 Geo. III. cap. 138.—An Act for extending the jurisdiction of the courts of justice in the Provinces of Upper and Lower Canada.
1825	(June 22.) 6 Geo. IV. cap. 59.—An Act to provide for the extinction of feudal and signorial rights, and burthens on lands held à titre de fief and à titre de cens; in the Province of Lower Canada, and for the gradual conversion of these tenures into the tenure of free and common socage, and for other

Year.	Acts of Parliament.
	purposes relating to the said Province; also, for re-annexing certain parts of Labrador and the island of Anticosti to the said Province of Lower Canada.
1826	(May 26.) 7 Geo. IV. cap. 68.—An Act to amend so much of 31 Geo. III. cap. 31, as relates to the election of members to serve in the Legislative Assembly in the Province of Upper Canada.
1827	(July 2.) 7 & 8 Geo. IV. cap. 62.—An Act to authorise the sale of a part of the clergy reserves in the Provinces of Upper and Lower Canada.
1828	(July 15.) 9 Geo. IV. cap. 51.—An Act to alter statute 6 Geo. IV. cap. 95, for enabling His Majesty to grant to a company to be incorporated by charter, to be called the "Canada Company," certain lands in the Province of Upper Canada.
	(July 25.) 9 Geo. IV. cap. 91.—An Act to authorise the advance of a certain sum out of the consolidated fund for the completion of the Welland Canal navigation in Upper Canada.
1831	(March 30.) 1 Will. IV. cap. 20.—An Act to explain and amend the laws relating to lands holden in free and common socage in the Province of Lower Canada.
1834	(March 26.) 4 & 5 Will. IV. cap. 7.—An Act to authorise the Legislatures of British North America to make laws relating to the rates of inland postage.
1838	(August 16.) 1 & 2 Vict. cap. 112.—An Act for indemnifying those who have acted under an Ordinance, made in pursuance of statute 1 Vict. cap. 9, to make temporary provision for the Government of Lower Canada.
1839	(August 17.) 2 & 3 Vict. cap. 44.—An Act to prevent ships clearing out from a British North-American port from loading any part of their cargo of timber upon deck. (Continued by 3 & 4 Vict. cap. 35, and 5 Vict. sess. 2, cap. 17.)
1840	(July 23.) 3 & 4 Vict. cap. 35.—An Act to re-unite the Provinces of Upper and Lower Canada, and for the government of Canada.
	(August 7.) 3 & 4 Vict. cap. 78.—An Act to provide for the sale of the clergy reserves in the Province of Canada, and for the distribution of the proceeds thereof.
1842	(August 12.) 5 & 6 Vict. cap. 118.—An Act for

Year.	Acts of Parliament.
1843	guaranteeing the payment of interest on a loan of £1,500,000, to be raised by the Province of Canada. (July 12.) 6 & 7 Vict. cap. 29.—An Act for reducing the duty on wheat and wheat-flour, the produce of the Province of Canada, imported thence into the United Kingdom.
1847	(July 22.) 10 & 11 Vict. cap. 71.—An Act to authorise Her Majesty to assent to a certain Bill of the Legislative Council and Assembly of the Province of Canada for granting a civil list to Her Majesty, and to repeal certain parts of an Act for re-uniting the Provinces of Upper and Lower Canada, and for the Government of Canada.
1848	(August 14.) 11 & 12 Vict. cap. 56.—An Act to repeal so much of an Act, 3 & 4 Vict. cap. 35, as relates to the use of the English language in public documents.
1851	(August 9.) 14 & 15 Vict. cap. 63.—An Act for the settlement of the boundaries between the Provinces of Canada and New Brunswick.
1852	(June 30.) 15 & 16 Vict. cap. 53.—An Act to provide for the exercise of certain powers vested in the Bishop of Quebec in respect of certain districts severed from his diocese.*
1853	(May 9.) 16 Vict. cap. 21.—An Act to authorise the Legislature of the Province of Canada to make provision concerning the clergy reserves in that Province, and the proceeds thereof.
1854	(August 11.) 17 & 18 Vict. cap. 118.—An Act to empower the Legislature of Canada to alter the constitution of the Legislative Council for that Province.

\* By patents, dated June 28, 1793, July 27, 1839, and July 18, 1850, respectively, the episcopal dioceses of Quebec, Toronto, and Montreal were constituted.

PARLIAMENTARY REPORTS, ACCOUNTS, & PAPERS  
RELATING TO CANADA.

Year.	Sessional Number.	Parliamentary Reports, &c.
1810-11	94	Estimates of the charge of the civil establishments of Canada, New Brunswick, and Nova Scotia.
1813-14	39	
1814-15	{ 81	Accounts relative to the imports and exports to and from Canada, Nova Scotia, New Brunswick, Prince Edward's Island, Cape Breton, and Newfoundland; also the number and tonnage of ships entered inwards and cleared outwards from 1800 to 1813.
	{ 82	
	{ 83	
—	224	Estimates of the charge of the civil establishments.
1816	{ 14	Accounts of imports to and exports from Canada, Nova Scotia, New Brunswick, Prince Edward's Island, Cape Breton, and Newfoundland.
	{ 15	
—	153	Return of Marines serving in Canada.
—	324	Estimates of the charge of the civil establishments of Canada, New Brunswick, and Nova Scotia.
—	417	Accounts of trade and navigation relating to the North-American Colonies.
1817	279	Estimates of the charge of civil establishments in Canada, New Brunswick, and Nova Scotia.
1818	74	
1819	192	
1820	64	
—	169	Returns of goods exported to the British Colonies in North America.
—	170	Returns of ships employed in British North-American trade.
1821	155	Estimates of the charge of civil establishments.
—	280	Return of exports to the North American Colonies.
1822	75	Estimates of the charge of civil establishments in Canada, New Brunswick, and Nova Scotia.
1823	192	
1824	17	
1825	30	
1826	156	
1826-7	161	

Year.	Sessional Number.	Parliamentary Reports, &c.
1826-7	254	Regulations adopted in the Canadas in respect to the granting of land; also, Address on the subject of clergy reserves in Upper Canada.
—	286	Return of population of the Canadas.
—	377	Memorandum transmitted to the Secretary to the Society for the Propagation of the Gospel, in reference to the state of the Church in the North American Colonies, 1824.
—	378	Letter from Dr. Strachan, Archdeacon of York, Upper Canada, respecting the state of the Church in that Province.
—	380	Estimate of expense of water communication in the Canadas.
1828	54	Return of the Post Office establishment in the Canadas, Nova Scotia, and New Brunswick, and postage collected in the years 1825-6.
—	445	Copies of two despatches from the Lieutenant-Governor to the Secretary of State, relating to the Welland Canal.
—	475	Estimates for improving water communication on the Ottawa River and on the lakes in Canada.
—	569	Reports from Select Committee respecting the civil government of Canada.
1828	122	Estimates of charges of the civil establishments in British North America.
1829	41	
1830	89	
—	73	Communications between Colonial Office and the Governors of the Canadas in pursuance of the recommendations of the Canada Committee.
—	574	Despatches from the Governors on the state of the Executive and Legislative Councils of the Canadas.
—	627	Address to His Majesty from the House of Assembly of Lower Canada on the subject of lands held by the Roman Catholic Seminary at Montreal.
—	740	Returns of Acts passed by the Legislatures of British-American Colonies laying taxes on immigrants.

Year.	Sessional Number.	Parliamentary Reports, &c.
1830-1	135	Correspondence between the Treasury, the Colonial Secretary, and the Ordnance, on canal communication.
—	233	Returns respecting sales of Crown lands and clergy reserves in Canada, and grants of land for the maintenance of any college.
—	395	Report from Select Committee respecting the Rideau Canal.
1831	102	Communications relative to the appropriations of Crown revenue between the Governors and the Legislatures of the two Provinces.
1831-2	362	Estimates of charges of civil establishments in North-American Colonies.
—	370	Report from Select Committee on canal communication in Canada.
—	334	Report of Mr. Richards to the Colonial Secretary respecting waste lands in Canada, and emigration.
—	492	Correspondence between the Board of Ordnance and officers in Canada respecting canal communication and the expense thereof.
—	504	Letter from Board of Ordnance respecting the Rideau Canal in Canada, together with the Treasury minute thereon.
—	740	Four addresses to His Majesty from the House of Assembly of Upper Canada, dated March 20, 1828; March 14, 1829; January 13, 1830; and December 14, 1831.
1833	433	Returns relating to the Legislative Council of Upper Canada.
1834	514	Returns of payments made to the clergy of every denomination out of funds raised in the Province of Canada.
—	617	Reports of Governors of British Provinces in North America, and of Indian department in Canada, on the present state of the aboriginal tribes there.
1837	96	Select Committee on affairs of Lower Canada.
—	271	Papers relating to Sir Francis Head.

Year.	Seasonal Number.	Parliamentary Reports, &c.
1837-8	118	Correspondence relating to the boundary between the British possessions in North America and the United States, under the treaty of 1783, with Appendix.
—	181	Copies of all letters between Mr. Hume, Mr. Roebuck, and any Member of Parliament; and M. Papineau, Mr. M'Kenzie, Dr. Duneombe, and others in Canada, which have been seized there or otherwise came into the possession of the Government.
—	231	Despatches and inclosures from Lord Aberdeen to Lord Amherst relative to the government of the Canadas, April 2, 1835.
1839	141	Correspondence between the Lieutenant-Governor of Upper Canada and the Secretary of State on the creation of rectories in the Province by Sir John Colborne.
1840	274	Copy of an Act of the Legislature of Upper Canada, intituled "An Act to provide for the Disposal of public Lands in the Province."
—	183	Report of Commissioners, appointed in Canada to inquire into the losses sustained during the rebellion in Canada.
1841	13	Ordinances of the Governor and Special Council of Lower Canada.
1843	314	Proceeds of all sales of clergy reserves in Canada; amounts invested in the public funds; annual interest; sales effected under various Acts; rents arising from reserves demised for terms of years; application of fund to churches of England and Scotland, and in aid of public worship and education of different religious bodies.
1844	591	Statistical returns relating to the population, militia, education, imports, exports, shipping, agriculture, fisheries, currency, manufactures, and minerals of Canada.
1846	721	Reports on the Canadian Post Office.
1847	50	Papers relating to North-American emigration.
—	569	Correspondence respecting the effects of the usury laws of Canada on the indus-

Year.	Sessional Number.	Parliamentary Reports, &c.
		trial and commercial interests of the Province.
1848	621	Correspondence relating to the introduction of responsible Government into the North-American Colonies.
1849	593	Despatches relating to North-American emigration.
—	(1016)	Correspondence on the operation of the Navigation Laws on the Province of Canada.
—	(1032)	
—	(1035)	
—	1031	Final report of officers employed to survey line for Quebec and Halifax railway, with correspondence thereon.
1850	1181	Papers relating to the change of the seat of Government, and to the annexation movement.
1851	348	Despatches relative to emigration to the North-American Colonies:
—	1306	Papers relative to the clergy reserves in Canada.
1852	64	Copy of a Provincial Act for the management of the temporalities of the United Church of England and Ireland in the diocese of Montreal, and for other purposes therein mentioned, with the resolution of the Council and Assembly of Canada thereon.
—	77	Accounts of all sums issued out of the consolidated fund, by virtue of statute 5 & 6 Viet. cap. 118, towards making good deficiency in payment on the part of the Province of Canada of interest accruing due on the loan of £1,500,000 to the said Province.
—	85	Papers relating to the clergy reserves.
—	90	Address of Legislative Council respecting a Royal Charter for a Church college in Canada, and respecting a free convocation of the bishops, clergy and laity of the said Province; also copy of Act establishing said college.
—	91	
—	411	Returns of the Imperial Custom Houses of the North-American Provinces on January 1, 1852.

Year.	Sessional Number.	Parliamentary Reports, &c.
1852	{ 1344 1382 1516 }	Correspondence relative to the civil list, and to military expenditure in Canada, and to the projected railway from Halifax to Quebec.
—	1448	Papers relating to the clergy reserves.
—	1394	Papers relative to the settlement of the disputed boundaries between the Provinces of Canada and New Brunswick.
1852-3	85	Correspondence respecting the clergy reserves.
—	{ 1175 1231 }	Correspondence between the Bishop of Quebec and the British Government respecting the clergy reserves; also returns of payments made to the churches of England and Scotland, and to other religious bodies in Canada out of imperial resources; since 18
—	499	Paper respecting the library of the Legislative Council and Assembly of Canada.
—	714	Return respecting Customs officers in Canada—their names, salaries, and duties.
—	1002	Addresses on the constitution of the former House of Assembly of Canada.
—	1003	Representations of settlers on the Grand River, in Canada, and correspondence with the Governor-General on the subject.
—	{ 1588 1613 }	Further papers relative to the clergy reserves in Canada.
—	1650	Papers relative to emigration to the North-American Colonies.
1853	160	Opinions of the judges on the Canada Clergy Reserves Act (April 13, 1840).
—	{ 173 174 }	Amount of the Canada clergy reserve fund, and payments made therefrom; also extent of the reserves, and value of the unsold portions thereof.
1854	1763	Further papers relative to emigration to North America.
—	{ 1789 1812 }	Papers relating to the Legislative Council of Canada, and to legislative proceedings there.
1855	276	Address relating to the legal position of bishops.

## NOVA SCOTIA.

Nova Scotia, including Cape Breton, comprises an area of about 16,000 square miles, situate between the parallels of  $43^{\circ} 20'$  and  $46^{\circ}$  N. latitude, and the meridians of  $61^{\circ}$  and  $66^{\circ} 20'$  W. longitude. Nova Scotia was first settled in 1604 by the French under the name of Acadia, and was ceded to England at the peace of Utrecht in 1714. After the peace of Aix-la-Chapelle in 1748, a settlement of disbanded troops was formed in Nova Scotia by Lord Halifax then President of the Board of Trade and Plantations, and the town which now bears his name became the capital of the Colony. In 1758, Cape Breton by the dispossession of the French was added to the British dominions, though not till afterwards annexed to the Colony of Nova Scotia. In the same year a constitution was established by commission to the Duke of Richmond as Governor, which was afterwards modified by commission to Governor Parr, dated September 11, 1784. This constitution consists of a Lieutenant-Governor and an Executive Council of 6 members. Also a Legislative Council, now consisting of 19 members (and including the Chief Justice and Bishop), provisionally appointed by the Governor, subject to the confirmation of Her Majesty under the royal sign manual. There is also a House of Assembly of 51 members, one for the smaller, and two for each of the principal counties, six representatives from Cape Breton, and the rest for the towns, the chief of which are Halifax, Annapolis, Liverpool, Pictou, and Wind-

son: The electors must be householders or landholders to the value of 40*s.* per annum. The members of the House of Assembly and their Speaker, receive a stipend and travelling expenses.

The system of "responsible government" was fully recognised in Nova Scotia by the resignation of the Executive Council, in pursuance of a vote of the Provincial Parliament of January 26, 1848.

By a Provincial Act, passed in 1851, the public statutes of Nova Scotia were revised and consolidated, and now form the code of the province.

The salary of the Governor of Nova Scotia was, in 1854, £3000 per annum.\*

AMONG THOSE WHO HAVE AT VARIOUS TIMES ADMINISTERED THE GOVERNMENT OF THE PROVINCE, EITHER AS GOVERNORS-IN-CHIEF OR LIEUTENANTS, ARE THE FOLLOWING:—

Hon. E. Cornwallis, 1749.  
 P. Hopson, 1752.  
 C. Lawrence, 1754.  
 R. Moulton, 1756.  
 J. Betcher, 1760.  
 M. Wilmot, 1764.  
 M. Franklin, 1766.  
 F. Legge, 1773.  
 M. Arbuthnot, 1776.  
 R. Hughes, 1778.  
 Sir A. S. Hammond, 1781.  
 J. Parr, 1782.  
 E. Fanning, 1783.  
 R. Bulkeley, 1791.  
 J. Wentworth, 1792.  
 Sir G. Prevost, 1808.

\* By patent, dated August 9, 1787, the episcopal diocese of Nova Scotia, comprising Cape Breton and Prince Edward's Island, was constituted.

Sir J. Sherbrooke, 1811.  
 General Darrock, 1811.  
 General Smyth, 1816.  
 Earl of Dalhousie, 1819.  
 Sir J. Kempt, 1820.  
 M. Wallace, 1826.  
 Sir C. Campbell, 1836.  
 Lord Falkland, 1840.  
 Sir J. Harvey, 1846.  
 Col. Sir G. Le Marchant, June 16, 1852.

ORDERS IN COUNCIL RELATING TO NOVA  
 SCOTIA.

Year.	Orders in Council.
1661	(March 6.) Ordering the claims of all parties and the claims of the Crown of England to Nova Scotia to be drawn up in Latin.
1662	(April 23.) Granting to Colonel Thomas Temple "4000 acres of the soyle of y <sup>e</sup> saide plantacon."
1667	(November 6.) Ordering Colonel Temple to deliver Acadia to the French in pursuance of the treaty of Breda.
1668	(July 28.) Suspending the delivery to the French of Acadia, in consequence of delay in ceding St. Christopher's, and pending the expected arrival of M. Colbert to treat thereon.
1731	(May 11.) Approving instructions to the Governor respecting the settling of certain persons on lands there.
1760	(February 16.) Approving settlements of lands evacuated by the French, as organised by the Governor and Council there.
1764	(July 11.) Granting 260,000 acres to twenty-three persons in the Province at an annual grist rent of one farthing per acre, such land to be settled by Protestants, within ten years from the date of Order in the proportion of one settler for each 200 acres; and in default to revert to the Crown.
1783	(May 16.) Approving instructions to Governor Parr as to grants of land to the Loyalists, and for religious and educational purposes.
—	(June 6.) Approving instructions to Governor Parr for reserving all timber fit for masts for His Majesty's use; also for revesting in the Crown all

Year.	Orders in Council.
	lands unimproved, and therefore forfeited, according to the terms of grant.
1783	(July 25.) Revoking all Orders for grants of land bearing date before January 1, 1774, which have not yet been carried into execution.
1784	(July 2.) Confirming two Acts of the Province : 1. For granting His Majesty's free pardon to all persons concerned in the late rebellion; 2. For the relief of His Majesty's subjects professing the Popish religion, and repealing two Acts of the Province which are oppressive to them.
1787	(August 1.) Approving report of Committee for establishing a Bishop to have ecclesiastical jurisdiction over Nova Scotia, New Brunswick, Quebec, and Newfoundland, and instructions to the Governors of those Colonies accordingly.
1795	(November 25.) Confirming an Act of the Province for raising £2000 by lottery for the purpose of building bridges.
1828	(February 13.) Extending privileges of statute 6, Geo. IV. cap. 114, to the ports of Pictou and Sydney in Nova Scotia.
1834	(May 14.) Confirming Act of the Province relating to marriage licences.
1836	(July 6.) Declaring that the clauses and provisions of an Act passed in Nova Scotia shall be the rules and regulations respecting the fisheries on the coasts, bays, and creeks in that Province.
1839	(July 11.) Declaring the ports of Digby and Arichot, in Nova Scotia, to be free warehousing ports.
1840	(December 8.) Approving instructions to the Lieutenant-Governor for reserving to the Crown in future the nomination of President of the Legislative Council.
1844	(March 4.) Declaring New Edinburgh, in St. Mary's Bay, to be a free warehousing port.
1846	(May 19.) Approving instructions to Earl Cathcart enjoining him to administer the oath of allegiance, and no other oaths, to political and official persons.
1848	(August 11.) Suspending, during the continuance of Provincial Act, the prohibition against the importation into the Colony of foreign reprints of English books.

PARLIAMENTARY REPORTS, ACCOUNTS, AND  
PAPERS RELATING TO NOVA SCOTIA.

Year.	Sessional Number.	Parliamentary Reports, &c.
1823	416	Papers relating to the re-annexation of Cape Breton to the Government of Nova Scotia.
1828	{ 109. 148 }	Report laid before the Colonial Department by Lieutenant-Colonel Cockburn on emigration to Nova Scotia, New Brunswick, and Prince Edward's Island, with appendix.
1835	144	Estimates of charges of civil establishment in Nova Scotia.
1836	161	
1837	149	
1837-8	314	
1839	142	
	579	Correspondence from Nova Scotia and New Brunswick relative to the constitution of the Legislative and Executive Council there.
1840	179	Estimates of the charges for the civil establishments in Nova Scotia.
1841	224	
1842	130	
1843	91	
1844	108	

NEW BRUNSWICK.

This Province forms an irregular square comprising an area of about 26,000 square miles. The eastern boundaries were defined by the Ashburton Treaty in 1842. It is situate between the parallels of 45° 5' and 48° 20' N. latitude, and the meridians of 63° 45' and 67° 50' W. longitude.

New Brunswick was first settled by British subjects in 1761, and afterwards by disbanded troops from New England in 1783, was severed from Nova Scotia (of which province it had before formed a part) in 1784, when, by Royal Charter, a constitution was

granted to the Colony which now exists. It consists of a Lieutenant-Governor aided by an Executive Council of 8 members, a Legislative Council of 17 members, to which the Bishop of Nova Scotia belongs *ex officio*,\* and a House of Assembly of 39 Representatives of the people.

The system of "Responsible Government" was formally recognised by a vote of the Provincial Legislature, February 24, 1848.

By a Provincial Act, passed May 1, 1854, the public statutes were revised and consolidated.

The salary of the Governor of New Brunswick is £3000 per annum.

AMONG THE NAMES OF THOSE WHO HAVE HELD THE GOVERNMENT OF NEW BRUNSWICK, EITHER AS GOVERNORS-IN-CHIEF OF BRITISH AMERICA OR LIEUTENANT-GOVERNORS OF THE PROVINCE, ARE THE FOLLOWING, WITH THE DATES OF THEIR RESPECTIVE COMMISSIONS.

Guy Carleton, 1786.  
 E. Winslow, 1803.  
 Lieutenant-Colonel Johnston, 1808.  
 General M. Hunter, 1809.  
 General W. Balfour, 1811.  
 General E. P. Smyth, 1811.  
 General Sir J. Saumarez, 1813.  
 Lieutenant-Colonel H. W. Hailes, 1816.  
 Ward Chipman, 1823.  
 J. M. Bliss, 1826.  
 General Sir H. Douglas, 1829.  
 General Sir A. Campbell, 1831.  
 General Sir W. Murray, 1837.  
 Colonel Sir W. Colebrooke, 1841.  
 Sir E. Head, 1841.  
 Hon. J. H. T. Manfiers Sutton, July 1, 1854.

\* In 1845, the diocese of Fredericton was created.

ORDERS IN COUNCIL RELATING TO NEW  
BRUNSWICK.

Year.	Orders in Council.
1784	(June 18.) Approving report of Committee on the form of civil constitution proper for the government of the Province, and directing the Lords of the Treasury to give orders for carrying the same into effect so far as relates to that department.
1802	(June 2.) Approving instructions to the Governor for granting Crown lands in the Province.
1821	(March 21.) Extending the privileges of statute 58 Geo. III. cap. 19, to the port of St. Andrew's, in New Brunswick.
1835	(March 4.) Declaring the port of Mасаquadvic, in New Brunswick, a free port.
1836	(August 10.) Declaring Moramichi, in New Brunswick, a free port.
1837	(September 20.) Approving instructions to Governor Sir J. Harvey for enlarging Council of Province of New Brunswick.
1843	(June 10.) Declaring port of Dalhousie, on the river Rentigouche, a free warehousing port.
1845	(June 30.) Approving instructions to Governor respecting the newly-erected Bishopric of Fredericton.
1846	(July 6.) Approving instructions to Governor to dispense with certain oaths heretofore taken by official and political persons.
1847	(August 10.) Specially confirming, under statute 9 & 10 Vict. cap. 94, a New Brunswick Act respecting certain differential duties on imports.
1848	(August 11.) Suspending the prohibition against importation of foreign reprints of English books.
1850	(December 12.) Confirming a New Brunswick Act for establishment and regulation of inland postage.
1852	(November 27.) Respecting the admission of appeals to Her Majesty in Council from Supreme Court of New Brunswick.
1854	(November 14.) Approving proclamation for giving currency to certain copper coins in New Brunswick.

PARLIAMENTARY REPORTS, ACCOUNTS, AND  
PAPERS RELATING TO NEW BRUNSWICK.

Year.	Sessional Number.	Parliamentary Reports, &c.
1828	{ 109 } { 148 }	Report on emigration to New Brunswick, and other papers.
1831-2	688	Award of the King of the Netherlands relative to the disputed boundary between New Brunswick and United States of America.
1837-8	137	Papers relating to emigrants' marriages, education, militia, minerals, fisheries, shipping, imports and exports in New Brunswick.
1839	595	Correspondence relative to the constitution of the Executive and Legislative Councils in New Brunswick.
1847	716	Correspondence between Her Majesty's Government and parties interested in railways in New Brunswick.
1852	1394	Papers relative to the settlement of the disputed boundaries between the Provinces of Canada and New Brunswick.

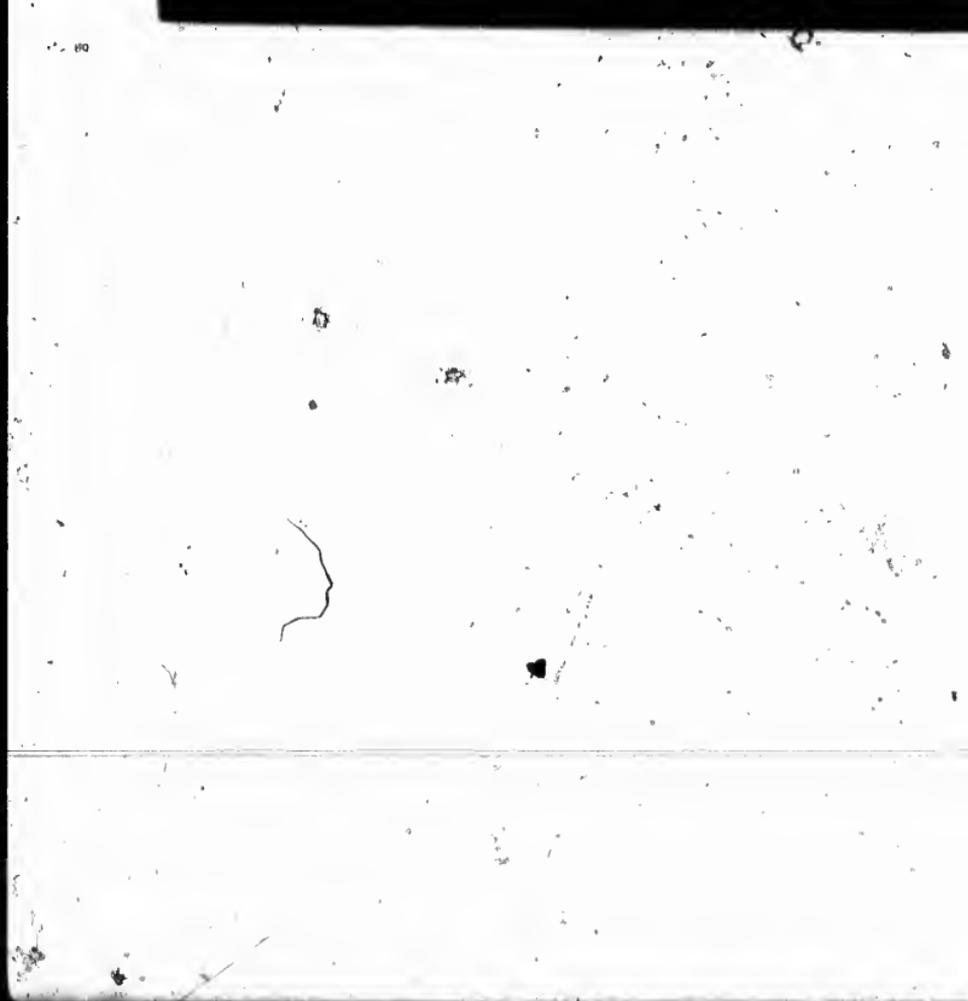
## NEWFOUNDLAND.

Newfoundland is situate between the parallels of 46° 40' and 51° 37' N. latitude, and the meridians of 52° 25' and 59° 15' W. longitude, comprising an area of 35,850 square miles; called "Prima Vista" by Cabot, who first discovered it in 1497; and afterwards frequented for its fisheries by Portuguese, Spanish and French.

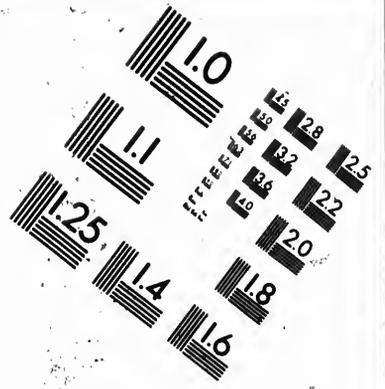
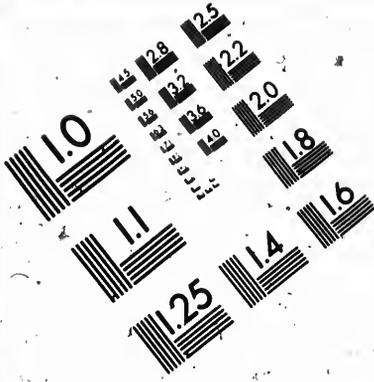
The island was colonised by British subjects under five Charters granted by the Crown at various times.



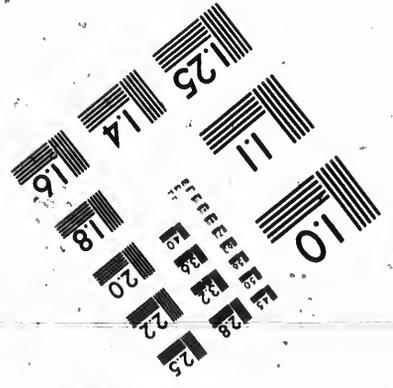
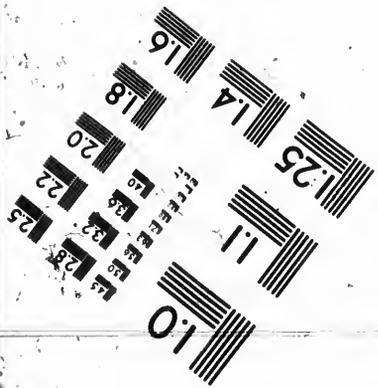
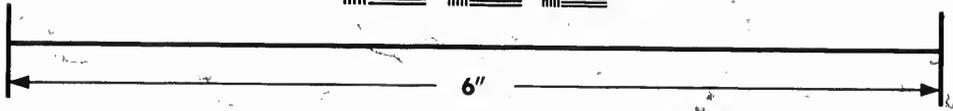
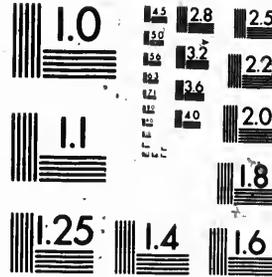








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The first in 1578, by Queen Elizabeth to Sir Humphrey Gilbert; the second in 1610, by James I. to Lord Northampton, Sir Francis Bacon, and certain merchants of London and Bristol; the third to Sir George Calvert of a tract of land called the Province of Avalon; the fourth to Lord Pembroke, Lord Holland and the Marquis of Hamilton, specially reserving to the grantees the rights of fishing, salting, and drying of fish; the fifth in 1635, by the Star Chamber to certain merchants and traders. In 1663, Charles I. issued instructions to his Lord Treasurer containing regulations "for the governing of His Majesty's subjects inhabiting in Newfoundland." After a series of struggles for possession between France and England, by the 13th article of the Treaty of Utrecht in 1713, subsequently ratified by the fifth article of the Peace of Paris, the exclusive sovereignty of Newfoundland, subject to certain rights reserved to France, was ceded to Great Britain, commissions giving powers to various merchants were issued at various times, but it was not till 1728, that the first Governor Captain Henry Osborne was appointed. In the fourth article of the Treaty of Versailles in 1783, the cession of Newfoundland to Great Britain is confirmed; and in 1832, by royal instructions to Sir T. J. Cochrane, then Governor, a constitution was established consisting of a Lieutenant-Governor, an Executive Council of nine members (who also composed the Legislative Council, and were nominated by the Governor) and a House of Assembly. The Assembly consisted of 15 Members, representing nine districts, of which

St. John's and Conception Bay were the chief, all natural-born, or naturalised householders of full age, and unconvicted of infamous crimes, being qualified as electors and as members, the only difference being that one year's residence qualified an elector; and two were required for a member. Voters residing beyond a certain distance were entitled to vote by subscribing a written paper.

By the instructions accompanying the Commission of 1832, a Legislative Council (including five official members) was constituted. By statute 5 and 6 Vict. cap. 120, passed in 1842, the Queen was empowered to establish, by commission to the Governor, a property qualification for members, not exceeding the gross sum of £500, or £100 per annum. This statute was, in 1847, by statute 10 and 11 Vict. cap. 44, made permanent. In the meantime, a series of conflicts between the two branches of the Legislature had taken place, which resulted in the suspension of the constitution, and the substitution of a single chamber, composed of ten nominated, and fifteen elected, members, with a distinct Executive Council. This system lasted four years, when the former constitution was for a time renewed.

By a Provincial Act, 18 Vict., passed November 30, 1854, the number of members of the Assembly was increased to thirty, and the electoral districts were re-arranged. In the same year the Legislative and Executive Councils were separated; and the system of "Responsible Government" was established, the displaced public officers being compensated.

The salary of the Governor is £3000 per annum.  
The office has been held by—

Capt. Osborne, R.N., 1729.	Adm. Milbanke, 1789.
Capt. Vanbrugh, 1737.	Adm. Sir J. Wallace, 1794.
Capt. Lord G. Graham, 1740.	Adm. Waldegrave, 1797.
Capt. Hon. J. Byng, 1741.	Adm. Pole, 1800.
Capt. Sir C. Hardy, 1744.	Adm. Gambier, 1802.
Capt. Rodney, 1749.	Adm. Sir E. Gower, 1804.
Capt. Drake, 1750.	Adm. Holloway, 1807.
Capt. Boufoy, 1753.	Adm. Sir J. Duckworth, 1810.
Capt. Dorril, 1755.	Adm. Sir J. Keats, 1813.
Capt. Edwards, 1757.	Adm. Pickmore, 1816.
Capt. Webb, 1760.	Adm. Sir C. Hamilton, 1818.
Capt. Groves, 1761.	Capt. Sir T. Cochrane, 1825.
Capt. Palliser, 1764.	Capt. Prescott, 1834.
Capt. Hon. J. Byron, 1769.	Maj.-Gen. Sir J. Harvey, 1841.
Commodore Molyneux, 1772.	Hon. F. W. A. Bruce, 1846.
Commodore Duff, 1775.	Lt.-Colonel Sir J. G. Le Mar-
Adm. Montague, 1776.	ket, 1847.
Adm. Edwards, 1779.	Ker, Sir C. Hamilton, 1852.
Adm. Campbell, 1782.	C. H. Parling, Mar. 26, 1855.
Adm. Elliot, 1786.	

#### ORDERS IN COUNCIL RELATING TO NEWFOUNDLAND.

Year.	Orders in Council.
1619	(February 14.) Appointing a Committee to consider of planting a Settlement in the island of Newfoundland.
1624	(March 14.) For suppressing disorders at the fisheries at Newfoundland.
1628	(March 14.) For limitation as to the Newfoundland fleet in respect of impressment for the navy.
	(February 25.) Granting licence to Lord Baltimore to export a certain quantity of corn for the relief of the plantations.

Year.	Orders in Council.
1636	(January 24.) Proposing fundamental laws for the government of the Colony, especially as to the management of its fishery.
---	(January 29) Ordering all parties using the fishing trade to contribute rateably to its charges.
1637	(June 23.) Framing regulations as between the patentees for the Colony and the deputies of the western ports as to duties to be paid at the fishings there.
1640	(September 9.) Ordering Commission to inquire into oppressive conduct of Captain Kirke there, on the complaint of certain Devonshire merchants.
1669	(February 4.) Ordering Chaplain to be sent with the next convoy to Newfoundland, "for the keeping of the people now living in that island in Christianity."
1671	(March 10.) Ordering insertion of certain rules and orders in the Newfoundland charters.
1676	(April 19.) Directing Lords of the Admiralty to give instructions respecting certain ships going to Newfoundland.
1684	(May 2.) Ordering account of trade and fishery there to be transmitted yearly to Committee for Trade and Plantations.
1700	(January 23.) For providing pay and clothing to extent of £373 0s. 10d. for forces there. Orders to Treasury and Admiralty accordingly.
1729	(May 14.) For effecting certain alterations in the government; and directing Bishop of London to send out a Chaplain with Lord Vere Beauclerk, "who is to endeavour to procure for said Chaplain a maintenance from the people there."
1769	(May 3.) Granting to the Society of the Unitas Fratrum permission to occupy 100,000 acres of land on Esquimaux Bay on the coasts of Labrador, and to establish a Mission there during His Majesty's pleasure: also ordering the Master General of the Ordnance to supply the said Society with 50 muskets.
1778	(May 11.) Approving instructions to Governor empowering him to receive one-tenth of metals raised from copper mines.
1779	(August 13.) Permitting 400 tons of bread and flour to be exported from Poole to Newfoundland, for use of fisheries.

Year.	Orders in Council.
1791	(February 17.) Allowing exportation from United States of certain quantities of flour and Indian corn during fishing season.
1829	(July 16.) Declaring port of St. John's a free warehousing port.
1836	(May 18.) Declaring Harbour Grace a free port.
1839	(September 30.) Approving instructions to Governor authorising him to apply to Bishop of Newfoundland * instructions in which Bishop of Nova Scotia is named.
1842	(August 27.) Approving commission and instructions to Governor for carrying into effect, 5 & 6 Vict. cap. 120, for amending constitution of Government of Newfoundland.
1845	(Nov. 20.) Approving instructions to Governor respecting oaths to be taken by members of the Legislative Council. (Revoked by Order, July 6, 1846.)
1849	(July 30.) Suspending, during the continuance of an Act passed there, the prohibition against the importation of foreign reprints of English books.

ACTS OF THE IMPERIAL PARLIAMENT RELATING  
TO NEWFOUNDLAND.

Royal Assent.	Acts of Parliament.
1809	(March 30.) 49 Geo. III. cap. 27.—An Act for establishing Courts of Judicature in Newfoundland and the islands adjacent, and for re-annexing part of the coast of Labrador and the islands lying on the said coast to the Government of Newfoundland.
1811	(May 31.) 51 Geo. III. cap. 45.—An Act relating to the public use of certain ship rooms in the town of St. John's, and for instituting Surrogate Courts on the coast of Labrador and in certain islands adjacent thereto.

\* By patent of July 10, 1839, the diocese was constituted.

Royal Assent.	Acts of Parliament.
1813	(April 15.) 53 Geo. III. cap. 38.—An Act for regulating the exportation of corn and other articles to Newfoundland, Nova Scotia, the bay of Chaleur, and the coast of Labrador.
1817	(June 27.) 57 Geo. III. cap. 51.—An Act to regulate the celebration of marriages in Newfoundland.
1819	(June 14.) 59 Geo. III. cap. 38.—An Act to enable His Majesty to make regulations with respect to the taking and curing fish on certain parts of the coasts of Newfoundland, Labrador, and His Majesty's other possessions in North America, according to a Convention made between His Majesty and the United States of America.
1820	(July 15.) 1 Geo. IV. cap. 51.—An Act to regulate the rebuilding of the town of St. John's, in Newfoundland, and for indemnifying persons giving up ground for that purpose.
1824	(June 17.) 5 Geo. IV. cap. 67.—An Act for the better administration of Justice in Newfoundland, and for other purposes. (Continued by 10 Geo. IV. cap. 17).
1842	(August 12.) 5 & 6 Vict. cap. 120.—An Act for amending the constitution of the Government of Newfoundland. (Continued by 9 & 10 Vict. cap. 45, and 10 & 11. Vict. cap. 44.)
1849	(May 24.) An Act to confirm certain Acts of the Legislature of Newfoundland respecting the rebuilding of the town of St. John's, and to enable the said Legislature to make other provisions in that behalf.

PARLIAMENTARY REPORTS, ACCOUNTS, AND PAPERS RELATING TO NEWFOUNDLAND.

Year.	Sessional Number.	Parliamentary Reports, &c.
1801	121	Accounts respecting the Newfoundland fishery.
1817	436	Reports and evidence on the trade and state of the Settlement of Newfoundland.

*Year.	Sessional Number.	Parliamentary Reports, &c.
1819	541	Account of Newfoundland imports and exports.
1824	71	Papers and accounts relating to Newfoundland.
1826-7	{ 113 152 542 }	Number of vessels cleared from the United Kingdom to Newfoundland, and value of imports and exports from 1814 to 1826.
1831-2	{ 515 704 }	Commission appointing Sir T. Cochrane Governor of the Colony; and authorising him to convoke a Legislative Assembly; also instructions transmitted with the Commission.
1849	327	Report from Captain Loch, R.N., to Vice-Admiral the Earl of Dundonald, on the fisheries of Newfoundland and Labrador.
1851	169	Correspondence relating to the assumption of the title of Bishop of Newfoundland by the Roman Catholic Bishop of that Colony.
1854-5	273	Correspondence on the constitution of Newfoundland.

### PRINCE EDWARD'S ISLAND.

This island is situate between the parallels of 46° and 47° N. latitude, and the meridians of 62° and 64° 30' W. longitude, and comprises an area of about 2150 square miles. It was discovered by Sebastian Cabot on St. John's Day, 1497, and first thence called the "Island of St. John." It was first settled by the French, and alternately held by them and by the English till 1763, when it was ceded to Great Britain, and annexed to the Government of Nova Scotia. The survey of the island having been completed in 1766, a mandamus under the King's sign manual was issued

in August, 1767, to the Governor of Nova Scotia, commanding him to issue tickets of allotment to certain officers of the army and navy having claims upon the Crown, who drew the tickets by way of lottery. Thus, subject to certain quit rents, nearly all the island was granted by the Crown. At the petition of its inhabitants, the island was constituted a separate Colony, and Walter Paterson appointed its first Governor in 1771. In 1773, a constitution, similar to those of the other North-American Colonies, was established, consisting of a Lieutenant-Governor, aided by an Executive Council of nine, and a Legislative Council of six members, appointed by the Crown, and a House of Assembly of 24 members elected by the inhabitants. The Executive Council is nominated by the Lieutenant-Governor, subject to confirmation by the Crown, but is limited by the royal instructions to nine members, three of whom are members of the Legislative Council, and one of the House of Assembly.

In 1851 the system of "Responsible Government" was introduced.

The laws in force in the island, besides those of England, which at the time of its acquisition existed, are those of Nova Scotia (so far as they are unrepealed since the island became a distinct Government), and the Acts of Assembly since passed. The Courts of Law are similar to those of West Canada.

The salary of the Lieutenant-Governor of Prince Edward's Island was, in 1854, £1500 per annum.\*

\* By patent, dated March 5, 1825, Prince Edward's Island was included in the episcopal diocese of Nova Scotia.

AMONG THE NAMES OF THOSE WHO HAVE HELD THE GOVERNMENT ARE THOSE OF—

Paterson, in 1770.  
 Fanning, 1789.  
 Colonel D. Smith, 1813.  
 Lieutenant-Colonel Ready, 1823.  
 Colonel Young, 1831.  
 Sir Charles Fitzroy, 1837.  
 Sir R. V. Huntley, 1841.  
 Sir Donald Campbell, 1847.  
 Dominic Daly, May 8, 1854.

ORDERS IN COUNCIL RELATING TO PRINCE EDWARD'S ISLAND.

Year.	Orders in Council.
1799	(February 1.) Confirming an Act of the Governor, Council and Assembly giving to this island the name of "Prince Edward's," heretofore called the "Island of St. John."
1826	(November 20.) Disallowing an Act of the island relating to marriages and baptisms, and making polygamy "felony," and confirming four Acts of the island.
1832	(March 14.) Confirming an Act of the island for raising funds by assessment on lands.
1835	(March 4.) Empowering Secretary of State to prepare warrant for passing Commission under great seal to empower Lords of Admiralty to appoint vice-admiral, judge and other proper officers for a Vice-Admiralty Court at Charlotte Town, in Prince Edward's Island.
1838	(November 5.) Declaring George Town, in the island, to be a free warehousing port.
1842	(August 11.) Declaring Charlotte Town, in the island, a free warehousing port.
1844	(September 3.) Establishing certain regulations and restrictions respecting the fisheries on the coasts, bays, creeks and harbours in the island.
1846	(July 6.) Approving instructions to Governor to dispense with certain oaths taken heretofore by certain persons.

Year.	Orders in Council.
1847	(August 10.) Specially confirming, under statute 9 & 10 Vict. cap. 94, an Act to repeal differential duties on exports.
1848	(October 31.) Suspending the prohibition against the importation of certain foreign reprints of English books.

PARLIAMENTARY REPORTS, ACCOUNTS, AND  
PAPERS RELATING TO PRINCE EDWARD'S  
ISLAND.

Year.	Sessional Number.	Parliamentary Reports, &c.
1828	{ 109 148 }	Reports on emigration to Prince Edward's Island and other North American Colonies.
1847	506	Address from House of Assembly of Prince Edward's Island praying for responsibility of government in that Colony.
1854	104	Speech of Lieutenant-Governor of Prince Edward's Island.

HUDSON'S BAY TERRITORIES AND VAN-  
COUVER'S ISLAND.

The Hudson's Bay Territories comprise an area of more than half a million of square miles, between the 141st meridian of W. longitude, and the Atlantic Ocean, indented by bays and inland seas, bearing the names of English navigators, who at various periods have explored these regions; Davis in 1585, Hudson

in 1610, and Baffin in 1616. In consequence of the report of a Frenchman named Grosselin to the British Government in 1668, Charles II. granted a Charter of Incorporation in 1670 to a Company, styled "the Governor and Company of Adventurers of England, trading to Hudson's Bay," of which Prince Rupert was the chief member, and by whose name the territories granted were designated. These territories were declared to be a British Colony, and were granted in free and common socage on payment of two elks and two beavers whenever the Sovereign of England should visit them, to the Company and their successors for ever.

After continued conflicts with France, the rights of the Company were recognised by the Treaty of Utrecht in 1713. By statute 43 Geo. III. cap. 138, passed in 1803, and by statute 1 & 2 Geo. IV. cap. 66, passed in 1821, provisions are made for establishing a civil and criminal jurisdiction in the Hudson's Bay Territories. In 1838, in pursuance of powers reserved by statute 1 & 2 Geo. IV. cap. 66, and in consideration of a nominal acknowledgment of 1s. per annum, and a bond for the due execution of civil and criminal process, and the registration of all persons employed by the Company, a licence of exclusive trade with the Indians for 21 years was granted to the Company, then amalgamated with the North-West Association of Montreal, over all that portion of the North-American continent which was beyond the boundaries of existing Colonies. Provided always, that such licence should not interfere with Treaties or rights of foreign

Powers. By the Oregon Boundary Treaty signed at Washington, June 15, 1846, the 49th parallel of N. latitude was defined as the limit on the Pacific shore of British and United States Territory in North America, and is now, therefore, the southern boundary of the Hudson's Bay territories. The Government of the territories is administered under the provisions of the Charter of 1670, by Governors, and Councils of Chief Factors and Chief Traders at their various establishments, at the principal of which there is also a Recorder, Sheriff, and Coroner. Trial by jury has been established.

VANCOUVER'S ISLAND, on the W. coast of North America, is situate between the parallels of  $48^{\circ} 17'$  and  $50^{\circ} 55'$  N. latitude, and  $123^{\circ} 10'$  and  $128^{\circ} 30'$  W. longitude. By a Charter dated January 13, 1849, in consideration of a yearly rent of 7*s.*, and on condition of the establishment within five years of a Settlement on the island of resident Colonists, and reserving rights of repurchase, Vancouver's Island was granted to the Hudson's Bay Company and their successors for ever.

The Government of the island is administered by a Governor appointed by the Crown, on the nomination of the Hudson's Bay Company, aided by a Council of seven members likewise so appointed. The Governor is empowered to divide the island into Electoral Districts, and to convene an Assembly, fixing also the number of Representatives, to be elected by the inhabitant freeholders of 20 acres.

ORDERS IN COUNCIL RELATING TO THE HUDSON'S BAY TERRITORIES AND VANCOUVER'S ISLAND.\*

Year.	Orders in Council.
1678	(May 17.) Permitting, notwithstanding embargo, the two ships "Shaftesbury" and "Rupert" to sail to Hudson's Bay.
1815	(May 31.) Permitting the Hudson's Bay Company to send out 180 passengers on board one of their ships.
1848	(October 31.) Approving Charter granting Vancouver's Island to the Hudson's Bay Company, subject to certain conditions.
1849	(July 30.) Empowering Lords of Admiralty to constitute a Court of Vice-Admiralty at Vancouver's Island.
1850	(January 8.) Approving device of seal for the Government of Vancouver's Island.

ACTS OF THE IMPERIAL PARLIAMENT RELATING TO THE TERRITORIES OF THE HUDSON'S BAY COMPANY AND VANCOUVER'S ISLAND.

Royal Assent.	Acts of Parliament.
1821	(July 2.) 1 & 2 Geo. IV. cap. 66.—An Act for regulating the fur trade of the Hudson's Bay Company, and establishing a criminal and civil jurisdiction within certain parts of North America.
1849	(July 28.) 12 & 13 Vict. cap. 48.—An Act to provide for the administration of justice at Vancouver's Island.

\* By patent, dated May 21, 1850, the episcopal diocese of Rupert's Land was constituted.

PARLIAMENTARY REPORTS, ACCOUNTS, AND  
PAPERS RELATING TO THE HUDSON'S BAY  
TERRITORIES AND VANCOUVER'S ISLAND.

Year.	Number.	Parliamentary Reports, &c.
1819	584	Papers relating to the settlement of certain transactions between Lord Selkirk and the North West and Hudson's Bay Companies.
1828	429	Estimate of public buildings and expense of civil establishments on the coast of Labrador.
1842	547	Copy of the existing Charters of grant to the Company by the Crown, and correspondence relating thereto.
1849	18	Correspondence relating to Vancouver's Island.
—	103	Despatches and papers relating to Vancouver's Island; also copy of Charter of grant thereof to the Hudson's Bay Company, and report of the Committee of Privy Council for Trade on the grant.
1850	542	Papers relating to the legality of the Powers in respect to territory, trade, taxation, and government claimed or exercised by the Company on the continent of North America, under the Charter of Charles II., or in virtue of any other right or title.
1852-3	83	Papers relating to Vancouver's Island, being returns of lands sold, and number of colonists.

## BERMUDAS.

The Bermudas form a cluster of about 300 islands, the chief of which are Bermuda, St. George, Ireland, and Somerset. They comprise altogether an area of about 12,000 acres. They derive their name from Bermudez, a Spaniard, who first sighted the islands in 1527, and were first colonised in 1611, by a brother of Sir George

Somers, on whose report the Virginia Company claimed them, and sold their right to 120 persons, who received a Charter from James I. in 1612. In 1619, Captain Butler went out as Governor, and Representative Government was established. By Order in Council, dated June 23, 1824, certain male convicts were ordered to be kept to hard labour at the Bermudas. The Government of the Bermudas is administered by the Governor, and a Privy Council of 10 members, appointed by the Crown on the nomination of the Governor, who also act as a Legislative Council.\* The Bishop and Chief Justice are *ex-officio* members. There is also a House of Assembly of 36 members, representing all the parishes of the island. The Governor of Bermudas is also styled Vice-Admiral and Commander-in-Chief. His salary was, in 1854, £2746 per annum.

AMONG THE NAMES OF FORMER GOVERNORS, WE FIND THE FOLLOWING:—

- 1612. Daniel Tucker.
- 1619. Captain Butler.
- 1686. Sir Edmund Andrewes.
- 1692. Captain Goddard.
- 1698. Samuel Day.
- 1700. Captain Bennett.
- 1713. Henry Pullein.
- 1721. John Bruce Hope.
- 1727. Captain John Pitt.
- 1737. Almeid Popple.
- 1745. William Popple.
- 1764. George James Bruere.

\* By patent, dated July 17, 1859, the Bermudas were annexed to the episcopal diocese of Newfoundland, constituted by that patent.

1781. William Bruere.  
 1790. Henry Hamilton.  
 1794. James Crawford.  
 1796. William Campbell.  
 1797. April 7, George Beckwith.  
 1805. January 31, Francis Gore.  
 1806. March 3, John Hodgson.  
 1811. April 26, Sir James Cockburn.  
 1819. July 1, Sir William Lawley.  
 1825. September 15, Sir Hilgrove Turner.  
 1831. Sir L. R. Chapman.  
 1839. February 8, Lieutenant-Colonel Reid.  
 1846. October 1, Captain Charles Elliot.  
 1854. July 24, Colonel Freeman Murray.

## ORDERS IN COUNCIL RELATING TO BERMUDAS.

Year.	Orders in Council.
1623	(April 28.) Order respecting complaint of planters of seizure of tobacco in England for payment of an imposition of 4d. in the pound.
—	(December 8.) Approving report of Commissioner on the state of the plantations, and imposing a duty on tobacco for defraying the debts of the adventurers.
1628	(July 7.) Ordering abatement of duty on tobacco imported therefrom, and that less should be planted for the future.
1637	(July 12.) Permitting logwood brought thence to be re-exported.
1639	(August 25.) Licensing the ship "Dorset" to go thither, the passengers first taking oath of allegiance at Gravesend.
1680.	(July 21.) Directing Attorney-General to bring writ of "Quo Warranto" against Bermuda Company, in pursuance of Order of November 12 last past.
1739	(November 9.) Ordering Secretary-at-War and Board of Trade to lay before Council a report of forces sent to these islands during the wars in the reigns of King William and Queen Anne.
1762	(November 26.) Confirming two Acts providing, by an import duty on wine and rum, for the payment of the members of Council and Assembly.

## AMERICAN DEPENDENCIES.

Year.	Orders in Council.
1824	(June 23.) Directing certain male convicts to be kept to hard labour at Bermudas.
1833	(July 3.) Confirming Act passed in the island for providing salary for the minister of the Presbyterian Church there.
—	(August 14.) For leaving to its operation an Act passed in the island relative to the conviction of offenders transported to Bermudas from Great Britain.
1835	(July 31.) Declaring that adequate provision has been made there for giving effect to statute 3 & 4 Will. IV. cap. 73, and confirming an Act passed in the island, in February, 1834, for the abolition of slavery there.
1836	(October 26.) Declaring the port of St. George, in the Bermudas, a free warehousing port.
1838	(February 15.) Approving Commission and instructions to Governor Sir Andrew Leith Hay.
1839	(September 30.) Approving instructions to Governor authorising him to apply to the Bishop of Newfoundland previous instructions in which Bishop of Nova Scotia is named.
1840	(October 3.) Approving proclamation of Governor regulating value of certain foreign coins now current in Bermudas
—	(December 8.) Declaring Hamilton, in Bermudas, a free warehousing port.
1848	(April 15.) For assenting to an Act passed in the island to repeal certain Customs duties.
1849	(February 13.) Suspending, during the continuance of an Act passed there, the prohibition against the importation of foreign reprints of English books.

PARLIAMENTARY REPORTS, ACCOUNTS, AND  
PAPERS RELATING TO THE BERMUDAS.

Year.	Sessional Number.	Parliamentary Reports, &c.
1810-11	94	Estimates of the charge of the civil establishments at the Bermudas in various years.
1813-14	39	
1814-15	224	
1816	156	
1822	325	
1824	17	Contracts for clothing and provision of convicts. Estimate of the cost of confining, maintaining, and employing convicts at the Bermudas.
1825	29	Comparative estimate of the cost of maintaining and employing convicts at home and at the Bermudas.
1826-7	161	Estimates of the charge of the civil establishments at the Bermudas in various years.
1828	122	
1829	41	
1830	89	
—	600	Return of convicts in the hulks at the Bermudas and in England.
1852-3	937	Despatches relative to the revival of Bishop Berkeley's College at the Bermudas, and return of grants and endowments for religious education there from January, 1843.
1854	428	Return respecting the temporary administration of the Government.

## SECT. II.—CENTRAL AMERICAN DEPENDENCIES.

HONDURAS, and the ANTILLES OF WEST INDIAN ISLANDS, comprising the BAHAMAS, JAMAICA; THE LEEWARD ISLANDS (Antigua, Dominica, Montserrat, Nevis, St Christopher, Anguilla, Virgin Islands, and Barbuda); THE WINDWARD ISLANDS (Barbadoes, St. Vincent, Grenada and the Grenadines, and Tobago); TRINIDAD and St. LUCIA.

## HONDURAS.

Honduras is a territory in Central America, situate between the parallels of 15° and 19° north latitude, and the meridians of 88° and 90° west longitude. For two centuries after its coast was first explored by the Spaniards in 1498, it was occupied by buccaneers of all nations. English occupation was recognised in the Treaty of 1670, and by the Treaty of Utrecht in 1714; and though not mentioned in the peace of Amiens, Honduras is now admitted to be a British Dependency, and has been governed for a century past by a Superintendent appointed by the Crown, and holding his commission under the Governor of Jamaica. In 1765, a rude form of Representative Government was established by Sir William Burnaby, and a system of administration of justice (the laws of England being in great measure adopted) was framed, and in 1809 a code was drawn up and printed. The courts are styled the "Supreme Commission Court," and the "Grand Court," being tribunals of civil and criminal jurisdiction. Trial by jury exists in Honduras. The Civil Government was, until recent changes, administered by the Su-

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perintendent, aided by an Executive Council of 9 members, appointed by the same authority. Of this Council the Chief Justice, the Colonial Secretary and Treasurer, the Attorney-General, and the officer commanding the forces, were members. The Representative Assembly, called the "Public Meeting," as established in 1765, was elected by the British-born subjects, two years resident, and possessed of £60 sterling. The qualifications of a member were three years' residence, and the possession of property to the amount of £300 sterling. The number of the "Public Meeting" was unlimited; any candidate supported by 25 registered electors being eligible; the number was at one time 64. The members of the "Public Meeting" were elected for life, and assembled at stated periods on the first Monday in the months of March, July, and November. The initiatory power rested with the Superintendent; all measures, initiated with his consent and subsequent confirmation, had the force of law within the Settlement, unless disallowed by superior authority.

In 1853, an Act was passed by the Superintendent and Public Meeting, intituled "An Act to amend the System of Government of British Honduras," which is the basis of its present constitution. By this Act it is provided that the Legislature of Honduras shall consist of the Superintendent and a Legislative Assembly of 17 elected, and 4 nominated members (13 besides the Speaker to form a quorum). The qualifications of members to be full age, native birth or naturalization, and the possession of personal pro-

perty within the Settlement, to the amount of £400 sterling. The qualifications of electors to be the ownership or occupation of real property, to the amount of £7 per annum. The Assembly to last four years, subject to prorogation or dissolution. The Superintendent to have power to nominate four members for the same period. Judges and ministers of religion disqualified. By s. 42, it is provided that a distinct Executive Council may be appointed to assist the Superintendent. Power is reserved to the Assembly to alter the provisions of this Act. Power is also reserved to the Superintendent or officer administering the Government to give or withhold his assent to Bills, or reserve the same. Bills assented to may be disallowed by Her Majesty within one year after receipt by Act of State. Civil List of £6100 to be granted for civil and judicial salaries in British Honduras, £1200 being set apart for public worship. The officers of the Government, and their salaries, as contained in the Schedule to the Act, are as follows:—

Superintendent*	£1800 per annum.
Chief Justice	1000 "
Police Magistrate	600 "
Attorney-General	300 "
Colonial Secretary	600 "
Treasurer	600 "

THE BAY ISLANDS, of which Ruatan is the chief, are Dependencies of Honduras, under a magistrate\* appointed by the Superintendent.

\* Wm. Stevenson and Charles H. Cuyler, Esqrs., now hold these offices, under a commission, dated June 7, 1854.

## ORDERS IN COUNCIL RELATING TO HONDURAS.

Year.	Orders in Council.
1834	(January 24.) Establishing a registration of slaves in British Honduras.
—	(June 5.) Giving effect in that Settlement to the statute 3 & 4 Will. IV. cap. 73, for the abolition of slavery.
—	(August 12.) Gazetting certain regulations made by the Superintendent for giving effect to the Slavery Abolition Act, and declaring that satisfactory provision has been made for giving effect to the said Act.
1852	(March 5.) Approving letters patent for erecting the islands of Ruatan, in the bay of Honduras, into a Colony, under the name of the "Bay Islands."
—	(November 10.) Approving device of a seal for the Government of the "Bay Islands."

## PARLIAMENTARY REPORTS, &amp;c., RELATING TO HONDURAS.\*

Year.	Sessional Number.	Parliamentary Reports, &c.
1826-7	37	Papers relating to the appointment of Major Arthur as Commandant, in 1814.
1829	334	Report of Commissioners on civil and criminal justice in Honduras.
1836	607	Return of expense of Government of Honduras from 1824 to the present time.
1844	591	Returns relating to population, education, trade, and shipping from 1840 to 1842.

\* *Vide infra*, p. 276.

## THE BAHAMAS,

A cluster of islands (extending from the south coast of Florida, to the north of St. Domingo), the chief of which are New Providence, Eleuthera, and the Cays of Grand Bahama, comprise an area of about 5000 square miles. After the discovery of the islands by Columbus in 1494, they were alternately occupied by the Spaniards, French, and English, and by buccaneers of all nations, until 1783, when they were finally confirmed to Great Britain, by the peace of Versailles.

Representative Government has existed in the Bahamas for more than a century.

All male inhabitants of full age being freeholders to any amount, or householders for six months preceding the election, possess the franchise as electors for the House of Assembly. The first Act of Assembly on record was passed in 1764, being an Act for the Registration of Deeds and Conveyances. In 1799, a Declaratory Act, the provisions of which have been since extended, was passed, recognising about 200 Imperial Statutes (from 9<sup>th</sup> Henry III., cap. 8, downwards), as of force in the Bahamas, together with all Acts touching the Prerogative of the Crown. The present constitution consists of a Governor, aided by an Executive Council of 9 members, a Legislative Council also of 9, and a Representative Assembly of 31 members. All the members of the Executive Council have seats and votes in one of the branches of the Legislature.

Nassau, in New Providence, is the seat of Government.

The chief officers of the civil establishment at the Bahamas, were in 1851 as follows:—The Governor and Commander-in-Chief, the Colonial Secretary, the Receiver-General, the Chief Justice of the Vice-Admiralty Court, the Comptroller of Customs, Attorney-General, and Provost Marshal.

The Governor's salary was, in 1854, £2000 per annum.

AMONG THE NAMES OF THOSE WHO HAVE ADMINISTERED THE GOVERNMENT ARE THE FOLLOWING:—

Woodes Rogers, July 9, 1717.  
 William Dowdeswell.  
 Charles Cameron.  
 Major-General Lewis Grant.  
 G. B. Mathews, March 4, 1834.  
 Sir Alexander Bannerman, March 9, 1854.

ORDERS IN COUNCIL RELATING TO THE  
 BAHAMAS.

Year.	Orders in Council.
1728	(July 28.) Empowering the Governor to call assemblies in the Bahamas.
1798	(February 7.) Confirming two Acts passed in the island: 1. For limiting the duration of the General Assemblies; 2. Requiring actual residence of certain officers receiving salaries.
1806	(November 19.) Authorising the Governor to grant licences to British vessels to trade, under certain restrictions, to the ports of St. Domingo.
1826	(May 3.) Approving report of Committee for confirming a Bahama Act, of January, 1824, for regu-

Year.	Orders in Council.
	lating the secular concerns of the Presbyterian Church.
1827	(October 18.) Permitting United States vessels to trade in salt and fruit, the produce of these islands, under certain circumstances and conditions.
1835	(July 31.) Declaring that adequate provision has been made there for giving effect to statute 3 & 4 Will. IV. cap. 73.
1836	(May 18.) Constituting Grand Key, Turk's Island, a free warehousing port.
1840	(December 8.) Commission and instructions to the Governor of Bahamas for establishing two separate and distinct Councils in the islands, to be called the Legislative and Executive Councils.
1848	(August 11.) Separating the Turk's and Caico's Islands from the Government of the Bahamas, and annexing them to that of Jamaica, and regulating the mode of electing their Legislative Council.
1849	(May 1.) Declaring Her Majesty's assent to an Act passed in the islands (No. 1204), respecting certain duties of Customs.
—	(May 21.) Suspending, during the continuance of an Act passed in the islands, the prohibition against the importation thither of foreign reprints of books published in the United Kingdom.
1854	(March 9.) Approving commission and instructions to Sir Alexander Bannerman.

PARLIAMENTARY REPORTS, &c., RELATIVE TO  
THE BAHAMAS.\*

Date.	Number.	Parliamentary Papers, &c.
1816	392	Returns respecting imports and exports, and income and expenditure at the Bahamas.
1829	334	Report of Commissioners on civil and criminal justice at the Bahamas.
1840	154	Papers relating to barracks in the Bahamas, and health of troops there.

\* *Vide infra*, p. 276.

## JAMAICA.

Jamaica comprises an area of about four million acres, or 6400 square miles, being about 150 miles in length, and 40 at its greatest width. The island is 600 miles from Chagres, on the Isthmus of Panama. It was discovered by Columbus on his second voyage in 1494, and continued a Spanish Colony until 1655, when it was captured by the Commonwealth forces for Great Britain. In 1655, Cromwell, by Proclamation, remitted, for a certain period, all duties on exports and imports between Jamaica and England, which provision was in 1658 confirmed by Charles II., who further encouraged trade with Jamaica by the first Navigation Law in 1659.

The Legislation of the Imperial Parliament, with reference to Jamaica since it has been a British Colony, has chiefly related to slavery and the slave trade. In 1807, an Act was passed abolishing the import of slaves into Jamaica. In 1833, an Act abolishing the system of slavery, and establishing in lieu thereof a system of apprenticeship. And in 1838, a third Act, providing for the registration of apprentices, and in the same year, after Jamaica had been 329 years an European Colony, and 183 an English one, the system was finally, by Act of the Local Legislature, abolished.

In Jamaica, as in all other British Colonies similarly acquired, all English laws existing prior to its occupation, and applicable to the Colony, are binding. And by an Act of the Local Legislature, 1 Geo. II. cap. 1, s. 22, all the then existing statutes of England, which

had been at any time accepted in Jamaica, were specially declared to be binding in the island.

The first form of Civil Government established by England in the island was under a Commission, dated February 13, 1661, and issued by Charles II. to Colonel Digby, who had the chief command there under a Commission from Cromwell. The constitution was to consist of a Council of 12, to be elected by the people, according to the manner prescribed in the instructions. In 1662, a Municipality was formed, judges of session and magistrates were appointed. The island was divided into parishes, and free socage tenures were introduced. By a Royal Proclamation, natural-born subjects of England born in Jamaica were declared free denizens of England; during the fifteen following years, Lord Windsor, Sir Thomas Modyford, Sir Thomas Lynch, and Lord Vaughan, successively held the office of Governor. In 1676, a crisis took place, and Lord Carlisle was appointed Governor, with a Commission framed in pursuance of a Report of the Committee of Council on Trade and Plantations, the effect of which was to establish in Jamaica a form of Government similar to that then existing under Poyning's laws in Ireland. This, however, proved impracticable, and in consequence of communications to that effect from Lord Carlisle, a supplementary Commission, framed in pursuance of an Order in Council, dated October 20, 1680, was issued, in pursuance of which Representative Government was re-established. By its provisions, the Governor was empowered, with the advice of his Council, to summon and dissolve Assemblies elected by the freeholders, the oaths of

allegiance and supremacy being taken by the members elected. The constitution, as established in 1680, consisted of a Governor or Captain-General, and Privy Council of 10 members, who acted also as a Legislative Council, of which the Chief-Justice, Bishop, Attorney-General, and others, nominated by the Crown, were members, also a House of Assembly. Changes have from time to time been made in the representative system. In 1774, the qualification of electors was house or land to the amount of £10 per annum, or real or personal estate of the clear value of £2000 sterling.

The present constitution of Jamaica rests on two Local Acts passed in 1852 and 1854 respectively. It consists of a Governor and Privy Council appointed by the Crown. A Legislative Council of 17 members, also appointed by the Crown for life, who must be of full age, and natural-born subjects, not more than 5 to be salaried holders of office. All others to be freeholders to the amount of £300 per annum, or tax-payers to the amount of £30 per annum.

The Second Chamber or House of Assembly (which consisted recently of 47 members) is elected by all the inhabitants of full age, without distinction of creed or colour, under any one of the following qualifications.

1. As freeholders, trustees, mortgagors or mortgagees, to the amount of £6 per annum.
2. As holders of rent-charge of £30 per annum.
3. As householders of £20 per annum.
4. As tax-payers of £3 per annum.

All persons contributing £10 per annum in direct taxes are eligible as members of the House of Assembly.

The executive authority in all financial affairs is vested in the Governor and the "Executive Committee," a body appointed by the Governor, and consisting of the members of the House of Assembly, and one member of the Legislative Council. To this body, so constituted, is committed the exclusive right of originating money bills. They form also a board of Audit, and their authority continues during a prorogation or dissolution of the House of Assembly.

TURK'S ISLAND and the CAICO's, at the southern extremity of the Bahama group, were, by two Orders in Council, dated August 11, 1848, separated from the Government of the Bahamas, and annexed to that of Jamaica,

The Government is administered by a President and Council of eight members, four elected by taxpayers who can read and write English, and four nominated by the Crown.

The salary of the Captain-General and Governor-in-Chief of Jamaica was, in 1854, £5000 per annum.

The chief officers of the civil establishment in Jamaica were, in 1851, as follows:—the Governor-in-Chief and Vice-Admiral; President of Council; Receiver-General; Collector of Customs; Chief-Justice; Vice-Chancellor, and Attorney-General. There were also four Chairmen of Quarter Sessions receiving salaries of £1200 a year each. The Speaker of the House of Assembly received £960 per annum. Jamaica was made an Episcopal diocese in 1824. The Bishop is a member of the Legislative Council. His stipend, from various sources, is £3000 per annum.

AMONG THE NAMES OF THOSE WHO HAVE HELD THE OFFICE OF GOVERNOR OF JAMAICA ARE THE FOLLOWING, WITH THE DATES OF THEIR RESPECTIVE COMMISSIONS AND INSTRUCTIONS:—

- Edward Doyley, October 17, 1660.
- Lord Windsor, June 5, 1661.
- Sir Thomas Modyford, 1664.
- Lord Vaughan, 1675.
- Earl of Carlisle, 1678.
- Sir Thomas Lynch, 1682.
- Sir P. Howard, January 21, 1684.
- Duke of Albemarle, 1687.
- Earl of Inchiquin, 1690.
- William Selwyn, Esq., 1702.
- Lord Archibald Hamilton, 1710.
- Peter Heywood, Esq., 1716.
- Sir Nicolas Lawes, 1718.
- Duke of Portland, 1722.
- Major-General Hunter, 1728.
- Henry Cunningham, Esq., 1735.
- Edward Trelawney, Esq., 1738.
- Charles Knowles, Esq., 1752.
- George Haldane, Esq., 1758.
- W. H. Lyttleton, Esq., 1762.
- Sir William Trelawney, 1767.
- Sir Basil Keith, 1773.
- Major-General Dalling, 1777.
- Major-General Campbell, 1782.
- Earl of Effingham, 1790.
- Earl of Balcarres, 1795.
- Lieut.-General Nugent, 1801.
- Lieut.-General Sir Eyre Coote, 1806.
- Duke of Manchester, 1808.
- Earl of Belmore, 1829.
- Earl of Mulgrave, 1832.
- Marquis of Sligo, 1834.
- Lieut.-General Sir Lionel Smith, 1836.
- Sir Charles Metcalfe, 1839.
- Earl of Elgin and Kincardine, March 11, 1842.
- Sir Charles Grey, September 25, 1847.
- Sir Henry Barkly, August 8, 1853.

## ORDERS IN COUNCIL RELATING TO JAMAICA.\*

Year.	Orders in Council.
1660	(September 5.) Directing the Plantation Committee to inform themselves respecting the island of Jamaica.
1661	(May 15.) Licensing Captain Poole to raise volunteers for Jamaica by beat of drum.
—	(July 3.) Approving report of Committee on the state of the island, on conditions for grants of land, defence of the island, and spiritual supervision; Committee to frame a scheme for its government.
—	(July 16.) Pardoning certain prisoners in order to their being sent to Jamaica.
1662	(April 4.) Ordering certain munitions and stores (therein estimated) to be prepared for conveyance to Jamaica.
1668	(October 16.) Ordering the Governor to preserve the plants on which drugs and aromatic spices grow, on the island.
1678	(February 15.) Confirming thirty-six Acts of the Governor, Council, and Assembly of the island.
1682	(February 23.) Confirming twenty-eight Acts of the Governor, Council, and Assembly; also disallowing an ordinance declaring English laws to be in force at Jamaica.
1684	(April 2.) Commanding the African Company to supply the island with 5000 negroes within the year from the date of order.
—	(April 2.) Disallowing an Act respecting the price of negroes.
1708	(June 26.) Confirming two Acts to prevent slaves being evidence against free negroes.
1723	(August 6.) Directing the Lords Commissioners of Trade and Plantations to provide for laws and government of the island after October 1, 1724.
1729	(May 22.) Confirming an Act of the island (1728) to oblige the inhabitants to provide for the immigration of a certain number of white people, and imposing penalties in case of default.
1730	(November 23.) Referring to Attorney-General an Act of the island (August, 1729,) "for preventing the

\* For Acts of the Imperial Parliament *vide infra*, p. 289.

Year.	Orders in Council.
	<p>dangers which may arise from disguised as well as declared Papists."</p>
1737	<p>(January 12.) Approving instructions to Governor Trelawney enjoining him not to assent to any Acts passed in the island for taxing the Jews residing there, as Jews only.</p>
—	<p>(January 12.) Confirming an Act for introducing white people into the island.</p>
1828	<p>(August 25.) Approving commission and instructions to Lord Belmore as Governor of Jamaica.</p>
1829	<p>(March 18.) Confirming report of Committee for leaving to their operation certain Acts passed in Jamaica.</p>
—	<p>(March 18.) Approving certain instructions to the Governor altering the mode of disposing of Church patronage in the diocese of Jamaica.</p>
—	<p>(December 7.) Appointing the Lieutenant-Governor for the time being a member of the Council.</p>
1831	<p>(August 10.) Extending to the ports of Black River, Rio Bueno, and Morant, in the island of Jamaica, the provisions of the Free Port Act.</p>
1832	<p>(December 3.) Approving proclamation relating to certain societies established in Jamaica for political purposes.</p>
1833	<p>(April 3.) Disallowing Clergy Laws Consolidation Act.</p>
1834	<p>(March 19.) Declaring that adequate provision has been made by law, in the island, for giving effect to an Act of the Imperial Parliament, passed in the third and fourth years of His present Majesty, for the abolition of slavery in the British dominions, and for confirming an Act passed in the island for that purpose.</p>
1836	<p>(April 13.) Constituting Old Harbour, in Jamaica, a free warehousing port.</p>
1837	<p>(July 26.) Approving instructions to the Governor of Jamaica and its dependencies, authorising appeals to Her Majesty in Council in cases respecting the liability of persons to serve as apprenticed labourers.</p>
1839	<p>(May 3.) Approving proclamation issued by Governor of Jamaica declaring value of Spanish, Mexican, and Columbian doubloons and dollars, and of the silver coin of the United Kingdom, in the currency of the island.</p>

JAMAICA.\*

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Year.	Orders in Council.
1839	(July 11.) Approving commission and instructions to Sir Charles Metcalfe, Bart.
1840	(March 5.) Constituting Falmouth, in Jamaica, a free warehousing port.
1846	(January 21.) Constituting port of "Alligator Pond" a free warehousing port.
1847	(August 10.) Specially confirming (under statute 9 & 10 Vict. cap. 94) an Act passed in Jamaica for repealing, in virtue of the above Act, the differential duties imposed on goods imported into the island.
1848	(August 11.) Approving instructions to the Governor providing for the government of the Turk's and Caico's Islands.
1851	(April 14.) Providing for direct appeals from the decisions of the Supreme Court to Her Majesty in Council.
1852	(December 28.) Assenting to two Acts passed in the island in February, 1852 (Nos. 3958 & 9). 1. For raising monies to be applied to the introduction of free labourers. 2. For appointing Commissioners, and authorising them to provide return passages for certain immigrants under statute 11 & 12 Vict. cap. 130.

PARLIAMENTARY PAPERS, &c., RELATING TO  
JAMAICA.\*

Year.	Sessional Number.	Parliamentary Reports, &c.
1811	279	Representations and petitions of House Assembly of Jamaica to H.R.H. the Prince Regent.
1816	508	Titles of Acts of Assembly of Jamaica relating to the poll-tax on slaves.
1826-7	554	Despatches from Jamaica relative to attacks on Wesleyan Meeting House and the Missionary's dwelling.

\* *Vide infra*, p. 276.

Year.	Sessional Number.	Parliamentary Papers, &c.
1826-7	559	Report of Commissioners on civil and criminal justice.
1828	523	Despatch from Mr. Huskisson to the Lieutenant-Governor of Jamaica relative to amendment of the slave laws as affecting religious missions.
1830	349	Return of sums voted by House of Assembly, from 1825 to 1828, for the use of the King's troops in Jamaica.
—	426	Return of King's troops stationed in Jamaica.
—	672	Communications respecting obstacles to religious instruction of slaves by missionaries.
1831-2	58	Returns of civil, ecclesiastical, and military establishments, the expenses of which are defrayed by the island of Jamaica; also annual amount of expenditure and ways and means from 1822 to 1831.
—	59	Return of laws passed for the relief of Roman Catholics, for the removal of disabilities of Jews and free persons of colour during the last six years.
—	{ 481 482 }	Papers respecting the arrest and trial of certain missionaries, and the demolition of certain chapels in Jamaica; also reports as to the number of churches and clergymen on the island.
1835	228	Return of residence of bishops within the diocese.
1839	581	Communications relative to the agricultural state of the island, addressed by the agents for Jamaica to Lord Normanby.
1840	527	General return of exports from Jamaica for 53 years, ending December, 1836.
1846	323	Despatch from Lord Stanley to the Governor of Jamaica, October 26, 1843, relative to contracts with labourers in the island.
1847-8	63	Return of laws in force in Jamaica for regulating the rights and duties of masters and labourers, with dates.
1849	280	Correspondence relating to the government of Jamaica.

## AMERICAN DEPENDENCIES.

Year.	Sessional Number.	Parliamentary Papers, &c.
1850	1139	Papers relative to the affairs of the island.
1852-3	76	Copies or extracts of despatches relating to the sugar-growing colonies (Jamaica).
—	1655	Papers relative to legislative proceedings in the island.
—	894	Statement by Commissioners appointed under statute 2 & 3 Will. IV. cap. 125, for the issue of Exchequer bills to persons connected with the West Indian Islands.
—	268	Correspondence between the Lords of the Treasury and the Governors of the West Indian Colonies relating to the circulation of British silver and gold coins there.
—	269	Return of immigrants and liberated Africans admitted into each of the West Indian Colonies since 1847.
1854	235	Papers relating to the cholera, and report of Dr. Milroy, with correspondence thereon.
—	1806	Papers relative to legislative proceedings in Jamaica.

## LEEWARD ISLANDS.

Comprising ANTIQUA, DOMINICA, MONTSERRAT, NEVIS, ST. CHRISTOPHER'S, ANGUILLA, THE VIRGIN ISLANDS, and BARBUDA.

Consolidated under one Government, by a Commission dated Dec. 19, 1832, to Sir E. J. Murray Macgregor, by which the Colonies of St. Christopher, Nevis, Dominica, and the Virgin Islands, were added to his Government, which had previously extended over Antigua, Montserrat, and Barbuda. Each

of the larger islands comprised in this group has a Lieutenant-Governor and a Representative Constitution, all being subject to the Governor-in-Chief, resident at Antigua.

The salary of the Governor, and Commander-in-Chief of the Leeward Islands was, in 1854, £3000 per annum.

AMONG THOSE WHO HAVE HELD THE GOVERNMENT OF THE LEeward ISLANDS SINCE THEIR CONSTITUTION ARE—

James Macaulay Higginson, May 19, 1846.

R. J. Macintosh, September 24, 1850.

Ker Baillie Hamilton, 1855.

## ANTIGUA.

Antigua comprises an area of about 70,000 acres; and is said to have been named by Columbus, who discovered the island in 1493, after a church in Seville, called Sta. Maria la Antigua. The island was granted, in 1625 (with all the Carribbees), by Charles I. of England, to James Hay, Earl of Carlisle. In 1663, Francis Lord Willoughby was appointed Governor by Charles II., who had purchased all former right. After an interval of French occupation, the island was reconquered by the British, and in 1666 was declared a British possession by the Treaty of Breda. From this period, Representative Government in Antigua appears to date. In consideration of a reconfirmation to the planters of the lands forfeited during the French occupation, the Assembly of the island, by its first recorded Act (May 19, 1668), con-

sented to the imposition of a  $4\frac{1}{2}$  per cent. duty to the Crown on all exported produce.

In 1715, a Court of Chancery, and in 1799, Courts of Common Pleas, Error, King's Bench, and Grand Sessions were established at Antigua. The Government, as organised in 1832, is administered by the Governor-in-Chief of the Leeward Islands, who resides at St. John's, Antigua, aided by an Executive Council of 7 members, who are nominated by the Crown on the recommendation of the Governor, and are also members of the Legislative Council. There is also a Representative Assembly of 27 members elected by the inhabitants.

The Government established at Antigua consisted, in 1851, of the following principal officers under the Governor and Commander-in-Chief of the Leeward Islands, at the following salaries:—

Chief-Justice . . . . .	£1000	per annum
Provost-Marshal . . . . .	600	..
Stipendiary Magistrate . . . . .	450	..
Comptroller of Customs . . . . .	400	..

### DOMINICA.

The island comprises an area of about 180,000 acres. It was first settled by the French in the beginning of the seventeenth century, and under the provisions of the Treaty of Aix la Chapelle, in 1748, was occupied as neutral ground by Dutch, French, and English traders, till 1763, when, by the Treaty of

Paris, the island was ceded to England. It was seized by France in 1778, and again confirmed to England by the peace of 1783.

It is difficult to ascertain the precise period of the establishment of Representative Government in Dominica. By a Commission dated Oct. 26, 1689 (1 Wm. and Mary), the Crown authorised the Governors, Councils, and Assemblies of the Leeward Charibbee Islands to ordain laws, statutes, and ordinances for the public welfare and good government of the said islands (of which Dominica was one), as near as may be to the laws of England, and under such regulations and restrictions as are usual in other Colonies. In 1764, by a proclamation in similar terms with the Commission above cited, Representative Government was re-established in four of the islands ceded by the Treaty of Paris, of which Dominica was one, and in 1771 a distinct and separate Government was created in that island. The Representative Constitution, however, remained the same, and (having survived a five years' French occupation of the island, from 1778 to 1783,) is the basis of that which now exists.

Since 1832, Dominica has been governed by a Lieutenant-Governor, acting under the Governor-in-Chief of the Leeward Islands, to which it belongs. The Lieutenant-Governor is aided by an Executive Council of 9 members appointed by the Crown, who are also members of the Legislative Council, and vote as such. There is also a Representative Assembly of 19 members.

The principal officers of the Government establishment were, in 1851, as follows :—

Lieut.-General and Vice-Admiral	£1300 per annum.
Chief-Justice	600 ..
Stipendiary Magistrate	300 ..
Attorney-General	300 ..

### MONTSERRAT.

This island comprises an area of about 30,000 acres. It was first seen by Columbus in 1493, and by him named after a mountain near Barcelona. It was first colonised by a party of Irish Roman Catholics from St. Christopher's in 1632, and having experienced a French invasion in 1712, was confirmed to England by the Peace in 1783. Representative Government in Montserrat dates from 1689, when the original Leeward Charibbee Island Government was formed. Since 1832, the Government has been administered (under the Governor-in-Chief at Antigua) by a President and Executive Council of 8 members, nominated by the Crown; who also form the Legislative Council. There is also a Representative Assembly consisting of 12 members.

The principal officers of the Executive Government were, in 1851,—

The President	£500 per annum.
Colonial Secretary	200 ..
Collector of Customs	300 ..
Treasurer	170 ..

## NEVIS,

A single mountain, comprising, with its base, an area of about 20 square miles, was first colonised in 1628; from St. Christopher's by Sir Thomas Warner. The island possessed a Legislative Council and Assembly at least as early as 1664, which is the date of the first Act in its printed collection of laws.

The Government is administered under the Governor-in-Chief at Antigua by a President, and an Executive Council of 9 members appointed by the Crown on the President's recommendation, who also form the Legislative Council. There is also a Representative Assembly of 15 members, 3 from each parish.

The chief Government officers are—

The Lieutenant-Governor . . . £500 per annum.

The Colonial Secretary, Treasurer, and Provost Marshal.

## ST. CHRISTOPHER'S.

St. Christopher's was discovered by Columbus in 1493, and first colonised by an Englishman named Warner in 1623. The island was alternately held by French, Spaniards, and English, was ceded to England by the Peace of Utrecht in 1714, captured by the French in 1782; but again restored to Great Britain in 1783. Its affairs are administered (under the Governor-in-Chief of the Leeward Islands at Antigua) by a Lieutenant-Governor and an Executive Council



of 7 members nominated by the Crown on his recommendation (who are also members of the Legislative Council), and a House of Assembly of 24 Members.

The principal Government officers at St. Christopher's are—

The Lieutenant-Governor	£1300 per annum.
Chief-Justice	700 „
Attorney-General	300 „
Treasurer	600 „
Comptroller of Customs	500 „

ANGUILLA, first colonised by the English in 1650, is a Dependency of St. Christopher's, and sends a Representative to the House of Assembly, at Basseterre in that island.

The resident Government officer combines the functions of Treasurer, Coroner, and Justice of the Peace.

#### VIRGIN ISLANDS.

This group of 50 islets, the chief of which is Tortola, comprises an area of about 50,000 acres, and was discovered and named by Columbus in 1493. The islands were first colonised by Dutch buccaneers in 1648, afterwards annexed to the Leeward Islands Government in a Commission granted by Charles II. to Sir William Stapleton, and colonised by English planters from Anguilla. The first Representative Assembly was convened in the Virgin Islands in pursuance of a petition from the inhabitants, who pro-

mised to grant, in consideration of this boon, an impost of  $4\frac{1}{2}$  per cent. on exports similar to that then paid in the Leeward Islands. The Government of the Virgin Islands is now administered by a Lieutenant-Governor acting under orders from the Governor-in-Chief at Antigua. There is also an Executive Council of 7 members nominated by the officer administering the Government, subject to Her Majesty's approval, who also compose the Legislative Council. There is also a Representative Assembly consisting of 9 members. Among the chief Government officers at the Virgin Islands are—

The Lieutenant-Governor . . .	£800	per annum.
Chief-Justice . . . . .	200	„
Collector of Customs . . . . .	300	„

## BARBUDA.

The island was first colonised from St. Christopher's by Sir Thomas Warner, was granted by the Crown to the Codrington family in 1684, and is still held by them on payment of a buck or turtle to the Governor-in-Chief at Antigua whenever he visits the island.

\* \* \* By patent, dated August 21, 1842 (revoking patents of July 4, 1824, April 2, 1825, May 11, 1826, and September 24, 1839), the episcopal diocese of Antigua, comprising the Leeward Islands, was constituted.

ORDERS IN COUNCIL RELATING TO THE  
LEEWARD ISLANDS.\*

Year.	Orders in Council.
1625	(August 30.) NEVIS, ST. CHRISTOPHER'S, and MONTSERRAT.—Licensing one Ralph Merrifield to trade to these "newly-discovered islands."
1631	(February 22.) ST. CHRISTOPHER'S.—Ordering reductions of all duties on tobacco brought from thence, and continuance of present duties on foreign tobacco.
1663	(June 24.) ANTIGUA, ST. CHRISTOPHER'S, NEVIS, and MONTSERRAT.—Ordering the Governor of these Plantations to prohibit all foreign trade, according to the Navigation Act.
1665	(April 21.) ANTIGUA, MONTSERRAT, and NEVIS.—Confirming certain Acts passed by the Governors, Councils, and Assemblies of these islands, imposing a 4½ per cent. duty in specie on all exported commodities, in lieu of all other duties.
1668	(June 19.) ST. CHRISTOPHER'S.—Ordering Lord Arlington to write to the French Government concerning the restitution of that island.
1669	(July 9.) ST. CHRISTOPHER'S.—Ordering Duke of York to investigate and adjudicate on certain questions and disputes which arose on the restitution of that island.
1677	(June 8.) Directing the Bishop of London to appoint six able ministers of the Gospel instead of four, as heretofore, to be sent to the Leeward Islands.
1680	(March 11.) Ordering His Majesty's stationer to send 15 copies of the Books of Common Prayer, Homilies, Canons, and Articles and Tables of Marriage to the Governor of the Leeward Islands.
1718	(July 1.) ANTIGUA.—Disallowing an Act of the island "to prevent the increase of Papists and Non-jurors."
1773	(January 15.) DOMINICA.—Directing all sales of land there to be passed under the seal of the island.
1783	(July 2.) DOMINICA.—Approving instructions to the Governor to propose to Assembly an Act for grant-

\* For Acts of the Imperial Parliament, *vide infra*, p. 289.

Year.	Orders in Council.
	ing $4\frac{1}{2}$ per cent. duty on commodities exported thence, to the Crown.
1800.	(December 10.) BARBUDA.—For granting the island to Christopher Codrington, Esq.
1802	(August 9.) VIRGIN ISLANDS.—Declaring Road Harbour, in Tortola, a free warehousing port.
1806	(November 19.) Authorising the Governor of the Leeward Islands to grant licences to British vessels to trade, under certain restrictions, to the ports of St. Domingo.
1827	(September 3.) MONTERRAT.—Confirming two Acts of the island: 1. To regulate the attendance of jurors; 2. To limit the number of peremptory challenges.
—	(November 16.) DOMINICA, ST. CHRISTOPHER, and VIRGIN ISLANDS.—Referring to Committee letter to Lord President from Right Hon. W. Huskisson, relating to certain Acts of these islands.
1828	(January 26.) ANGUILLA.—Permitting vessels of the United States, arriving in ballast at Anguilla, to export thence salt or fruit to any foreign country.
1829	(March 18.) ANTIGUA and DOMINICA.—Approving instructions to the Governors of those islands respecting the disposal of Church patronage there.
1830	(August 4.) ANTIGUA.—Confirming an Act passed in the island relative to the registration of deeds and conveyance of estates and slaves.
1831	(July 27.) ST. CHRISTOPHER'S.—Declaring the port of Basse-terre, in that island, a free warehousing <sup>t</sup> port.
1832	(August 15.) ANGUILLA.—Declaring the port of the island to be a free warehousing port.
—	(July 3.) NEVIS.—Declaring the port of Charlestown, in the island, to be a free warehousing port.
1833	(February 4.) Approving Commission and instructions to Sir Evan Macgregor, Governor and Commander-in-Chief of the Leeward Islands.
1835	(June 10.) ANTIGUA.—Confirming (under section 23 of the Slavery Abolition Act) an Act passed in the island, June, 1834, for relieving the slave population from the obligations of apprenticeship.
—	(July 31.) ANTIGUA and DOMINICA.—Declaring that adequate provision has been made in those islands for giving effect to statute's 3 & 4 Will. IV. cap. 73.

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Year.	Orders in Council.
1836	(January 16.) NEVIS.—Declaring the same respecting that island.
—	(February 3.) MONTERRAT.—Declaring the same respecting that island
1837	(July 26.) Approving instructions to the Governor of the Leeward Islands authorising appeals to Her Majesty in Council in cases respecting the liability of persons to serve as apprenticed labourers.
1838	(February 15.) VIRGIN ISLANDS.—Approving instructions to the Governor of the Leeward Islands for revising the list of Councillors for Tortola.
1839	(May 3.) ANTIGUA and MONTERRAT.—Approving proclamations issued by the Governors of those islands declaring the value of Spanish, Mexican, and Columbian doubloons and dollars, and of the silver coin of the United Kingdom, in the currency of those islands.
—	(May 3.) Providing for the government of the Leeward Islands during temporary absences of Governors.
1840	(January 3.) NEVIS.—Approving President's proclamation fixing rates at which dollars, doubloons, and British silver are to circulate there.
—	(May 22.) DOMINICA.—Approving the like proclamation in that island.
1842	(February 2.) ANTIGUA and MONTERRAT.—Declaring St. John's and Plymouth, in those two islands, to be free warehousing ports.
—	(March 11.) Declaring that three members of Council in certain islands shall form a quorum.
1850	(June 19.) ANTIGUA.—Suspending, during the continuance of an Act passed there, the prohibition against the importation, into that island, of foreign reprints of British books.
1853	(February 7.) MONTERRAT and the VIRGIN ISLANDS.—Declaring royal assent to two Acts passed in Montserrat (No. 230) and in the Virgin Islands (No. 195), respecting certain duties of Customs.
1854	(June 8.) Specially confirming certain Acts of the islands for establishing a Court of Appeal (under statute 13 & 14 Vict. cap. 15).

PARLIAMENTARY REPORTS, ACCOUNTS, & PAPERS  
RELATING TO THE LEEWARD ISLANDS.\*

Year.	Sessional Number.	Parliamentary Reports, &c.
1801	70	Return of funds arising from the 4½ per cent. duties in the Leeward Islands.
1810-11	94	Estimates of the charge for defraying, in various years, the cost of the civil establishment.
1813-14	39	
1814-15	224	
1816	324	
1817	279	
1818	74	
1819	192	
1820	64	
1821	155	Return of persons holding the office of Governor of the Leeward Islands.
	684	
1830	273	Gross proceeds of produce paying 4½ per cent. duty, sent from Antigua, Montserrat, Nevis, and St. Christopher's, and quantity of sugar exported from each Island, from 1820 to 1830.
1831-2	743	Report from Antigua respecting the state of apprenticed Africans liberated in 1828, and of their mode of employment.
1852-3	938	Correspondence respecting a black regiment on Antigua, and recruiting from the Creole population.

\* See also *infra*, p. 276.

## WINDWARD ISLANDS,

Comprising BARBADOS, ST. VINCENT, GRENADA, and the  
GRENADINES, and TOBAGO,

Were consolidated under one Government by a Commission, dated July 13, 1833, to Sir Lionel Smith, thereby constituted Governor of Barbados, St. Vincent, Grenada, and Tobago; the three latter islands having a Lieutenant-Governor and a Representative Constitution, subject to the Governor and Commander-in-Chief resident at Barbados.

The salary of the Governor is £4000 per annum.

## BARBADOS.

This island comprises an area of about 166 square miles. It was first visited by the Portuguese at the beginning of the 16th century. In 1605, an English ship belonging to Sir Olive Leigh, called the *Olive Blossom*, visited Barbados, and a cross was then fixed where James Town was afterwards built, with the inscription "James, King of England, and this island."

In 1634, "James Town" was built, and a Settlement established under the auspices of a London merchant named Courteen. In 1635, by patent granted by Charles I. to James Hay, Earl of Carlisle, he was empowered to "make such laws as he or his heirs, with the consent, assent, and approbation of the free inhabitants of the said province or the greater part of them, thereunto to be called in such form as he or

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they in his or their discretion shall think fit or best." It appears that, by virtue of this patent, successive Governors convened Elective Assemblies; and the first Act of Assembly of which record exists, bears date May 13, 1646. Various disputes took place between Lord Pembroke, Lord Carlisle, Lord Willoughby of Parham, and the Earls of Marlborough, and Kinnoul, concerning alleged claims in respect of the island, which had been numerouslly colonised during the civil war.

In 1663, an Act was passed by the Assembly of the island at the instance of Charles the Second's Government, granting an import of  $4\frac{1}{2}$  per cent. on the exports from the island, to be applied in compensating the claimants and providing for the expenses of the Government. By statutes 1 & 2 Vict. cap. 92, passed in 1838, this impost was repealed.

The present constitution of Barbados (the same with some modifications as to the franchise with that established in 1625), consists of a Governor, who is also Governor-in-Chief of the Windward Islands; aided by an Executive Council of 8 members, nominated by the Crown. Of this Council, the Bishop of the diocese (in which the Windward Islands, Trinidad, and St. Lucia are comprehended, and which was established by letters patent, dated August 21, 1842,\*) is a member. His stipend is £2500 per annum. The same persons form the Legislative Council. There is also a Representative Assembly of

\* Revoking patents of July 4, 1824, April 2, 1825, May 11, 1826, and September 24, 1839.

24 members elected annually by all the inhabitants, without distinction of creed or colour, being freeholders.

The chief Government functionaries in Barbados under the Governor, Commander-in-Chief, and Vice-Admiral of the Windward Islands, are—

The Chief-Justice	£2000 per annum.
Provost-Marshal	1000
Collector of Customs	700

THE FOLLOWING ARE THE NAMES OF THOSE WHO HAVE BEEN GOVERNORS OF BARBADOS SINCE ITS FIRST COLONISATION—THOSE APPOINTED SINCE 1853 BEING GOVERNORS AND COMMANDERS-IN-CHIEF OF THE WINDWARD ISLANDS.

Francis, Lord Willoughby, of Parham, 1650.

James Searle, 1652.

Humphrey Walrond, 1660.

William Lord Willoughby, 1664.

Sir Jonathan Atkins, 1667.

Sir Richard Dutton, October 20, 1680.

Edwyn Steele, March 27, 1685.

James Kendall, July 15, 1689.

Hon. Francis Russell, 1694.

Francis Bond, 1696.

Hon. Ralph Grey, 1698.

Mitford Crowe, January 28, 1701.

Sir Bevil Granville, August 24, 1702.

Robert Lowther, August 28, 1710.

William Sharp, 1714.

John Frere, 1720.

Richard, Viscount Irwin (died after appointment).

Samuel Cox, 1721.

John, Lord Belhaven (drowned on his passage).

Henry Wortley, 1722.

Edward Ashe, 1728.

Samuel Berwick, 1731.

James Dottin, 1732.

Emmanuel, Viscount Howe, 1738.

Sir Orlando Bridgman, 1737.

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- Hon. Robert Byng, October 19, 1739.  
 Sir Thomas Robinson, Bart., 1742.  
 Hon. Henry Grenville, 1747.  
 Ralph Weekes, 1753.  
 Charles Pinfold, 1756.  
 Charles Spry, 1767.  
 Hon. Edward Hay, 1772.  
 Lieut.-General James Cunningham, 1780.  
 David Parry, 1782.  
 George Poyntz Ricketts, 1794.  
 Francis, Lord Seaforth, December 13, 1800.  
 Sir George Beckwith, November 24, 1808.  
 Stapleton, Lord Combermere, February 14, 1817.  
 Lieut.-General Sir Henry Warde, March 2, 1821.  
 Sir James Lyon, June 11, 1828.  
 Sir Lionel Smith, February 21, 1833.  
 Colonel Sir E. J. Murray Macgregor, November 7, 1836.  
 Sir Charles Edward Grey, August 27, 1841.  
 Lieut.-Colonel Reid, October 1, 1846.  
 Lieut.-Colonel Sir W. M. G. Colebrooke, August 12, 1848.  
 Francis Hinks, September 24, 1855.

## ST. VINCENT.

St. Vincent comprises an area of about 84,000 acres. Its name is derived from its discovery on the anniversary of that saint in the Roman calendar, by Columbus. After having been the scene of many conflicts between the native races, and European Powers, the island was ceded to England by the Treaty of Paris in 1763, and received a constitution which survived a five years' occupation of the island by the French from 1779 to 1783, when it was restored to the British Crown.

The Assembly of St. Vincent was first convened in 1767. The first Act in the printed collection bears

date July 11, in that year. The affairs of the island are administered by a Lieutenant-Governor, and an Executive Council, who also compose the Legislative Council, and consist of 12 members appointed by the Crown. There is also a Representative Assembly of 19 members. The chief members of the insular Government were, in 1851,—

The Lieutenant-Governor	£1300 per annum.
Chief-Justice	820 "
Attorney-General	400 "
Treasurer	500 "
Provost-Marshal	525 "

The GRENADINES, comprising about 120 islets, and 9000 acres, are included in the Government of St. Vincent.

#### TOBAGO.

TOBAGO comprises an area of about 97 square miles. It was first discovered by Columbus in 1498; first colonised by the Dutch, who, in 1677, were expelled by the French, and the island was ceded to that Power by the Treaty of 1783. In 1794, it was retaken by the English, and ceded again to France by the Treaty of Amiens in 1802, but in the following year, retaken by British Force, and finally ceded to Great Britain by the Treaty of Paris in 1814.

The first Legislative Assembly was convened in Tobago in 1768: In 1794, the pre-existent constitution was confirmed, and now exists, subject to the authority of the Governor-in-Chief at Barbadoes. The

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constitution consists of a Lieutenant-Governor and an Executive Council of seven members, including the Bishop of the diocese and Chief Justice, who are also members of the Legislative Council. They are nominated by the Lieutenant-Governor subject to the approbation of the Crown. There is also a Representative Assembly of 16 members.

The chief Government officers were, in 1851,—

The Lieutenant-Governor	£1300 per annum.
Chief-Justice	800 ..
Colonial Secretary	350 ..

## GRENADA.

Grenada contains an area of about 76,500 acres. It was discovered by Columbus in 1498, was colonised by the French in 1650, was ceded to England by the Peace of Paris in 1763. The island received unconditionally a constitution in 1765 by royal letters patent to General Melville, and after an interval of French occupation was again confirmed to England by the Peace of 1783. The constitution of Grenada, as established on the basis of 1765, consists of a Lieutenant-Governor and an Executive Council of 12 members, including the Bishop of Barbadoes and the Chief-Justice. The same members compose the Legislative Council, and are appointed by the Crown. There is also a Representative Assembly of 20 members, namely, 4 for the town of St. George, 7 for the united parishes of St. George and St. John, 6 for the united parishes of St. Patrick and St. Mark,

and 3 for the island of Carrisecon. A freehold or life estate of 50 acres is the qualification for members for the parishes, and a freehold or life estate in a house valued at £50 per annum, qualifies a representative for the town of St. George. An estate of 10 acres in fee or for life is a qualification for voters in the parishes, and a rental of £20 in fee or for life is a qualification for voters in the town. The Government establishment of Grenada contains, among others, the following officers:—

Lieutenant-Governor	£1300 per annum.
Secretary and Registrar	900
Chief-Justice	800
Provost-Marshal	900
Treasurer	600
Receiver-General	500 *

#### ORDERS IN COUNCIL RELATING TO THE WINDWARD ISLANDS.†

Year.	Orders in Council.
1625	(August 30.) BARBADOS.—Licensing one Ralph Merrifield to trade with this newly-discovered island.
1639	(December 22.) BARBADOS.—Permitting certain ships from the Port of London laden with cotton wool to go thither
1660	(February 20.) BARBADOS.—Ordering claims of Earl of Kinnoul, Lord Willoughby of Parham, and others respecting Barbados and other Carribee Islands, to be heard.

\* The amounts given in this and other schedules of colonial salaries are of course subject to constant changes, as also the titles of the offices themselves.

† For Acts of the Imperial Parliament, *vide infra*, p. 289.

Year.	Orders in Council.
1660	(July 26) BARBADOS.—Ordering search of certain vessels for release of certain children and servants kidnaped for removal thither.
1663	(June 10.) BARBADOS.—Approving report on the state of the island, and the illegal conduct of the President and Council, and Order thereon.
—	(June 24) BARBADOS.—Ordering the Governor to prohibit all foreign trade according to the Navigation Act.
1664	(August 24.) BARBADOS.—Approving instructions to Governor, Lord Willoughby of Parham, respecting complaints of the African Company concerning non-payment for negroes transported to that island.
1665	(April 25.) BARBADOS.—Confirming an Act of the Governor Council and Assembly imposing a 4½ per cent. duty on exports, in lieu of all duties.
1684	(May 15.) BARBADOS.—Constituting a Court for holding pleas of the Crown, except in capital cases.
1690	(November 20.) BARBADOS.—Approving instructions to the Governor as to pardon of certain persons convicted of rebellion sent thither.
1699	(January 4.) TOBAGO.—Asserting His Majesty's title to the island, and directing representation to the French ambassador accordingly.
1702	(May 31.) BARBADOS.—Approving instructions to the Governor to bring forward Bills in Assembly for levies for the cost of fortifications there.
1722	(February 1.) BARBADOS.—Directing that an Act passed in the island in 1719, intitled "An Act for quieting the Minds of the People against the Terrors of a Spiritual Court," shall be reserved for consideration.
1743	(April 25) BARBADOS.—Confirming an Act of the Island passed August 4, 1742, for defraying the President's expenses in the exercise of his Government.
1758	(January 27) BARBADOS.—Confirming an Act to raise a sum of money for defraying the expenses of the Government there yearly.
1764	(February 10.) GRENADA and the GRENADINES.—Directing Board of Trade to prepare draft of plan and proclamation relative to the settling these islands, and disposing of His Majesty's lands therein.



Year.	Orders in Council.
1766	(February 12.) GRENADA.—Directing Board of Trade to prepare drafts of instructions for the Governor to constitute a Council and Assembly for that island.
1768	(October 12.) GRENADA.—Approving additional instructions to the Governor for establishing a Council and Assembly in that island.
1783	(September 26.) GRENADA and ST. VINCENT.—Approving instructions to the Governor of these islands to propose Bills to their respective Assemblies for granting duties of 4½ per cent. on produce exported thence to the Crown.
1803	(August 12.) TOBAGO.—For regulating commercial intercourse with that island.
1827	(August 17.) BARBADOS.—Disallowing Act passed in the island to enable the vestries of St. Michael and other parishes to tax new comers and residents trading thither.
1829	(March 18.) BARBADOS and TOBAGO.—Approving instructions to the Governors of these islands altering the mode of disposal of Church patronage in the diocese of Barbados.
1831	(January 31.) GRENADA.—Declaring the port of St. George, in that island, to be a free warehousing port.
—	(January 13.) ST. VINCENT.—Declaring the port of Kingstown, in that island, to be a free warehousing port.
—	(November 21.) BARBADOS and ST. VINCENT.—Continuing in force, till March 1, 1832, the provisions of an Act allowing lumber, fish, and provisions to be imported into these islands duty free.
1832	(October 12.) BARBADOS.—Confirming an Act passed in that island for removing certain restraints and disabilities imposed on the free coloured and other subjects of His Majesty in that island.
1834	(June 5.) BARBADOS.—Confirming an Act passed in that island for giving effect to statute 3 & 4 Will. IV. cap. 73.
1835	(November 20.) ST. VINCENT.—Declaring that adequate provision has been made by law in that island for giving effect to statute 3 & 4 Will. IV. cap. 73.
1836	(April 13.) TOBAGO.—Declaring the same with respect to that island.

Year.	Orders in Council.
1837	(July 26.) Approving instructions to the Governors of the Windward Islands authorising appeals to Her Majesty in Council respecting the liability of persons to serve as apprenticed labourers.
1839	(May 3.) GRENADA and St. VINCENT.—Approving proclamation issued by Governors, declaring the value of Spanish, Mexican, and Columbian doubloons, and of British silver in the currency of those islands.
—	(May 3.) Providing for the government of the Windward Islands during the temporary absence of Governors therefrom.
—	(July 11.) BARBADOS.—Approving proclamation of Governor declaring value of certain silver coin in the currency of Barbados.
1841	(May 8.) TOBAGO.—Declaring Scarborough, in that island, a free warehousing port.
1848	(December 16.) BARBADOS.—Suspending, during the continuance of an Act passed in that island, the prohibition against the importation thither of foreign reprints of books published in the United Kingdom.
1850	(March 22.) Approving instructions to the Governor of the Windward Islands permitting him to assent to Bills for the naturalisation of aliens.
1852	(August 18.) St. VINCENT.—Suspending, during the continuance of an Act passed there, the prohibition against importation of foreign reprints of books published in the United Kingdom.
1853	(December 29.) GRENADA.—Suspending the same prohibition as affecting that island.

PARLIAMENTARY PAPERS, &c., RELATING TO THE  
WINDWARD ISLANDS.\*

Year.	Sessional Number.	Parliamentary Papers, &c.
1801	70	Account of fund arising from the $4\frac{1}{2}$ per cent. duties at Barbados.
—	98	Reports on petitions from merchants and others respecting losses occasioned by insurrections at Grenada and St. Vincent.
1801-2	25	
1816	{255}	Accounts of payments out of the $4\frac{1}{2}$ per cent. duties at Barbados.
1820	{520}	
—	68	Returns of all Acts of Assembly respecting the $4\frac{1}{2}$ per cent. duties since 1663.
—	293	Correspondence with the Colonial Department relative to changes made by the Attorney-General of Tobago, touching the administration of justice there.
1830	273	Gross proceeds of produce paying $4\frac{1}{2}$ per cent. duty sent from Barbados, and quantity of sugar imported from the island from 1820 to 1830.
1835	228	Return of the residence since his appointment of the Bishop of Barbados within his diocese.
1839	107	Papers relating to the Windward Island Government.
1853	260	Correspondence respecting the admission of H.M.S. "Dauntless," to free pratique at Barbados.

TRINIDAD.

Trinidad contains an area of about 1703 square miles. It was discovered and named by Columbus in 1498, afterwards visited in 1595 by Sir Walter Raleigh, and, after a period of 200 years' Spanish occupation, was taken by the British under Sir Ralph Abercromby in 1797, and was confirmed to England

\* Vide *infra*, p. 276.

by the peace of Amiens in 1802. By a Royal Proclamation, dated June 19, 1813, the ancient Spanish laws, which were in force when the island was captured in 1797, were confirmed, and are still in force, subject to such alterations as may have been made by orders in Council, and Ordinances of the Local Government since passed. The principal digests of the Spanish laws are the "Fuero Real de Espana," and the "Compilacion de las Leyes de las Indias." The laws of Trinidad, from 1831 to 1848, have been compiled in a volume published by the Commissioners of Legal Inquiry in 1852. The Courts of Civil Jurisdiction in Trinidad are styled the Court of Intendant, or Court of Escheats, the Complaint Court, the Court of First Instance, the Instance Court of Vice-Admiralty, and the Superior Court of Appeal.

The Government of Trinidad is administered by a Governor, and an Executive Council of 3 members; the senior Commanding Officer, the Colonial Secretary, and the Attorney-General. There is also a Legislative Council of 13, 9 Official, and 6 Unofficial members. Both Councils are nominated by the Crown. There is no Representative Assembly.

The chief officers of the Government are—

The Governor, Commander-in-	
Chief, and Vice-Admiral . . . . .	£3500 per annum.
Chief-Justice . . . . .	2000 "
Puisne Judge . . . . .	1500 "
Colonial Secretary . . . . .	800 "
" Treasurer . . . . .	800 "
" Attorney General . . . . .	800 "

AMONG THE NAMES OF THOSE WHO HAVE HELD THE GOVERNMENT OF TRINIDAD ARE THE FOLLOWING:—

Thomas Picton.  
 Thomas Hislop.  
 Sir Ralph Woodford, March 11, 1842.  
 Lord Harris, October 30, 1846.  
 Captain C. Elliott, R.N., January 11, 1854.

ORDERS IN COUNCIL RELATING TO TRINIDAD.

Year.	Orders in Council.
1797	(April 5.) Allowing His Majesty's subjects to trade thither in like manner as to the other West Indian Islands.
1802	(Sept. 22.) Approving instructions to the three Commissioners for the government of the island.
1813	(July 21.) Authorising the levy of certain duties to be applied solely to the purpose of the internal government of the island in all its branches.
—	(November 2.) Authorising the Chief Judge to entertain summary processes in cases where the matter in dispute shall not exceed the value of 100 dollars.
1815	(March 9.) Directing the mode of estimating the value of estates taken in execution. (Amended by Order of November 27, 1815.)
1816	(March 30.) For securing the titles to lands there.
—	(June 8.) For facilitating and enlarging the remedies of creditors there.
—	(June 8.) For removing doubts concerning the vote of interest lawful there.
—	(June 8.) For removing doubts concerning the validity of wills there.
1822	(May 18.) For suppressing or reducing the number of Roman Catholic festivals in the island, especially as connected with the administration of justice, and instructing the Vicar-Apostolic, of the British, Dutch and Danish Islands in the West Indies accordingly.
—	(August 5.) Repealing privileges heretofore attaching to supplies furnished to certain estates in Trinidad, and for protecting the rights of mortgagees, as well as declaring estates liable to be sold in execution for any debt.

Year.	Orders in Council.
1822	(September 16.) For abolishing certain exceptions from arrest or imprisonment, and for delivering of writs of execution to the Alguacil Mayor.
—	(September 16.) Declaring the dotal or other private property of married women in the island liable for the debts contracted by them in trade, carried on by them on their own account, and apart from their husbands.
—	(September 16.) Establishing criminal courts, and for curtailing civil proceedings in the courts of the island; also for reducing the transient tax, and better collecting of the insular revenue.
1823	(January 21.) Extending the jurisdiction of the Complaint Court, from 500 to 1000 dollars.
—	(January 21.) Directing the use of stamped paper in law proceedings there, and substituting stamps in lieu of fees to the public officers therein mentioned.
1824	(January 19.) Compelling the attendance of Alcaldes-in-Ordinary, and Regidores at the courts of the island.
1825	(February 2.) Providing with respect to sales by execution.
—	(July 2.) Declaring that under proviso, of clauses of Order of August 5, 1822, it shall be competent to the court to stay the sale, of any estate in Trinidad, taken in execution in satisfaction of a recorded judgment.
—	(March 25.) Vesting in the Bishop of Barbados the necessary jurisdiction over the clergy of the Established Church of England in Trinidad.
1828	(August 25.) Approving commission and instructions to Major-General Lewis Grant.
1829	(March 18.) Removing certain disabilities to which persons of free condition, but of African birth or descent, are subject in the island of Trinidad.
1830	(February 2.) For improving the condition of the slave population in the island. (Revoked by Order of November 2, 1831.)
—	(December 8.) For altering the law of testamentary succession in Trinidad.
1831	(June 20.) For making further provisions for the administration of justice in Trinidad. (Amended by Order, January 4, 1843.)
—	(November 2.) For improving the condition of the slave population of Trinidad.

Year.	Orders in Council.
1832	(August 15.) Amending Order of June 20, 1831, respecting the selection of assessors in Courts of Justice.
1834	(June 5.) Giving effect in Trinidad to statute 3 & 4 Will. IV. cap. 73, for the abolition of slavery.
—	(October 15.) Instructing Lieutenant-Governor to appoint the Solicitor-General an official member of Council in the room of the "Protector of Slaves," that office having been abolished.
1835	(July 15.) Confirming, with various amendments, an Ordinance of Trinidad for protecting and promoting industry and good conduct on the part of Africans transferred to that island from Cuba. (Revoked by Order, October 16, 1852.)
—	(September 9.) For levying a poll-tax on apprenticed labourers, formerly levied on slaves, in the island.
1837	(November 18.) Confirming, with certain exceptions, an Ordinance for making and repairing of roads. (Revoked by Order, October 16, 1852.)
1838	(February 15.) Declaring the rights of certain apprenticed labourers erroneously classed under the Slavery Abolition Act.
—	(May 15.) Disallowing a Trinidad Ordinance for regulating and deciding on apprenticeship contracts, and preventing and punishing the harbouring of runaway apprentices.
—	(June 20.) Extending to Trinidad provisions of Order of April 25, 1838, fixing allowances of food to apprenticed labourers.
—	(July 30.) Regulating apprenticeship contracts in Trinidad.
—	(September 7.) Regulating rights and duties of masters and servants in Trinidad. (Amended by Order, June 23, 1841.)
—	(September 7.) Prohibiting unlawful occupation of land in Trinidad. (Revoked by Order, October 6, 1838.)
—	(September 7.) For regulating law of marriage in Trinidad.
—	(October 6.) For preventing encroachments on unsettled land in Trinidad.
—	(November 29.) Confirming, with amendments, a Trinidad Ordinance giving summary powers to punish persons for common assaults and batteries.

Year.	Orders in Council.
1839	(February 4.) Disallowing a Trinidad Ordinance for the regulation of the militia.
—	(February 20.) Reserving to the Clergy in Trinidad their heretofore-existing rights to fees on celebration of marriages.
—	(May 3.) Approving Governor's proclamation relative to the value of Spanish, Mexican, and Columbian doubloons, and of British silver, in Trinidad currency.
—	(September 28.) Confirming (with certain additions and exceptions) a Trinidad Ordinance for the encouragement of immigration to that colony. (Amended by Order, October 6, 1841.)
1840	(December 8.) Confirming (with amendments) a Trinidad Ordinance of May 26, 1840, regulating the harbour of port of Spain, and the vessels, seamen, &c., in that colony.
—	(December 8.) Permitting immigration to the island from Sierra Leone, anything contained in Order of September 28, 1839, notwithstanding.
1841	(February 25.) Declaring San Fernando, in Trinidad, a free warehousing port.
1842	(August 11.) Exempting liberated Africans brought from St. Helena to Trinidad from the operation of Order of October 6, 1841.
1843	(January 4.) Modifying, in the case of immigrants from the United States, the provisions of Order, September 7, 1838, respecting the rights and duties of masters and servants. (Revoked by Order, October 16, 1852.)
—	(June 10.) Empowering the Governor to alter the provisions of Orders, September 8 and October 6, 1838, respecting the rights and duties of masters and servants, the suppression of vagrancy, and prevention of encroachments on lands.
—	(November 10.) Authorising Governor and Legislative Council to establish laws and ordinances for regulating the courts of civil and criminal justice.
1844	(May 23.) Declaring the law in the island relating to the discounting of bills of exchange and promissory notes not having more than twelve months to run in the colony.
—	(July 10.) Repealing so much of Order, August 17, 1815, as relates to duties on spirits, wines, inha-

Year.	Orders in Council.
	bited houses, and transient traders in Trinidad, and as relates to recognisances and securities for the execution of the duties of Treasurer there.
1844	(September 3.) Confirming a Trinidad Ordinance of March 1, 1844, for assimilating the law relating to wills to the law of England, and in part revoking Order of June 16, 1816.
1845	(June 30) Approving instruction to Governor revoking his power to grant probates of wills.
1847	(April 24.) Empowering Governor and Council to alter and amend rules of law respecting registration of deeds and marriages within the island, as established by Orders, April 6, 1818, and September 7, 1888.
	(May 20.) Approving instructions to Governor as to time from which Trinidad Ordinances are to take effect:
1848	(February 11.) Confirming Trinidad Ordinance with reference to repeal of differential duties.
1850	(January 8.) Authorising the employment, in the Trinidad coasting trade, of steam vessels of foreign build and owned by foreigners, under statute 12 & 13 Vict. cap. 29.
	(November 13.) Confirming a Trinidad Ordinance for the raising of monies to be applied in the immigration of free labourers.
1851	(February 3.) For imposing certain duties on bequests and legacies, and repealing so much of a former Order as relates to that subject.
	(April 14.) For giving permanent effect to a Trinidad Ordinance of April 10, 1849, respecting the holding of the Supreme Civil and Criminal Courts in the island.
	(June 25.) Confirming a Trinidad Ordinance of April 4, 1851, for establishing an inland post on the island.
	(October 23.) Confirming two Trinidad Ordinances of May and June respectively (Nos. 10 and 12), authorising the advancement of monies for public roads in the island.
1852	(June 15.) Confirming a Trinidad Ordinance of March, 1852 (No. 4), for amending the law relating to the proof and registration of deeds.
	(August 18.) Confirming a Trinidad Ordinance of

Year.

1853

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Year.	Orders in Council.
1853	<p>May, 1852 (No. 7), altering the time for redeeming bonds under an Ordinance for raising funds for the introduction of free labourers.</p> <p>(October 24.) Confirming a Trinidad Ordinance of June 7, 1853 (No. 9), for raising £25,000 to be applied to the introduction of free labourers.</p>

PARLIAMENTARY PAPERS, &c., RELATING TO  
TRINIDAD.\*

Year.	Sessional Number.	Parliamentary Papers, &c.
1801-2	80 <sup>b</sup>	Papers respecting the state of civilisation of Trinidad.
1810-11	184	Papers relating to the constitution and laws of Trinidad.
1823	{ 16 }	Papers relating to immigrants to Trinidad from the Spanish Main, and other matters.
1827	{ 17 }	
	551	Report of Commissioners of Inquiry on the registry of slaves on the island.
1828	525	Copy of despatch addressed by Mr. Huskisson, to Sir Ralph Woodford, Governor of Trinidad, relative to land-grants and tenures there.
1829	{ 335 }	Reports from protectors of slaves in Trinidad.
1830	{ 262 }	
1831-2	212	Memorial of inhabitants of Trinidad to Lord Goderich, respecting a change in the Legislative Council, also respecting taxation and expenditure there, and his reply.
1847-8	684	Despatch from Governor Lord Harris, dated June 30, 1848, relative to a circulating medium for the Colony, and the establishment of a bank in aid of agriculture there.
1852-3	936	Despatches relating to Trinidad, with a plan.
	986	Copies or extracts of despatches relating to Chinese immigrants recently introduced into Trinidad.

\* Vide *infra*, p. 276.

## ST. LUCIA.

St. Lucia contains an area of about 150,000 acres. The island was first colonised by English settlers in 1639, and having been at various times alternately held by France and England, was, by the Peace of Utrecht, in 1713, and by the Treaty of Aix-la-Chapelle, 1748, declared neutral territory. Afterwards, by the Treaty of Paris, in 1763, and by the Peace of Amiens, in 1802, St. Lucia was ceded to France, but was finally confirmed in the possession of Great Britain, by the Peace of Paris in 1815. The laws of St. Lucia, except so far as they have been altered by Orders in Council, are the ancient laws of France, antecedent to the code Napoleon, the Customs of Paris, and the various ordinances of the French kings; the code Noire, of 1685, approved and signed by Colbert, and the Edict of 1685. The laws of St. Lucia are embodied in a collection, called the Code de Martinique.

The Supreme Court of the island was established by an Order in Council of June 20, 1831.

The Government of St. Lucia is administered by the commanding officer of the troops, and an Executive Council, consisting of the Colonial Secretary, the Attorney-General, and the Second Military Officer. There is also a Legislative Council composed of five Official and five Non-official members, in which the Colonial Secretary, and Attorney-General, have seats and votes, and of which the commanding officer is President. There is no Representative Assembly.

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Year.

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1834

The chief officers of the Government establishment are—

The Lieutenant-Governor . . .	£1200 per annum.
Chief-Justice . . . . .	450 "
Colonial Secretary . . . . .	500 "
" Treasurer . . . . .	400 "
" Attorney-General . . . . .	400 "
" Provost-Marshall . . . . .	300 "

### ORDERS IN COUNCIL, RELATING TO ST. LUCIA.

Year.	Orders in Council.
1722	(November 29.) Approving instructions to the Duke of Montague, proprietor of the island, respecting the Acts of trade and navigation.
1803	(August 12.) Opening and regulating a commercial intercourse with the island.
1829	(January 15.) Directing registration of mortgages, and other charges on land in the island.
—	(January 15.) Altering age of majority in the island, from 25 to 21 years.
—	(March 18.) Approving instructions to the Governor, respecting the mode of disposing of church patronage in the island.
1830	(February 2.) For improving the condition of the slave population in the island. (Revoked by Order, November 2, 1831.)
—	(February 24.) Directing with respect to the payment of debts due to minors in the island.
—	(November 5.) Establishing a Court of Judicature in the island.
1831	(June 20.) Providing further for the administration of justice in the island. (Amended by Order of January 7, 1843.)
—	(November 2.) Providing certain new regulations for improving the state of the slave population.
1832	(August 15.) Providing for the selection of assessors in the court of justice of the island.
1834	(June 5.) For giving effect in the island to the statute 3 & 4 Will. IV. cap. 73, for the abolition of slavery.

Year.	Orders in Council.	Year.
1835	(September 30.) Declaring Port of Castries, in the island, a free warehousing port.	
1838	(February 15.) Declaring the rights of apprenticed labourers, erroneously classed under the Slavery Abolition Act.	1843
—	(June 20.) Extending to the island the provisions of Order of April 25, 1838. (See TRINIDAD.)	
—	(July 30.) Respecting contracts for service to be entered into in the island.	1847
—	(July 30.) Approving instructions to the Governor for revising the list of official members of the Legislative Council.	1848
—	(September 7.) Regulating duties and rights of masters and servants in the island. (Amended by Order of June 23, 1841.)	1849
—	(September 7.) Prohibiting unlawful occupation of land in the island. (Revoked by Order, October 6, 1838.)	
—	(September 7.) Regulating the law of marriage in the island.	
—	(October 6.) Approving instructions to Governor, regulating precedence of members of Legislative Council.	
—	(October 6.) Preventing the encroachment on unsettled land in the island.	1850
1839	(February 4.) Confirming, with amendment, an Ordinance passed by the Governor and Council to amend the police laws in force in the island.	
—	(February 4.) Empowering the officer administering the government, to dispense with the services of the militia.	
—	(May 3.) Approving proclamation of Governor fixing value of certain Spanish, Mexican, and British coins, in the currency of the island.	
1841	(April 1.) Abolishing French "money of account," and establishing British sterling in lieu thereof on the island.	1852
1843	(January 4.) Modifying, in the case of immigrants from the United States, the provisions of an Order of September 7, 1838, respecting the rights and duties of masters and servants.	1854
—	(June 10.) Empowering the Governor to alter the provisions of Orders of September 8, and October 6, 1838, respecting the rights and duties of masters and	

Year.	Orders in Council.
1843	servants, the prevention of vagrancy, and preventing encroachments on lands. (October 3.) Confirming an Ordinance of June 14, 1843, for establishing District Courts of Appeal, and constituting the Executive Council a Court of Appeal in the last resort from the decisions of the district Courts.
1847	(August 10.) Specially confirming (under 9 & 10 Vict. cap. 94.) an Act passed in the island for repealing differential duties on goods imported thither.
1848	(May 8.) Confirming an Ordinance of December 11, 1847, introducing into the island trial by jury in criminal cases.
1849	(January 31.) Confirming an Ordinance of July 31, 1848, establishing district Courts of Request, transferring to the judges thereof the civil jurisdiction of the justices of the peace, in cases of petit debts, and extending the same to cases of ejectment.
—	(May 1.) Empowering the Governor under certain circumstances to elect the official members of the Legislative Council.
—	(October 6.) Confirming an Ordinance of June 11, 1849, respecting the district Courts of Request.
1850	(January 8.) Confirming an Ordinance of September 1, 1849, for providing a jurors' book for the year.
—	(March 22.) Approving instructions to Governor, authorising him to assent to Bills for the naturalisation of aliens.
—	(June 19.) For improvement of the administration of justice in the island.
—	(November 13.) Suspending, during the continuance of an Ordinance there, the prohibition respecting reprints of English books.
1852	(April 5.) Confirming two Ordinances of 1851: No. 6, to raise a loan for formation and repairs of roads, and No. 7, to raise funds for the education of the inhabitants.
1854	(October 18.) Confirming Ordinance of Governor and Council of St. Lucia (No. 2 of 1854), to raise loan for promoting emigration of Coolie labourers into the island of St. Lucia.

PARLIAMENTARY REPORTS, ACCOUNTS, AND  
PAPERS RELATING TO THE WEST INDIES  
AND CENTRAL AMERICAN DEPENDENCIES  
GENERALLY.

Year.	Sessional Number.	Parliamentary Reports, &c.
1805	46	Account of duties on sugar, rum, coffee, cotton, cocoa, indigo, ginger, and other produce imported from the West India Colonies.
1806-7	83	Report on the expediency of permitting distillation from sugar; also report on the distress of the sugar colonies.
1807	65	Report from Committee on the commercial state of the West India Colonies.
1808	300	Report on the intercourse between the West India Colonies and the United States.
1810-11	225	Report on the expediency of supplying the West India Colonies with free labourers from the East.
1812	356	Report of Commissioners of Revenue
	372	Inquiry, and return of expense incurred by the Commissioners.
	373	
1816	172	Return of colonial produce consigned from the West Indies for payment of duties due to the Government.
	266	
	274	
1825	157	First report of Commissioners on civil and criminal justice in the West Indies.
1826	{ 36 276 }	Second and third reports of Commissioners on civil and criminal justice.
1828	577	Second and third reports on civil and criminal justice in West Indies.
1829	334	
1830-1	334	Correspondence relative to the state of gaols in the West Indies and South-American Colonies.
1831-2	362	Estimate of the sums required to defray the charge of salaries to Governors and Lieutenant-Governors in the West India Colonies.
1832	363	Toleration laws passed in the West Indies.

Year.	Sessional Number.	Parliamentary Reports, &c.
1831-2	381	Report from Select Committee on the commercial state of the West India Colonies.
	562	Note addressed to Viscount Goderich by the legislative agents for the West Indies, praying for the abolition of the 4½ per cent. duties.
1833	736	Amount advanced under 2 & 3 Will. IV. cap. 125, for assistance of West India proprietors.
1836	560	Lord Glenelg's circular (January 30, 1836) relative to the sales of Crown lands in the West India Colonies.
1837-8	137	Statistical returns relative to the population, state of education, imports, exports, shipping, agriculture, &c., of certain West India Islands.
1840	82	Circular despatch addressed by Lord John Russell to the Governors of the West India Colonies, transmitting an Order of Her Majesty in Council relative to immigration into Trinidad.
1842	479	Report from Select Committee on West India Colonies, with appendix and index.
1843	37	Minutes of evidence taken by West India Committee.
1844	591	Various returns relative to the population, militia, education, trade, shipping, currency, and prices of produce and merchandise in the West Indies.
1845	426	West India and British Guiana census.
1846	322	Immigration, loans, correspondence.
1847-8	230	Laws in force in the West India Islands with respect to vagrancy.
	370	Despatches, papers, and reports relating to the immigration of negroes, coolies, and other labourers from India, Africa, and St. Helena, into the West India Colonies.
	399	
	467	
	643	
	732	
	927	
1851	624	Despatches relative to the condition of the sugar-growing Colonies in the West Indies.

Year.	Sessional Number.	Parliamentary Reports, &c.
1851	625	Returns of immigrants and liberated Africans introduced into the British West Indies from 1849 to 1853.
1852	231	
1852-3	269	
	270	
		Returns relative to the West India Mail steamers.
	894	Returns relative to relief to the West India Colonies.
1853	266	Correspondence relating to silver coins in the West Indies.
1854	380	Account of loans to the West India Colonies—those repaid, and those still due.
1855	159	
	241	
	470	

## SECT. III.—SOUTHERN AMERICAN DEPENDENCIES.

BRITISH GUIANA, FALKLAND ISLANDS, and PITCAIRN.

## BRITISH GUIANA.

British Guiana, including Demerara, Essequibo, and Berbice, comprises an area of about 100,000 square miles, extending from the Corentyn River to the Orinoco on the Atlantic shore of South America. This territory was first settled by the Dutch West Indian Company in 1621, and having been alternately held by France, Holland, and England, capitulated to the latter Power, September 18, 1803, and was, by a convention signed at London, August 13, 1814, confirmed to Great Britain.

The law by which British Guiana is chiefly governed is the Roman Dutch law of the United Provinces, and

was first promulgated in the districts of which the Colony is composed, on October 4, 1774, by the States-General. The Courts and Administration of Justice in British Guiana were regulated by Orders in Council dated April 23, and June 20, 1831, in pursuance of which Ordinances have from time to time been framed by the Local Government.

By the Commission of Sir Benjamin D'Urban, dated March 4, 1831, Demerara, Essequibo, and Berbice, were consolidated into the Colony of British Guiana, and the constitution of the Colony, as framed in 1773, when the three Provinces of which it is composed belonged to Holland, was, with some modifications, confirmed. The following is its present form.\* A Governor and a "Court of Policy" of ten members, five of whom (namely, the Chief Justice, Colonial Secretary, Attorney-General, Collector of Customs, and the Governor himself) are official, and five non-official members. The non-official members of the Court of Policy are chosen by an electoral body of seven members, called the "College of Kiezers," who are themselves chosen for life or during their residence in the Colony without any property qualification, by the votes of all the inhabitants, male or female, who personally, or in a representative capacity, pay an income-tax on not less than 667 dollars (about £139), or taxes of any kind to the amount of 23½ dollars (about £5). Any inhabitant is eligible, there being no property qualification for a Kiezer, but they lose their power in

\* *Vide* Order in Council, February 28, 1855.

case of absence from the Colony. Vacancies in the Court of Policy, arising by the resignation of the senior non-official member every second year, are filled up; as they arise from a double nomination made by the College of Kiezers; the Governor of the Colony having a casting vote. There is also a College of Financial Representatives of six members, elected in the same manner as the College of Kiezers, but for two years only, though eligible for re-election. The "Combined Court," or General Assembly of the Colony, on which devolves the sanctioning of the expenditure of the public money, is formed by the combination of the ten members of the Court of Policy and the six members of the College of "Financial Representatives."

By Orders in Council, of December 26, 1851, and February 28, 1855, the Governor was authorised to effect certain changes in the constitution of the Combined Court.

The salary of the Governor and Commander-in-Chief is £4000 per annum.

AMONG THOSE WHO HAVE RECENTLY HELD THE OFFICE OF GOVERNOR OF BRITISH GUIANA ARE THE FOLLOWING, WITH THE DATES OF THEIR RESPECTIVE COMMISSIONS:—

Sir W. M. G. Colebrooke, November 22, 1847.

Henry Barkly, December 16, 1848.

Philip Edmund Wodehouse, February 20, 1854.

\*\* By patent, dated August 21, 1842 (and revoking former patents of July 24, 1824, April 2, 1825, May 11, 1826, and September 24, 1830), the episcopal diocese of British Guiana was constituted.

ORDERS IN COUNCIL RELATING TO  
BRITISH GUIANA.

Year.	Orders in Council.
1618	(March 16.) Cancelling commission of discovery on the river Amazon granted to Colonel Harcourt.
1619	(April 11.) Granting patent and commission to the Duke of Lennox and others.
1633	(October 1.) Ordering certain reprieved prisoners in Newgate to be banished thither.
1660	(July 13.) Referring to Committee a petition of Lord Willoughby, of Parham, respecting a grant of part of Guiana.
1803	(November 21.) For opening a commercial intercourse with Demerara and Essequibo.
1810	(May 23.) Authorising the investment of £19,000, being the proceeds of gold coin remitted from Essequibo and Berbice, in trustees for those Colonies.
—	(August 8.) Establishing a court of Vice-Admiralty at Demerara.
1819	(May 28.) For giving validity to certain marriages contracted at Demerara.
1824	(March 10.) For regulating the administration of the church and poor's fund at Demerara.
—	(March 10.) For improving the condition of the slaves at Demerara.
—	(August 14.) For amending and carrying into effect an Ordinance of the Lieut.-Governor and Court of Policy at Demerara and Essequibo, intituled "An Act for the better Government of the Militia of those United Colonies."
1826	(January 30.) For dissolving the Council of Government of Berbice, and substituting a new Council in lieu thereof.
—	(July 27.) Continuing, to December 31, 1827, an Order of December 18, 1824, regulating the proceedings of the Court of Policy in framing laws for the government of Demerara.
1828	(December 15.) Regulating proceedings on appeals from the Supreme Court of Civil and Criminal Justice in Demerara and Essequibo.
1829	(March 18.) Approving report of Committee on four petitions of proprietors and mortgagees of estates

Year.	Orders in Council.
1829	<p>in Demerara against the compulsory manumission of slaves.</p> <p>(May 13.) Confirming ordinance of Lieutenant-Governor and Council of Berbice respecting the manumission of slaves there. (Revoked February 2, 1830.)</p>
1830	<p>(June 10.) For enabling slaves to purchase their own freedom on an appraisement in Demerara, in cases where the owner may be unable or unwilling to effect their manumission by private contract.</p> <p>(October 12.) Recognising validity of Ordinances of Lieut.-Governor and Court of Policy of Demerara.</p> <p>(November 5.) Establishing a Court of Judicature in British Guiana.</p>
1831	<p>(June 20.) For making further provision for the administration of justice in British Guiana.</p> <p>(November 2.) For improving the condition of the slave population in Demerara and Berbice.</p>
1832	<p>(August 15.) Providing for the selection of assessors in the Courts of Justice in British Guiana.</p> <p>(November 6.) Confirming an Ordinance of British Guiana for establishing inferior Courts of Justice there.</p>
1834	<p>(June 5.) Confirming (with certain exceptions) an Ordinance of British Guiana giving effect to an Act of the Imperial Parliament for the abolition of slavery.</p>
1835	<p>(June 24.) Confirming an Ordinance of British Guiana, of March 8, 1834, for the government and registration of apprenticed labourers.</p> <p>(December 21.) Authorising all special Justices of the Peace appointed in pursuance of the Slavery Abolition Act, and all clergymen and other teachers of religion, and medical practitioners, to enter and inspect, at their discretion, hospitals and other places in the Colony for the reception of the sick.</p>
1836	<p>(June 29.) For striking the word "employer," as occurring in Ordinance of March, 1834, of Lieut.-Governor and Council of British Guiana.</p>
1838	<p>(April 25.) For regulating the supply of food to apprenticed labourers in British Guiana, and for revising the classification of apprenticed labourers.</p> <p>(May 15.) Approving a commission and instructions to Governor H. Light.</p>

Year.	Orders in Council.
1838	(September 7.) For regulating rights and duties of masters and servants in British Guiana, and for preventing and punishing vagrancy there, and for preventing the unlawful occupation of land there, and for regulating the law of marriage there.
—	(October 6.) For preventing encroachments on unsettled land in British Guiana.
—	(October 6.) For confirming, with certain amendments, two Ordinances of British Guiana for incorporating a bank there, to be called the "British Guiana Bank."
—	(November 29.) For enabling the Governor to dispense, at his discretion, with the services of the militia.
1839	(February 20.) For saving to the clergy the heretofore existing marriage fees.
—	(May 3.) Approving proclamation of the Governor declaring the value of Spanish, Mexican, and Columbian doubloons, and of British silver, in the currency of British Guiana.
—	(August 26.) Declaring George Town, in Demerara, a free warehousing port.
1840	(March 5.) Confirming, with certain exceptions, an Ordinance of British Guiana respecting the establishment of a Mayor and Town Council at George Town.
—	(September 11.) Declaring New Amsterdam, in Berbice, a free warehousing port.
1841	(June 23.) Amending Order of September 7, 1838, respecting contracts between masters and servants.
1842	(April 27.) Disallowing, under certain contingencies, an Ordinance of British Guiana to regulate and encourage immigration.
—	(June 3.) Continuing to the Combined Court of British Guiana, during the term of a civil list granted to Her Majesty, the functions of controlling, subject to the civil list arrangements, the general amount of the revenue to be raised there, and the appropriation thereof.
1843	(January 4.) Amending an Order of June 20, 1831, for regulating the administration of justice in British Guiana.
—	(January 4.) Modifying, in the case of emigrants from the United States, the provisions of Order of

## AMERICAN DEPENDENCIES.

Year.	Orders in Council.
	September 7, 1838. (Revoked by Order of July 6, 1846.)
1843	(April 3.) Authorising Governor and Court of Policy to make laws regulating the administration of civil and criminal justice in British Guiana.
—	(June 10.) Empowering Governor to alter provisions of Orders of September 7, and October 6, 1838.
1845	(April 26.) Authorising the re-enactment of an Ordinance irregularly passed, January 13, 1845, respecting the payment of interest on redemption of a loan of £150,000, to be raised for immigration purposes.
1847	(October 30.) Declaring, under statute 9 & 10-Vict. cap. 94, Her Majesty's assent to an Ordinance of June 16, 1847, respecting Customs duties on imports into British Guiana, under statute 8 and 9 Vict. cap. 93.
1850	(January 8.) Confirming an Ordinance of September 26, 1849, "to extend the exercise of the Elective Franchise in British Guiana, to establish a Qualification for Members of the College of Electors, and of Financial Representatives to divide the Colony into Electoral Divisions, and to repeal Ordinance No. 86 of the year 1836.
—	(August 14.) Authorising the employment of steam or other vessels of foreign build, and owned by foreigners, in the coasting trade of British Guiana.
1851	(October 23.) Suspending, during the continuance of an Act passed in British Guiana, the prohibition against the importation into that Colony of foreign reprints of British books.
—	(December 26.) Empowering Governor and Court of Policy to pass Ordinances for making certain changes in the constitution of the said Court, and of the Combined Court.
1853	(August 19.) Continuing to the Combined Court, for a stated time, certain privileges guaranteed to them by Order of June 3, 1842.
1854	(January 30.) Approving commission and instructions to P. E. Wodehouse, Esq.
—	(April 24.) Confirming an Ordinance of British Guiana, establishing a Board for the Relief of the Poor.
—	(March 9.) Extending to British Guiana the provisions of an Order of August 19, 1853, regulating

Year.	Orders in Council.
1855	the rate at which American gold shall pass current there. (February 28.) Authorising the Governor and Court of Policy of British Guiana, to make certain changes in the constitution of the said Court, and of the Combined Court.

PARLIAMENTARY PAPERS RELATING TO BRITISH GUIANA.\*

Year.	Sessional Number.	Parliamentary Reports, &c.
1812	355	Papers relative to the appointment of Commissioners for managing the Crown estates in Berbice, and on the continent of South America.
1816	{ 509 528 }	Papers relative to the Crown estates at Berbice.
1824	{ 158 333 338 }	Papers relative to the insurrection of slaves at Demerara, and to a Court Martial held there.
1829	335	Report from Protector of slaves at Demerara and Berbice.
1830	262	Report from Protector of slaves.
1837-8	{ 180 232 }	Copies of Orders in Council, and Ordinances on relative duties of masters and labourers in British Guiana.
1840	77	Reports from, and despatches to, the Governor of British Guiana, respecting Hill Coolies introduced into the Colony.
	151	Correspondence between the Secretary of State and the Governor, respecting the immigration of labourers into the Colony of British Guiana.
	404	Extracts from Lord Aberdeen's and Lord John Russell's despatches, relating to a civil list for the Colony of British Guiana.

\* Vide *supra*, p. 276.

Year.	Sessional Number.	Parliamentary Reports, &c.
1840	288	Return of memorial of Mr. Schomburgk, who lately explored the interior of the Colony of British Guiana.
1843	404	Correspondence relating to the return of Coolies from that colony to India.
1846	514	Crown land sale regulations.
1847-8	184	List of estates, and abandoned estates in British Guiana, the whole or part of which have been purchased by agricultural labourers.
1850	91	Despatches respecting certain disputes between the Governor and the Combined Court, concerning the estimates.
1851	154	Correspondence between the Governor and Earl Grey, on Constitutional Reform in the colony.
1852	405	Despatches from Governor Barkly, dated November, 1851, and January, 1852.
1853	986	Returns relating to Chinese immigration to British Guiana.

### THE FALKLAND ISLANDS.

These islands are situate between the parallels of 51° and 53° S. latitude and the meridians of 57° and 62° W. longitude. They consist of two large and about 100 smaller islands, comprising an aggregate area of about three and a half million acres. The islands were discovered in 1594 by Hawkins, and were alternately held by French, Spaniards, and English, till 1774, when they were for a time abandoned, and finally, after a temporary occupation by the Argentine Republic, the Falklands were, in 1833, taken possession of by the British Government for the protection of the Whale

Fishery, and a Governor placed there. The southern portion of East Falkland having been granted to M. Lafone, a merchant at Buenos Ayres, is now held by the Falkland Islands Company.

The Government of the Falklands is administered by a Governor and an Executive Council, consisting of the Colonial Surgeon and Stipendiary Magistrate, who, with the Colonial Chaplain, and two unofficial members, form the Legislative Council, all being appointed by Her Majesty, on the Governor's recommendation.

The salary of the Governor and Commander-in-Chief is £800 per annum.

ORDERS IN COUNCIL RELATING TO THE FALKLAND ISLANDS.

Year.	Orders in Council.
1843	(June 10.) Approving commission and instructions to R. Clement Moody, R.E., Governor of the islands.
—	(August 23.) Approving device of a seal for the Government of the Falkland Islands.
—	(October 23.) Approving grant of Charter of Incorporation to the Falkland Islands Company.
1847	(November 22.) Approving commission and instructions to G. Rennie, Esq., Governor of the Islands.

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PARLIAMENTARY ACCOUNTS AND PAPERS RELATING TO THE FALKLAND ISLANDS.

Year.	Sessional Number.	Parliamentary Reports, &c.
1841	3	Papers relating to the colonisation of the Falkland Islands.
1844	591	Quantities of the principal articles imported and exported to and from the Falklands.
—	108	Estimate of sum required to defray the expenses of the civil establishment at the Falklands.
1845	129	Correspondence respecting the issue of inconvertible paper-money in the Falklands.
—	193	Return of the various parliamentary grants, from 1840, and of the annual income and expenditure of the Falklands.

PITCAIRN'S ISLAND.

This island is situate in  $25^{\circ} 4'$  S. latitude, and  $130^{\circ} 8'$  W. longitude, and comprises about 1200 acres. It was originally discovered in July, 1767, by Captain Carteret of His Majesty's sloop *Swallow*, and by him named Pitcairn's Island from a young man who first saw it, son of Major Pitcairn. There were traces of a native race and of their idols, but the island was uninhabited when taken possession of by the mutineers of the *Bounty* in December, 1789. They were first visited by an English ship in 1814, and on November 30, 1838, the island was formally taken possession of for the British Crown by Commander Elliott of Her

Majesty's sloop *Fly*, who drew up the laws by which the inhabitants have since been governed. The authority is vested in a Chief Magistrate, elected every year by the votes of all above 18 years of age, aided by two Councillors, one elected by the votes of the people, the other nominated by the magistrate. The magistrate swears allegiance to Her Majesty.

The appeal in cases of dispute is to the captain of the first Queen's ship visiting the island.

ACTS OF THE IMPERIAL PARLIAMENT RELATING  
TO THE CENTRAL AND SOUTHERN AMERICAN DEPENDENCIES.

Royal Assent.	Acts of Parliament.
1806	(July 3.) 46 Geo. III. cap. 80.—An Act to provide for the more effectual examination of accounts of the expenditure of the public money in the West Indies, and for the better discovery of frauds and abuses therein.
1808	(June 23.) 48 Geo. III. cap. 91.—An Act for enabling the Commissioners appointed to examine accounts of public expenditure in the West Indies more effectually to investigate the said accounts.
1820	(July 14.) 4 Geo. IV. cap. 50.—An Act to carry into effect certain licences permitting the removal of negro slaves from the Bahama Islands to Demerara.
1825	(July 5.) 6 Geo. IV. cap. 88.—An Act to make provision for the salaries of certain bishops and other ecclesiastical dignitaries and ministers in the dioceses of Jamaica, Barbados, and the Leeward Islands, and to enable His Majesty to grant annuities to such bishops on the resignation of their offices. (Amended by 7 Geo. IV. cap. 4.)
1832	(August 16.) 2 & 3 Will. IV. cap. 125.—An Act for enabling His Majesty to direct the issue of Exchequer bills to a limited amount for the purposes and

Royal Assent.	Acts of Parliament.
	in the manner therein mentioned, and for giving relief to Trinidad, British Guiana, and St. Lucia. (Amended by 5 & 6 Will. IV. cap. 51, and 3 & 4 Vict. cap. 40.)
1833	3 & 4 Will. IV. cap. 73.—An Act for the abolition of slavery.
1836	(June 7.) 6 & 7 Will. IV. cap. 17.—An Act to make provision for the better administration of justice in certain of His Majesty's West India Colonies.
1838	(August 4.) 1 & 2 Vict. cap. 67.—An Act for the better government of prisons in the West Indies.
1842	(August 14.) 1 & 2 Vict. cap. 92.—An Act to repeal the 4½ per centum (or West India) duties. (March 23.) 5 Vict. (Sess. 2.) cap. 4.—An Act to provide for the increase in the number of bishoprics and archdeaconries in the West Indies, and to amend the several Acts relating thereto.
1843	(August 22.) 6 & 7 Vict. cap. 63.—An Act for granting relief to the islands of Antigua, St. Kitt's, Nevis, Montserrat, and Dominica.
1844	(August 24.) 6 & 7 Vict. cap. 87.—An Act for raising £11,132,000 by Exchequer bills, for the service of the year 1843, and for amending an Act for granting relief to certain islands in the West Indies. (June 6.) 7 Vict. cap. 19.—An Act for giving additional powers to the Commissioners for the relief of certain of Her Majesty's Colonies and Plantations in the West Indies.
1848	(June 9.) 11 Vict. cap. 22.—An Act for granting relief to the island of Tobago, and for aiding the Colonies of British Guiana and Trinidad in raising money for the promotion of the immigration of free labourers.
1850	(September 5.) 11 & 12 Vict. cap. 130.—An Act for guaranteeing the interest of such loans, not exceeding £500,000, as may be raised by the British Colonies on the continent of South America and the West Indies for certain purposes. (Amended by 16 Vict. cap. 4.)
	(May 31.) 13 Vict. cap. 15.—An Act to authorise the establishment of Courts of Appeal for certain of Her Majesty's West India Colonies.

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CHAPTER VI.

AUSTRALASIAN DEPENDENCIES.

- I.—AUSTRALIA or NEW HOLLAND, comprising New South WALES, VICTORIA, SOUTH AUSTRALIA, and WESTERN AUSTRALIA.
- II.—TASMANIA and NORFOLK ISLAND.
- III.—NEW ZEALAND, including the CHATHAM and AUCKLAND ISLANDS.

AUSTRALIA.

I.—NEW SOUTH WALES.

NEW SOUTH WALES (as defined by section 46 of the Provincial Act embodied in statute 18 & 19 Vict. cap. 54) comprises "all that portion of Australia which is situate between the meridians of 129° and 154° E. longitude, and northward of the 40th parallel of S. latitude, save and except the territories comprised within the boundaries of the Colonies of South Australia and Victoria."

The Colony of New South Wales, subject to certain powers of subdivision reserved to the Imperial Parliament, now comprises an area of 680,000 square miles, exceeding that of the united territories of France, Austria, and Turkey.

The continent of Australia was discovered by a French Commander early in the 16th century, afterwards visited at various times by Portuguese, Spanish, Dutch, and English ships, and was first colonised in 1788, in pursuance of statute 24 Geo. III. cap. 56. By that Act His Majesty in Council was empowered to appoint to what place beyond the seas either within or without His Majesty's dominions, offenders (who from 1619 till the commencement of the War of Independence in 1774, had been chiefly exiled to America\*) should be transported. By two Orders in Council, dated December 6, 1786, the eastern coast of Australia, and the adjacent islands were fixed on as the places of banishment, in consequence of the report of Captain Cook who had visited the country in 1770.

Between 1788 and 1840, about 80,000 convicts were sent from this country to New South Wales, under a system organised and regulated by various Acts of Parliament and Orders in Council framed under their provisions.

By one of these Orders, dated September 4, 1848, the system of inter-colonial transportation by virtue of which New South Wales had been up to that time a receptacle for offenders from other Colonies, was discontinued, so far as New South Wales was concerned. The system of transportation from the United Kingdom continued, nevertheless, until 1851, when, by Order in Council, dated June 25 in that year, so much of

\* Vide Chapter VII., on Transportation.

the then subsisting laws and regulations on the subject as related to the Colony of New South Wales and its Dependencies was revoked, and from that date transportation to New South Wales altogether ceased:

In the meantime the Civil Government of the Colony had undergone various changes. Till 1843, absolute authority was vested in successive Governors sent out from England, aided by Executive Councils. In 1843, in pursuance of statute 5 & 6 Vict. cap. 76, in addition to the Executive Council (then composed of the Commander of the Forces, the Colonial Secretary and Treasurer, and the Attorney-General appointed by the Crown), a Legislative Council was established, comprising, besides the above-named officials, the Collector of Customs, and Auditor-General, and 6 non-official members, appointed by the Governor, and confirmed by the Crown, also 24 elected members, making in all 36. The southern or Port Philip district was to be represented by 6 of the 24 elected members; New South Wales proper by the remainder.

The next change in the constitution of New South Wales was effected by the provisions of statute 13 & 14 Vict. cap. 59, which received the royal assent August 5, 1850. By that Act, which severed the southern, now the Colony of Victoria, from the northern district, and defined the geographical boundaries of each, the then Governor and Council of New South Wales were empowered to establish electoral divisions in both districts, and to fix the number of members of which the new Councils in each should consist, provided that

one-third of the members of each Council should be appointed by the Crown, and the remaining two-thirds be elected by the inhabitants. The qualification of Voters at elections for members of the Councils, established by the Act, was fixed as follows:—natural-born or naturalised subjects of Her Majesty in New South Wales, unconvicted, or if convicted, pardoned, or having fulfilled their sentences, were entitled to vote under any one of the following qualifications. Freeholders to the value of £100 sterling; householders and leaseholders (for three years or more) to the amount of £10 per annum, or pasture-licence-holders within the district; provided that, in all cases, all rates and taxes in arrear beyond three months preceding the election should have been paid. The number of members for New South Wales proper, fixed by the Governor and Council, was 48, and the first writs issued summoned them for March, 1851. The qualification of members of the Council remained the same as fixed by sect. 8 of 5 & 6 Vict. cap. 76, by which every candidate was required to be a natural-born or naturalised subject of the Queen, possessed of an estate of freehold of the value of £100 a year, or of £2000 sterling, above all charges and incumbrances. The only limitation imposed by the Australian Colonies Government Act of 1850, on their powers of independent legislation, was that which prescribed that any Customs Duties imposed by the Provincial Legislatures be uniform, and not inconsistent with existing laws and treaties between Great Britain and foreign Powers. The 34th section of the same Act defined

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the 30th degree of S. latitude as the northern boundary of the Colony of New South Wales; beyond that limit power was reserved by the Act to the Crown to constitute new Colonies in Northern Australia, on petition of the inhabitant householders in those territories.

The Council was empowered by this Act to make laws, and to alter the representative system, or to establish two Charters, provided (by section 32), that every Bill which shall be passed by the Council for any such purpose shall be reserved for the signification of Her Majesty's pleasure thereon, and that a copy of such Bill shall be laid before both Houses of Parliament for the space of 30 days, at the least, before Her Majesty's pleasure thereon shall be signified. The power conferred by this clause (which applies equally to Victoria, Van Dieman's Land, and South and Western Australia) the colony of New South Wales has already exercised, on the invitation or suggestion of the Imperial Government. By a despatch, dated December 15, 1852, Her Majesty's Secretary of State for the Colonies (Sir John Pakington) communicated to the Governor of New South Wales the willingness of Her Majesty's Government to repeal the Land Sales Acts, and to effect such other legislative changes as should be necessary, on the receipt from New South Wales of an enactment establishing the constitution of that Colony on the basis of that of Canada, and granting a Civil List to Her Majesty.\*

\* A counterpart of this despatch was also addressed to the Governors of South Australia and Victoria, and Van Dieman's Land.

On December 22, 1853, a Provincial Act, 17 Vict. cap. 41, framed in pursuance of the above intimation, and intitled "An Act to confer a Constitution on New South Wales, and to grant a Civil List to Her Majesty," was passed by the Legislative Council of that Colony, and reserved by the Governor for the signification thereon of Her Majesty's pleasure.

The main provisions of this Bill are as follows:—the establishment of two Deliberative Chambers, a Legislative Council, and a Legislative Assembly. The Legislative Council to consist of not less than 21 members, being of full age, naturalised or natural-born subjects of Her Majesty, not less than four-fifths of whom are to be persons not holding any civil office of emolument under the Crown. One-third to form a quorum. The Council, and President to be appointed by the Crown, to hold their Seats for five years, and after the expiration of that time, all future Councillors for life.

The Legislative Assembly, as constituted by the Bill, consists of 54 members, to be elected for five years, 20 to form a quorum. The qualification fixed for members and electors is the same. All inhabitants of full age, natural-born or naturalised, not having been convicted, or if convicted, pardoned, and having paid all rates and taxes, to which they may be liable, are qualified as candidates and electors under any one of the following qualifications.

As owners of freehold estate of £100 value; as householders; lodging-occupiers; or leaseholders (for three years) at £10 per annum; as boarders at £40

per annum; as receivers of £100 per annum, salary; or as pasture-licence-holders for one year. Provided always, that electors must possess their qualification in the district in respect whereof they claim to vote, and that all seats shall be vacated on the acceptance of office; and that no minister of religion, and five enumerated civil officers only, shall be eligible to sit and vote in the Legislative Assembly.

It is provided, that the same causes shall vacate the seats of members of both Houses; viz. resignation, absence, declaration of allegiance to a foreign Power, bankruptcy, insolvency, treason, felony, or becoming a public contractor.

Provision is also made for dividing the Colony into electoral districts and framing electoral lists, and for altering the representative system by Bill assented to by a majority of the Legislative Council, and two-thirds of the Legislative Assembly.

The Legislature hereby to be created is to have power to impose Customs duties (not being differential). The boundaries of the Colony are defined, and its existing laws saved. A sum not exceeding £64,300 per annum, in respect of the Civil List, is charged on the Consolidated Revenue Fund of the Colony for Her Majesty.

The Act to have no force till so much of 9 Geo. IV. cap. 83; 5 & 6 Vict. cap. 36 and 76; 7 & 8 Vict. cap. 72 and 74; 9 & 10 Vict. cap. 104; 13 & 14 Vict. cap. 59, as relates to the Colony, and is repugnant to this Act, be repealed, and the entire manage-

ment of the Crown lands, and the revenue therefrom arising, be vested in the Local Legislature.

Sections 1; 2, 3, 38, 39, 40, 41, 43, and 54, of this Bill, contained certain provisions defining "Imperial subjects,"\* and limiting the authority of the Crown and the Governor with respect to the disallowance of, or assent to, Colonial statutes, and for the reference of disputed questions in this behalf to the Judicial Committee of the Privy Council, and respecting future changes in the Colonial boundaries.

These provisions were deemed to involve an unconstitutional interference with the Imperial prerogatives, on the part of the Colonial Legislature, and were accordingly omitted from the Act as assented to by Her Majesty.

By statute 18 & 19 Vict. cap. 54, the above Act, as amended, received the royal assent, and all previous

\* Bills on Imperial subjects are, by Sect. 2, defined as follows:—

1. Bills touching the allegiance of the inhabitants of this Colony to Her Majesty's Crown.
2. Bills touching the naturalisation of aliens.
3. Bills relating to treaties between the Crown and any foreign Power.
4. Bills relating to political intercourse and communication between this Colony, and any officer of a foreign Power or Dependency.
5. Bills relating to the employment, command, and discipline of Her Majesty's land or sea forces within this Colony, and whatever relates to the defence of the Colony from foreign aggression, including the command of the municipal militia and marines.
6. Bills relating to the crime of high treason.

Acts inconsistent with its provisions were repealed; and the boundaries of the Colonies of New South Wales and Victoria were defined. By statute 18 & 19 Vict. cap. 56, all Acts in force respecting the disposal of the waste lands of the Crown in Australia were repealed, and other provisions made in lieu thereof.

The Governor's salary, as proposed by the schedule to the New South Wales Constitution Act, is £7000 per annum.

THE FOLLOWING IS A LIST OF THOSE WHO HAVE HELD THE OFFICE OF GOVERNOR OF NEW SOUTH WALES, WITH THE DATES OF THEIR RESPECTIVE COMMISSIONS:—

Captain Arthur Phillip, R.N., January 26, 1788.  
 Captain Francis Gross, December 11, 1792.  
 Captain Paterson, December 15, 1794.  
 Captain Hunter, R.N., August, 7, 1795.  
 Captain P. G. King, R.N., September 28, 1800.  
 Captain W. Bligh, R.N., August 13, 1806.  
 Major-General Lachlan Macquarrie, January 1, 1810.  
 Major-General Sir T. Brisbane, December 1, 1821.  
 Colonel Stuart, December 1, 1825.  
 Lieutenant-General R. Darling, December 19, 1825.  
 Colonel Lindesay, October 22, 1831.  
 Major-General Sir R. Bourke, December 3, 1831.  
 Lieutenant-Colonel Kennett Snodgrass, December 6, 1837.  
 Sir George Gipps, February 24, 1838.  
 Sir M. C. O'Connell, July 11, 1846.  
 Sir Charles A. Fitzroy, August 3, 1846.  
 Sir W. T. Denison, August 11, 1854.

\*\*\* By patents, dated June 25, 1847 (revoking patent of January 18, 1836), the episcopal dioceses of Sydney and Newcastle were constituted.

## ORDERS IN COUNCIL RELATING TO NEW SOUTH WALES.

Year.	Orders in Council.
1786	(December 6.) Appointing, in pursuance of statute 24 George III. cap. 56., the eastern coast of New South Wales, and islands adjacent, to be places to which convicts, sentenced to be transported beyond the seas, may be conveyed.
1824	(June 23.) Order relating to transportation. (October 19.) Empowering the judge of the Supreme Court to make and alter the rules and orders of the said Court.
1825	(November 11.) Order relating to transportation.
1830	(June 28.) Approving instructions to the Governor of New South Wales for abolishing a corporation called "The Trustees of the Clergy and School Lands."
1831	(January 31.) Approving instructions to the Governor for regulating the disposal of Crown lands in New South Wales.
—	(August 10.) Approving commission and instructions to Major-General R. Bourke, Captain-General, and Governor-in-Chief of New South Wales and Van Dieman's Land.
1832	(June 27.) Extending to the Customs officers in New South Wales, and the Australian Colonies generally, the powers vested in those officers belonging to British North-American Colonies, by statute Geo. IV. cap. 114 sec. 50.
1833	(November 20.) Appointing Port of Sydney to be a free warehousing port.
1840	(March 5.) Appointing Melbourne, in Port-Philip district, to be a free warehousing port.
—	(May 22.) Approving instructions to Governor Sir George Gipps, respecting the alienation and settlement of the waste lands of the Crown.
1841	(August 21.) Revoking certain regulations relative to the sale of the waste lands of the Crown.
1842	(June 29.) Empowering the Governor to exercise the prerogative of pardon in cases of treason or murder.
—	(August 27.) Empowering the Governor to nominate the non-elective members of the Legisla-

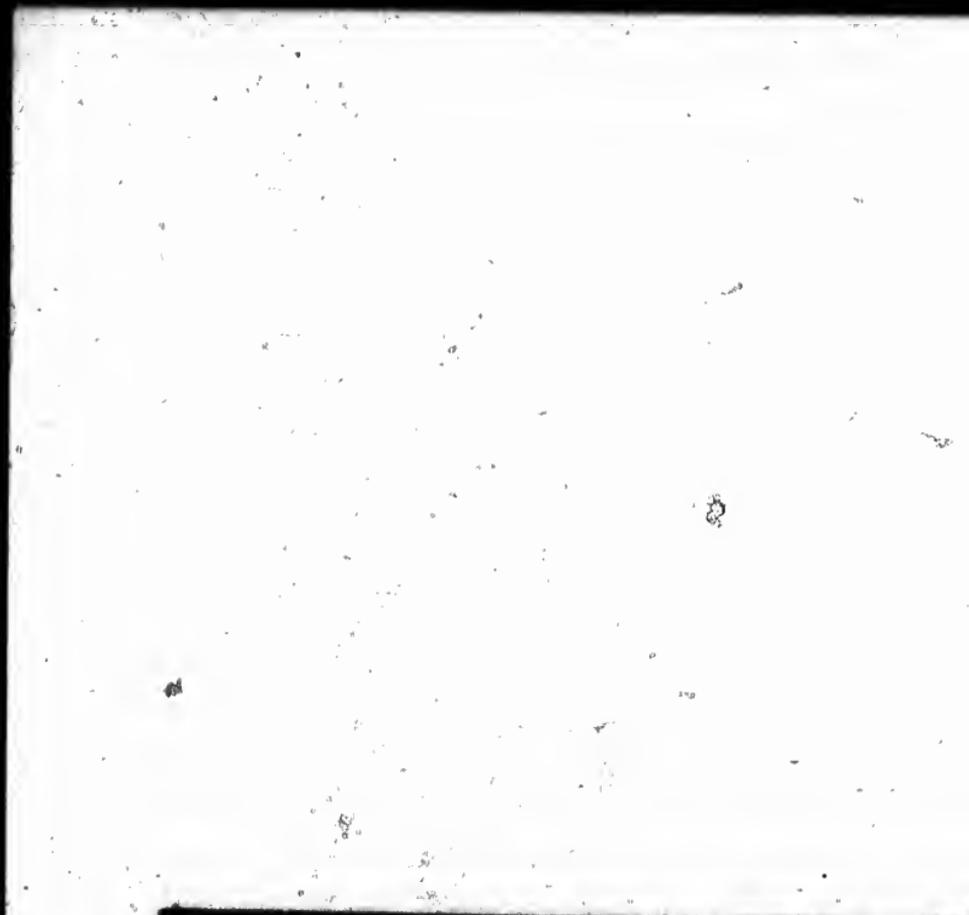
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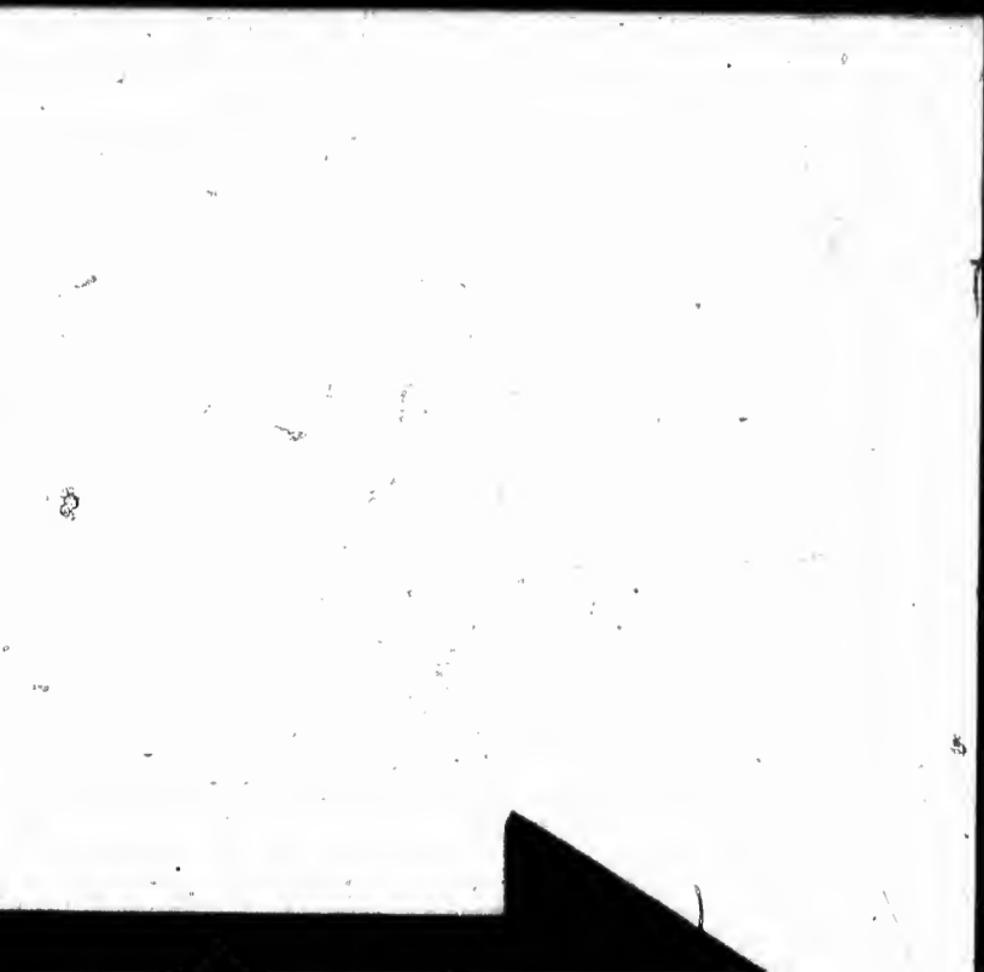
Year.	Orders in Council.
	<p>tive Council to be established under statute 5 &amp; 6 Vict. cap. 78, and instructing the Governor as to assenting to, or dissenting from, or reserving for the royal pleasure such Bills as may be passed by the Legislative Council, under the above Act.</p>
1842	<p>(August 27.) Approving instructions to the Governors of New South Wales, and other Australian Colonies, prescribing the forms to be observed in the conveyance of Crown lands.</p>
1845	<p>(April 26.) Appointing New South Wales to be a place of detention (under statute 6 Geo. IV. cap. 69), for convicts transported from Van Dieman's Land. (Revoked January 21, 1846.)</p>
	<p>(December 10.) Approving Commission to Sir C. Fitzroy, as Governor of North Australia, and charter including that Colony. (Revoked December 19, 1846.)</p>
	<p>(December 23.) Appointing port of Newcastle, at the mouth of the river Hunter, to be a free warehousing port.</p>
1847	<p>(March 9.) Establishing regulations relative to the sale of waste lands, under the powers contained in 9 &amp; 10 Vict. cap. 104.</p>
	<p>(September 28.) Appointing Portland, in Port Philip district, to be a free warehousing port.</p>
1848	<p>(March 2.) Approving Commission to the Governor of New South Wales, extending the northern limits of that Colony to the 26th degree of south latitude.</p>
	<p>(August 11.) Amending Order of March 9, 1847, regulating the occupation of lands in New South Wales.</p>
	<p>(September 4.) Appointing New South Wales, Van Dieman's Island, Norfolk Island, and the Cape of Good Hope, places for reception of convicts.</p>
1849	<p>(May 1.) Approving report of correspondence between Earl Grey and the Governor of New South Wales, and other Governors of Her Majesty's Australian settlements, on the subject of the introduction into Parliament of a Bill for the better government of those Colonies.</p>
	<p>(June 29.) Authorising the Governor of New South Wales to insert in any lease of land, certain conditions for securing its peaceable and effectual occupation.</p>

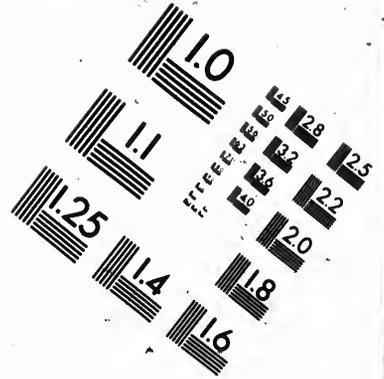
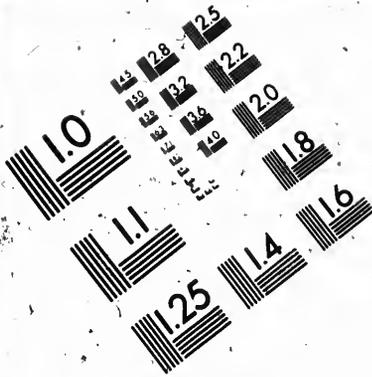
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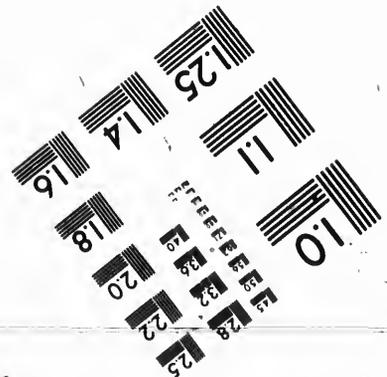
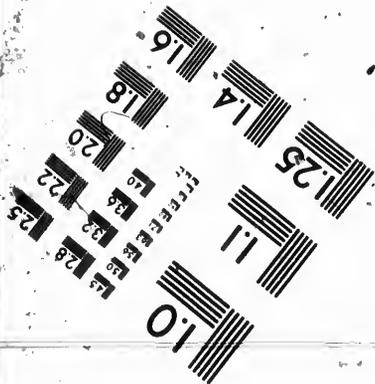
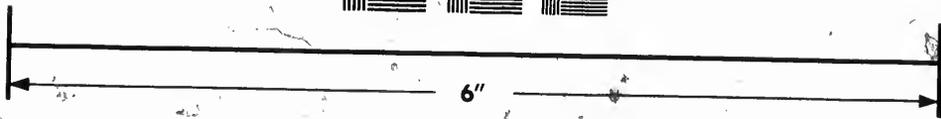
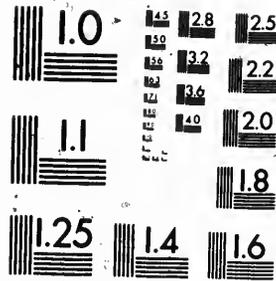








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## AUSTRALASIAN DEPENDENCIES.

Year.	Orders in Council.
1850	(June 19.) Empowering the Governor of New South Wales to grant leases of land for periods not exceeding one year, for pastoral and other purposes, on the terms therein stated.
—	(November 13.) Regulating appeals from the decisions of the Supreme Court of New South Wales, to Her Majesty in Council.
1851	(June 25.) Revoking Transportation Order of September 4, 1848.
1853	(August 19.) Defining constitution of the Sydney mint, and prescribing the conditions required to secure the integrity of the coin.
1854	(August 11.) Regulating leases of Crown lands in New South Wales, supposed to contain minerals not auriferous. (Under statute 9 & 10 Vict. cap. 104 & 106.)
—	(September 13.) Assenting to a Bill passed by the Legislative Council of New South Wales, regulating the execution of criminals.
—	(October 18.) Approving Order framed on representation of the Master of the Mint empowering the striking of sovereigns and half-sovereigns at the Sydney Branch of the Royal Mint, and for giving currency to those coins in the Australian Colonies.

## ACTS OF THE IMPERIAL PARLIAMENT RELATING TO NEW SOUTH WALES.

Royal Assent.	Acts of Parliament.
1813	(December 6.) 54 Geo. III. cap. 15.—An Act for the more easy recovery of debts in His Majesty's Colony of New South Wales.
1824	(June 21.) 5 Geo. IV. cap. 86.—An Act for granting certain powers to a company, to be incorporated by charter, to be called the Australian Agricultural Company, for the cultivation and improvement of waste lands in the Colony of New South Wales, and

Royal  
Assent.

Acts of Parliament, &amp;c.

- for other purposes relating thereto (Amended by 11 Geo. IV. and 1 Will. IV. cap. 24.)
- 1825 (June 22.) 6 Geo. IV. cap. 69.—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.
- 1828 (July 25.) 9 Geo. IV. cap. 83.—An Act to provide for the administration of justice in New South Wales, and Van Dieman's Land, and for the more effectual government thereof, and for other purposes relating thereto. (Continued by 6 & 7 Will. IV. cap. 46; 7 Will. IV. and 1 Vict. cap. 42; 1 & 2 Vict. cap. 50; 2 & 3 Vict. cap. 70; 3 & 4 Vict. cap. 62; 4 & 5 Vict. cap. 44.)
- 1830 (July 16.) 11 Geo. IV. and 1 Will. IV. cap. 39.—An Act for punishing offences committed by transports kept to labour in the Colonies.
- 1840 (August 7.) 3 & 4 Vict. cap. 62.—An Act to provide for the constitution of new Colonies within the existing limits of New South Wales.
- 1842 (June 22.) 5 & 6 Vict. cap. 36.—An Act for regulating the sale of waste land belonging to the Crown in the Australian Colonies. (Amended by 9 & 10 Vict. cap. 104.)
- (July 30.) 5 & 6 Vict. cap. 76.—An Act for the government of New South Wales. (Amended by 6 & 7 Vict. cap. 35, and 7 & 8 Vict. cap. 74.)
- 1843 (April 3.) 6 Vict. cap. 7.—An Act to amend the law affecting transported convicts, with respect to pardons and tickets of leave.
- 1844 (August 6.) 7 & 8 Vict. cap. 72.—An Act to clear up doubts as to the regulation and audit of the accounts of the Customs in New South Wales.
- 1849 (May 24.) 12 Vict. cap. 22.—An Act to remove doubts concerning the validity of certain grants of land in New South Wales.
- 1850 (August 5.) 13 & 14 Vict. cap. 59.—An Act for the better government of Her Majesty's Australian Colonies.
- 1855 (July 16.) 18 & 19 Vict. cap. 54.—An Act to enable Her Majesty to assent to a Bill, as amended by the Legislature of New South Wales, to confer a constitution on New South Wales, and to grant a civil list to Her Majesty.

Royal Assent.	Acts of Parliament, &c.
1855	(July 16.) 18 & 19 Vict. cap. 56.—An Act to repeal the Acts of Parliament now in force respecting the disposal of the waste lands of the Crown in Her Majesty's Australian Colonies, and to make other provisions in lieu thereof.

PARLIAMENTARY REPORTS, ACCOUNTS, AND PAPERS RELATING TO NEW SOUTH WALES.

Year.	Sessional Number.	Parliamentary Reports, &c.
1812	341	Report from Select Committee on transportation of criminals to New South Wales.
1817	237	Estimates of expense of convicts at home and in New South Wales.
1830	675	Extract from despatch of Lieutenant-Governor Stirling to Sir George Murray, relative to the progress of the Swan River Settlement.
1831	261	Instructions given by His Majesty's Secretary of State for promoting the moral and religious instruction of the aboriginal inhabitants of New Holland.
—	328	Royal instructions to the Governors of New South Wales and other Australian Colonies as to the mode of disposing of Crown lands in order to facilitate emigration.
1831-2	163	Laws and Ordinances passed during Governor Darling's administration.
1836	512	Abstract of Australian Agricultural Company's Charter, and other papers.
1837	518	Jury laws of New South Wales; also papers on secondary punishments by D. Heath.

Year.	Sessional Number.	Parliamentary Reports, &c.
1837-8	{ 75 669 }	Correspondence and documents relating to measures taken for the advancement of religion in Australia, also number of troops in New South Wales and Van Dieman's Land since the commencement of those Colonies, and the number of convicts sent thither.
1840	509	Returns of the Crown land revenue of New South Wales since 1831.
1841	412	Correspondence between the Secretary of State and the Governors of New South Wales and Van Dieman's Land on the subject of secondary punishments.
1844	627	Copies and extracts from despatches of the Governors of Australian Colonies, with reports of Protectors of aborigines, and correspondence illustrating the condition of the native population.
1845	267	Correspondence relating to Crown lands.
—	639	Statistics of population, revenue, imports and exports, immigration, labour, railroads, and price of land, in New South Wales.
1846	399	Correspondence relating to Crown lands.
1847	785	Correspondence with the Governor of New South Wales respecting the formation of a convict Settlement in North Australia.
1847-8	275	Return of all expenses incurred for the Settlement of North Australia.
1849	86	Statistics of population, revenue, &c., &c., in New South Wales.
—	593	Papers relating to emigration to Australia.
—	1074	Papers and correspondence relative to the proposed alterations in the constitution of the Australian Colonies.
1850	150	Letter from Mr. Coulson to the Under-Secretary for the Colonies on the Australian Colonies Government Bill.
—	174	Despatches relating to the mission of the Roman Catholic Bishop Polding in New South Wales; also correspondence

Year.	Sessional Number.	Parliamentary Reports, &c.	Year.
		and papers relating to cases in which any bishop in the Australian Colonies has attempted to exercise ecclesiastical jurisdiction over any of his clergy since 1837; also returns of local Acts respecting the clergy in those Colonies.	1852
1850	511	Returns of the population, trade, immigration, revenue, and expenditure of the Australian Colonies for ten years, from 1839 to 1848.	1852-3
—	1160	Correspondence relative to the Australian Colonies Government Bill, and to immigration to these Colonies.	—
—	1163		
—	1182		
—	1183		
—	1190		
—	1192	Report of Select Committee of Legislative Council of New South Wales on Crown lands.	—
—	1289	Papers relative to Crown lands in New South Wales, Western Australia, and Van Dieman's Land.	—
1851	73	Correspondence between Government and the East India Company relative to steam communication with Australia.	—
—	123	Correspondence between the Government of the Colony and the Secretary of State relating to the reduction of troops in New South Wales.	—
—	247	Despatches relative to emigration to the Australian Colonies.	—
—	349	Despatches relative to steam communication with the Australian Colonies.	1854
—	430	Reports of Committees of Legislative Councils of New South Wales and New Zealand on steam communication between those Colonies and Europe.	1855
—	1303	Further papers relative to the alterations in the constitution of the Australian Colonies.	—
1852	249	Papers relating to the mail service to Australia.	—
—	459	Correspondence between the Archbishop	—

Year.	Sessional Number.	Parliamentary Reports, &c.
		of Canterbury and the Bishop of Sydney in regard to ecclesiastical government and discipline.
1852	{ 1430	Correspondence relative to the recent discovery of gold in Australia.
	{ 1508	
1852-3	121	Papers relating to mail steam service.
	932	Instructions relative to the division of territory in New South Wales into counties, parishes, &c.
	1001	Copy of despatch from Governor of New South Wales, with Act regulating the indenting of assisted emigrants, and their employment in the Colony.
	{ 1607	Further papers relative to the discovery of gold in Australia.
	{ 1684	
	1681	Papers relative to the Crown lands in New South Wales and Victoria.
	1610	Copy of Treasury Minute, dated March 22, 1853, relative to Australian mints.
	1607	Further papers relative to the discovery of gold in Australia, with a map.
	1610	Treasury Minute respecting Australian mints.
	1611	Further papers relative to the constitution of the Australian Colonies.
	1627	Further papers relative to emigration to the Australian Colonies, with sketches of Southern and South-Eastern Australia.
	1681	Papers relative to Crown lands in the Australian Colonies.
	1684	Further papers relative to gold in Australia.
1854	486	Despatches relating to emigration to New South Wales.
	{ 1866	Further papers relative to the constitution of the Australian Colonies.
	{ 1902	
1855	{ 1915	
	{ 1927	

## VICTORIA.

Victoria, or Australia Felix, formerly called the District of Port Philip, comprises that portion of Australia which is minutely defined by statute 13 & 14 Vict. cap. 59, hereinafter recited. It was visited, in 1802, by Flinders and Murray; and after two unsuccessful attempts had been made to plant a penal Settlement there from New South Wales, the Colony was first really planted by adventurers from Van Dieman's Land in 1835, in which latter island penal Settlements had been, thirty years before, established by Collins and Patterson. In 1836, a resident Magistrate was sent to the district from Sydney, and a Customs establishment formed. In 1837, the site of the capital, named after the then Prime Minister, Lord Melbourne, was marked out, and sales of land commenced, under the direction of the Governor of New South Wales. In 1839, a Superintendent or Lieutenant-Governor was appointed, to whom the Judicial, Marine, and Police Departments, and the Protectorate of the Aborigines, were committed, but who, in other respects, acted under Orders from the Governor of New South Wales. By the Imperial Act 5 & 6 Vict. cap. 76, it was provided that the District of Port Philip should send five members, and the Town of Melbourne one member, to represent their interests in the Legislative Council of New South Wales, created by that Act.

By statute 13 & 14 Vict. cap. 59, reciting that it was expedient that the District of Port Philip, then

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part of the Colony of New South Wales, should be erected into a separate Colony, it was enacted, that after such provisions as in that Act mentioned should have been made, the territories then comprised within the said District of Port Phillip, including the town of Melbourne, and bounded on the north and north-east by a straight line drawn from Cape How to the nearest source of the river Murray, and thence by the course of that river to the eastern boundary of the Colony of South Australia, should be separated from the Colony of New South Wales, and should cease to return members to the Legislative Council of such Colony, and should be erected into, and thenceforth form, a separate Colony, to be known and designated as the Colony of Victoria. Under the provisions of this Act (passed in 1850), a constitution was established in Victoria, precisely corresponding with that of New South Wales, both as to the qualification of members and electors. The number of members for Victoria, fixed by the Governor and Council of New South Wales under this Act, was thirty — one-third of those members being appointed by the Crown, or by the Governor, under powers delegated to him for that purpose by Her Majesty.

On March 25, 1854, in pursuance of the powers reserved to the Council by statute 13 & 14 Vict. cap. 59, and of the intimation conveyed by the Colonial Office Despatch of December 15, 1852, a Provincial Act, passed by the Legislature of Victoria, and intituled "An Act to establish a Constitution in

and for the Colony of Victoria," was reserved by the Governor for the signification of Her Majesty's pleasure.

By that Act, two deliberate chambers, a Legislative Council and Legislative Assembly, were constituted: the Legislative Council to consist of thirty members (ten to form a quorum), elected from six electoral districts, each member being thirty years of age, a natural-born or naturalised subject, having a freehold estate of £5000 value or £500 per annum (judges and ministers of religion being disqualified). The qualifications for electors for the Legislative Council are as follows: all persons of full age, natural-born or naturalised subjects, having a freehold estate of £1000 value, or £100 per annum, or being leaseholders at £100 per annum for five years, or being graduates of any University in the British dominions, or barristers or solicitors of the Supreme Court of Victoria, or medical qualified practitioners, or officers in Her Majesty's sea or land forces, having paid rates and taxes, to which they are liable, are entitled to vote for members of the Legislative Council.

The Legislative Assembly is to consist of sixty members (twenty being a quorum), to be elected for five years, from thirty-seven electoral districts. All persons of full age (not being judges or ministers of religion), being owners of freehold estate of £2000 value, or £200 per annum, naturalised for five years and resident for two years within the Colony, to be qualified as members of the Assembly. The quali-

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cations of electors for the Assembly are, a freehold estate of £50 value, or £10 per annum household or leasehold, or a twelvemonth's pasture licence; rates and taxes being paid, and the same conditions as above respecting age, naturalisation, and non-conviction of offence against the laws.

It is enacted that no one shall be eligible to sit in both Houses; that four office-holders, at least, shall sit in Council or Assembly; that seats shall be liable to be vacated by acceptance of office, absence, foreign allegiance, insolvency, bankruptcy, or taking a public contract.

The oath of allegiance to be taken by all members. Customs duties, not being differential, or at variance with treaties, or supplies to Her Majesty's forces, may be levied.

All civil patronage to be vested in the Governor and Executive Council, except that of responsible officers, to be vested in Governor alone. Pensions to be granted to responsible political functionaries losing their offices. All taxes, and casual and territorial revenues, to form one consolidated revenue, and a civil list of £112,750 to be charged thereon in lieu of all Crown revenues. £50,000 per annum to be reserved for buildings for public worship and ministers of religion, to be apportioned according to the relative numbers of each denomination. Power to be reserved to the Legislature to make laws for the Crown lands, and, subject to the civil list, to appropriate the revenue.

Revenue bills to originate in the Assembly.

Nothing in the Act to interfere with the existing laws, courts, and offices in the Colony.

Power is reserved to the Legislature to alter the constitution by Bill assented to by a majority on second or third readings of such Bill.

The Act to have no force until so much of 9 Geo. IV. cap. 83; 5 & 6 Vict. cap. 36 and 76; 7 & 8 Vict. cap. 72 and 74; 9 & 10 Vict. cap. 104; 13 & 14 Vict. cap. 59, as may be inconsistent with its provisions, shall be repealed.

Sections 1, 37, 38, 39, 40, 41, 42, and 43 of this Bill contained certain provisions similar to those in the New South Wales Constitution Act of the same year, limiting the authority of the Crown and the Governor with respect to the disallowance of, or assent to Colonial Statutes,\* which, for the reasons above stated in reference to New South Wales, were omitted from the Act as assented to by Her Majesty, and embodied in the Imperial Statute 18 & 19 Vict. cap. 55, which is the basis of the present constitution of Victoria.

The first Governor of the Colony, Sir Charles Hotham, received his Commission in 1854. The salary voted by the Act, including staff and other expenses, is £15,000 per annum.

\* In addition to the six classes of Bills enumerated in the New South Wales Constitution Act, Bills relating to the law of divorce were also subjected to the Governor's power of reservation by the Victoria Bill in its original form.

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## ORDERS IN COUNCIL RELATING TO VICTORIA.\*

Year	Orders in Council.
1851	(February 3.) Empowering the Lords of the Admiralty to erect a Vice-Admiralty Court in that Colony.
1852.	(February 2.) Approving device of a seal for the Government of Victoria.
—	(June 15.) Approving charters of incorporation of the Port Philip and Colonial Gold Mining Company.
1853	(August 8.) Disallowing an Act of the Legislative Council (under 13 & 14 Vict. cap. 59, s. 12), assented to by Lieut.-Governor in September, 1852, "for Apprehension of Offenders illegally at large."
—	(December 29.) Confirming a Bill passed in that Colony, and reserved by Governor, for increase of his salary.
—	(December 29.) Approving instructions to Governor appointing Auditor-General and Inspector of Police members of Executive Council.
1854	(October 18.) Empowering the Governor of Victoria to insert certain provisions in leases of lands for pastoral purposes.
1855	(February 8.) Confirming reserved Bill of the Legislative Council of Victoria (under 13 & 14 Vict. cap. 59, s. 32), to extend the elective franchise of Victoria.
—	(February 28.) Empowering Governor of Victoria to make certain provisions respecting leases of land for pastoral purposes, also to issue mining leases of land not auriferous.

\* By patent, dated June 25, 1847 (revoking patent of January 18, 1836), the episcopal diocese of Melbourne was constituted.

PARLIAMENTARY REPORTS, ACCOUNTS, & PAPERS  
RELATING TO VICTORIA.

Year.	Sessional Number.	Parliamentary Reports, &c.
1852	569	Return of vessels' tonnage and number of emigrants sailed for Victoria from 1847 to 1852, and of funds now in the hands of the Colonial Land and Emigration Commissioners from that Colony.
1854	89	Despatches respecting the river Murray.
—	436	Despatches relating to emigration to Victoria.
—	1719	Further papers relative to the discovery of gold.
1855	296	Copy of an Act to enable the bishops, clergy, and laity of the United Church of England and Ireland, in Victoria, to provide for the regulation of the affairs of the said Church.
—	1915	Despatches relating to the new constitution of the Colony.

SOUTH AUSTRALIA.

The boundaries of South Australia, as defined by statute 4 & 5 Wm. IV. cap. 95, are between the meridians of the 132nd and 141st degrees of E. longitude, and between the Southern Ocean, and the 26th degree of S. latitude, comprising an area of 200,000 square miles. It was first colonised by the British Government in 1834, in consequence of the report of Captain Sturt, who had explored the country from New South Wales four years before.

By an Imperial Act, 4 & 5 Wm. IV. cap. 95, passed

in 1834, reciting that divers subjects of His Majesty were desirous of embarking for that part of Australia, and that it was expedient that provision should be made for an uniform system of disposing of the land there, and for the general government thereof, His Majesty was empowered to appoint three Commissioners for carrying out the objects of the Act, and a resident Commissioner for the government of the Colony. The Commissioners were empowered to borrow money on security of the land fund, and to apply the proceeds in aiding immigration to the Colony; but the powers conferred by the Act were not to take effect until the Commissioners had raised and invested in the names of Trustees to be appointed by the Crown, £20,000 as a security against loss to the Imperial Government in the foundation of the Colony.

In 1836, the prescribed conditions having been fulfilled, the Colony was founded, and the site of its present capital Adelaide marked out, and the first Governor Captain Hindmarsh, appointed. By statute 1 & 2 Vict. cap. 60, the powers of the Commissioners were defined, and by statute 4 Vict. cap. 13, the Lords of the Treasury were empowered to advance £155,000 out of the Consolidated Fund of Great Britain to the said Commissioners.

By statute 5 & 6 Vict. cap. 61 (passed in 1842), Her Majesty was empowered to appoint in aid of the Governor, a Legislative Council of seven members for the administration of the affairs of the Colony. The Legislative Council appointed under this Act consisted

of the Colonial Secretary, the Attorney-General, the Registrar-General, and four unofficial members. There was also an Executive Council of three members.

By the 7th and 8th sections of the 13th and 14th Vict. cap. 59, the then existing Legislature in the Colony was empowered to establish (by laws and ordinances to be framed for that purpose), a Legislative Council consisting of 24 members, one-third of whom were to be nominated by Her Majesty, and the remaining two-thirds elected by the inhabitants. The provisions respecting the qualifications and disqualifications of members and electors in South Australia, were the same with those for New South Wales and Victoria. By the 32nd section of this Act, it was provided that the Legislative Council formed under its provisions might frame a new constitution: In exercise of the power conferred by this section, and in pursuance of the invitation conveyed in the Colonial Office despatch of December 15, 1852, a Provincial Act was passed by the South Australian Legislature in 1854, and was reserved by the Governor for the signification of Her Majesty's pleasure.

This Act, intituled "An Act to establish a Parliament in South Australia," provides for the constitution of two Deliberative Chambers, to be called "The Parliament of South Australia," consisting of a Legislative Council and a House of Assembly. The Legislative Council to consist of 12 members, to be appointed by the Governor, authorised by Her Majesty, under royal sign manual, for life; being 30 years of age, natural-born or naturalised; one-third being a

quorum, and the President (appointed by the Governor) to have a casting vote.

The House of Assembly to consist of 36 members, all natural-born or naturalised subjects of Her Majesty, or legally made denizens; being unconvicted, or if convicted, pardoned; being freeholders to the amount of £20, or householders at £5 per annum, or leaseholders for one year at £10 per annum; having been rated or assessed for one year, to be qualified as members or electors for the House of Assembly. Provision is made for the creation of 22 Electoral Districts, and till the number of members to be elected amounts to 72, the Governor may, on petition, summon one new member for every 2000 additional inhabitants in any district.

Electoral lists to be printed; and returning officers appointed. The oath of allegiance to be taken by all members—office-holders (with certain specified exceptions) disqualified, and seats to be vacated on appointment, also by absence for one year, bankruptcy, felony, allegiance to foreign Power, becoming contractor (except as member of Company exceeding 20). Trials respecting the validity of controverted elections to be referred to a Court of four members of the House of Assembly elected by the House, the junior or sole acting Judge of the Supreme Court being President. The Court not to inquire into the correctness of the Electoral roll. Penalties on bribery and treating by candidate and authorised agents, unseating and disqualification of member, by unauthorised agents, fine of £2000, or six months' imprisonment, penalty

for offering reward £50. The Parliament to last for three years, and the session to be held once in a year.

The Act contained other provisions respecting Customs duties, and the allowance and disallowance of Bills, similar to those contained in the New South Wales and Victoria Constitution Acts; also special provisions concerning the alienation of waste lands. By one of its clauses, it was provided that the constitution of the Legislative Council created by it might be changed by an Act of that body passed in pursuance of an address to that effect, presented for two successive years by two-thirds of the House of Assembly.

Immediately after this Act had been passed in South Australia and despatched by the Governor for Her Majesty's assent, discussions arose in the Legislative Council of the Colony, involving a reconsideration of the fundamental principles of Constitutional Government embodied in the Act itself, more especially that of a nominated Upper Chamber.

An address was presented to the Governor requesting him to forward to the Secretary of State minutes of these debates, from which it appears, that the Council desired that the royal assent should not be given to the Bill in its present form. It has been accordingly remitted to the Colony for the reconsideration of the Local Legislature.

Until the Legislative Council shall have finally decided on the steps to be taken in reference to the Act above cited, the constitution of South Australia

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rests on the provisions of statute 13 & 14 Vict. cap. 59.

The salary of the Governor was, in 1854, increased by an Act of the Local Legislature, and is now £3000 per annum.

THE FOLLOWING HAVE HELD THE OFFICE OF GOVERNOR:—

Captain Hindmarsh, R.N., 1836.  
 Lieutenant-Colonel Gawler, 1838.  
 Captain Grey, 1841.  
 Major Robe, 1845.  
 Sir H. E. Young, 1848.  
 Sir R. G. Macdonnell, October 18, 1854.

ORDERS IN COUNCIL RELATING TO  
 SOUTH AUSTRALIA.\*

Year.	Orders in Council.
1836	(February 3.) Approving letters patent for erecting South Australia into a British Province, under statute 4 & 5 Will. IV. cap. 95.
—	(February 23.) Authorising certain persons to make laws for the Province of South Australia, under statute 4 & 5 Will. IV. cap. 95.
—	(April 28.) Approving device of new seal for Government of Province of South Australia.
—	(July 13.) Appointing certain colonial officers in the Province of South Australia.
1838	(April 25.) Approving Commission to Lieutenant-Colonel Gawler as Governor of Province of South Australia.
—	(June 8.) Reconstituting the Legislative Council of Province of South Australia.
—	(June 8.) Empowering Lords of the Admiralty to appoint a Vice-Admiral, Judge, and other officers for

\* By patent, dated June 25, 1847 (revoking patent of January 18, 1836), the episcopal see of Adelaide was constituted.

Year.	Orders in Council.
	a Vice-Admiralty Court in the Province of South Australia.
1840	(November 10.) Approving Commission and instructions to Governor George Grey, Esq.
1841	(January 25.) Empowering Lords of the Admiralty to establish a Vice-Admiralty Court in South Australia.
1842	(August 27.) Approving additional instructions to the Governor, prescribing forms to be observed in conveyance of Crown lands.
—	(August 27.) Approving instructions to Governor of South Australia to establish a Legislative Council in that Province, under statute 5 & 6 Vict. cap. 61.
1847	(July 22.) Approving charter of incorporation of South Australian Banking Company.
1850	(June 19.) Regulating the occupation of land in the Province of South Australia.
1853	(June 13.) Regulating the working of mineral lands not auriferous, under statute 9 & 10 Vict. cap. 104, s. 6, in the Province of South Australia.
1854	(November 27.) Assenting to reserved Bill of the Legislature of South Australia, for increasing Governor's salary for two years.

ACTS OF IMPERIAL PARLIAMENT RELATING TO  
SOUTH AUSTRALIA.

Royal Assent.	Acts of Parliament, &c.
1834	(August 15.) 4 & 5 William IV. cap. 95.—An Act to empower His Majesty to erect South Australia into a British Province, or Provinces, and to provide for the colonization and government thereof. (Amended by 1 & 2 Vict. cap. 60.)
1841	(May 10.) 4 Vict. cap. 13.—An Act to authorise the advance of a sum of money out of the consolidated fund, on account of the Colony of South Australia.
1842	(June 22.) 5 & 6 Vict. cap. 36.—An Act to regulate the sale of waste land belonging to the Crown in the Australian Colonies.
—	(July 30.) 5 & 6 Vict. cap. 61.—An Act to provide for the better government of South Australia.

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PARLIAMENTARY REPORTS, ACCOUNTS, AND  
PAPERS RELATING TO SOUTH AUSTRALIA.

Year.	Sessional Number.	Parliamentary Reports, &c.
1841	{119}	First and second Reports of the Select Committee on South Australia.
1845	{394}	
	624	Correspondence on the subject of the Colonial Land Fund of South Australia.
1852	569	Return of vessels, tonnage, and number of emigrants sailed for South Australia from 1847 to 1852, and of funds now in the hands of the Emigration Commissioners from that Colony.
1854	436	Despatches relating to emigration to South Australia.
1855	1915	Papers relating to the alterations in the constitution of South Australia.

WESTERN AUSTRALIA.

Western Australia comprises the territory between the 30th and 33rd parallels of south latitude, and extending from the 129th meridian of east longitude, westward to the Indian Ocean. It was first discovered by the Dutch at the end of the seventeenth century, and afterwards visited by the French. In order to anticipate that nation in their projected colonisation of the country, Western Australia was formally taken possession of and settled by Great Britain in 1829. The Settlement, of which Perth is now the capital, was established at Swan River, under regulations drawn up by Sir George Murray, then Secretary of State for the Colonies. Under the pro-

visions of statute 10 Geo. IV. cap. 22 (passed in that year), this portion of New Holland was colonised. Captain Stirling, in consequence of whose report in 1827, the attention of the British Government had been directed to the Colony, was appointed first Governor, aided by an Executive Council, consisting of the Colonial Secretary, Advocate-General, Surveyor-General, and Collector of Revenue.

A Legislative Council, composed of the above members, in conjunction with the two judges and three non-official members appointed by the Crown, was also constituted.

By Order in Council, dated May 1, 1849, Western Australia was nominated a place for the reception of convicts.

By the 9th section of 13 & 14 Vict. cap. 59 (the Australian Colonies Government Bill of 1850), it is enacted, that on the presentation of a petition signed by not less than one-third in number of the householders within the Colony of Western Australia, charging the expense of its Civil Government on the territorial revenues, a Legislative Council, with the same proportions of elective and noninee members as in the other Australian Colonies, may be established there; and until such petition be presented, the present constitution as defined by statute 10 Geo. IV. cap. 22, and the Order in Council of November 1, 1830, shall remain in force.

The salary of the Governor of Western Australia was, in 1854, £1800 per annum.

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## THE FOLLOWING HAVE HELD THE OFFICE OF GOVERNOR:—

Captain W. J. Stirling, R.N., 1829.  
 J. Hutt, 1839.  
 Andrew Clark, 1845.  
 Captain Fitzgerald, August 10, 1847.  
 A. E. Kennedy, January 13, 1855.

## ORDERS IN COUNCIL RELATING TO WESTERN AUSTRALIA.

Year.	Orders in Council.
1830	(November 1.) Authorising certain persons to make laws for the government of the Settlements in Western Australia.
1831	(May 18.) Approving device of a seal for the Government of Western Australia.
—	(October 12.) Approving report of Lords of the Admiralty on erecting Court of Vice-Admiralty in Western Australia.
1838	(June 8.) Reconstituting Legislative Council in Western Australia.
1846	(July 6.) Approving Commission and instructions to the Governor of Western Australia.
—	(August 1.) Appointing (under 10 Geo. IV. cap. 22) the collector of revenue in the Colony to be a member of the Legislative Council.
1849	(May 1.) Nominating Western Australia a place for the reception of convicts.
1850	(March 9.) Regulating the occupation of land in Western Australia.

ACTS OF THE IMPERIAL PARLIAMENT RELATING  
TO WESTERN AUSTRALIA.

Royal Assent.	Acts of Parliament, &c.
1829	(May 14.) 10 Geo. IV. cap. 22.—An Act to provide for the Government of His Majesty's Settlements in Western Australia. (Continued by 5 & 6 Will. IV. cap. 14; 6 & 7 Will. IV. cap. 68; 1 & 2 Vict. cap. 46; 4 & 5 Vict. cap. 43; 5 & 6 Vict. cap. 88; 7 & 8 Vict. cap. 57.)
1846	(August 28.) 9 & 10 Vict. cap. 104.—An Act to amend an Act for regulating the sale of waste lands belonging to the Crown in the Australian Colonies.
1850	(August 5.) 13 & 14 Vict. cap. 59.—An Act for the better government of Her Majesty's Australian Colonies.

PARLIAMENTARY REPORTS, ACCOUNTS, & PAPERS  
RELATING TO WESTERN AUSTRALIA.

Year.	Sessional Number.	Parliamentary Reports, &c.
1829	238	Correspondence between the Colonial Department, and certain gentlemen, proposing to form a Colony on the Swan River in Western Australia.
1830	275	Extract from despatches of Lieutenant-Governor Stirling, to Sir George Murray, relative to the progress of the Swan River Settlement.
1831	31	Estimate of the sum required to defray the charges of the Settlement of Western Australia for 1831.
1838	{ 685 } { 687 }	Expenses defrayed by Great Britain in Western Australia up to 1838; proceeds of land sales; tonnage of shipping cleared thither, with statistical report, and land regulations of the Colony.
1854	436	Despatches relating to emigration to Western Australia.

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## TASMANIA AND NORFOLK ISLAND.

Tasmania, or Van Dieman's Land, is an island situate about 100 miles south of Australia, first named from Van Dieman, the Governor of the Dutch East Indies, in 1642, when Tasman, the Dutch navigator, discovered it. It was visited by Captain Cook, in 1773, and circumnavigated, in 1798, by Mr. Bass, a navy surgeon, after whose name the straits which sever it from the mainland of Australia are called. In 1803, the first Settlement of re-transported convicts from New South Wales was formed at Risdon. These, in 1804, were removed by Lieutenant-Governor Collins to Hobart Town, so called after the then Secretary of State for the Colonies, Lord Hobart. In 1825, the Colony was declared by proclamation independent of New South Wales; and in 1829, by statute 9 Geo. IV. cap. 83, a constitution was established. This constitution consisted of a Legislative Council of not more than fifteen, nor less than ten members, partly official and partly non-official. An Executive Council, in aid of the Lieutenant-Governor, was also established, consisting of the Chief-Justice, Colonial Secretary, and Treasurer, and the officer in command of the troops.

By the 7th and 8th sections of the Australian Colonies Government Act (13 & 14 Vict. cap. 59), the Provincial Legislature, constituted by 9 Geo. IV. cap. 83, was empowered to establish in the Colony a Legislative Council, to consist of such number of members, not exceeding twenty-four, as

they should think fit; one-third of such members to be nominated by Her Majesty, and the remainder to be elected by the inhabitants. The provisions of the Act as to the formation of electoral districts, the qualifications and disqualifications of members and electors, and the general proceedings in reference to the elections in Van Dieman's Land, were precisely the same with those relating to the Colony of South Australia.

The present constitution of Van Dieman's Land has been defined, subject to the royal assent, by a Provincial Act, 18 Viet. cap. 18, which passed the Colonial Legislature, November 1, 1854.

By this Act, a Legislative Council and House of Assembly are constituted, to be called the "Parliament of Van Dieman's Land."

The Legislative Council to consist of fifteen members, aged thirty, being natural-born or naturalised subjects of Her Majesty, elected by the inhabitants, twelve months resident within the district for which they claim to vote, under any one of the following qualifications: namely, as freeholders of £50 per annum, graduates of British Universities, barristers, solicitors, medical practitioners, ministers of religion, military or naval officers. Seven members of the Legislative Council to form a quorum, and the President to be elective.

The second Chamber, or House of Assembly is to consist of thirty members, of full age; all natural-born or naturalised subjects (except judges and ministers of religion, contractors, and convicts), are eli-

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gible, and all the inhabitants of full age are entitled to vote under any of the following qualifications: as freeholders to the value of £100, as house or shop holders, or leaseholders (for three years), at £10 per annum, or possessing any of the above-named qualifications of electors for the Legislative Council.

By Order in Council, dated July 21, 1855, the name of Tasmania was formally substituted for Van Dieman's Land, as the designation of the Colony.\*

The salary of the Governor was, in 1854, £4000 per annum.

THE FOLLOWING HAVE HELD THE OFFICE OF GOVERNOR:—

Lieutenant-Colonel D. Collins, 1804.

Captain Murray, 1810.

Lieutenant-Colonel Giles, 1812.

Lieutenant-Colonel Danby, 1813.

Lieutenant-Colonel Sorell, 1817.

Lieutenant-Colonel George Arthur, 1824.

Captain Sir John Franklin, 1837.

Sir J. E. Eardley Wilmot, 1843.

Sir W. T. Denison, 1847.

Sir H. E. Young, August 11, 1854.

\* By patent, dated August 21, 1842, the episcopal diocese of Tasmania was constituted.

## NORFOLK ISLAND.

The island contains an area of about 9000 acres. It is situate about 900 miles from Port Jackson in Australia. It was first discovered by Captain Cook, in 1774, and first colonised from Sydney by a detachment of convicts, in 1790, and was afterwards used as a penal Settlement for desperate offenders (originally British convicts) from New South Wales. In 1834, statute 4 & 5 Wm. IV. cap. 65, was passed for the more effectual administration of justice at Norfolk Island. The government of Norfolk Island was subsequently committed to the Lieutenant-Governor of Van Dieman's Land, and the affairs of the convict establishment were placed under the supervision of the Comptroller-General of convicts at Hobart Town.

By Order in Council of December 29, 1853, a previous Order of September 4, 1848, whereby Norfolk Island was made a place to which felons might be conveyed, was revoked, and the convict establishment on the island has since been broken up, and arrangements have been made for settling there the inhabitants of Pitcairn's Island. By section 5 of statute 18 & 19 Vict. cap. 56, Her Majesty is empowered by Order in Council to separate Norfolk Island from the Colony of Van Dieman's Land.

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ORDERS IN COUNCIL RELATING TO  
VAN DIEMAN'S LAND AND NORFOLK ISLAND.

Year.	Orders in Council.
1824	(June 29.) Appointing Van Dieman's Land a place for the transportation of felons.
—	(October 10.) Empowering Judge of Supreme Court, having jurisdiction in Van Dieman's Land, to frame and alter rules and orders of said Court.
1829	(February 2.) Approving instructions to the Lieut.-Governor of Van Dieman's Land to render valid certain grants of land there.
—	(May 13.) Approving report on petition complaining of the conduct of the Lieutenant-Governor.
1842	(August 27.) Approving instructions to Lieutenant-Governor prescribing forms to be observed in conveyance of Crown lands.
1848	(February 11.) Approving instructions to Lieut.-Governor respecting grants of land and naturalisation of aliens.
1840	(October 6.) Approving additional instructions to the Lieut.-Governor prescribing regulations for sale and occupation of Crown lands for the future.
1853	(December 29.) Repealing former Order by which Van Dieman's Land and Norfolk Island were made places to which felons might be conveyed.

ACTS OF THE IMPERIAL PARLIAMENT RELATING  
TO VAN DIEMAN'S LAND AND NORFOLK ISLAND.

Year.	Acts of Parliament, &c.
1825	(June 10.) 6 Geo. IV. cap. 39.—An Act for granting certain powers and authorities to a Company to be incorporated by Charter, to be called the Van Dieman's Land Company for the Cultivation and Improvement of waste Lands in His Majesty's Island of Van Dieman's Land, and for other Purposes relating thereto. (Amended by 10 & 11 Vict. cap. 57.)

Year.	Acts of Parliament, &c.
1828	(July 25.) 9 Geo. IV. cap. 83.—An Act to provide for the administration of justice in Van Dieman's Land. ( <i>See</i> NEW SOUTH WALES.)
1834	(August 13.) 4 & 5 Will. IV. cap. 65.—An Act for the more effectual administration of justice at Norfolk Island.
1842	(March 15.) 5 Vict. (Sess. 2) cap. 3.—An Act to confirm an Act of the Legislature of Van Dieman's Land for authorising the levy of certain duties of Customs, and on spirits.
—	(July 30.) 5 & 6 Vict. cap. 76.—An Act for the government of Van Dieman's Land. ( <i>See</i> NEW SOUTH WALES.)
1845	(August 4.) 8 & 9 Vict. cap. 95.—An Act to exempt Van Dieman's Land from the provisions of 5 & 6 Vict. cap. 36, regulating the sale of Crown lands.

PARLIAMENTARY REPORTS, ACCOUNTS, & PAPERS  
RELATING TO VAN DIEMAN'S LAND AND  
NORFOLK ISLAND.

Year.	Sessional Number.	Parliamentary Reports, &c.
1841	412	Correspondence between Secretary of State and Governor of Van Dieman's Land on the subject of secondary punishments.
1845 } 1847 }	785 {	Correspondence on the subject of breaking up the convict establishment at Norfolk Island.
1851	681	Return of convicts sent to Van Dieman's Land, from 1844 to 1850 inclusive.
—	684	Return of convicts and emigrants sent to Van Dieman's Land, distinguishing classes of males and females.
1854	436	Despatches relating to emigration to Van Dieman's Land.
—	1795	Papers relating to convict discipline and transportation.

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## NEW ZEALAND.

New Zealand comprises the insular territories lying between the 33rd and 50th parallels of S. latitude, and the 162nd and 163rd meridians of E. longitude, portions of which were explored by Tasman under the direction of the Dutch East India Company in 1642, and afterwards visited at various times between 1769 and 1777 by a British naval officer, formerly employed in North America, Captain Cook. The islands of New Zealand were virtually attached to the Colony of New South Wales in 1787, by a royal Commission, including within the limits of that Colony "all the islands adjacent in the Pacific Ocean, between the latitude of Cape York, and the South Cape." The first settlement by British subjects took place in 1814, when a station was established at the Bay of Islands in the northern island, under the auspices of the Church Missionary Society. At the instance of Mr. Marsden, then Government Chaplain at Sydney, the Governor of New South Wales recognised by Proclamation in that year, the authority of Mr. Kendall, as resident magistrate, in any disputes between the natives and British sailors; and in 1833, a British resident was formally appointed, his salary of £500 a year being charged on the Civil List of New South Wales, and on him devolved the cognisance of offences defined by statute 9 Geo. IV. cap. 83, s. 4.

In 1835, thirty-five chiefs, apprehensive of an attempt on the part of the French to seize New Zealand, subscribed a Declaration, constituting themselves

into an Independent State, under the designation of the "United Tribes of New Zealand." This, however, led to no political results.

In order to provide for the government of the Settlements in the northern island, Kororarika especially, and to carry out the recommendations of the Aborigines Committee of the House of Commons in 1836, and of the Lords' Committee on New Zealand in 1838, and in pursuance of an Act of the Imperial Parliament, 3 & 4 Vict. cap. 62, letters patent were issued in 1839, authorising the Governor of New South Wales to include within the limits of that Colony "any territory which is or may be acquired in sovereignty by Her Majesty, her heirs and successors, within that group of islands commonly called New Zealand, lying between 34° 30' and 47° 10' S. latitude." A Lieutenant-Governor and Consul (Mr. Hobson) was appointed by Lord Normanby. His staff consisted of a Treasurer, a Collector of Customs, a Police Magistrate, two Clerks, and four Troopers of the New South Wales mounted Police. At his instance a Treaty by which the Queen's sovereignty was recognised, and the rights of the natives guaranteed, (subject to a power of pre-emption reserved to the Crown, over their lands,) was concluded. This Treaty was signed by 512 natives at Waitangi on the northern island, February 6, 1840, after which, British authority was proclaimed on both islands. By Order in Council of October 3, 1840, letters patent were issued "For erecting into a separate Colony the islands of New Zealand," in pursuance of the statute 3 & 4 Vict.

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cap. 62, passed in the same year, by which Her Majesty was empowered to constitute the then Dependencies of New South Wales, of which New Zealand was the most important, into a new and distinct Government, with powers to frame its own laws, subject to the confirmation of Her Majesty in Council; all laws and ordinances so framed to be laid before the Imperial Parliament. Accordingly a Charter under the royal sign manual was issued on the 16th November, 1840, for erecting the Colony of New Zealand, and for creating and establishing a Legislative and Executive Council, and for granting certain powers and authorities to the Governor for the time being of the said Colony.

By this Charter the limits of the Colony were defined, and it was declared, that the three principal islands heretofore known as the "Northern," "Middle," and "Stewart's," should be designated respectively as New Ulster, New Munster, and New Leinster. The Legislative Council was to consist of not less than six members nominated by the Crown, and empowered to make laws and ordinances for the Colony, under instructions from the Queen in Council. The Executive Council was composed of three of the principal members of the Government. Provisions were also made in the Charter for the survey of the Colony and its division into counties, hundreds, and parishes, for the protection of the natives, and the promotion of Christian civilisation. The seat of Government was established at Auckland, and a Civil List, fixing the salaries of the Governor and other officers, was drawn up.

By a royal Charter granted February 12, 1841, the

"New Zealand Company," which had been organised under another title in 1837,\* received a grant of land in the Colony, in the proportion of four acres for every pound sterling proved to have been expended in its settlement, on the understanding also of the previous extinguishment by lawful contract of all native titles to such land. This Company, with the aid of advances to the amount of £236,000 out of the Consolidated Fund of Great Britain, voted by the Imperial Parliament, established, at various times, the Settlements of Wellington and New Plymouth in Ulster, and Nelson, Canterbury, or Port Cooper, and Otago in Munster, and continued its colonising operations for nine years, when in 1850 its Charter was surrendered, and the Company's lands reverted in the Crown, subject to a charge of one-fourth of the revenue to arise from the sale of waste lands in the Colony, until the claims of the Company (assessed in statute 10 & 11 Vict. cap. 112, at £268,370 15s., with interest at 3½ per cent.) should be discharged.

By an Ordinance passed by the Legislative Council at Auckland, June 7, 1841, it was enacted that "all unappropriated lands within the Colony of New Zealand, subject, however, to the rightful and necessary occupation and use thereof, by the aboriginal inhabitants of the Colony, are and remain Crown or domain lands of Her Majesty, her heirs and successors, and that the sole and absolute rights of pre-emption from the said aboriginal inhabitants, rests in and can only be exercised by Her Majesty, her heirs and successors."

In 1846, by an Act of the Imperial Parliament,

\* "The New Zealand Colonisation Company."

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9 & 10 Vict. cap. 103, a constitution was framed, comprising Legislative Assemblies for both Provinces, whose management was to be committed to two Governors and two Lieutenant-Governors, under the Governor-in-Chief, providing also for the establishment of municipal corporations; but this measure, being complicated and impracticable in its provisions, was never carried out, and in 1848 (by statute 11 Vict. cap. 5) was suspended for five years, and the constitution of 1839 revived, with the addition of a Legislative Council established at Wellington, and a Lieutenant-Governor of the southern island.

By statute 15 & 16 Vict. cap. 72, which received the royal assent June 30, 1852, the present Representative Constitution of New Zealand was established. By that Act a General Assembly was constituted, consisting of a Legislative Council of not less than ten members appointed for life\* (five to be a quorum), also a House of Representatives of not more than forty-two, nor less than twenty-four, to be elected for five years. Six Provinces, Auckland, New Plymouth, Wellington, Nelson, Canterbury, and Otago, were also established in the Colony, each to be governed by a Superintendent and a Provincial Council, of not less than nine members; both Superintendent and Council to be elected by the inhabitants for four years, unless the Councils should be earlier dissolved by the Governor. By the 19th section of the Act, the Provincial Councils are restrained from legislating on Customs duties, coinage, weights and measures, post-office regulations, light-

\* By the Crown. See ss. 34-9 of the Act.

houses, shipping dues, Crown lands, or from altering the civil and criminal law; and by the 30th section, all Bills to which the Superintendent has not a delegated authority to assent, must be reserved for that of the Governor. The uniform qualifications of members and electors for the General and Provincial Councils, and for the House of Representatives, and for the Provincial Superintendents, are as follows:—

All persons of full age being freeholders to the clear value of £50, or £10 leaseholders for three years, or £10 householders in towns, or £5 householders without the limits of towns, being natural-born or naturalised, are qualified as members or electors. The General Assembly is empowered to alter the electoral districts, and the number of members, and to regulate the sale of waste lands, the rights of the New Zealand Company (under statute 10 & 11 Vict. cap. 112), of the Canterbury Association (under statutes 13 & 14 Vict. cap. 70, and 14 & 15 Vict. cap. 84), of the Nelson Settlement (under 14 & 15 Vict. cap. 86), and of the Otago Association under valid contracts, between that body and the New Zealand Company, being reserved. The Associations of Otago and Canterbury respectively are also empowered to transfer their powers to the Provincial Councils. By Royal Instructions of September 13, 1852, an Executive Council was constituted, the members of which are now, in pursuance of a despatch of December 8, 1854, responsible to, and removable by votes of, the General Assembly.

The salary of the Governor of New Zealand was, in 1854, £2500 per annum.

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THE OFFICE OF GOVERNOR HAS BEEN HELD BY THE FOLLOWING PERSONS.

Captain Hobson, 1839.

Captain Fitzroy, 1843.

Sir George Grey, 1845.

Colonel Gore Browne, November 14, 1854.

### CHATHAM ISLANDS.

The largest of these islands comprises an area of about 300,000 acres. It was discovered, in 1791, by Broughton and Vancouver. The islands were, in 1841, constituted as a Dependency under the protection of Her Majesty's Government in New Zealand.

### AUCKLAND ISLANDS.

These islands are about 180 miles south of New Zealand. They comprise—one island containing about 100,000 acres, and several small islands. They were discovered in 1806, by a whale ship belonging to Mr. Enderby, to whose firm a lease, for 30 years, of the islands was, in 1847, granted by the Crown, which lease was, in 1848, transferred to the Southern Whale Fishing Company, incorporated in that year by Royal Charter. Mr. Charles Enderby was appointed the Company's Commissioner, and Lieutenant-Governor, but resigned in 1852.\* The islands are now under the general Government of New Zealand.

\* Vide Parliamentary Paper, 369. 1855.

ORDERS IN COUNCIL RELATING TO NEW  
ZEALAND AND ITS DEPENDENCIES

Year.	Orders in Council.	Year.
1840	(October 3.) Approving Commission to Captain Hobson, Governor and Commander-in-Chief of the islands of New Zealand.	1850
—	(October 3.) Approving letters patent for erecting into a separate Colony the islands of New Zealand, in pursuance of statute 3 & 4 Vict. cap. 62, s. 2, and instructions under s. 3 of that Act.	1852
—	(December 8.) Approving device of a seal for the Government of New Zealand.	1853
1841	(January 25.) Empowering Lords of the Admiralty to establish a Vice-Admiralty Court in New Zealand.	1855
1842	(August 27.) Appointing Wellington, Auckland, and Russell, in New Zealand, to be free ports.	
1843	(August 23.) Empowering French ships and ships belonging to States within the limits of the East India Company's Charter, to trade with New Zealand.	ACTS C
1846	(December 19.) Approving a Charter to provide for the government of New Zealand.	Royal Assent.
1847	(February 4.) Approving additional instructions to the Governor, in pursuance of statute 9 & 10 Vict. cap. 103, to make further provision for the government of the New Zealand Islands.	1840
—	(April 24.) Approving devices of public seals for the Governments of New Ulster and New Munster, in New Zealand.	1846
—	(November 22.) Approving additional instructions to the Governor respecting the royalty to be reserved on minerals raised from waste lands.	—
1849	(January 15.) Approving additional instructions to the Governor as to the extent of rural lots, and the disposal of Crown lands by auction.	1847
—	(May 1.) Approving Charter for incorporating the Canterbury Association for founding a Settlement in New Zealand.	1848
1850	(January 30.) Approving additional instructions to the Governor, authorising him to grant land in New Zealand, on certain conditions, to naval and military officers, military pensioners, and aboriginal inhabitants.	1849

Year.	Orders in Council.
1850	(July 15.) Approving additional instructions to the Governor respecting the application of the proceeds of land sales in New Zealand, and repealing so much of chapter 13 of Royal Instructions of 1846, as relates to certain demesne lands of the Crown in the Province of New Munster.
1852	(October 16.) Approving proclamation limiting the tender of silver coins.
1853	(June 13.) Approving additional instructions to the Governor, providing for the maintenance of the terms of purchase of land, and of pasturage licences.
1855	(March 31.) Assenting to a reserved Act of the Legislature to authorise the General Assembly to empower the Provincial Councils to enact laws regulating the sale of waste lands.

ACTS OF THE IMPERIAL PARLIAMENT RELATING  
TO NEW ZEALAND.

Royal Assent.	Acts of Parliament.
1840	(August 7.) 3 & 4 Vict. cap. 62.—An Act to provide for the constitution of new Colonies within the existing limits of New South Wales.
1846	(August 3.) 9 & 10 Vict. cap. 42.—An Act to authorise a loan from the Consolidated Fund to the New Zealand Company. (Amended by 9 & 10 Vict. cap. 82.)
—	(August 3.) 9 & 10 Vict. cap. 103.—An Act to make further provision for the Government of the New Zealand Islands.
1847	(July 23.) 10 & 11 Vict. cap. 112.—An Act to promote colonisation in New Zealand, and to authorise a loan to the New Zealand Company.
1848	(March 7.) 11 Vict. cap. 5.—An Act to suspend for five years the operation of 9 & 10 Vict. cap. 103, and to make other provisions in lieu thereof.
1849	(August 1.) 12 & 13 Vict. cap. 79.—An Act to facilitate the execution of conveyances and other in-

Royal Assent.	Acts of Parliament.
	struments by or on behalf of the New Zealand Company in New Zealand.
1850	(August 14.) 13 & 14 Vict. cap. 70.—An Act empowering the Canterbury Association to dispose of certain lands in New Zealand.
1851	(August 7.) 14 & 15 Vict. cap. 84.—An Act to alter and amend 13 & 14 Vict. cap. 70, giving certain powers to the Canterbury Association.
—	(August 7.) 14 & 15 Vict. cap. 86.—An Act to regulate the affairs of certain Settlements of the New Zealand Company.
1852	(June 30.) 15 & 16 Vict. cap. 72.—An Act to grant a Representative Constitution to New Zealand.
—	(July 1.) 15 & 16 Vict. cap. 88.—An Act to remove doubts as to the constitution of Christchurch Bishopric, and to enable Her Majesty to subdivide the diocese of New Zealand.

PARLIAMENTARY REPORTS, ACCOUNTS, AND PAPERS RELATING TO NEW ZEALAND.

Year.	Sessional Number.	Parliamentary Reports, &c.
1835	585	Communications with the Colonial Office, relative to an expedition for the recovery of British subjects detained by natives in New Zealand.
1837-8	122	Despatch from Governor Sir R. Bourke to Lord Glenelg, with four inclosures relative to the affairs of New Zealand.
—	680	Report from the Lords' Select Committee appointed to inquire into the present state of New Zealand, and the expediency of regulating the settlement of British subjects therein.
1810	560	Despatches containing reports of Captain Hobson of his proceedings on his arrival at New Zealand.

Year.	Sessional Number.	Parliamentary Reports, &c.
1840	582	Report from the Commons' Select Committee, with Appendix, containing statements of the Committees of the Church Missionary and the Wesleyan Missionary Societies, relative to the New Zealand Mission; also statement of schools, scholars, congregations, and communicants, in the Colony: also list of ships despatched by the New Zealand Company since the date of its foundation; also survey of native lands.
1842	569	Return of lands sold by Government in the Colony of New Zealand, since these islands became a British Colony.
1844	556	Reports from the Commons' Select Committee, with minutes of evidence, and map of the Colony of New Zealand, with Appendix, containing correspondence relative to the finances of the New Zealand Company, and the titles to their lands, together with their assets and liabilities, receipts and expenditure, in their various Settlements; also relative to the aborigines, and proposals for Church extension by the Society for the propagation of the Gospel; also despatches reporting the claims of the Nanto-Bordelaise Company, to Banks's Peninsula.
1845	{ 247 360 }	Despatches from Governor Fitzroy.
—	{ 357 660 }	Correspondence between the Colonial Office, and the New Zealand Company, on the constitution of the Colony.
—	378	Returns of land claims.
1846	203	Awards of land claims of Commissioner Spain.
1849	86	Statistics of New Zealand. Population, trade, &c.
1850	1280	Papers relative to the affairs of New Zealand.
1851	1398	Papers relating to the surrender of their Charters by the New Zealand Company
1852	570	Correspondence between the Colonial

500

Year.	Sessional Number.	Parliamentary Reports, &c.
		Office and the Commissioners, and the Directors of the New Zealand Company, before July, 1850, since the passing of statute 10 & 11 Vict. cap. 112.
1852	{ 1475	Papers relative to the proposed constitution of New Zealand, and the surrender of the Company's Charter.
	{ 1476	
1853	{ 1483	
1853	122	Correspondence respecting the Auckland Islands, and Mr. Enderby's absence therefrom.
—	206	Correspondence respecting the Canterbury Settlement in New Zealand.
1854	392	Correspondence respecting the Bishop of New Zealand.*
1855	160	Correspondence on the subject of Responsible Government.

\* By patent dated October 14, 1841, the episcopal diocese of New Zealand was constituted.

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## CHAPTER VII.

## HISTORICAL SKETCH OF THE SYSTEM OF TRANSPORTATION OF CRIMINALS TO THE BRITISH DEPENDENCIES.

IT is not intended here to discuss the vast question of Secondary Punishments, or even the *policy* of Transportation as a system, but simply to give a brief sketch of the history of that system as it has hitherto affected the relations of the British Dependencies with the Parent State. Transportation is not an invention of this age or country. Great Britain has, in adopting that form of secondary punishment, only imitated the example of other countries in past and present times. The Greeks, for instance, banished offenders to the islands of the Ægean, the Romans to Sardinia, the Portuguese to Africa and South America. Spain now transports her criminals to Puerto Rico; Holland to Batavia, and France to Cayenne and Algiers.\*

The transportation of offenders from Great Britain was first authorised under the equivalent designation of "Banishment" by statute 39 Elizabeth, cap. 4, passed in the year 1597. By that Act, justices of the peace were empowered to banish "dangerous rogues and vagabonds," but no special place or country was named for their reception. The first

\* Convicts are also now transported from Bengal to Singapore, Tenasserim, and Arracan.

public documents authorising the transportation of convicts, which specially designate their destination, are three Orders in Council, dated January, 1614, July, 1615, and March 20, 1617, respectively, directing certain criminals "to be delivered to the Governor of the East India Company, to be transported to the East Indies." Other Orders to the same effect will be found about the same period in the records of the Council Office.

By a letter dated in 1619, and addressed by King James I. to the Treasurer and Council of Virginia, they were commanded to send a hundred dissolute persons to Virginia, which the knight-marshal would deliver to them for that purpose. By Order in Council of April 10, 1620, twenty men and women, repleved criminals, are ordered to be transported to the Summer Islands. By statute 18 Car. II. cap. 3 (passed in 1666), the English judges are empowered, at their discretion, either to "execute or transport for life, the moss-troopers of Cumberland and Northumberland."

By statute 4 George I. cap. 2, passed in 1717, and continued by statute 6 George I. cap. 23, the courts were allowed a discretionary power to order felons who were by law entitled to their clergy, to be transported to the American Plantations. This system, as authorised by these statutes, continued until the commencement of the War of Independence in 1774.

A brief interval now occurred, during which the punishment of transportation was discontinued, and by statute 19 George III. cap. 74, passed in pur-

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suance of the recommendations of Judge Blackstone, Mr. Eden. (afterwards Lord Auckland), and Mr. Howard, provisions were made for the erection of penitentiaries. This plan was never carried into execution by the Government, and the system of transportation was consequently resumed.

In 1784, by statute 24 George III. cap. 56, His Majesty in Council was empowered to appoint to what place beyond the seas offenders should be transported, and this power was exercised by two Orders in Council, dated Dec. 6, 1786, appointing the eastern coast of Australia, and the adjacent islands, as places for the reception of convicts. It was in pursuance of these Orders that the first penal settlement in the colony of New South Wales was formed in 1788.

In 1812, a Select Committee of the House of Commons was appointed to inquire into "the manner in which sentences of transportation are executed, and the effects which have been produced by that mode of punishment." This Committee consisted of the following members:—The Hon. George Eden, Sir Samuel Romilly, Mr. Abercromby, Mr. Brand, Sir C. Bunbury, Lord George Grenville, Sir C. Burrell, Mr. Ryder, Mr. MacDonald, Mr. Pole-Carew, Sir Ridley Colborne, Mr. Vernon, Mr. Gooch, Mr. Horner, Mr. Greenough, Mr. Peel, and Mr. Lygon.

In their Report, dated July 10, 1812, this Committee having examined fourteen witnesses conversant with the convict system, as then pursued in the Australian Colonies, recommended the following modifications in that system:—1. The earlier dis-

tribution of convicts to settlers. 2. The equalisation of the sexes by the introduction of a larger number of female convicts. 3. The limitation of the Governor's power of granting conditional pardons. The Committee also advised the permission of distillation in New South Wales, and the reform of the Courts of Justice.\*

In 1819, the mode of treatment of convicts in New South Wales and Van Dieman's Land, again became the subject of a Parliamentary inquiry, at which the Right Hon. Charles Bathurst presided, and in the minutes of evidence appended to the Report presented July 12 in that year, the then existing system is minutely described. The Report itself contains no special recommendation on the subject.

In 1823, by statute 4 George IV. cap. 47, the employment in the Colonies of male convicts under sentence of transportation, was authorised by Parliament.

In 1824, by statute 5 George IV. cap. 84, a new element was introduced into the system of transportation, by giving to the Governor of a penal Colony, a property in the services of a transported offender, for the period of his sentence, and authorising him to assign over such offender to any other person. By Order in Council of June 23, in the same year, Van

\* It appears from this Report, that at that time the total population of the four chief districts of New South Wales—Sydney, Paramatta, Hawkesbury, and Newcastle—was, according to the last returns, 10,454; that of the two Settlements in Van Dieman's Land—Dalrymple and Hobart Town—1321; and that of Norfolk Island, 177 inhabitants.

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Dieman's Land was appointed a place for the transportation of felons.

In 1828, by statute 9 George IV. cap. 83, the Governors of penal Colonies were empowered to grant a temporary or partial remission of sentence, and their powers in this respect are defined by statute 2 and 3 Wm. IV. cap. 62. Various provisions for the reception and discipline of transported convicts, were subsequently made from time to time by Colonial laws, framed by the Local Legislatures of New South Wales and Van Dieman's Land, established under statute 9 George IV. cap. 83.

In 1834, an Imperial Act (4 and 5 Wm. IV. cap. 67) was passed for abolishing capital punishment in cases of convicts returning from transportation.

By a vote of the House of Commons, April 7, 1837, it was ordered "that a Select Committee be appointed to inquire into the system of transportation, its efficacy as a punishment, its influence on the moral state of society in the penal Colonies, and how far it is susceptible of improvement." A Committee was nominated consisting of the following members:— Sir Wm. Molesworth, Lord John Russell, Sir George Grey, Mr. Leader, Mr. Ward, Mr. Hawes, Mr. Ord, Lord Howick, Sir T. Fremantle, Mr. F. Baring, Sir Robert Peel, Mr. Charles Buller, Lord Ebrington, Sir Charles Lemon, and Mr. French.

This Committee reported, on the 14th of July, their inability to present to Parliament, until the following session, the result of their labours, but urged "the necessity of further and serious investigation

into the efficacy of transportation as a punishment, and its bearing on the welfare and morality of the community to which it has been applied as a means of colonisation."

By a subsequent vote of Nov. 24 in the same year, the same Committee was re-appointed, and having examined at great length fifteen witnesses conversant with convict discipline, both in the penal settlements and in England, presented, on the 3rd of August, 1838, a Report which concluded with the following resolutions :—

1. "That transportation to New South Wales, and to the settled districts of Van Dieman's Land, should be discontinued as soon as practicable.

2. "That crimes now punishable by transportation, should in future be punished by confinement with hard labour, at home or abroad, for periods varying from two to fifteen years.

3. "That, for the purpose of effectually maintaining discipline and subordination among the convicts sentenced to confinement abroad, of promoting the legitimate ends for which punishment is inflicted, and also of preventing a recurrence of those social evils which have been found by experience to result from transportation as hitherto conducted, the penitentiaries, or houses of confinement, that may be established abroad, shall, so far as possible, be strictly limited to those places wherein there are at present no free settlers, and wherein effectual security can be taken against the future resort of such settlers.

4. "That rules should be established by which the

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existing practice of abridging the periods of punishment of convicts in consequence of their good conduct may be brought under stricter regulation, and rendered less vague and arbitrary.

5. "That on account of the difficulty which a convict finds in this country in procuring the means of honest livelihood after the expiration of his sentence, and on account of the temptations to which he is thereby exposed, it would be advantageous to establish a plan by which a convict might receive encouragement to leave the country, with the prospect of supporting himself by regular industry, and ultimately regaining the place in society which he had forfeited by crime. That if such encouragement were limited to convicts who should have conducted themselves uniformly well during their confinement, it might, at the same time, operate as an encouragement to good behaviour during confinement, and might considerably diminish the prejudice which must, to a certain degree, attach to any person known to have been convicted of a serious offence.

6. "That the convicts who have been punished abroad, should be compelled to leave the Settlement in which they have been punished, within a limited period after the expiration of their sentences, and that means should be afforded them by the Government for this purpose."

An appendix (No. 10) to the Report of this Committee contains a paper on the subject of Secondary Punishments,\* founded on Parliamentary Reports,

\* Prepared by D. D. Heath, Esq.

and on Official Documents, in the office of the Secretary of State. The object of this paper, as set forth at its commencement, is "to determine the question whether it be advisable to continue the present mode of punishment by transportation, and, if the evils arising from it should seem to demand a change, to inquire what other plan may be advantageously substituted for it."

The whole question is considered in its moral, social, political, and financial aspects, and this document concludes by recommending the establishment of penitentiaries on the solitary system, on a large scale, and the gradual discontinuance of transportation.

The system as it existed in 1838, is thus described by the Committee:—Convicts, after sentence of transportation, were sent to the hulks or gaols till the period of their departure arrived. During the voyage, they were placed under the control of a "surgeon-superintendent," who was furnished with instructions from the Admiralty. On their arrival at their destination, a report was made to the Governor, and a day appointed on which the Colonial Secretary went on board, mustered the convicts, and directed the removal of the males to the convict barracks, and of the females to the penitentiaries, or at once, if hired, into private service. The convicts were then classified by an officer, called the Superintendent of Convicts. With the exception of those whose past crimes and present characters involved the necessity of continued surveillance and coercion, the convicts were immediately assigned to settlers, on application made to an officer

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called the Commissioner for the Assignment of Convicts, who was guided in his distribution of them by certain Government regulations.

During the first period of the Australian penal Settlements, the supply of convicts so much exceeded the demand, that a premium was given to settlers willing to maintain convicts. Subsequently, the demand so far exceeded the supply, that the obtaining convict labour became a matter of difficulty and competition. Settlers to whom convicts were assigned, were bound to send for them within a certain period of time, and to pay the sum of £1 a-head for the clothing and bedding of each convict, who was entitled to receive from his master a fixed amount of food and clothing. The position of assigned convicts differed materially not only in the different Settlements, but according to the temper and character of their respective masters. In Van Dieman's Land, the assigned were required to live under the roof of their employers; they received no wages for their labour, could not work for themselves, or go anywhere without a pass. The encouragement held out to convicts under this system, as the reward of good conduct, was a "ticket of leave," and eventually a conditional or unconditional pardon. Tickets of leave might be obtained by convicts who had originally been sentenced for seven years, fourteen years, or for life, after a residence of four, six, or eight years respectively in a penal Settlement. Pardons or emancipations might be obtained by those originally transported for fourteen years, at the fulfilment of two-

thirds of their sentence, and by those under life sentences, at the termination of twelve years' uniform good conduct.

In January, 1839, certain alterations were introduced into the system in Van Dieman's Land, in pursuance of instructions from Lord Glenelg to Sir John Franklin, then Governor of that Colony; the chief of which were:—

1. The discontinuance of the assignment of convicts as domestic servants.

2. The preliminary discipline of all convicts before assignment in classified gangs.

3. The division of the ticket-of-leave holders into two classes:—the first, or lowest, to be entitled to a certain maximum amount of wages, and to choose their own masters; the second, to be enabled to hold property, real or personal, to attend only the annual muster, to change their residence at their own option, and not to be liable to lose their tickets of leave, unless by sentence of the Supreme Court.\*

The Report of the House of Commons' Committee of 1838, evoked a counter-expression of opinion on the part of the Legislative Council of New South Wales, as recorded in the following resolutions passed by that body in 1839:—

“Resolved, that if transportation and assignment have hitherto failed to produce all the good effects anticipated by their projectors, such failure may be

\* The Parliamentary documents relating to these changes are abstracted in Mr. M. Martin's account of Van Dieman's Land.

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traced to circumstances, many of which are no longer in existence, while others are in rapid progress of amendment. Also, that in the opinion of this Council, no system of penal discipline, or secondary punishment, will be found at once so cheap, so effective, and so reformatory, as that of well-regulated assignment, accompanied by adequate religious instruction."

In Van Dieman's Land, the Report of the Committee was regarded as a libel on the free population, who considered themselves to be involved in the general allegations it contained as to the moral and social condition of the Colony. The Report of the Committee of 1838 may nevertheless be regarded as the inauguration of a new era in the history of transportation; for though received at first with disfavour in the penal Settlements, and though all the recommendations it contained were not immediately adopted by Parliament, it has formed the basis of much subsequent Imperial legislation on the subject.

In 1839, preparations were made by Lord Normanby, then Secretary of State for the Colonies, for the gradual abolition of assignment, and the diminution in the number of prisoners to be transported.

In 1840, transportation to New South Wales was discontinued by Order in Council, dated May 22, and in 1841, certain regulations were introduced by Lord John Russell for applying the separate system to the worst class of convicts in Van Dieman's Land. In the same year, the assignment system (originally established by statute 9 Geo. IV. cap. 83) was finally

discontinued in Van Dieman's Land, and in 1842 a plan involving a more gradual absorption of convicts into the population, called the "Probation System," was attempted under the auspices of Lord Stanley. The rapid influx of convicts into Van Dieman's Land during the three following years, rendered every effort for their distribution and discipline ineffectual, and in November, 1845, despatches were sent out by Lord Stanley, containing instructions for the formation of a new penal Settlement at Harvey Bay, in North Australia, for the purpose of "relieving Van Dieman's Land from the constant and increasing pressure of the large body of pardoned convicts who were there vainly seeking the means of subsistence." By letters patent dated February 2, 1846 (Mr. Gladstone having then succeeded Lord Stanley in the Colonial Department), this scheme was initiated, and a certain number of "exiles" was actually removed to the new Settlements. On Lord Grey's accession to office, by Order in Council dated Dec. 19, in the same year, the letters patent were cancelled, and four years afterwards the survivors, who still remained at Harvey Bay, were removed by a British ship of war, sent from Singapore, and the Settlement finally abandoned.

In 1847, in consequence of alleged difficulties and abuses attending former plans of convict management in the penal Colonies, a new system was introduced, which is described, in an official letter from Sir George Grey, then Secretary of State for the Home Department, dated January 20, 1847, as consisting of "a limited

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period of separate imprisonment, succeeded by employment on public works, either abroad, as at Gibraltar or Bermuda, or in Great Britain, and ultimately followed by exile or banishment for the remaining period of the original sentence." The "exiles," as they were called, sent out under this system, held conditional pardons, but were practically free on their first landing at their final destination; but in the following year (1848) it was deemed expedient to adopt some contrivance which might operate as a stimulus to good conduct, and as a restraint on the evil disposed. Tickets of leave were therefore granted to all the exiles, who were not permitted to leave the custody of the Government, until they had made an agreement with some settler to serve him for not less than a year, the employers being responsible for paying to the Government a certain sum annually from their wages. These ticket-of-leave holders were not considered eligible for conditional pardons, until they had paid a certain sum in this manner, and had behaved well for a time, varying according to the length of their respective sentences.\*

In 1849, £30,000 having been voted for the purpose by Parliament, a certain number of free persons and of military pensioners were introduced into the Colony of Van Dieman's Land, for the purpose both of infusing a loyal element into the population, and increasing its means of defence.

Statute 10 & 11 Vict. cap. 54, provided for the

\* Vide Lord Grey's Colonial Policy, vol. ii. p. 24.



enrolment of these pensioners for occasional duty in the Colonies to which they might be sent.

It must be observed that the system thus organised, had no reference to New South Wales. Transportation to that Colony had been suspended by an Order in Council of May 24, 1840, and (after an ineffectual attempt to render its renewal acceptable to the Colonists by a scheme for the simultaneous importation of an equal number of free emigrants) was finally abolished, so far as New South Wales was concerned, by Order in Council of June 25, 1851.

In the meantime, an attempt equally unsuccessful had been made to plant the germ of a penal Settlement in South Africa. By Order in Council of September 4, 1848, the Colony of the Cape of Good Hope was appointed a place for the reception of convicts, and in the course of the following year a certain number of Irish convicts, who had been originally sent to Bermuda, were, in pursuance of the Order above cited, re-transported to the Cape. The repugnance of the Colonists to this measure, rendered it impracticable. The convicts were not landed, but forwarded with conditional pardons to Van Dieman's Land, and by Order in Council of January 8, 1850, the obnoxious Order of September 4, 1848, was revoked, and the scheme of transportation to the Cape of Good Hope finally abandoned.

The next experiment in the disposal of convicts from Great Britain, was the establishment of the penal Settlement in Western Australia. By Order in Council of May 1, 1849 (in pursuance of a peti-

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tion from the inhabitants of Western Australia, representing the distress arising there from the deficiency of labour), that Colony was nominated a place for the reception of convicts. In January, 1850, a penal Settlement was formed at Perth, consisting partly of convicts who had not fulfilled their period of imprisonment at home, and partly of holders of tickets of leave.

The difficulties attending the administration of convict discipline in Van Dieman's Land, were now greatly increased by the disputes arising between the local Government of that Colony and those of the Australian mainland, relative to the immigration to the latter, of "expirees" and emancipats from Van Dieman's Land.\* In pursuance of a petition addressed to Her Majesty by the Legislative Council of that Colony, and dated September 16, 1853, an Order in Council was issued in January, 1854, by which transportation to Van Dieman's Land was finally abolished. The same course had been adopted with respect to Norfolk Island, by an Order of December 29 of the previous year.

Western Australia is now, therefore, the only British Dependency to which offenders from the United Kingdom, or military convicts from other Colonies, can be transported. During the first four years after the organisation of the penal Settlements at Perth, about 3000 of the class first mentioned were transported thither.

\* An Act "to prevent the influx of Criminals into Victoria," received the Governor's assent, November 16, 1854.

With respect to the establishments at Gibraltar and Bermuda, it only remains to be observed that they are not penal Settlements, but simply temporary receptacles for convicts, who are not allowed, after their release, to remain in either of these places; and during their sojourn there, are under the same discipline as exists in the hulks and convict prisons of the United Kingdom.

ORDERS IN COUNCIL RELATING TO TRANSPORTATION.

Year.	Orders in Council.
1614	(January.) For ordering certain criminals to be transported to the East Indies.
1615	(July.) For delivering J. Gates, and other rerieved convicts, to the Governor of the East India Company to be sent to India.
1617	(March 20.) For delivering John Browne, now a prisoner in the Castle of Canterbury, unto Sir J. Smith, Governor of the East India Company, to be sent beyond the seas to the East Indies.
1618	(Nov. 30.) Ordering James Stringer, a prisoner in Newgate, to be sent to Virginia, and Henry Read to be sent to the East Indies.
1619	(April 8.) Ordering Henry Lightwood to be sent to the East Indies.
—	(November 12.) Ordering J. Barré, a Burgundian, to be transported.
1620	(April 10.) Ordering twenty men and women, rerieved criminals, to be transported to the Summer Islands.
1786	(December 6.) Two Orders in pursuance of statute 24 Geo. III. cap. 56, appointing the eastern coast of Australia, and the adjacent islands, to be places to which convicts, sentenced to be transported beyond the seas, may be conveyed.
1824	(June 23.) Order directing certain male convicts to be kept to hard labour at Bermudas.
1825	(November 11.) Order relating to transportation.

Year.

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Royal Assent.

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Year.	Orders in Council.
1840	(May 22.) Order discontinuing transportation to New South Wales.
1841	(April 1.) Authorising the transportation of convicts from the United Kingdom to Gibraltar.
1848	(September 4.) Appointing New South Wales, Van Dieman's Land, Norfolk Island, and the Cape of Good Hope as places to which convicts might be conveyed, and discontinuing transportation from other Colonies to New South Wales.
1849	(May 1.) Nominating Western Australia a place for the reception of convicts.
1850	(January 8.) Revoking Order of September 4, 1848, so far as concerned the Cape Colony.
1851	(June 26.) Revoking Order of September 4, 1848, so far as concerned New South Wales.
1853	(December 29.) Revoking Order of September 4, 1848, so far as concerned Norfolk Island.
1854	(January.) Revoking Order of September 4, 1848, so far as concerned Van Dieman's Land.

ACTS OF THE IMPERIAL PARLIAMENT RELATING TO TRANSPORTATION.

Royal Assent.	Acts of Parliament.
1597	39 Eliz. cap. 4.—Empowering justices of the peace to banish rogues and sturdy vagabonds from the realm.
1666	18 Car. II. cap. 3.—Empowering justices of assize, and commissioners of oyer and terminer, to transport certain offenders to His Majesty's dominions in America.
1717	4 Geo. I. cap. 11.—An Act for the more effectual transportation of felons, and unlawful exporters of wool.
1719	6 Geo. I. cap. 23.—An Act for the more effectual transportation of felons.
1784	24 Geo. III. cap. 56.—An Act for the more effectual transportation of felons and other offenders.

Royal Assent.	Acts of Parliament.
	and to authorise the removal of prisoners in certain cases.
1823	(July 4.) 4 Geo. IV. cap. 47.—An Act for authorising the employment at labour in the Colonies of male convicts, under sentence of transportation.
1824	(June 21.) 5 Geo. IV. cap. 84.—An Act for the transportation of offenders from Great Britain. (Amended and extended by statute 11 Geo. IV. and 1 Will. IV. cap. 39, and 10 & 11 Vict. cap. 76.)
1825	(May 25.) 6 Geo. IV. cap. 25.—An Act for defining the rights of convicts who receive pardon, &c.
	(June 22.) 6 Geo. IV. cap. 69.—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.
1827	(June 21.) 7 & 8 Geo. IV. cap. 28.—An Act for further improving the administration of criminal justice in England.
1828	(July 25.) 9 Geo. IV. cap. 83.—An Act to provide for the administration of justice in New South Wales and Van Dieman's Land, and for the more effectual government thereof, and for other purposes relating thereto.
1830	(July 16.) 11 Geo. IV. & 1 Will. IV. cap. 39.—An Act to amend statute 3 Geo. IV. cap. 84, and for punishing offences by convicts kept to labour in the Colonies.
1832	(July 11.) 2 & 3 Will. IV. cap. 62.—An Act for abolishing the punishment of death in certain cases, and substituting a lesser punishment in lieu thereof.
1834	(August 13.) 4 & 5 Will. IV. cap. 67.—An Act for abolishing capital punishment in cases of convicts returning from transportation.
1837	(July 17.) 7 Will. IV. & 1 Vict. cap. 90.—An Act to amend the law relative to offences punishable by transportation for life.
1843	(April 3.) 6 Vict. cap. 7.—An Act to amend the law affecting transported convicts, with respect to pardons and tickets of leave.
1846	(July 3.) 9 & 10 Vict. cap. 26.—An Act for abolishing the office of superintendent of convicts under sentence of transportation.
1847	(July 9.) 10 & 11 Vict. cap. 67.—An Act to amend the law as to the custody of offenders.

Royal Assent.	Acts of Parliament.
1849	(June 26.) 12 & 13 Vict. cap. 27.—An Act to remove doubts concerning the transportation of offenders under judgment of death, to whom mercy may be extended, in Ireland.
1853	(August 20.) 18 & 17 Vict. cap. 99.—An Act to substitute in certain cases other punishment in lieu of transportation.
—	(August 20.) 16 & 17 Vict. cap. 121.—An Act for providing places of confinement in England or Wales for female offenders under sentence or order of transportation.

PARLIAMENTARY REPORTS, ACCOUNTS, & PAPERS RELATING TO TRANSPORTATION.

Year.	Sessional Number.	Parliamentary Reports, &c.
1812	341	Report from Select Committee of the House of Commons, on transportation of criminals to New South Wales.
1817	237	Estimates of expense of convicts at home, and in New South Wales.
1819		Report from Select Committee of the House of Commons on the treatment of convicts in New South Wales and Van Dieman's Land.
1824	17	Estimates of the cost of confining, maintaining, and employing convicts at the Bermudas.
1825	29	Comparative estimate of the cost of maintaining and employing convicts at home, and at the Bermudas.
1830	600	Returns of convicts in the hulks at the Bermudas, and in England.
1837	518	Papers on secondary punishments by D. Heath.
1838	76	Resolutions of Council of New South

Year.	Sessional Number.	Parliamentary Reports, &c.
		Wales, and Van Dieman's Land, respecting transportation and assignment of convicts.
1839	582	Lord John Russell and Lord Howick's notes on transportation.
1840	352	Order in Council, of May 22, respecting transportation.
1841	412	Correspondence relating to secondary punishments.
1843	158	Papers on convict discipline in New South Wales and Van Dieman's Land.
	159	
1845	356	Correspondence relating to juvenile convicts from Parkhurst.
1846	36	Returns of spiritual provisions for convicts in the Colonies.
—	573	Correspondence respecting the disposal of exiles in Van Dieman's Land, New South Wales, and Port Philip.
		Returns of ships hired for conveyance of convicts from 1 January, 1839, to 30 June, 1846.
1847	{ 800 } { 811 }	Correspondence on the subject of transportation and convict discipline in the Colonies.
1848	941	Correspondence on transportation, &c.
1849	{ 1121 } { 1122 }	Correspondence on transportation, &c.
1850	{ 1153 } { 1236 }	Correspondence on transportation, &c.
1851	{ 681 } { 684 }	Returns of convicts sent to Van Dieman's Land.
—	{ 1361 } { 1418 }	Correspondence on transportation.
1852	1517	Papers on transportation, &c.
1853	{ 1601 } { 1677 }	Papers relating to transportation and convict discipline.
1854	1795	
1855	1916	

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## APPENDIX.



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Canada	1,843,950	2,068,773	0	1,104,215	0	163,151	5	6	No returns.
Nova Scotia	276,117	964,527	0	1,019,572	8	81,007	6	10	77,492 15 10
New Brunswick	193,300	278,656	13	320,276	3	30,688	18	4	35,287 12 7
Newfoundland	101,600	120,357	17	25,563	6	15,851	5	4	16,388 6 9
Prince Edward's Island	62,678	No returns.		No returns.		No returns.			No returns.
Bermudas	11,092	131,995	0	69,502	0	23,969	11	6	No returns.
Honduras	1670	403,520	0	932,316	0	115,805	0	10	26,259 0 3
Bahamas	1783	171,076	0	215,700	10	25,578	7	14	24,407 1 13
Jamaica	27,519	52,509	0	78,155	0	10,654	8	9	12,887 9 11
Antigua	388,000	8,963	12	14,515	13	4,252	8	5	8,188 5 11
Dominica	1666	20,833	9	32,794	18	8,219	6	81	4,290 8 5
Montserrat	1763	107,965	0	133,089	0	21,386	15	0	21,886 15 0
Dominica	18,650	4,500	0	5,758	18	2,346	17	11	2,346 17 11
Nevis	7,800	377,358	7	945,849	9	945,849	9	0	77,877 19 0
St. Christopher	10,200	112,410	0	176,797	0	176,797	0	0	20,247 10 31
Virgin Islands	28,177	145,772	0	188,897	0	21,087	15	3	18,044 4 4
Barbadoes	1648	4,500	0	49,754	0	8,014	1	7	8,014 1 7
St. Vincent	135,939	598,278	11	380,873	0	101,647	8	4	101,616 18 11
Grenada	27,248	916,498	0	1,405,332	0	15,830	7	01	15,830 7 01
Tobago	30,000	21,000	0	19,000	0	218,702	4	31	225,584 6 51
Trinidad	1814	52,307	0			6,206	19	61	5,695 6 9
*St. Lucia	60,310	559,067	0						
*St. Lucia	1815	96,278	11						
*British Guiana	127,695	21,000	0						
*Falkland Islands	1883								
AUSTRALASIAN.									
New South Wales	1788	6,342,397	0	4,523,346	0	679,636	17	2	589,845 1 1
Victoria	1837	15,842,637	0	11,061,643	17	1,648,309	16	4	No returns.
South Australia	1836	2,147,107	0	1,822,822	0	326,564	1	0	213,506 9 101
*Western Australia	1829	6,967	0	36,245	0	45,775	10	5	45,171 7 8
Tasmania	1803	70,054	0	1,433,021	0	275,650	5	18	275,650 5 18
New Zealand	1787	31,807	586,753	15	7	402,831	3	10	136,221 17 9

† Placed under British protection by Treaty of Paris, in 1814.  
 \* The Dependencies thus indicated do not as yet possess Representative Government.  
 ‡ The Isle of Man and Channel Islands are not included, the official returns being incomplete.

## APPENDIX B.

### RULES AND REGULATIONS FOR HER MAJESTY'S COLONIAL SERVICE (CAPS. 1, 2, AND 3).

#### CHAPTER I.

##### THE GOVERNOR.

#### § I. *The different Classes of Governors, &c., the duration of their Office, and expense of Commissions.*

1. THE QUEEN appoints to the Government of a Colony, either—

A Captain-General and Governor-in-Chief;  
Or a Governor and Commander-in-Chief;  
Or a Lieutenant-Governor;

Or an Administrator of the Government; or a President, President of the Council, or (in the case of Honduras) Superintendent.

2. These several officers are appointed by Commission. In default of any officer so appointed (through death, absence, or otherwise), the Government devolves on such Officer or Officers as may have been designated by the Crown for its temporary administration on such an event.

3. The appointment of either of the above-mentioned Officers to Her Majesty's Colonies is limited in its duration

to a period of six years from the assumption of his functions; but Her Majesty's Government reserves to itself the power of prolonging that period.

4. Under the Act 1 Wm. IV. c. 4, it is enacted that all Patents, Commissions, or other Authorities for the exercise of Offices in the Colonies held during pleasure, shall continue in force until the expiration of eighteen months from the demise of the Crown.

5. No Fees are payable on Governors' appointments; but their Commissions are subjected to certain charges at the Patent and Crown Offices, and to *ad valorem* duties prescribed by the Stamp Acts.

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

1. If the Civil Government of a Colony be entrusted to an Officer holding a Commission in Her Majesty's Land Forces of the rank of Colonel, or of superior rank, he exercises the Command of Her Majesty's Forces within such Colony and its Dependencies, if Her Majesty shall appoint him specially for that purpose; but if he is not so specially appointed, the Officer in Command of the Troops in the Colony will continue in such Command, and will receive the Allowances annexed to it, although such Officer may be junior in rank to the one appointed to the Civil Government of the Colony.

2. 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, who shall be appointed to administer a Colonial Government, is not invested with the Command of Her Majesty's Forces; but it is 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, Orders for their march and distribution, for the formation and march of detachments and escorts, and, generally, for such military service as the safety and welfare of the Colony

may appear to him to require. All the military details regarding such distribution, and the manner in which the detachment shall be formed and composed, rest with the Military Officer, who is responsible that they are conformable in every respect to the Instructions issued to *him* by the Governor. The Governor also, as the Queen's Representative, gives the *word* in all places within his Government, except on the occasion of hostilities already adverted to.

3. The Officer commanding Her Majesty's Land Forces is alone charged with the superintendence of all details connected with the Military Department in a Colony, the Regimental duty and discipline of the Troops, inspections, and summoning and holding Courts-martial, garrison or regimental.

4. He carries into execution, on his own authority, the Sentences of Courts-martial, excepting Sentences of death, which must first be approved, on behalf of the Queen, by the Officer administering the Civil Government.

5. He makes 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 furnishes duplicates of all Returns of a similar nature to those which he may send to the Military Authorities at home, or to any Officer under whose general Command he is placed.

6. On the receipt of the annual Mutiny Act, the Officer in Command of Her Majesty's Land Forces communicates 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 assumes the entire Military Authority and Command over the Troops.

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

The duty and powers of an 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 invested, subject to the special law of each Colony.

1. He is empowered to grant a 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 as the law may in each particular case direct.
4. The Governor of a Colony has, as a general rule, the power of granting licences for marriages, letters of administration, and probate of wills, unless other provision be made by Charter of Justice or local law. He has also, generally speaking, the presentation to benefices of the Church of England in the Colony, subject to rules hereinafter laid down. (See Ch. III. § 1.)
5. He has the power of issuing, in the Queen's name, writs of summons and election to call together the Representative Assemblies and Councils where these exist, and for the election of their Members; and also that of assembling, proroguing, and dissolving Legislative Bodies.
6. He confers appointments to Offices within the Colony, either absolute, where warranted by local laws, or temporary and provisional, until a reference has been made to Her Majesty's Government.
7. He has the power of suspending Public Servants from

the exercise of their functions under certain regulations, which must be strictly observed. (See Ch. III. § 2.)

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

9. He has, generally speaking, the power of granting or withholding his assent to any Bills which may be passed by the Legislative Bodies.

10. He is required, in various cases, by his Instructions, to reserve such Bills for the Royal Assent, or to assent to them only with a suspending clause, preventing them from coming into operation until confirmed by the Crown. These cases are not defined alike in all Instructions; but they comprise, generally speaking, matters touching the Prerogative, the Currency, the rights of Her Majesty's Subjects not resident in the Colony, and any Enactments of an unusual nature requiring special consideration.

11. He is required to direct his particular attention to the erection and maintenance of schools, and to all necessary measures for the conversion of Aborigines to Christianity, and for their advancement in civilisation.

12. He is specially required to execute all laws for the suppression and punishment of every species of vice, profaneness, and immorality.

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, both Legislative and Executive.

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.

15. He is not to declare or make war against any Foreign State, or against the subjects of any Foreign State. Aggression he must at all times repel to the best of his ability; and he will use his best endeavour for the suppression of piracy.

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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.

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

19. He is prohibited from receiving Presents, pecuniary or valuable, from the Inhabitants of the Colony, or any class of them, during the continuance of his office, and from giving such Presents; and this Rule is to be equally observed on leaving his office.

20. In cases where money has been subscribed, with a view of marking public approbation of the Governor's conduct, it may be dedicated to objects of general utility, and connected with the name of the person who has merited such a proof of the general esteem.

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## CHAPTER II.

### § I. CONSTITUTIONS OF COLONIES.

1. In all British Colonies there is an established Legislature consisting of the Governor and one or two Legislative Bodies, with the exceptions only of Gibraltar and British Kaffraria, in which the Legislative Power is vested in the Governor alone; and Heligoland, which remains under the old Danish Law.

2. According to the old Colonial system of Government,

Colonies settled by Englishmen were (and are) held legally entitled to Representative Institutions. In these the Legislature consists of the Governor, a Council nominated by the Crown (which acts only as the Executive Council, or Council of advice to the Governor), and an Assembly elected by Freeholders and others according to the electoral laws of each Colony.

3. Colonies acquired by conquest or cession (commonly called Crown Colonies), are under the legislative power of the Crown, which exercises that power by Orders in Council, and, concurrently therewith, through Laws framed by a Local Legislature, consisting of the Governor and a Council nominated by the Crown.

4. Legislative Councils, nominated by the Crown, consist, generally speaking, in part, of the principal Executive Officers of the Colony, and, in part, of private persons appointed by name; the former usually termed Official, the latter, Unofficial Members; the proportions being prescribed by the respective Commissions and Instructions to Governors.

5. 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.

6. When a vacancy occurs by the demise, resignation, &c., of a Legislative Councillor appointed by name, the Governor should 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

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

9. 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.

10. 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 by Her Majesty; and in other cases Parliament has for the same purpose empowered the Governor to reserve Laws for the Crown's assent, instead of himself assenting or refusing.

11. Every Law which has received the Governor's assent (unless it contains such suspending clause as aforesaid) comes into operation immediately or at the time specified in the Law itself. But the Crown retains power to disallow the Law; and if such power be exercised at any time afterwards, the Law ceases to have operation from the date at which such disallowance is published in the Colony.

12. In Colonies having Representative Assemblies, the practice is, to signify by Order in Council that the Crown either confirms (which is rarely done), or leaves to its operation, or disallows, every separate Law.

13. In Crown Colonies the practice is, that the Secretary of State signifies to the Governor, by despatch, the Crown's allowance or disallowance of each separate Law.

14. 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.

15. In 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.

16. 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 Governor-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.

17. The preceding summary must be understood as applying to Colonies in general, not governed under special Parliamentary Enactments.

In these the Legislative Power is considered to flow from, and to be defined by, the Commission of the Governor. But in the case of a large proportion of the Colonies, Acts of Parliament have been passed at different times creating

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or modifying their constitutions; and this for several purposes, viz. :—

1st. To give Representative Institutions to Crown Colonies.

2nd. To enable the Crown to create nominated Councils in Colonies settled by Englishmen.

3rd. To modify in various ways the Electoral Institutions of Colonies, the right of the Crown in dealing with their Laws, &c., &c.

18. The following List of Colonies, classified according to their several constitutions, has been compiled as accurately as the nature of the subject will admit.

1. Colonies with Representative Institutions on the old West-Indian model—Council and Assembly :—

Antigua,	Barbados,
Dominica,	Grenada,
St. Kitts,	St. Vincent,
Montserrat,	Tobago,
Nevis,	Bermudas.

2. Colonies on the same model, but in which the Legislative and Executive Councils are separate :—

Nova Scotia,	Bahamas,
New Brunswick,	Honduras,
Prince Edward's Island,	Bay Islands,
Jamaica,	Vancouver's Island.

3. Colonies in which the same model has been changed by Local Enactment into that of a single Chamber or Council of mixed Nominees and Representatives :—

Turks Island,	Virgin Islands (Tortola.)
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4. Crown or conquered Colonies with a single Legislative Council :—

St. Lucia,  
Trinidad,  
Mauritius,  
Ceylon,  
Port Natal,  
Sabudin.

} Nominated Legislative  
Council.

British Guiana: "Court of Policy," a Body specially organised under Dutch Law, preserved at the Cession.

Malta: Mixed Council, partly Representative, by Charter from the Crown.

5. Conquered Colony in which the Crown has wholly ceded its Legislative rights:—

The Cape of Good Hope: Elective Council and Assembly.

6. Crown Colonies without Legislative Councils:—

Gibraltar, British Kaffraria,  
Heligoland,

7. Colonies in which Representative Institutions exist under Parliamentary Enactment and Local Laws sanctioned thereby:—

Canada,  
Newfoundland, } Nominated Council,  
New South Wales, } and Assembly.  
New Zealand,  
Tasmania, } Elective Council,  
Victoria, } and Assembly.

South Australia: Single Mixed Council.

8. Colonies in which single nominated Legislative Councils have been established under Parliamentary Authority:—

Sierra Leone, Falkland Islands,  
The Gambia, Hong Kong,  
The Gold Coast, Western Australia.

§ II. *The Executive Council.*

1. The Executive Council (whether separate or not from the Legislative) has the general duty of assisting the Governor by its advice. In various cases, by local Enactment, he is required to act with this advice; but, generally speaking, although highly desirable, it is not compulsory on him to do so if he thinks the public interest requires an opposite course, in which case very special Rules are laid down for his guidance in his Instructions; which likewise prescribe the course to be taken by Councillors in recording their opinion in opposition to the Governor's.

2. Where separate from the Legislative Council, the Executive Council commonly consists of a specially-limited number of the principal officers of the Local Government, with or without an admixture of Unofficial Members.

3. The Councillors are appointed by the Governor's Instructions or by Warrant from the Crown, the Governor having in some cases the power of making provisional appointments, subject to the Crown's confirmation.

4. The Governor has the power of suspending Executive Councillors, following, as far as the nature of the case will allow, his General Instructions as to the suspension of Public Officers; but the power of dismissal rests with the Crown.

5. The preceding are the general rules relating to the constitution of the Executive Council, but in Colonies possessing what is commonly termed "responsible Government," the Executive Council is a removable body, in analogy to the usage prevailing in the British Constitution. The only formal step by which this is usually established, is the insertion in the Governor's Instructions of an unlimited power to appoint new Councillors, subject formally to the Crown's confirmation; it being understood that Councillors who have lost the confidence of the Local Legislature will tender their Resignations to the Governor.

6. The Colonies in which this form of Government is established, or in course of being established, are :—

Canada,	Jamaica,
Nova Scotia,	New South Wales,
New Brunswick,	Victoria,
Prince Edward's Island,	Van Dieman's Land,
Newfoundland,	New Zealand.

7. In the West India Colonies possessing Representative Assemblies, the 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.

8. 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.

### CHAPTER III.

#### APPOINTMENTS TO PUBLIC OFFICES.

1. Throughout the British Colonies the Offices holden in the service of the Executive Government are all now granted and holden at the pleasure of the Queen, except those of Judges of the Supreme Courts of a few Colonies, which are holden during good behaviour.

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2. Of Offices holden at the pleasure of the Crown, a few are filled up by the Governor, or by the Governor in Council, in pursuance of special Enactments authorising, in these particular cases, such a deviation from the established form. In the absence of such Enactments, Public Offices are usually filled up 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. The right of appointment to such Offices is vested as a general rule, in the Crown. Nevertheless, under Local Enactments, the right of appointments is occasionally vested in the Governor, or Governor in Council.

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 Sign Manual, and Signet.

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 as precise as the nature of the case admits, by the following distinction. 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; 4, in the case of offices of the first or lowest of the three classes just 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.

5. 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 case, the confirmation takes place in the form already mentioned, of a warrant under the Royal Sign Manual, and Signet.

6. When a vacancy occurs in the second or middle Class, the Governor reports it to the Secretary of State, together with the name and qualifications of the person whom he has appointed to fill it provisionally, and intends to fill it finally; which recommendation is almost uniformly followed.

7. When a vacancy occurs in the higher Class, the Governor follows the same course as to reporting the vacancy, and provisional appointment; he is at liberty also to recommend a Candidate for the final appointment, but it must be distinctly understood that the Secretary of State reserves to himself the power of recommending another instead.

8. It is of course impossible to lay down any general rule for deciding in what case 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 cases of such new Offices, there will be always more than usual reason to anticipate that an appointment will be made directly from this country.

9. It is further to be understood, that in determining the propriety of appointments from this country or from the

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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.

10. 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 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 may arise, shall appear not to be within the Governor's reach, the Secretary of State will think it pecu-

liarily incumbent on himself to select proper persons in this country.

11. The Governor will institute inquiries into, and report upon the qualifications of other Candidates of whom he may have less knowledge, when he sees sufficient reason for supposing that the Public Service might gain by their admission into it, but in the application of these Rules much must be left to the Governor's discretion.

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## APPENDIX C.

### LOCAL GOVERNMENT OF BRITISH INDIA, AND RELATIONS OF THE IMPERIAL GOVERNMENT WITH THE NATIVE STATES.

(EXTRACTED FROM "STATISTICAL PAPERS RELATING TO INDIA.")

#### § 1.

The Local Government of British India is now administered partly by Native, and partly by European Civil Functionaries. The agency of the former was first employed during the Administration of Lord William Bentinck, and though the experiment has been tried for little more than twenty years, there are now more than two thousand Native Civil Officers in various departments at various salaries in British India. The highest offices in the Indian Civil Service are, however, still held by Europeans specially trained by a system of Education commenced in England and completed in India, apprenticed, in the first steps of their career, to Collectors of Revenue or Administrators of Justice, and afterwards gradually promoted according to their qualifications to the highest Offices in their respective Departments. The large number of Functionaries constituting the Local Executive of British India is accounted for partly by the absence of any municipal or representative system, and partly by the commercial undertakings in which the Go-

vernment is involved. The manufacture and levying of the excise on salt, the management of the opium monopoly, the supervision of public works, necessitate the employment of a large staff of officials, besides those required for the ordinary purposes of judicial and general Administration.

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An important department of the Indian Local Government is that to which the collection of the land-revenue is delegated. The variety and minuteness of the subdivisions to which the tenure of land is subjected under the Hindoo and Mahometan law of inheritance render this function peculiarly intricate and laborious. The Government land-tenures in British India are divisible into three principal classes. 1. The Zemindary, in which the Government recognise but one individual (the representative of a family or proprietary body owning an estate cultivated in common) as responsible for the Government demand, in the event of whose default the whole estate would be sold for its realisation. 2. The Putterdaree, in which by special arrangement, sanctioned by the Government, an aggregate assessment is guaranteed by a proprietary body, each member of which cultivates separately his own allotment. 3. The Ryotwar, in which the proprietor of each petty holding is made personally responsible to the Government for the payment of the assessment fixed on his own allotment.

The amount of the Government assessment on lands held under all these tenures is regulated by one uniform rule, and "is not to exceed two-thirds of the net produce or surplus which the estate may yield after deducting expenses of cultivation."\* All matters relative to the settlement, collection, and administration of the revenue, ultimately fall under the superintendence and control of a Board of Revenue in Bengal and the North-Western Provinces; some arrangements not dissimilar exist for the like purposes under the other Presidencies.

\* *Vide* Section 52 of Directions to the Revenue Settlement officers in the North-Western Provinces.

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## § 2.

The Legislative provisions for the Government of British Relations India, as above described, do not apply to the Territories of Imperial Government Native Princes with whom Great Britain has entered into diplomatic relations, nor to those States with which Subsidiary or Protective Treaties have been contracted. The former class is not numerous; it includes the Kings of Ava and Siam, and the Rajahs of Dholpore, Tipperah, Nepal, and Bhotan, which are, except in matters in which they have undertaken to accept British mediation, absolutely independent.

The Dependent Native States of India are divisible into two classes: 1, Subsidiary; 2, Protected. There are, however, certain features in common to these two classes of Native States.

Under both subsidiary and protective treaties, native Governments relinquish the right of self-defence, as well as that of maintaining diplomatic relations with other States. And the British Government, which guarantees external security and internal tranquillity, is constituted the arbiter of disputes arising between native Princes.

In one-half of the subsidiary treaties, however, and in the large majority of the protective treaties, the British Government engages generally to refrain from interference in the internal administration of the native State. The stipulations in other respects vary in the several treaties and engagements, but a prohibition of the employment of Europeans or Americans is a common article, and one binding the native chiefs to act in "subordinate co-operation" with the paramount power, is almost universally introduced into the engagements concluded with protected States.

The main distinction between the subsidiary and protective system is that which affects the exercise of military power by native States in respect to external aggression. Under the subsidiary system, the British Government provides a regular military force (special, or otherwise) for the

protection of the native State, and the native Government defrays the cost. With the States not included within that system, the engagements involve the obligation of protection on the part of the paramount Power, allegiance on that of the subordinate. In some instances, the dependent State is subject to the payment of tribute; in others, it is exempt from any pecuniary claim.

The States with which subsidiary alliances have been contracted are ten in number; namely, Cochin, Cutch, Guzerat, Gwalior, Hyderabad, Indore, Mysore, Nagpore, Oude, and Travancore. In these States the charge for the maintenance of the subsidiary force has been commuted, by cession of territory in some cases, by annual subsidy in others, to the British Government. The native States entitled to the protection of the British Government under various arrangements not involving subsidiary treaties, are too numerous for specific enumeration. They comprise upwards of two hundred States, exclusive of a large number of petty Rajahs scattered over the vast area of Hindostan.\*

In some of these, the chiefs are not absolutely independent, even as to matters of ordinary internal administration. In several States civil justice is administered by the chiefs, subject to an appeal to the British Agent, while in criminal matters their jurisdiction is still more strictly limited.

\* Bhutpore is a protected State, and in this sense only under British rule. *Vide* p. 11.

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## APPENDIX D.

### DEPENDENCIES POSSESSED BY THE NATIONS OF EUROPE.

WITH THE AREA OF EACH DEPENDENCY IN BRITISH SQUARE MILES.

GREAT BRITAIN.		AMERICA.	
	Area. Square Miles.		Area. Square Miles.
<b>EUROPE.</b>		<b>AMERICA.</b>	
Malta . . . . .	114	Canada . . . . .	350,000
Gibraltar . . . . .	3	Nova Scotia . . . . .	16,000
Ionian Isles . . . . .	1,000	New Brunswick . . . . .	26,000
Isle of Man . . . . .	220	Newfoundland . . . . .	35,850
Channel Islands . . . . .	250	Prince Edward's Island . . . . .	2,150
Heligoland . . . . .	13	Hudson's Bay Territories . . . . .	500,000
		Yancouver's Island . . . . .	
<b>ASIA.</b>		Bermudas . . . . .	19
British India and depen- dent States . . . . .	1,100,000	Honduras . . . . .	28
Ceylon . . . . .	24,000	Ruotan . . . . .	28
Hong Kong . . . . .	27	Bahamas . . . . .	4,440
Labuan . . . . .	32	Jamaica . . . . .	6,321
		<b>Leeward Islands:—</b>	
<b>AFRICA.</b>		Antigua . . . . .	108
Cape of Good Hope . . . . .	200,000	Dominica . . . . .	277
Natal . . . . .	18,000	Montserrat . . . . .	47
British Kaffraria . . . . .		Nevis . . . . .	20
Sierra Leone . . . . .	220	St. Christopher . . . . .	70
Gambia . . . . .	38	Anguilla . . . . .	30
Gold Coast . . . . .		Virgin Islands . . . . .	80
Mauritius . . . . .	700	Barbuda . . . . .	72
Seychelles . . . . .	60	<b>Windward Islands:—</b>	
St. Helena . . . . .	48	Barbados . . . . .	166
Ascension . . . . .	31	St. Vincent . . . . .	121
		Grenada and Grenadines . . . . .	140
		Tobago . . . . .	97

	Area. Square Miles.		Area. Square Miles.
<b>AMERICA, continued.</b>		<b>AUSTRALASIA, continued.</b>	
Trinidad	1,703	Victoria	
St. Lucia	275	South Australia	200,000
British Guiana	100,000	West Australia	
Falkland Islands	6,000	Tasmania	24,000
Pitcairn's Island	2	Norfolk Island	24
		New Zealand and dependencies	95,000
<b>AUSTRALASIA.</b>			
New South Wales	680,000		

## FRANCE.

ASIA.		AMERICA.	
Pondicherry	} 525	Guadeloupe	675
Mahé		Martinique	291
Yanaon		St. Martin, part of	} 135
Chandernagor		Mariegalante	
		Desiderade	
		Les Saintes	
		Guiana	38,685
		Cayenne	
		St. Pierre	177
		Miquelon	
<b>AFRICA.</b>		<b>AUSTRALASIA.</b>	
Senegal	} 20,009	Marquesas	524
Gorée		Society Islands	1,077
St. Louis		New Caledonia	8,291
Isle de St. Marie		Isles des Pins	411
Madagascar, part of		Groupe de la Fidélité	512
Nozibé			
Mayotte			
Algeria	100,000		
Isle de Bourbon	864		

## HOLLAND.

ASIA.		ASIA, continued.	
Java	} 50,000	Borneo:—	
Batavia		Pontianak	200,000
Cheribon		Tatas	
Medura	2,700	Celebes:—	
Sumatra		Mangkassar	70,000
Béncoelen	} 160,000	Menado	
Padang		Moluccas:—	
Bangis		Booro	60,000
Palembang		Banda	
Lampoug		Ambon	320
Rhio		Terpate	32
Bangka		Timor	13,500
Billiton Island	2,250	Ball	3,000

APPENDIX.

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Area.  
Square Miles.

ASIA, *continued.*

	Area. Square Miles.
Lambok	2,500
Sumbawa	8,800
Mangeraay	500
Jündana	3,500
Semao	200

AFRICA.

Guinea Coast Forts	10,500
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AMERICA.

	Area. Square Miles.
Guiana	30,000
Curaçoa	600
Buen Ayre	
St. Eustatius	22
Saba	20
St. Martin, part of	40
Oruça	16
Surinam	28,200

AUSTRALASIA.

Papua, settlements in

SPAIN.

EUROPE.

Balearic Isles	1,755
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ASIA.

Philippine Islands:—	
Manilla	30,787
Mindanao	1,295
Isles Babuyanes and Baschees	1,260
Isles Biscayas	18,749
Marian Islands	1,210

AFRICA.

Barbary Coast Settlements:—	
Ceuta	} 31
Gomera	
Melilla	

AFRICA, *continued.*

Canary Isles:—	
Fueteventura	} 3,217
Lanzarote	
Teneriffe	
Gomera	
Palma	
Hierro	
Gran Caparia	} 488
Anaboa Isles	
Fernando Po	

AMERICA.

Cuba	48,489
Porto Rico	4,007
Vierges Espagnoles	143

PORTUGAL.

ASIA.

Goa, &c.	1,428
Damao	83
Diu	11
Timor	} 34,661
Delly	
Solor	
Macao	11

AFRICA.

Cape de Verde Isles	241
Guinea Coast Forts:—	
Bisao, &c.	35,829
Principe Isle	} 453
Isle of St. Thomas	
Congo:—	
Angola	} 202,823
Benguela	

200,000  
24,000  
24  
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675  
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135

38,685

177

524  
1,077  
8,291  
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200,000

70,000

60,000

320

32

13,500

3,000

AFRICA, <i>continued.</i>		AFRICA, <i>continued.</i>	
	Area. Square Miles.		Area. Square Miles.
Mozambique	283,500	The Azores :—	1,146
Madeira	334	S. Michael	
Porto Santo . }		S. Maria	
		Terceira	
		Flores, &c. }	

## DENMARK.

EUROPE.		AMERICA, <i>continued.</i>	
	Area. Square Miles.		Area. Square Miles.
Iceland	37,800	Greenland :—	3,919
Faro	496	Julianeshaab	
		Fredericshaab	
		Lichtenfels	
		New Hornhut	
AMERICA.		Holsteinsborg	63
St. Croix	74	Omcnak	
St. Thomas	23	Godhavn, &c. }	
St. Jean	21		

## SWEDEN.

AMERICA.	
	Area. Square Miles.
St. Bartholomew	63

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## APPENDIX E.

### LAWS RELATING TO CHRISTIANITY IN THE DEPENDENCIES.

THE Ecclesiastical element which has been interwoven with the British Constitution by a series of Parliamentary enactments, forms no part of that system of law and government which necessarily prevails in the Dependencies, whether acquired by settlement, cession, or conquest. Attempts have indeed been made at various times, as will appear from the subjoined Schedule of Orders in Council and Acts of Parliament, to establish in certain Colonies the same religious machinery which exists in the parent State. Thirty Episcopal Dioceses have also been created by Letters Patent under the Royal Sign Manual, but the spiritual jurisdiction conferred by them is limited to those who may voluntarily place themselves within its pale.\*

Neither the Canon Law, nor the authority of Courts Ecclesiastical (unless constituted by Local Legislatures), have any force in the Dependencies.† Neither do the Acts of Uniformity, nor those which provide for the maintenance and discipline of the Clergy, extend to the Colonies, unless

\* *Vide* Parliamentary Papers, 175, 1850.

† *Vide* Ancient Charters of South Carolina and New York, cited in "Anderson's History of the Colonial Church," vol. ii. p. 518. Also "An Enquiry into the Ecclesiastical Law of the Colonies, by the Rev. H. Venn," 1856.

imported into them by express legislation; and this power cannot now be exercised by the Imperial Government, except in those few remaining Colonies to which constitutions have not yet been granted. In all the Colonies which possess representative government, the Local Legislatures have a full and exclusive power to adapt, if they think fit, the Ecclesiastical Law of Great Britain to their respective exigencies. The West-Indian Colonies have largely exercised this power, and in their statute-books will be found a long series of enactments of that nature, commencing with the year 1825, and extending to the present time.\*

The Legislatures of the Australian Colonies have also passed laws for the endowment of ministers of religion, connected not only with the Episcopal body, but also with other denominations of Christians.

Examples of such legislation will be found in the statute books of New South Wales,† Victoria,‡ and Tasmania.

An Address has been recently presented to Her Majesty from the Legislature of Canada "for the repeal of such English Statutes as impede the meeting of the clergy and laity of the Church of England in Synod; and that the choice of bishops may be left to the clergy and laity of each diocese;" in other words, praying for the absolute sur-

\* *Vide* Letter from Sir James Stephen to the Earl of Harrowby.

† *Vide* 8 Will IV., No. 5 (New South Wales): An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland, in New South Wales. Also No. 7: An Act to regulate the temporal affairs of Presbyterian Churches and Chapels in the same Colony (amended by 4 Vict., No. 18). Also 2 Vict., No. 7: An Act to regulate the temporal affairs of the religious societies denominated Wesleyan Methodists, Independents, and Baptists.

‡ *Vide* 18 Vict.: An Act to enable the Bishops, Clergy, and Laity of the United Church of England and Ireland in Victoria to provide for the regulation of the affairs of the said Church. By s. 18 of this Act, the Royal prerogative in respect of the nomination of Bishops, &c., is expressly reserved.

render of the Royal prerogative in matters ecclesiastical, within the Colony. No action has, as yet, been taken by the Home Government upon the subject.\*

ORDERS IN COUNCIL, RELATING TO CHRISTIANITY IN THE DEPENDENCIES.

Year.	Orders in Council.
1634	For placing English congregations in all British factories, and places of trade in Europe, and elsewhere, in any foreign parts under the ecclesiastical jurisdiction of the Bishop of London.
1661	(July 3.) Approving Report of Committee, relating to the spiritual supervision of Jamaica.
1677	(June 8.) Directing Bishop of London to appoint six able ministers of the Gospel to be sent to the Leeward Islands.
1679	(April 25.) Ordaining that all clergymen sent as chaplains to His Majesty's Plantations, shall retain their fellowships during absence.
1726	(August 9.) For passing a Commission, empowering the Bishop of London to exercise spiritual jurisdiction in the Plantations, and appointing a Court of Appeal from any sentences that shall be given under such Commission.
1822	(May 18.) For suppressing or reducing the number of Roman Catholic Festivals in Trinidad, and instructing the Vicar Apostolic of the West-Indian Islands accordingly.
1829	(March 18.) Approving certain instructions to the Governor of Jamaica, altering the mode of disposing of church patronage in that Island.
1830	(February 20.) For saving to the clergy and ministers of the Christian religion in certain Colonies, the heretofore existing right to fees on celebration of marriage.

\* Vide Parliamentary Papers relating to Ecclesiastical matters in the Colonies, 1856.

ACTS OF THE IMPERIAL PARLIAMENT, RELATING  
TO CHRISTIANITY IN THE DEPENDENCIES.

Year.	Acts of Parliament, &c.
1791	31 Geo. III. cap. 31, (§ 39, 40.)—Empowering the Governor of Canada to form parsonages, and to present to benefices.
1813	52 Geo. III. cap. 155, (§ 51, 52, and 53.)—Defining spiritual jurisdiction of Bishops in British India.
1819	59 Geo. III. cap. 60.—Permitting the Archbishops of Canterbury and York, and the Bishop of London, for the time being, to admit persons into holy orders specially for the Colonies.
1825	6 Geo. IV. cap. 88.—Providing for the salaries of certain Bishops and ecclesiastical dignitaries in Jamaica, Barbadoes, and the Leeward Islands. (Amended by 7 Geo. IV. cap. 4.)
1827	7 & 8 Geo. IV. cap. 62.—An Act to authorise the sale of a part of the clergy reserves in Canada.
1840	3 & 4 Vict. cap. 78.—An Act to provide for the sale of the clergy reserves in Canada, and the distribution of the proceeds thereof.
1853	16 Vict. cap. 21.—Authorising the Legislature of Canada to make provision concerning the clergy reserves in that province.

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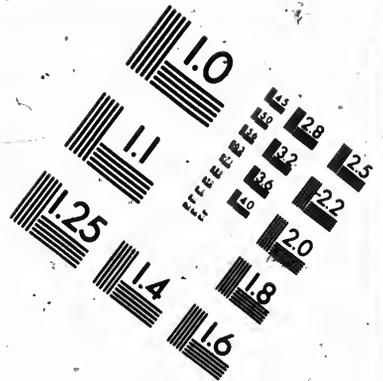
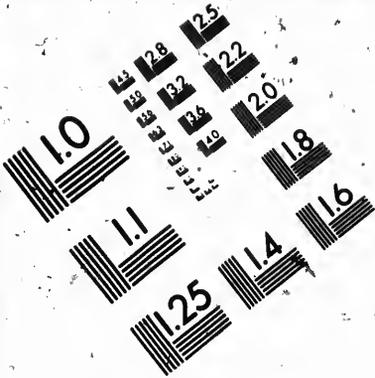
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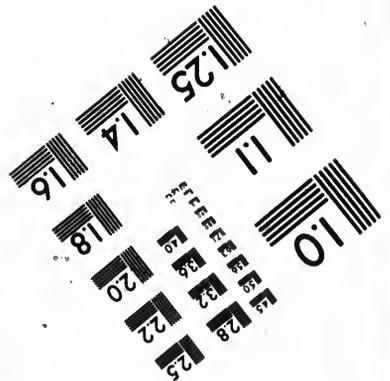
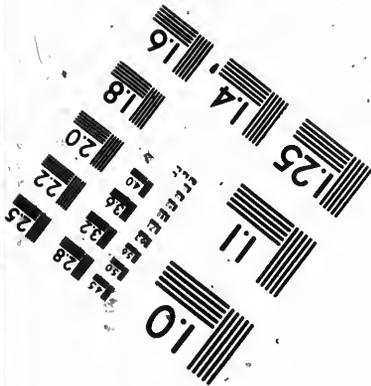
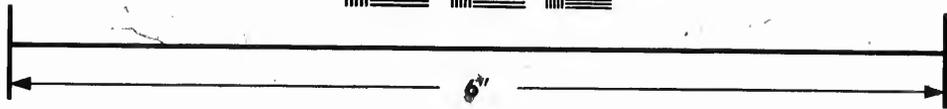
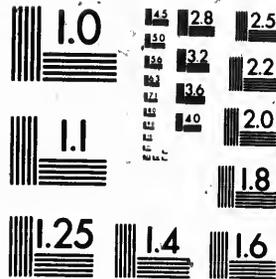








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