

# INSTRUCTIONS TO MR. BLANCHARD,

## GOVERNOR OF VANCOUVER ISLAND.

### VANCOUVER ISLAND.

INSTRUCTIONS to Our trusty and well-beloved RICHARD BLANSHARD, Esq., Our Governor and Commander-in-Chief in and over Our Island of Vancouver and its Dependencies, or, in his absence, to Our Lieutenant-Governor or Officer administering the Government of Our said Island and its Dependencies for the time being.

Given at Our Court at \_\_\_\_\_, the \_\_\_\_\_ day  
of \_\_\_\_\_, 1849, in the thirteenth year of Our  
Reign.

1. With these Our Instructions you will receive Our Commission under Our Great Seal of the United Kingdom of Great Britain and Ireland constituting you to be Our Governor and Commander-in-Chief in and over Our Island of Vancouver and its Dependencies. You are, therefore, with all convenient speed to assume and enter upon the execution of the trust We have reposed in you.

2. And you are, with all due and usual solemnity, to cause Our said Commission constituting you Our Governor and Commander-in-Chief as aforesaid, to be read and published, after which you are to take the oaths appointed to be taken by an Act passed in the first year of the reign of King George the First, intituled "An Act for the further security of His Majesty's Person and Government and the succession of the Crown in the heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors," as altered and explained by an Act passed in the 6th year of the reign of King George the Third, intituled "An Act for altering the Oath of Abjuration and the Assurance," and for amending so much of an Act of the seventh year of Her late Majesty Queen Anne, intituled "An Act for the Improvement of the Union of the two Kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of High Treason or Misprison of Treason," or in lieu thereof the Oaths required to be taken by an Act passed in the tenth year of the reign of His late Majesty King George the Fourth, intituled "An Act for the relief of His Majesty's Roman Catholic subjects," according as the said former Acts or the said last-mentioned shall be applicable to your case; and likewise that you take the usual oath for the due execution of the office and trust of Our Governor and Commander-in-Chief in and over our said islands and territories, and for the due and impartial administration of Justice; and further that you take the oaths required to be taken by Governors of Plantations, to do their utmost that the several laws relating to trade and the plantations be duly observed, which oaths Our Council of Our said Island and its Dependencies, or any three of the Members thereof, have hereby full power and authority and are required to tender and administer unto you, and, in your absence, to Our Lieutenant-Governor, if there be one on the place, all which being duly performed, you will administer to each of the Members of Our said Council the Oath of Allegiance.

3. You are by yourself, or by any other person to be authorized by you in that behalf, to administer and to give to all and every such persons as you shall think fit who shall hold any office or place of trust or profit, or who shall at any time or times pass into our said Island or be resident therein, the said Oath of Allegiance, save only in cases wherein any other oath or oaths is or are prescribed by the Statutes in that

behalf made, or by any of them, in which cases it is Our pleasure, and We do hereby direct that you do administer to such persons such other oath or oaths as aforesaid.

4. And whereas, by Our said Commission, We have authorized you and such other persons as are in the said Commission designated, to constitute and be a Council for the said Colony:

And We have by the said Commission further declared that in addition to yourself the said Council shall be composed of such persons within the same as shall from time to time be named or designated for that purpose by Us, by Our instruction or instructions, warrant or warrants, to be by Us for that purpose issued under Our sign manual and signet and with the advice of Our Privy Council, and that all such Councillors should hold their places in the said Council at Our pleasure, and that you, with the advice of the said Council, shall have full power and authority to make and enact all such Laws and Ordinances as may from time to time be required for the order and good government of the said Island; and that in making all such Laws and Ordinances you shall exercise all such powers and authorities, and that you and the said Council shall conform to and observe all such rules and regulations as shall be given and prescribed in and by such instructions as We, with the advice of Our Privy Council, shall from time to time make for his and their guidance therein.

Now, therefore, by these Our Instructions under Our sign manual and signet, being the instructions so referred to as last aforesaid, We do authorize and empower you—until further and other provisions shall be made by Us in that behalf—by an instrument or instruments to be made and issued in Our name and under the public seal of Our said Island, to constitute and appoint seven persons being within the same to be Members of the said Council during Our pleasure, and any three of whom We do hereby appoint to be a quorum; and so from time to time as often as any such person shall die or resign his seat in the said Council, or be absent from the island, or be suspended by you from such his office, or become from any cause incapable of discharging the duties thereof, by any other such instrument as aforesaid, to nominate any other person being within the said Colony to fill any such vacancy:

Provided, nevertheless, that the appointment so to be made by you of the persons who are to constitute the said Council shall be provisional only and subject to Our confirmation or disallowance.

5. You are to communicate forthwith such of these Instructions to Our said Council wherein their advice and consent are mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for Our service to be imparted to them.

6. You are to permit the members of Our said Council to have and enjoy freedom of debate and vote in all affairs of public concern that may be submitted to their consideration in Council.

7. And in the choice and nomination of the Members of Our said Council, as also of the Judges, Justices, and other officers, you are always to take care that they be men of good life and well affected to Our Government, and abilities suited to their employments.

8. And whereas effectual care ought to be taken to oblige the Members of Our said Council to a due attendance therein, and thereby to prevent the inconveniences that may happen from the want of a quorum to transact business as occasion may require, it is Our will and pleasure that if any of the Members of Our said Council shall hereafter absent themselves from the said island, and continue absent above the space of six months together without leave from you or our Governor and Commander-in-Chief for the time being first obtained under your or his hand and seal, or shall remain absent for the space of two years successively without leave given them under our sign manual and signet, their place or places in the said Council shall immediately thereupon become void, and that if any of the Members of Our said Council then residing within Our said Island shall hereafter absent themselves when duly summoned without sufficient cause, and shall persist in such absence after being thereof admonished by you, you are to suspend the said Councillors so absenting themselves until Our further will and pleasure therein be known, giving immediate notice thereof to Us through one of Our Principal Secretaries of State. And We do hereby will and require that Our Royal pleasure be signified to the Members of our said Council and entered in the Council Book as a Standing Rule.

9. And whereas by our aforesaid Commission you are authorized and empowered to summon and call General Assemblies of the freeholders within Our said Island and its dependencies as therein specified, in such manner and form and according to such powers, instructions and authorities as are granted or appointed by these our Instructions in that behalf, you are therefore, for the purpose of electing the members of such Assemblies, hereby authorized to issue a Proclamation declaring the number of representatives to be chosen by such freeholders to serve in the said General Assembly: and if you shall see fit, dividing our said Island and its dependencies into districts or counties, towns or townships, and declaring the number to be chosen by each of such districts or counties, towns or townships respectively.

And you are also hereby authorized and empowered from time to time to nominate and appoint proper persons to execute the office of Returning Officer in the said Island, or in such districts or counties, towns or townships respectively; and you are, as soon as you shall see expedient, to issue Writs in Our name directed to the proper officers in the said Island, or the proper officers in such districts or counties, towns or townships respectively, directing them to summon the aforesaid freeholders to proceed to the election of persons to represent them in the General Assembly, according to the regulations and directions to be signified in the proclamation to be so issued by you as aforesaid.

10. You are to observe the passing of all laws that the style of enacting the same be by the Governor, Council, and Assembly of Our said Island and its dependencies.

11. And you shall not re-enact any laws to which the assent of Us or Our Royal predecessors has once been refused without express leave for that purpose first obtained from us upon a full representation by you to be made to Us through one of Our Principal Secretaries of State of the reason and necessity of re-enacting such law.

12. And it is Our express will and pleasure that no law be made to continue for less than two years, except only in cases where it may be necessary upon some unforeseen emergency to make provision by law for a service in its nature temporary and contingent.

13. You are also as much as possible to observe in the passing of all laws that each different matter be provided for by a different law, without intermixing in one and the same Acts such things as have no proper relation to each other; and you are more especially to take care that no clause or clauses be inserted in or annexed to any Act which shall be foreign to what the title of such respective Act imports, and that no perpetual clause be part of any temporary law.

14. It is Our will and pleasure that you do not give your assent to any bill or bills for raising money by the institution of any public or private lotteries.

15. It is Our will and pleasure that you do not on any pretence whatever give your assent to or pass any bill or bills in Our Island under your Government by which the lands, tenements, goods, chattels, rights, and credits of persons who have never resided within Our said Island shall be liable to be seized or taken in execution for the recovery of debts due from such persons otherwise than is allowed by law in cases of a like nature within our realm of England until you shall have first transmitted unto Us through one of Our Principal Secretaries of State the draft of such bill or bills, and shall have received Our Royal pleasure thereupon, unless you take care in the passing of such bill or bills that a clause or clauses be inserted therein suspending and deferring the execution thereof until Our will and pleasure shall be known thereupon.

16. It is Our further will and pleasure that you do not upon any pretence whatsoever give your assent to any bill or bills that may have been or shall hereafter be passed by the Council and Assembly of the Island under your Government for the Naturalization of Aliens, nor for the Divorce of persons joined together in holy matrimony, nor for establishing a title in any person to lands, tenements, and real estates in Our said Island originally granted to or purchased by aliens to naturalization.

17. Whereas great mischiefs have arisen by the frequent passing of bills of an unusual and extraordinary nature and importance in our plantations, which bills remain in force there from the time of enacting until Our pleasure be signified to the contrary: We do hereby will and require you not to pass or give your assent to any bill or bills passed in the Assembly of an unusual extraordinary nature and importance whereby Our prerogative or the property of Our subjects may be prejudiced; nor to any bill or bills whereby the trade or shipping of this Kingdom shall be in anywise affected, until

you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, a draft of such bill or bills, and shall have received Our Royal pleasure thereon, unless you take care in the passing any such bills as aforementioned that there be a clause inserted therein suspending and deferring the execution thereof until Our pleasure shall be known concerning the same.

18. You are also to take care that no private Act be passed whereby the property of any private person may be affected in which there is not a saving of the right of Us, Our heirs and successors, of all bodies politic and corporate, and of all other, except such as are mentioned in the said Act, and those claiming by, from and under them; and further, you shall take care that no such private Act be passed without a clause suspending the execution thereof until the same shall have received Our Royal approbation.

It is likewise Our will and pleasure that you do not give your assent to any private Act until proof be made before you in Council, and entered in the Council Book, that public notification was made of the parties' intention to apply for such an Act in the several parish churches where the premises in question lie for three Sundays at least successively before any such Act shall be brought into the Assembly, and that a certificate under your hand be transmitted with and annexed to every such private Act signifying that the same has passed through all the forms above mentioned.

19. You are to take care that in all Acts or Orders to be passed within Our said Island in any case for levying money or imposing fines and penalties express mention be made that the same is granted or reserved to Us, Our heirs and successors, for the public uses of the said Island and the support of the Government thereof, as by the said Act or Order shall be directed.

20. You are not to suffer any public money whatsoever, whether it be appropriated to any particular service or not by the Act granting the same, to be issued or disposed of otherwise than by warrant under your hand, by and with the consent of the said Council.

But the Assembly may nevertheless be permitted from time to time to view and examine the accounts of money or value of money disposed of by virtue of laws made by them as there shall be occasion.

21. It is Our will and pleasure that you do in all things conform yourself to the provisions contained in an Act of Parliament passed in the 4th year of the reign of His late Majesty King George the Third, intituled "An Act to prevent Paper Bills of Credit hereafter to be issued in any of Her Majesty's Colonies or Plantations in America from being declared to be a legal tender in payment of money, and to prevent the legal tender of such bills as are now subsisting from being prolonged beyond the periods limited for recalling in and sinking the same." (4 Geo. III., c. 34.)

And also of an Act passed in the 13th year of the reign of His late Majesty to explain and amend the above recited Act passed in the 4th year of his reign as aforesaid; and you are not to give your assent to or pass any Acts whereby Bills of Credit may be struck or issued in lieu of money or for payment of money, either to you our Governor or to any person whatsoever, unless a clause be inserted in such Act declaring that the same shall not take effect until the said Act shall have been approved and confirmed by Us, Our heirs, or successors.

22. You are to transmit an authenticated and separate copy of every Law, Statute, or Ordinance that at any time hereafter shall be made or enacted within the Island under your Government under the public seal unto Us, through one of Our Principal Secretaries of State, within three months or sooner after their being enacted; but if it shall happen that no shipping shall come from Our said Island within three months after the making such Laws, Statutes and Ordinances, the same are to be transmitted by the next conveyance after the making thereof, whenever it may happen, for Our approbation or disallowance of the same.

23. And it is our further will and pleasure that the copies and duplicates of all Acts that shall be transmitted as aforesaid be fairly abstracted in the margins, and there be inserted the several dates or respective times when the same passed the Council and Assembly and received your assent; and you are to be as particular as may be in your observations to be sent to Us through Our Principal Secretaries of State upon every Act—that is to say, whether the same is introductive of a new law declaratory of a former law, or does repeal a law then before in being; and you are likewise to send to

Us, through one of Our Principal Secretaries of State, the reasons for the passing of such laws, unless the same do fully appear in the preambles of the said Acts.

24. You are to require the Secretary of the said Island under your Government to furnish you with transcripts of all such Acts and Public Orders as shall be made from time to time, together with copies of the Journals of the Council, and that all such copies be fairly abstracted in the margin, to the end the same may be transmitted to Us through one of Our Principal Secretaries of State.

25. You are also to require from the Clerk of the Assembly of the said Island or other proper Officer transcripts of all the Journals and other proceedings of the said Assembly, and that all such transcripts be fairly abstracted in the margin, to the end the same may in like manner be transmitted as aforesaid.

26. You shall not appoint any person to be a Judge or Justice of the Peace without the advice and consent of the majority of the Council of Our said Island signified in Council; and it is Our further will and pleasure that all Commissions to be granted by you to any person or persons to be Judges, Justices of the Peace, or other necessary officers, be granted during Our pleasure only.

27. You shall not suspend any of the Judges, Justices or other officers or ministers without good and sufficient cause, which you shall signify in the fullest and most distinct manner to Us through one of Our Principal Secretaries of State.

28. It being of the greatest importance to the service and to the welfare of Our subjects that Justice be everywhere speedily and duly administered, and that all disorders, delays, and other undue practices in the administration thereof, be effectually prevented, We do particularly require you to take especial care that in all Courts where you are authorized to preside Justice be impartially administered; and that in all other Courts established within Our Island all Judges and other persons therein convened likewise perform their several duties without any delay or partiality.

29. And whereas We have by Our said Commission, authorized you, upon sufficient cause to you appearing, to suspend from the exercise of his office within Our said Island any person exercising the same under and by virtue of any Commission or Warrant granted or to be granted by Us, or in Our name, or under Our authority: Now We do charge and require you, that before proceeding to any such suspension you do signify by a statement in writing to the person so to be suspended the grounds of such your intended proceeding against him; and that you do call upon such person to communicate to you in writing a statement of the grounds upon which he may be desirous to exculpate himself, and that you transmit both of the said statements to Us, through one of Our Principal Secretaries of State by the earliest conveyance.

30. You are to take care that all writs are to be issued in Our name throughout Our said Island under your Government.

31. You are, with the advice and consent of Our Council, to take especial care to regulate all salaries and fees belonging to places or paid upon emergencies; that they be within the bounds of moderation, and that no extortion be made on any occasion whatsoever; as also that tables of all fees be publicly hung up in all places where such fees are to be paid; and you are to transmit copies of all such tables of fees to Us through one of Our Principal Secretaries of State.

32. You shall not, by colour of any power or authority, hereby or otherwise granted or mentioned to be granted to you, take upon you to give, grant or dispose of any office or place within our said Island which now is or shall be granted under the Great Seal of this Kingdom, or to which any person is or shall be appointed by warrant under Our sign manual and signet, any further than you may, upon the vacancy of any such office or place, or upon the suspension of any such officer by you, put in any fit person to officiate in the interim till you shall have represented the matter to Us through one of Our Principal Secretaries of State, which you are to do by the first opportunity, and have received Our further directions therein.

33. You are to transmit unto Us, through one of Our Principal Secretaries of State, with all convenient speed, a particular account of all establishments of Jurisdictions, Courts, Offices and Officers, Powers, Authorities, Fees, and Privileges, granted and settled, or which shall be granted and settled within Our said Island, as likewise an account of all the expenses attending the establishments of the said Courts, and of such funds as are settled and appropriated to discharge the same.

34. And whereas there have been great irregularities in the manner of granting Commissions to private ships of war, you are to govern yourself, whenever there shall be occasion, according to the Commission and Instructions granted in this Kingdom; but you are not to grant Commissions of Marque or Reprisal against any Prince or State, or their subjects, in amity with Us, to any person whatsoever without our especial command.

35. We do enjoin and require that you do take especial care that Almighty God be devoutly worshipped and truly served throughout your Government. You shall be careful that all orthodox churches already built there be well and orderly kept, and that more be built as Our Island shall by God's blessing be improved. And you are to take care that the parishes be so limited and settled as you shall find most convenient for the accomplishing of this good work.

36. And whereas doubts have arisen whether the powers of granting Licences for Marriage and Probates of Wills, commonly called the Office of Ordinary, which We have reserved to you Our Governor, can be exercised by deputation from you to any other person within Our said Island under your Government, it is Our express will and pleasure; and you are hereby directed and required not to grant deputations for the exercise of the said powers, commonly called the Office of Ordinary, to any person or persons whatsoever in Our said Island under your Government.

37. It is Our further will and pleasure that you recommend to the Legislature to enter upon proper methods for the erecting and maintaining Schools, in order to the training up of youth to reading and to a necessary knowledge of the principles of religion.

38. You shall, from time to time, give unto Us, through one of Our Principal Secretaries of State, an account Of the wants and defects of the Island under your Government; what are the chief products thereof, what improvements have been lately made, and what further improvements you conceive may be made or advantage gained by trade, and in what way We may contribute thereto.

39. If anything shall happen which may be of advantage or security to Our Island under your Government which is riot herein by Our Commission provided for, We do hereby allow you, with the advice and consent of Our Council, to take orders for the present herein giving unto Us, through one of Our Principal Secretaries of State, speedy notice thereof, that so you may receive Our ratification if we shall approve the same: Provided always, that you do not, under colour of any power or authority hereby given to you, commence or declare war without Our knowledge and particular commands therein first obtained for so doing from Us under Our sign manual and signet, or by Our Order in Our Privy Council.

40. And whereas We have thought fit by Our Commission to direct that in case of your death or absence, and there be at that time no person within our said Island commissioned or appointed by Us to be Lieutenant-Governor, or specially appointed by Us to administer the Government within Our said Island, the senior member for the time being of the Council of Our said Island, and who shall be at the time of your death or absence residing within Our said Island and its dependencies, shall take upon him the administration of the Government, and execute Our said Commission and Instructions, and the several powers and authorities therein contained in the manner therein directed. It is, nevertheless, Our express will and pleasure that in such case the Councillor so administering the Government shall forbear to pass any Acts but what are immediately necessary for the peace and welfare of the said Island without Our particular order for that purpose; and that he shall not take upon him to dissolve the Assembly then in being, or to remove or suspend any of the members of Our Council, nor any Judge, Justices of the Peace, or other officer, civil or military, without the advice and consent of the majority of the Council, nor even then without good and sufficient reason for the same, which the said President is to transmit, signed by himself and the respective Council, to Us, through one of Our Principal Secretaries of State.

41. And you are upon all occasions to send to Us, through one of Our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs within your Government.