

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

A. W. FitzRoy.

At the Court at *Buckingham Palace*, the 21st day of *December*, 1908.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the seventh day of December, one thousand nine hundred and eight, in the words following, viz. :—

“Whereas by Section three of the Naval and Marine Pay and Pensions Act, 1865, it is enacted, *inter alia*, that all pay, pensions or other allowances in the nature thereof, payable in respect of services in Your Majesty's Naval or Marine Force to a person being or having been an Officer, Seaman or Marine therein, shall be paid in such manner, and subject to such restrictions, conditions, and provisions as are from time to time directed by Order in Council:

“And whereas we consider it desirable that the allowances payable to Royal Marine Physical Training Instructors should be assimilated to those payable to Royal Naval Physical Training Instructors, and granted according to the conditions mentioned in the attached schedule :

“We beg leave humbly to recommend that Your Majesty may be graciously pleased by Your Order in Council to sanction the scale of allowances and general provisions contained in the accompanying schedule, with retrospective effect in the case of two Marine Physical Training Instructors who commenced service on the staff of the Royal Naval School of Physical Training in August, one thousand nine hundred and seven, and under such conditions as may be considered desirable with a view to safeguarding existing rights :

“The Lords Commissioners of Your Majesty's Treasury have signified their concurrence in these proposals.”

“ SCHEDULE.

“1. The following scale of allowances to be established for Royal Marine Physical Training Instructors :—

	s.	d.	
Senior Staff Physical Training Instructors, when employed as such either ashore or afloat ..	1	2	a day
Staff Physical Training Instructors, when employed as such either ashore or afloat ..	0	10	”
Physical Training Instructors when employed as such afloat, or on the paid lists at Headquarters, or the Depôt, Royal Marines, according to class of certificate, viz. :—			
1st Class	0	6	”
2nd Class	0	3	”

“2. The before mentioned allowances will not be payable in addition to the non-substantive pay of Gunlayer, 1st Class, or Turret Gunlayer.

“3. The following special Royal Marine Allowances to be abolished :—

- (i) The allowance of 6d. a day payable to Marines embarked in lieu of Seaman Physical Training Instructors.
- (ii) The allowances payable at Royal Marine Establishments of 6d. a day to Quartermaster Sergeant Instructors of Gymnastics, and of 1s. a day to Sergeant Instructors of Gymnastics.”

His Majesty having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

A. W. FitzRoy.

At the Court at *Buckingham Palace*, the 4th day of *June*, 1908.

PRESENT,

The KING's Most Excellent Majesty.
 Lord Steward Lord Sandhurst
 Earl of Dudley Mr. Sinclair
 Earl of Crewe

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 26th day of May 1908 in the words following viz. :—

“Your Majesty having been pleased by Your General Order in Council of the 16th day of November 1906 to refer unto this Committee the matter of an Appeal from the High Court of Australia between Arthur Palmer Blake and William Riggall Appellants and Lila Elizabeth Bayne and Mary Bayne Respondents (Privy Council Appeal No. 51 of 1907) and likewise a humble Petition of the Appellants setting forth that on the 18th April 1904 the Respondents commenced an Action against the Appellants in the Supreme Court of the State of Victoria claiming the sum of 5,000*l.* under the provisions of an Administration Bond dated the 11th June 1886 entered into by one Grace Bayne the Administratrix of the estate of Grace Bayne deceased intestate as principal and the Appellants as sureties and conditioned for the due collection and administration of the said estate which Bond was by Order of the said Supreme Court dated the 26th February 1904 assigned by the Registrar of Probates and Administrations to the Respondents: that the Respondents delivered their Statement of Claim in the said Action on the 13th June 1904 and the Appellants on the 11th August 1904 delivered their Defence by which they (amongst other things) set up a certain Deed dated the 20th May 1886 whereby the Respondents covenanted not to sue the Appellants for or on account of any maladministration of the said estate by or on the part of the said Administratrix and to indemnify them against all claims under the said Bond: that on the 31st August 1904 the Respondents delivered their reply wherein they pleaded that the Appellants were not entitled to rely on the provisions of the said Deed of the 20th