

being perfectly informed, they could not consider themselves as being perfectly competent to frame an Instrument which might not be liable to Objection, and therefore submitted, that the same should be fully considered by the Law Officers in Canada; and thereupon the Lords of the Committee, to whom the said Report and Draft of Instrument had been referred, recommended that His Majesty should approve of the Draft; but that, previous to the same passing the Seal of the Province, the Governor should be directed to consult the Law Officers of the Province with respect to such Provisions and Alterations, as, upon due Consideration of the Nature of the Tenures, and proper Description of the Lands, might appear to them advisable to be added to, or inserted in, the said Grant.

It is presumed, that a Return was made to this Order by the Governor, in the Spring of 1801; for it appears by the Council Book, that, on the 24th April 1801, a Letter was written to the Attorney General, stating, that several Proceedings had taken place in the Province, upon the Reference made to His Majesty's Law Officers *there*, of the Draft of the Grant prepared here and transmitted as above mentioned; and that the Law Officers in Canada had, by their Report to the Governor, bearing Date the 15th November 1799, stated certain Objections to the Validity of the said Instrument, as then constructed, according to the existing Laws of Canada; and the Letter went on to direct His Majesty's Attorney and Solicitor General *here*, to take into Consideration the Draft of the Original Instrument, and also the said Report of the Law Officers in Canada, and report their Opinion —

First, Whether the said Alterations and Amendments were proper to be adopted?

Secondly, in case they should be of Opinion, that such were proper, Whether it would be necessary that a new Draft of Instrument should be prepared and submitted to His Majesty for Approbation; or whether it would be sufficient, in case His Majesty's Attorney and Solicitor concurred in Opinion with the Law Officers in Canada, to direct the Governor to cause the said Alterations and Amendments to be inserted in the Instrument already prepared?

In answer to this Letter, His Majesty's Law Officers made a further Report to the Lords of the Committee, stating many Objections which occurred to them in respect to the Provision under which Lord Amherst was to hold the Lands, and be made accountable for the surplus Profits of the Estates beyond £. 2,400. per Annum.

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