

[COPY.]

No. 84. Downing Street, 31st August, 1836.

SIR,

I have to acknowledge the receipt of your Despatch of the 16th March last, No. 19, transmitting a copy of an Address from the House of Assembly of New-Brunswick to His Majesty, on various subjects connected with the administration of public affairs in that Province. I have since received from Messrs. Crane and Wilmot, the Gentlemen deputed by the House of Assembly to represent them in this country, the original Address of the Assembly, and I have also been in communication with those gentlemen, as well on the matters to which the Address adverts, as on others connected with the Colony. I inclose for your information, copies of the correspondence which has passed with them.

I have had the honor of laying at the foot of the Throne, the Address of the House of Assembly; and I am commanded to express His Majesty's satisfaction at the spirit and temper in which the House have framed this record of their sentiments on subjects of great constitutional interest and importance.

The Assembly express their approbation of the instructions issued by His Majesty's commands to Sir Francis Head, and to the Canada Commissioners, and state that it would afford them entire satisfaction, if the principles which they involve were carried into operation in New-Brunswick.

It is with great pleasure that I am enabled to give to the Assembly the satisfaction which they desire. The principles involved in those instructions are not of limited application. They form the basis of the policy which, in His Majesty's judgment, it is the wisdom of this country to pursue in reference not only to the Canadas, but also to all the other States of British North America.

I proceed to bring this general declaration to a practical test in the answers which I am commanded to return to the Address.

1. The first subject to which the Assembly advert is the management of the Crown Estates. Their representation is in substance, that the powers at present confided to the Commissioner of Crown Lands are excessive, and that the system which that Officer in the exercise of his discretion has followed, has tended to retard the settlement and the prosperity of the Province. But, in deference to the judgment already expressed by His Majesty on this subject, the Assembly withdraw on the present occasion their claim for the entire controul and management of the Crown Lands, and suggest that such controul and management should, in future, be confided to the Administrator of the Provincial Government and the Executive Council.

The memorandum inclosed in the joint letter of Messrs. Crane and Wilmot, dated the 27th instant, will explain to you the representations which those Gentlemen have added on this part of the question.

From my Despatch of the 31st March last, you will have seen that the management of the Crown Lands in New-Brunswick has lately engaged much of my attention. Without stopping to inquire whether that Despatch may not in some degree have anticipated the objections urged by the House of Assembly, I am at once to convey to you His Majesty's decision on the proposed measures of amelioration.

His Majesty is pleased to acquiesce in the suggestion that the management of the Crown Lands should for the future be confided to the Administrator for the time being, aided by His Executive Council. In pursuance of this decision, it will be your duty hereafter, in all questions relating to the disposal of Lands or Timber, belonging to the Crown, to submit the subject for the consideration of the Executive Council, and to proceed only in conformity with the opinion of that Council, or of a majority of its members. To the Commissioner of Crown Lands, however, will still belong the duty of carrying into effect such measures as shall have been thus decided on.

His Majesty at the same time readily admits the right of the Legislature of New Brunswick to pass such Laws as may seem to them expedient for the guidance of the Executive Government in this branch of their duties. His Majesty will be at all times prepared to receive and to consider with attention any suggestions or advice respecting the policy and system of management of the Crown Lands which may be offered to the Crown by the Council and Assembly of New Brunswick, whether by Address or by Legislative enactments. But as this is a matter in which the prerogative of the Crown is immediately concerned, and as it would obviously be inconvenient that any uncertainty should be introduced into the regulations for the disposal of Crown Lands, it would be indispensable that any Act to be passed for such a purpose should contain a clause suspending its operation until His Majesty's pleasure respecting it shall have been declared.

2. The Assembly complain that they have not been able to obtain detailed accounts of the receipt and expenditure of the Casual and Territorial Revenue, and have thus been prevented from making those suggestions respecting the management of that Fund which, by Lord Ripon's Despatch of the 2d January, 1833, they were invited to offer.

It would appear by the observations annexed by you to the Address, that you dissent, in some degree, from