

UPPER CANADA.

FINANCIAL, &c.

COPIES or EXTRACTS of CORRESPONDENCE relative to the Affairs of
UPPER CANADA.

From the Marquis of Normanby and Lord John Russell.

No. 1.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 26th June, 1839.

As you inform me in your Despatch of the 14th May, No. 108, that your purpose to address to me a separate communication on each of the Bills passed by the Legislative Council and Assembly of Upper Canada, and reserved by you for the signification of Her Majesty's pleasure, I shall of course postpone, until I receive those communications, the advice which I may feel called on to tender to Her Majesty in respect to these Bills. But, with reference to the Bill for disposing of the Clergy Reserves, I wish to call your attention to one point on which it is necessary that I should receive information.

By the 42d section of the statute 31 Geo. III., c. 31, it is provided that no Act passed in conformity with the preceding sections for altering or repealing any part of that statute, or affecting in any way the king's prerogative, shall be valid or effectual, "unless the Legislative Council and Assembly of such Province shall, in the session in which the same shall have been passed by them, have presented to the Governor, Lieut.-Governor, or person administering the Government of such Province, an Address or Addresses specifying that such Act contains provisions for some of the purposes hereinbefore specified, and desiring that, in order to give effect to the same, such Act should be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of Her Majesty's assent thereto."

It is evident that the Bill now before me comes within the scope of this provision, but I do not find in your despatches any allusion to this point, although in your speech at the close of the session you advert to an Address on the subject presented to you by the Legislature. I would request you to furnish me with the necessary information on this point; but you will of course distinctly understand that, in specially calling your attention to this question of form, I do not pronounce any opinion on the essential principles of the Bill, nor in any way indicate the advice which, on a more mature consideration of its provisions, I may feel it my duty to tender to Her Majesty.

I have, &c.

Sir G. Arthur, K.C.H.,

(Signed)

NORMANBY.

&c. &c. &c.

No. 1.
The Marquis of
Normanby to
Sir G. Arthur.
26th June, 1839.