

Despatch of the 31st of August last as one of the express conditions upon which His Majesty had consented to make the surrender in question. And I have only to add on this point that I believe, and indeed I have no doubt, that the House of Assembly are under the impression, that as this condition has not been noticed in the Bill it is not your Lordship's intention to insist upon an adherence to it. It therefore is of great importance that this should be fully understood by all parties before the Bill passes, as it will be too late afterwards to raise the question. If, as I am led to believe from what passed in the interview I had with Your Lordship, it is not contemplated by His Majesty's Government to abandon this condition, I with great submission beg leave to suggest that some provision for it should be inserted in the Bill; for although it is, I am aware, unusual to regulate by Act of Parliament the course to be pursued by that power in granting monies to the King, yet if any new mode was to be pursued in regard to the appropriation of any particular fund, differing from what had been the established constitutional law and usage of Parliament, it could only be done, I presume, by some Parliamentary enactment for that purpose; and I respectfully submit for Your Lordship's consideration, that by the same rule a Colonial Legislature would not feel themselves called upon to depart from what had been an established usage with them in their mode of appropriation of the public monies, without some Legislative or Parliamentary enactment for their so doing; and the mode of granting monies that has hitherto been pursued by the Legislature of New Brunswick is not according to the law and usage of the Imperial Parliament, but one that was resorted to many years back by agreement between the Legislative Council and House of Assembly, in the settlement of a long pending dispute upon that subject between those branches; and that since that period instead of the Representatives of the people raising and granting only such monies as might be asked for by the Executive in the name of the King, the King's Representative in fact has no voice whatever on the subject, but the House of Assembly raise and grant what they please, and the Executive must either assent to or reject the whole; and however unconstitutional this mode may appear, it certainly has been found by experience to be the most convenient one for Colonial Legislature, where there is no Minister of the Crown to come down to the House with an estimate for the year; and I feel convinced that any attempt that might now be made to alter this course of proceeding with respect to the ordinary Provincial Revenue which has already been at the disposal of the Legislature, would create a great excitement in the Province, and probably much difficulty and dissension between the Legislative Council and House of Assembly: but with respect to the Crown Revenues now about to be surrendered up, any provision that His Majesty's Government may think it prudent to make, for securing to the Executive as one branch of the Legislature a voice in the disposal thereof, as a check upon its improvident expenditure, could not be considered I conceive any interference with what has been the established usage in regard to the other Revenues of the Province.

Thirdly. I beg to call Your Lordship's attention to the question whether any Act of this nature made by a Colonial Legislature, even with the King's assent, can be binding for any period beyond His Majesty's life. The impression upon my mind is that in Law it cannot; and if I am right in this law, this Act and the provision intended to be thereby made for the Civil List of the Province, might be at an end very
shortly