

as to the succession to the Government.

In the event of His Lordship's resignation the administration of affairs will, of course, devolve on Sir John Colborne, until the appointment of a successor to His Lordship.

Majesty as to the succession to your Government.— They have received with much satisfaction Sir John Colborne's acquiescence in their request that he would continue during the approaching winter in the command of Her Majesty's Troops in Canada; and as in the event of Your Lordship's return to England, the administration of the affairs of Lower Canada, will, in the ordinary course devolve on that Officer; Her Majesty's Government can feel no difficulty in confiding to his hands the security of the Province until the appointment of a successor in the Office of Governor General.

I have, &c.

(Signed)

GLENELG.

The Right Honourable

THE EARL OF DURHAM,

G. C. B.

(Copy) No. 133.

*Downing Street,
12th November, 1838.*

MY LORD,

Despatch from the Secretary for the Colonies to Earl Durham.

In my Despatch of the 26th ultimo, I abstained from any notice of your Lordship's Despatch, No. 67, of the 28th September, and of the observations contained in your Despatch No. 68, of the same date, on the proceeding which, in your opinion, ought to have been taken by Her Majesty's Government with regard to the Ordinance of the Special Council of Lower Canada, therein referred to; having thought it desirable to reserve for a separate communication my remarks on those subjects.

Her Majesty's Government have attentively considered the statements which you have addressed to me of your views as to the legality of that Ordinance. Without intending to enter on a legal discussion, or to offer any further opinion, than that which, on the authority of the Law Officers of the Crown, I have already conveyed to you on this subject, I have to express my satisfaction that little difference of opinion exists between your Lordship and ourselves as to the extent to which any valid legal objection could be urged against the Ordinance. Waving the question of your right to send to Bermuda persons under restraint by virtue, not of an Order or Sentence of Transportation, but of an Ordinance of the Special Council of Lower Canada, subjecting them to banishment to

The Ordinance banishing the State prisoners to Bermuda,