

holding Office at the pleasure of the Crown, and that the Quorum should be fixed at eight. We have further advised Her Majesty that provision should be made for vacating the Seats of Members either in the case of Bankruptcy or Insolvency, or in any case where a Member should be a defaulter, or should be convicted of any of the crimes, which in the technical sense of the word are distinguished as infamous. To these Rules we have proposed that another should be added, for rendering void the Seat of any Member absenting himself, whether with or without leave, after the lapse of a certain prescribed period.

Thus far it has appeared to us that no practical difficulty would arise in giving effect to the views of the Assembly; but it may not be equally easy to adopt their suggestions as to the qualifications which they desire that every unofficial Member of the Legislative Council should possess. To find fourteen gentlemen all at once able and willing to serve in that House, all independent in their fortunes, and all so connected with the social and Christian Denominations of the inhabitants, as that no such interest or denomination shall be without some one Patron or Representative there, is a problem of which it may not be possible to discover any perfect solution. The utmost that can be promised or attempted is, that in the selection of Members, these recommendations will be borne in mind, and will be acted upon as far as may be found practicable.

The House of Assembly further recommend that no Councillor should hold his Seat except so long as he may possess a certain Proprietary Qualification. To this recommendation the Queen has not been advised to accede. Her Majesty's Government have not thought it right that the Royal Prerogative of selecting Legislative Councillors, should now, for the first time, be narrowed by such a restriction, or that such a precedent should be established in opposition to the practice, which, during the last two centuries, has uniformly prevailed throughout the widely extended Colonial possessions of Great Britain.

Such being the advice which the Ministers of the Crown have tendered to the Queen, I have received Her Majesty's commands to instruct you to signify to the House of Assembly of New Brunswick, that Her Majesty has been graciously pleased to approve and to adopt our recommendations; and that the necessary instruments for carrying them into effect, will be transmitted to you before the next Session of the General Assembly of the Province. The Queen further commands me to convey through you to the House, the assurance of the gratification with which Her Majesty has received the renewed expressions of loyalty and affection contained in this Address. Relying implicitly on the attachment of her faithful Commons of New Brunswick to the Constitution under which they live, it is peculiarly grateful to the Queen to find, that the changes which they propose for her acceptance are entirely in the spirit of that Constitution, and appear to Her Majesty well calculated to promote the great ends, with a view to which it was established, by Her Majesty's Royal Predecessors.

I have, &c.

(Signed)

STANLEY.

His Excellency Sir Wm. Colebrooke.

(Copy.)

[No. 215.]

*Downing Street, 30th December, 1843.*

SIR,—In my Despatch of the 11th July, 1843, No. 170, I informed you that Her Majesty's Government had humbly submitted to the Queen, their opinion that it would be proper to revise the Instruments by which the Legislative Council of New Brunswick is constituted. That revision was postponed only until I should be in possession of the additional intelligence which your Despatches of the 20th October, 1843, No. 100, and the 14th November, 1843, No. 109, have conveyed to me.

On proceeding to execute the intention which I had thus announced, aided by your two last mentioned Despatches, it has been gratifying to me to discover that it will be practicable to fulfil the pledges contained in my Despatch of the 11th of July, without incurring the inconvenience of introducing any change in the Royal Commission and standing Instructions under which you are acting.

1. The first change to be made is that of increasing, from fifteen to twenty one, the total number of the Members of the Legislative Council. In exercise of the power reserved to Her Majesty by the Royal Commission, the Queen has partially effected this alteration, by issuing, under the Royal Sign Manual, the four accompanying Warrants for the appointment of four of the additional Councillors.

2. The