

*Mr. Wyer,
Mr. Kinnear,
Mr. Owen,*

*Mr. Hatch,
Mr. Johnston,
Mr. Minchin.*

The Honorable Mr. Black sat President.

PRAYERS.

A Message from His Excellency the Lieutenant Governor was delivered by the Honorable Mr. Johnston, a Member of Her Majesty's Executive Council.

The Honorable the President read the same, and it was again read by the Clerk as follows:—

NEW BRUNSWICK.

*Message to the Legislative Council,
13th February, 1844.*

W. M. G. COLEBROOKE, LT. GOVERNOR.

The Lieutenant Governor lays before the Council, Copies of two Despatches which he has received from the Secretary of State for the Colonies, in reference to the subject of their Address of the 8th instant.

W. M. G. C.

(Copy.)

[No. 170.]

Downing Street, 11th July, 1843.

SIR,—I have laid before the Queen the Address of the House of Assembly of New Brunswick, (enclosed in your Despatch, No. 27, of the 15th April last,) recommending certain measures for the reconstruction and improvement of the Legislative Council of the Province. Having maturely weighed this Address, Her Majesty's confidential advisers have humbly submitted to the Queen the following opinion on the subject to which it refers.

The House of Assembly insist that the Legislative Council of New Brunswick ought to be composed of persons connected with all the great Religious Denominations, and with all the more considerable social interests of the Province; that they should be men of independent property, and of unimpeached personal reputation; that any Member becoming bankrupt or insolvent, or a public defaulter, should immediately vacate his Seat; that some period should be prescribed, beyond which, no Legislative Councillor should be permitted to absent himself from his duties without incurring a similar forfeiture; that of the whole Body, a decided majority should be persons exempt alike from any direct influence of the Executive Government, and from any dependence on the popular branch of the Local Legislature; and that the entire number of Legislative Councillors holding Office at the pleasure of the Crown, should never be greater than might be necessary for the conduct of the business of the Government in that House.

From this Address, and from your own Despatch transmitting it, it would appear that there is little conformity between these principles and the existing composition of the Legislative Council of New Brunswick. It is maintained in the Address, and it appears to be virtually acknowledged by yourself, that of the present Members, an unduly large proportion are holders of Offices at the pleasure of the Crown; that such official persons constitute a majority of the Members usually present at the Meetings of the Legislative Council; and that there are some considerable Religious Denominations and social interests in the Province with which no Member of that Body has any immediate connexion. The absence of any provision for vacating the Seats of Members in the various cases already mentioned, is a fact which demands no proof.

Under these circumstances, Her Majesty's Government have 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. We have recommended that on that revision the number of Legislative Councillors should be increased to twenty one; that of that number seven only should be persons holding