

Despatches.

ceedings of the Government Railway Department, for the information of the Provincial Legislature in their deliberations on this subject.

I have, &c.

(Signed,) STANLEY.

The Right Honourable
Lord METCALFE,
&c. &c. &c.

(Copy.)

No. 458.

DOWNING STREET,
18th November, 1845.

My LORD,

In reference to the correspondence enumerated in the margin, on the subject of Mr. Harris' Divorce Bill, I have now to communicate to Your Lordship the accompanying copy of a Report from the Law Officers of the Crown, from which it appears that if the Bill were confirmed by Her Majesty, the Courts of Law in this Kingdom would not consider such an Act as a valid divorce but that Mr. and Mrs. Harris would still retain, in point of Law, their conjugal relation towards each other within this Kingdom, and wheresoever else beyond the limits of *Canada* the Law of *England* prevails.

Under such circumstances it will of course be impossible that Her Majesty in Council could be advised to confirm and finally enact this Bill.

I have, &c.

(Signed,) STANLEY.

The Lord METCALFE,
&c. &c. &c.

(Copy.)

DOCTOR'S COMMONS,
November 18th, 1845.

My LORD,

We are honoured with Your Lordship's commands signified in Mr. Hope's letter of the 15th instant, stating that he was directed to transmit to us a Bill passed by the Council and Assembly of *Canada* to dissolve the marriage of Henry William Harris, Esq., also to transmit copies of the correspondence which has taken place on the subject of that Bill, between Your Lordship and the Governor General of *Canada*. That the result of that correspondence is to show that Mr. and Mrs. Harris were married in *Canada* in the year 1832—that he was at that time residing there as an Officer attached to his Regiment, the act of Adultery on account of which the parties have been divorced was apparently committed in *Canada*,—that Mr. Harris had no other domicile there than such as attached to him in his Military capacity,—that in the year 1841, Mr. Harris returned with his Regiment to the United Kingdom, and has not since resided in *Canada*,—that Mrs. Harris also quitted *Canada* for the *West Indies*,—that the Bill of Divorce was passed in March 1845 and during the absence of both parties from the Province.

That Your Lordship further directed Mr. Hope to request that we would report our joint opinion whether if this Bill should be confirmed by Her Majesty, the Courts of Law in this Kingdom would consider such an Act as a valid divorce within this Kingdom of Mr. and Mrs. Harris, and whether notwithstanding the Act, they would not within this Kingdom and elsewhere beyond the limits of *Canada*, still retain, in point of Law, their conjugal relation towards each other.

In obedience to Your Lordship's commands we have the honour to report that as the parties were not domiciled in *Canada* at the time of the passing of the Act for the dissolution of the marriage, we are of opinion that the Courts of Law in this Kingdom, would not, if such Bill were confirmed by Her Majesty, consider such an Act as a valid divorce.

We further think that Mr. and Mrs. Harris would, notwithstanding such Act, retain in point of Law their conjugal relation towards each other, within this Kingdom, and wheresoever else beyond the limits of *Canada* the Laws of *England* prevail.

We have, &c.

(Signed,)

J. DADSON,
FRED. THESIGER.
FITZROY KELLY.

The Right Honourable
Lord STANLEY,
&c. &c. &c.

(Copy.)

No. 1.

DOWNING STREET,
30th December, 1845.

My LORD,

I have the honour to transmit to Your Lordship, herewith, an Order made by Her Majesty in Council on the 23d instant, leaving to its operation an Act passed by the Legislature of *Canada*, No. 212, to secure the right of property in *British Plantation Vessels*.

The last clause, however, enacts that this Act shall cease if at any time the Imperial Act 3 and 4, *Will. IV.* chap. 55, entitled, "An Act for the registering of British Vessels," shall be extended to vessels navigating the Inland Waters of the Province of *Canada*. This Act having, however, been repealed by the Act 8 and 9 *Vict.*, chap. 89, it would be desirable that the original Act, No. 212, should be amended by introducing the words "or any other Act for the Registering of British Ships," immediately after the words "the Act of Parliament," (*viz.*: 3 and 4, *Will. IV.* c. 55.) entitled "An Act for the Registering of British Ships."

I have, &c.

(Signed,) W. E. GLADSTONE.

Lieut. General
The Earl CATHCART,
&c. &c. &c.

(Copy.)

Circular.

DOWNING STREET,
15th January, 1846.

My LORD,

I find that the impulse which has been given in every other part of the civilized world to plans of Railway communication has been felt in many of the British Colonies. The subject has been pressed on my attention from many different quarters and under circumstances both physical and economical as distinct and as various as are the conditions of those widely extended settlements.

To attempt to lay down any one set of rules or even a single rule binding inflexibly on the Executive Governments of them all, would obviously be futile and impracticable. But the experience of this country has ascertained some general principles on the subject, the application of which is neither transitory nor local, but which, it may now be presumed are applicable in various degrees to the legislation of every country in this new field of inquiry. The object of this Despatch is to state, compendiously, what those rules or principles are.