

## APPENDIX.

---

I think the presentation of all Acts with the solemnities adverted to, (in the Act 3 and 4 Vict. c. 35), is requisite to render them capable of becoming laws on receiving the Royal Assent, whether given through the medium of the Governor, or by the Queen herself upon a reservation.

I do not think the Provincial Act intituled "An Act for the disposal of public lands"—applies to the lands in question. They belong to the Crown in a very different right from the waste lands, which appear to me to have been alone within the meaning of the Act. I think the payment of the money amounted to a purchase, and that it was not intended to disturb purchasers. I think, therefore, a patent would be good.

M. D. HILL,

*44 Chancery Lane.*

I am of opinion, that the Provincial Act for the disposal of public lands does not preclude the Crown from issuing in favor of Mr. Laporte, a patent to the effect and for the purpose referred to. I conceive that the land in question cannot be considered as "the public land," which the Act is intended to effect, none of its provisions appearing to me to have any reference to the particular description of land, but its provisions being addressed to lands of a different character, and to be disposed of and dealt with in a manner and for purposes altogether different, and in particular, I conceive that this land as affected by a *previous obligation*, under the contract with the Executive, and the payment of the purchase money, cannot be considered as "public land" to be brought within the operation of the Act; and further, that a patent to be issued on the special ground of the equity thus affecting the land could not be considered as "a free grant of public land" within the Act.

T. OLIVER ANDERDON,

*Lincolns Inn.*

13th April, 1846.

I entirely agree in the above opinion, except only that, though I think the lot in question may still be called public land, I do not, on that account, or on any other, think it at all within the operation of the Act.

H. BLISS,

*11 King's Bench, Walk Temple.*

14th April, 1846.

I am of opinion, that the Governor had no authority to delegate the Legislative power given by the 37th section of the statute (3 and 4 Vict.) to any other person, no authority to appoint a Deputy was given by his Commission, and had this been otherwise, it seems to me (considering the terms of section 40) that he would not have been authorized to appoint one to execute the Legislative functions for the whole of Canada, specified in the 37th section.

THOS. STARKIE.

TEMPLE, 11th April, 1846.