

NEW BRUNSWICK.

— No. 1. —

(No. 107.)

COPY of a DESPATCH from Lieutenant-Governor Sir *Edmund Head*, Bart.,
to Earl *Grey*.Government House, Fredericton,
2 December 1848.

My Lord,

WITH reference to the names of the members of the Legislative Council of this province, as set forth in Her Majesty's late instructions, I have received from the seven members of my Executive Council now in the province the memorandum, of which a copy is annexed to this despatch.

There seems to be an impression on the minds of the Executive Council that the Bishop of Fredericton had not been appointed by any formal instrument previous to these last instructions; but in this view I think they must be mistaken.

The Bishop's letters patent, of 16th of April 1845, do not appear to touch the point, but I conceive there are in existence instructions under the sign manual conferring this privilege on the Bishop. I cannot indeed find a copy of the instructions in this house, nor among the papers filed with the Provincial Secretary.

The instructions issued under the sign manual to the Earl of Elgin, on the 1st of October 1846, do not contain the names of the legislative councillors, nor are they set forth in the instructions of the 16th of March 1846, addressed to Lord Cathcart.

I apprehend that the members of my Executive Council do not mean to object personally to the Bishop of Fredericton, but their representation has reference to his position in connexion with the Church here; indeed the Bishop has never yet taken his seat in the Council.

Your Lordship will distinctly understand that I do no more in this despatch than transmit the memorandum, as conveying the opinion of the members of the Council.

I have, &c.
(signed) *E. Head*.

Enclosure in No. 1.

1 December 1848.

Encl. in No. 1.

THE Executive Council, having observed that the Bishop of Fredericton is named in the last Royal Instructions as a member of the Legislative Council for this province, deem it their duty to express, for the consideration of the Lieutenant-Governor and Her Majesty's Government, their opinion that this appointment is highly objectionable and inexpedient.

— No. 2. —

COPY of a DESPATCH from Earl *Grey* to Lieutenant-Governor Sir *Edmund Head*, Bart.

Sir,

Downing-street, 9 February 1849.

IN answer to your despatch, No. 107, of the 2d December last, I have to inform you that I have not been able to ascertain under what authority or instrument the Bishop of Fredericton was originally appointed to a seat in the Legislative Council of New Brunswick. It appears, however, to have been the wish of a former Lieutenant-Governor of the Province that he should fill it. And, inasmuch as he was regularly constituted a Legislative Councillor by the Instructions to which you refer, I feel that I should not be justified in taking any steps for his removal from that office without his own consent. It appears, however, that in point of fact he has never performed its duties; and whenever the opportunity shall arrive for issuing new Instructions, the propriety of his re-insertion in the List of Legislative Councillors, after the objection taken by the members of your Executive Council, shall be fully considered.

I have, &c.
(signed) *Grey*.

No. 2.
Earl Grey to
Lieut.-Governor
Sir E. Head, Bart.
9 February 1849.