

report to you whether the change is such as to alter in any respect the substance and the legal effects of the intended measure. If they should report that the alterations are formal, merely, and not substantial, you will assent to the Bill on His Majesty's behalf. But if the Law Officers of the Crown should report that the variations affect the substance as well as the form, then it will be your duty to withhold your assent unless the bill should contain a suspending clause or unless the operation of it should, by the terms of the law itself, be postponed for a period of at least five months, so as to enable His Majesty to interpose on the subject before the new law could actually take effect within the Province.

"It is my earnest hope, that the Provincial Legislature will adopt and pass this bill without any change either of substance or of form; because I am anxious to preclude even the possibility of any case arising on a question on which His Majesty is justly entitled to indulge the expectation that his efforts to adjust these questions on the most liberal basis will be met by cordiality and confidence on the part of a representation of his Provincial subjects.

"It may be right to observe, that the funds appropriated for the Civil List are in this draft much less than the amount of the Civil List as it stands in the present law, and that it is in strict accordance with the practice of this country, and is therefore preferred as maintaining the required equality between the two cases. If the law should be passed in this form it would still be competent to His Majesty to require that in the exercise of his powers he should be confined to the royal representation of the Council; and His Majesty would accordingly issue to yourself instructions to that effect, applying to all cases except those of Letters and Commissions, and extreme, or any possible in theory cases, namely of an unreasonable and contumacious refusal on the part of the Council to execute or sanction the necessary warrants on the Treasury.

"I have the honor to be, Sir, Your most obedient servant,"

(Signed) "GLENEG." Major General Sir A. CAMPBELL, Bart. G. C. B. & C.

"NEW BRUNSWICK. Message to the House of Assembly, 23d December, 1836. ARCHIBALD CAMPBELL.

The Lieutenant Governor lays before the House of Assembly a Despatch from the Right Honorable Lord Glenelg, dated 31st August, 1836, on the subject of the Act for establishing the St. John Mechanics' Wharf Fishing Company; to which the Lieutenant Governor invites the attention of the House.

"A. C."

"Downing Street, 31st August, 1836. Sir,—Amongst the series of Acts passed by the Legislature of the Province of New Brunswick during the late Session was, No. 101, for establishing the St. John Mechanics' Wharf Fishing Company.

"The objects proposed to be effected in the formation of this Company appear to be of a very desirable nature, and His Majesty's Government would wish to afford every facility in carrying them into effect, but the provisions contained in the Act are in a far more extensive kind than can be required, and more so than it would be advisable to sanction. You will therefore bring the subject again under the consideration of the Assembly; and invite that body to pass such an Act as shall be more restricted in the powers which it confers, and at the same time better adapted to carry into effect the limited object of the company.

"In the meantime His Majesty's decision will be suspended on the subject.

"I have the honor, &c." (Signed) "GLENEG." Major General Sir A. CAMPBELL, Bart. G. C. B. & C.

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"Downing Street, 31st August, 1836. Sir,—I have to acknowledge the receipt of your despatch dated the 10th ultimo, No. 8, enclosing petitions from the Legislative Council and House of Assembly of New Brunswick, severally addressed to the King, in the House of Commons, on the subject of the proposed alteration of the duties imposed on the importation of North American Colonial Timber into the United Kingdom.

"I have the honor to lay at the feet of the Throne the Petition addressed to His Majesty, and His Majesty has been pleased to refer the subject to the Committee of His Privy Council for Trade and Foreign Plantations.

"The Petition presented to the House of Lords I shall take an early opportunity of presenting to their Lordships, and that to the House of Commons will be presented by my under Secretary, Sir George Grey.

"I have the honor to be, Sir, Your obedient humble servant,"

(Signed) "GLENEG." Major General Sir A. CAMPBELL, Bart. G. C. B. & C.

"Downing Street, 31st August, 1836. Sir,—The particular attention of His Majesty's Government has been called to measures adopted by the various Colonial Legislatures for revising and altering the rates at which different duties should pass current, and by a legal tender with reference to local monies of account.

"These regulations have an obviously considerable influence upon the transactions of those Departments which are concerned in the collection of Duties imposed by Acts of Parliament, more especially upon the transactions of the Military Chest; and as a material inconvenience has already been experienced in these respects, it is desirable to adopt such measures as may prevent the recurrence of such inconveniences, and thereby avoid the necessity of revoking such enactments as may be deemed objectionable after they shall have been promulgated and carried into effect.

"It is my wish to desire that you will not permit any Act or Ordinance, or Proclamation or Regulation, to come into operation in the Colony under your Government, relating to the local currency and circulating medium, or to the rates at which coins should pass current, or to a legal tender, or to the circulation of Promissory Notes or other Paper, either by the local Government, or by any Corporate Bodies or Individuals, without having first received His Majesty's sanction conveyed to you by the Secretary of State.

"I have the honor to be, &c." (Signed) "GLENEG." Major General Sir A. CAMPBELL, Bart. G. C. B. & C.

"Downing Street, 22d Sept. 1836. Sir,—With reference to my Despatches of the 31st ultimo and 5th instant, I have the honor to enclose herewith, for your information and guidance, the copy of a letter on the subject of the Post Office, addressed to me by Mr. Brown, and Mr. Wilton, together with a copy of the answer returned to them by my direction.

"I have the honor to be, &c." (Signed) "GLENEG." Major General Sir A. CAMPBELL, Bart. G. C. B. & C.

"12 December Street, 15th Aug. 1836. Mr. Lord,—We have been directed by the Assembly of New Brunswick, to inform your Lordship that a Bill, which was framed by the Government, in pursuance to an Act of Parliament, 3 & 4 W. 4. C. 7, made for the regulation of the Post Office Department in the North American Colonies, and laid before the Provincial Legislature in 1835, was found to contain provisions not at all suited to the local circumstances of the Province, and consequently was not adopted; and as the Assembly of New Brunswick are desirous to substitute in lieu thereof a Bill more suitable to the condition of the Country, we have to beg of your Lordship, that the like instructions on this subject may be given to Sir A. Campbell as were furnished to Sir F. B. Head.

"We have, &c." (Signed) "WILLIAM CRANE." L. A. WILMOT.

To Lord Glenelg.

"Downing Street, 21st Sept. 1836. General,—I am directed by Lord Glenelg to acknowledge the receipt of your letter of the 15th instant on the subject of the Bill for the regulation of the Post Office, submitted to the Legislature of New Brunswick in their session of 1835, by direction of His Majesty's Government. In reply I desire to inform you that, acting on the principle announced in my Despatch to Sir A. Campbell of the 29th ultimo, His Majesty at once accedes to the request which you have preferred on behalf of the House of Assembly, that the instructions on this subject should be applied also to New Brunswick. Sir A. Campbell will accordingly be directed to assent to any judicious and practicable alterations for the regulation of the Post Office within the Province which the Legislature may incorporate in a Bill to be introduced for its acceptance, regarding it as no weight whatever when opposed to the general convenience of the public, any considerations of passage or of revenue derivable from this source.

"I have, &c." (Signed) "JAS. STEPHEN." Messrs Crane and Wilton.

principles had already received the sanction of the Government at home; and the sooner therefore, it became a law, the better. Another point worthy of notice was, the intention of H. M. Government to place the Crown Land Department under Legislative enactment. This would no doubt be very satisfactory, even to the Commissioner himself, because it would relieve him of much responsibility; and the excessive powers he had hitherto possessed were such as he (Mr. Speaker) would think, no individual would desire to possess, who had any regard to his own comfort. The new arrangement, therefore, would give more satisfaction to all parties.

"He hoped there would be but one mind in the Committee, to carry into effect the suggestions of the parent government. He hoped there would now be no cause of complaint; but whenever there should be any such case, the house ought to bring it before the Government; and there was no doubt that it would speedily be attended to.—One point in his Excellency's message required notice. The Executive appeared to think, that there was some mistake in Lord Glenelg's calculations with respect to the civil list, and that therefore, instead of a surplus, there would actually be a small deficiency; and His Excellency expressed the hope, that should a suspending clause to the bill. But this was a mere supposition; there was no reason to suppose any mistake in the calculations; and he must have been fully competent to make his own calculations; and even if there had been a slight mistake, that was no matter about it; but if the British Government had it very much at heart to give entire satisfaction to these Provinces; and the Provincial Executive had it very much at heart to give entire satisfaction to these Provinces; and that a part of their entire scheme for that purpose, and that it was an object with the Government to have it passed at once, as a precedent for the neighboring Colonies. Therefore a small difficulty of about £12, ought to be no obstacle whatever, in passing this bill; and even if the Colonial Minister should have made a mistake, he had committed a slight error in calculation, the House would never hesitate to make up the deficiency. He (Mr. Speaker) believed there was no mistake about it; but if there was, most probably, by a change in the Executive, a reduction of £300 per annum would be effected in the civil list, which would be more than three times the amount of the supposed deficiency. There would also, in process of time, be other reductions; and thus a very large surplus might be obtained. He (Mr. Speaker) believed there was no provision for the Judges' Circuit expenses in this civil list calculation; and the Provincial Executive in 1828, relative to this matter, had made a provision for those expenses from the casual revenue; but at all events before the House could legislate on the subject, they must have the information. They should therefore address His Excellency, praying for copies of the correspondence between the Government and the Provincial Executive, and that the Colonial Minister might inform the House of the details of the subject. He (Mr. Speaker) hoped the subject would now be settled at rest, for, by passing a bill to regulate the civil list, the House would send to the Judges themselves to have it annually debated in the house. The only other matter necessary to be brought before the House, was the one to bring in a bill, to provide for the Civil Government of the Province; and he hoped it would be a strict copy of that which accompanied the message, and which had already been sanctioned by the Government at home.

"Mr. Johnston expressed his high satisfaction at the language of the dispatches, and acknowledged the great obligation that must be felt by all for the important concessions contained in them. He thought they embraced every thing of importance relating to the address of the House to the Throne, and that, when generally known, they would be received throughout the Province with the same feelings he had himself expressed. He hoped that the House would now resolve to pass the bill strictly as it was sent out from home, and thereby do away with what had been for so many years the cause of such general dissatisfaction, and of so much trouble in managing the crown land department. This cause of complaint would be then removed; and he (Mr. J.) had hoped that those dispatches would have been universally received with but one feeling of approbation; but he was sorry to find, from the messages before the House, that the same feeling did not pervade the Executive government. It seemed that they were dissatisfied to find that the sum in the bill for the house, then was desired by the Home Government; they had apparently discovered some slight mistake or omission in the calculation of the civil list; and how was this omission made out? By including in their calculations the sum of £300 for contingencies, because that sum had hitherto been always allowed by the Home Government. But by considering the nature of the dispatch, it could be found that there was no desire in the Home Government that it should be so; and that hereafter be made by the Executive, without the knowledge and approbation of the Legislature; and this sum of £300 had been considered under the head of 'secret service money,' for which no account could be expected. It was therefore evident, that the Colonial Minister had designedly omitted this sum in his calculations; and deducting this, there would be no deficiency whatever in the sum to be granted for the civil list, but, even if the salaries should still continue to be paid in dollars at 4s. 4d. there would actually be a surplus of about £200; and, as, in a short time, in all probability, by the retirement of the present Lieutenant Governor, there would be a saving of £500, there would then be a surplus of about £700 per annum. It was therefore quite unnecessary for the Executive to make any observation of this kind, or for the House to take any notice of it. But a second objection started in the Message was, an omission in the draft of the bill, of one of the conditions of surrender of the revenue mentioned in a prior dispatch, alluding to the manner in which public revenues are usually appropriated by the Imperial Parliament. It appears to have been originally contemplated by the home government, that all surplus funds in this Province should be applied strictly in conformity with the usage at home; and that every grant should be recommended by the executive. So it was stated in the dispatch of the 31st August, alluded to; but what followed? That was but a preliminary step; it had to be ratified by the bill to be framed in accordance with the views of the different parties; and their further negotiation resulted in the present bill; and the next dispatch of Lord Glenelg stated that the salaries of civil officers should be paid by the Executive quarterly, and that the surplus revenue should be appropriated by the Legis-

lature as they might think best, for the better of the Province. This was a better mode of appropriation than that originally suggested; the house were the best judges how money raised in the Province should be applied, in conformity with the usage of the Provincial Legislature. But another difficulty was started by the Executive; reference was made in the message to the royal instructions; and it appeared to be the opinion of the members of the Lieutenant Governor, that the bill contained provisions in violation of these instructions. The hon. member then proceeded to contend, that the royal instructions were in many respects obsolete and unadapted to the present condition of the Province, and had frequently been infringed on and virtually altered, by successive Colonial Ministers; especially in establishing various new modes of disposing of Crown Lands, variously and with that pointed out in the royal instructions; and observed, that the objection on this head was a mere bogey, started to induce the house to pass the bill with a suspending clause. There could be no necessity for it; it would serve only to create delay, and delays were dangerous.

"The present government was very favorably disposed towards this Province, and had met their wishes with cordiality; but it was impossible to say what changes might be effected hereafter in the British ministry; he (Mr. J.) therefore thought it would be better strictly to adhere to the dispatch, and to pass the bill exactly in the form in which it was sent out; and he believed that when the dispatches were dispassionately viewed, it would be found that there was no disposition in His Majesty's Government to suspend the operation of the bill.

"Mr. End said, that this was a very important day for the Province, and that the House, in approaching this subject, pledged by the Address in answer to the speech, to calm and deliberate consideration of them. These dispatches comprehended every thing which was of ordinary position; they were, in fact, so general in their views, that it was impossible in one, or two, or ten days, to do more than to give a general view of the subject; it was with great diffidence that he rose so early in the debate; but he thought enough had already been said to put the question to rest, and would therefore endeavor to avert or mitigate the evils which might result from the bill, if it were not passed. He (Mr. J.) therefore thought it would be better to pass the bill, and to leave the House to regulate the details of the subject, as they might think proper. He (Mr. J.) therefore thought it would be better to pass the bill, and to leave the House to regulate the details of the subject, as they might think proper.

"The House proceeded to the order of the day, for going into committee of the whole in consideration of the several Messages of the 23d instant.—Mr. Hanington in the chair.

After the first Message, and accompanying documents furnished to the House, the hon. member for the Province, and he thought every member of the House must have read the despatches under consideration, with the utmost satisfaction; and he thought it would be better to pass the bill, and to leave the House to regulate the details of the subject, as they might think proper.

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lature as they might think best, for the better of the Province. This was a better mode of appropriation than that originally suggested; the house were the best judges how money raised in the Province should be applied, in conformity with the usage of the Provincial Legislature. But another difficulty was started by the Executive; reference was made in the message to the royal instructions; and it appeared to be the opinion of the members of the Lieutenant Governor, that the bill contained provisions in violation of these instructions. The hon. member then proceeded to contend, that the royal instructions were in many respects obsolete and unadapted to the present condition of the Province, and had frequently been infringed on and virtually altered, by successive Colonial Ministers; especially in establishing various new modes of disposing of Crown Lands, variously and with that pointed out in the royal instructions; and observed, that the objection on this head was a mere bogey, started to induce the house to pass the bill with a suspending clause. There could be no necessity for it; it would serve only to create delay, and delays were dangerous.

"The present government was very favorably disposed towards this Province, and had met their wishes with cordiality; but it was impossible to say what changes might be effected hereafter in the British ministry; he (Mr. J.) therefore thought it would be better strictly to adhere to the dispatch, and to pass the bill exactly in the form in which it was sent out; and he believed that when the dispatches were dispassionately viewed, it would be found that there was no disposition in His Majesty's Government to suspend the operation of the bill.

"Mr. End said, that this was a very important day for the Province, and that the House, in approaching this subject, pledged by the Address in answer to the speech, to calm and deliberate consideration of them. These