

should that be necessary, of such Acts after they have gone into operation. It would be superfluous to enlarge on the hardships which might be produced by the annulling of an Act under which property had been already acquired or devised, or to point out how much the disappointment created by such a proceeding must exceed that which would result from a temporary delay in the confirmation of the Act. There is, however, an alternative, which, while it would guard effectually against the inconvenience just stated, would at the same time, I have reason to think, be satisfactory to the Assembly, and this is, that no Act for the regulation of the Land Department shall come into operation till a given period after its passing. If therefore any Act of that nature presented to you hereafter, shall contain a clause providing that it shall not come into operation till the expiration of at least four months from its date, you will be at liberty, should you see no objection to the Act on other grounds, to give your assent to it. In such a case I need hardly state that it will be your duty immediately to transmit the Act to me in order that it may be brought under the consideration of His Majesty in Council.

3. With respect to the surrender of the Casual and Territorial Revenue, I have to observe, that in proposing that the net proceeds only should be paid over to the Provincial Treasury, His Majesty's Government made no claim which is not in strict accordance with the law and practice of this country. The Hereditary Revenues of the Crown have been placed at the disposal of Parliament—Parliament has in turn confided to the Executive Government the powers and the duty of determining in the first instance whatever relates to the expence of management and collection, subject to the obligation of rendering an annual account of that expence. It is obvious that if the Legislature should assume the right of predetermining the various items of that expenditure, they would be virtually invested with the entire management of the Territory itself, and must exercise a power which has never been placed in this country in any other hands than those of the Executive Government. To depart from the established usage in this respect would be to subvert the existing balance of the Constitution, and to place powers of the greatest importance in hands not subject to any effective responsibility. I propose, therefore, that, as in Great Britain the cession of the Hereditary Revenue was accompanied by an Enactment which enabled the Lords of the Treasury to fix in the first instance all the charges of collection and management, so in New Brunswick, the cession of the corresponding Re-

venue to the appropriation of the General Assembly should be accompanied by an act authorizing the Governor of the Province, with the advice of his Executive Council, to expend out of the gross income whatever sums they may find necessary for the management and collection of that Revenue. And as in Great Britain the House of Commons, by exercising its judgment on the accounts of the expenditure which are always laid before it, has in effect a sufficient and constitutional control over that expenditure, so in New Brunswick the same control over the Revenue in question, would, by the same means, be vested in the House of Assembly: The assurance which you have been directed to convey to the House of Assembly, that accounts of the Receipt and Expenditure of that Revenue shall be annually laid before them, and that His Majesty will be ever ready to devote the most attentive consideration to any suggestions from either branch of the Legislature in regard to the expence of collection, appears to afford a guarantee against any unnecessary disbursements for that service; but there will be no objection to confirm that assurance by a positive enactment.

4. Messrs. Crane and Wilmot next advert to the amount of the Civil List, and suggest that the sum of 15,000 Currency should be substituted for that of 14,000 Sterling—Although it has not been in my power to advise His Majesty to accede altogether to this suggestion, I am yet of opinion, after adverting to the arguments urged by those Gentlemen, both in their written communications and in conversation, that some modification of the proposition contained in my Despatch of the 31st ultimo, may be advantageously made. Among the items therein specified as permanent charges in the Civil List, is the sum of £909 for the establishment of the Commissioner of Crown Lands. This item was inserted in conformity with the scheme contemplated by Lord Stanley in 1833; but there appears to be no sufficient reason why the expenses of the Indoor Establishment of the Commissioner of Crown Lands should not be defrayed in the same manner as all other expenses incurred for the management of the Crown Estate, and the collection of the Revenue arising from it. This charge therefore being deducted from the Civil List, His Majesty will be ready to accept the sum of £14,500 Currency in exchange for the casual and Territorial Revenue, instead of the sum of £14,000 Sterling demanded in my Despatch of the 31st. ultimo. I cannot doubt that the Assembly, considering the large and growing Revenue to be given up to their control in return for this sum, will cheerfully agree to the terms offered to them by His Majesty's Government.