

No. 3.
 Sir John Harvey
 to
 Lord John Russell,
 24th Dec. 1839.

Enclosure.

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Circular Memorandum addressed by the Lieutenant Governor to the Heads of the Civil Departments and Members of the Executive Council in New Brunswick.

Gentlemen,

In communicating to you the Copy of a Despatch which I have recently received from Her Majesty's Principal Secretary of State for the Colonies, I avail myself of the Occasion to state to you the Views which I take of the very important Change which, by this Despatch, is made in the Tenure of your respective Offices, which, instead of being held as heretofore, either "for Life" or during good "Behaviour," are henceforward made entirely dependent upon the Will of the Sovereign, or that of Her Majesty's Representative. The principal Objects of the Regulations now introduced appear to me to be;—1st, while enlarging the Powers of the Administrator of the Government, by leaving him free to choose his Counsellors and Office Bearers, to at the same Time impose upon him a corresponding Degree of increased Responsibility, as well towards The Queen's Government as towards the Inhabitants of the Province over which he is appointed to preside, for the satisfactory Administration of its Affairs;—and, 2d, and above *all*, it has for its Object to insure for the Governor, as far as may be possible, the most cordial and sincere Support, Assistance, and Co-operation, in carrying out his Views and Policy, and those of Her Majesty's Government, on the Part of every individual Member of the Provincial Government, whose Tenure of Office is now made dependent upon him, by identifying their Interests (as far at least as that Tenure is concerned) with that Line of Conduct.

Entertaining these Views of the Subject, I hail this Despatch as conferring a new and in my Judgment an improved Constitution upon these Colonies.

Gentlemen, I have no Intention or Desire to require from you any thing in the Shape of a renewed Pledge or Engagement other than those to which you are already bound by your respective Oaths of Office; but, having frankly explained to you my Construction of this Despatch, I trust that it may only be necessary for me to signify to those who may do me the Honour to retain their Appointments and Seats, that I must regard their doing so as a tacit Intimation of their Desire and Intention to afford me their zealous aid and co-operation in conducting the Affairs of the Provincial Government, and that if they should at any time hereafter feel themselves called upon to avow Sentiments adverse to the Policy which that Government may pursue, or otherwise to oppose or obstruct the Course of the Proceeding which it may adopt, they will at the same Time fully recognize the Condition which such a Dissent from the Views of the Colonial Government, so carried out, must necessarily involve.

With regard to such of the present salaried Officers, possessing sufficient Claims from Length of Service, and who may now or hereafter, upon sufficient Grounds, be desirous of retiring from Office during my Administration, I can only assure them that I shall be found at all Times ready and willing to bring under the favourable Notice of Her Majesty's Government and to give all due Support to their Applications for Pension or retired Allowance, in fair and reasonable Remuneration for past Services, upon the Principle, however, that such Pension or Allowance (if obtained) shall cease upon any future Restoration to Office, and, vice versâ, again revive on the Discontinuance of official Salary.

These, Gentlemen, are the only Observations which I have deemed it necessary to make in communicating to you a Despatch of which a Copy, as well as of this Memorandum, will be furnished to each of you by the Provincial Secretary.

Government House,
 Fredericton, 21st Dec. 1839.

(Signed) J. HARVEY,
 Lieut. Governor.

N.B.—The Office of "Clerk of the Executive Council" is to be added to the List given in the Despatch.