

SALARY TO LIEUTENANT GOVERNOR.

[No. 43.]

Downing Street, 28th April, 1840.

SIR,—I have received your Despatch, No. 15, of the 24th March, communicating the information that the Legislative Assembly of New Brunswick, had unanimously voted that the Table allowance of £500 enjoyed by your Predecessors, should be granted to you from the commencement of your administration, and to continue during your tenure of the Office of Lieutenant Governor of the Colony.

I am happy to be able to convey to you, Her Majesty's permission to accept this addition to your official income. I cannot doubt that as the Assembly thus feel the inadequacy of the Salary assigned to the Representative of the Sovereign in New Brunswick, they will hereafter display a similar spirit of liberality towards your Successor.

I have, &c.

(Signed)

J. RUSSELL.

Major General Sir JOHN HARVEY, K. C. B., &c. &c. &c.

MILITARY AND POST COMMUNICATION TO LOWER CANADA.

[No. 50.]

Downing Street, 13th May, 1840.

SIR,—I have to acknowledge the receipt of your Despatch, No. 26, of the 6th April, communicating the Grant by the Provincial Legislature of a further sum of £1500, which has been placed at your disposal, for the completion of the Military and Post Communication between New Brunswick and Lower Canada.

I have to express my gratification at this renewed mark of the liberality of the House of Assembly.

I take it for granted, that, in executing the work for which this money has been appropriated, you will not sanction any proceeding which shall contravene the subsisting agreement between the British and American authorities, on the subject of the Disputed Territory.

I have, &c.

(Signed)

J. RUSSELL.

Major General Sir JOHN HARVEY, K. C. B., &c. &c. &c.

COURT OF CHANCERY.

[No. 58.]

Downing Street, 23d May, 1840.

SIR,—With reference to the latter part of my Despatch, No. 35, of the 10th March last, I have now the honor to convey to you the decision of Her Majesty's Government, on the Acts of the last Session of the Legislature of New Brunswick, which then remained undisposed of.

The Act No. 1237, for the improvement of the practice in the Court of Chancery, appears to be very objectionable, for the following reasons:—

1st. Because of the absolute power which it gives to the Judge, without supervision or control, to alter the practice and constitution of the Court:

2nd. Because of the very summary proceeding which it sanctions, of taking Bills *pro confesso*, on any default:

3rdly. Because of the loose enactments which it contains respecting executing decrees, and conducting the examination of witnesses: and

4thly. Because of its leaving the amount of fees to the mere discretion of the Chancellor and Master of the Rolls.

You will make these objections known to the Legislature, and recommend the amendment of the Act accordingly. In the mean time the decision of Her Majesty in Council on this Act will be suspended.

The Acts, Nos. 1252 and 1253, for the prevention of Fires, and the widening of the Streets in the City of Saint John, form the subject of a Petition to Her Majesty, from the Common Council, complaining that these Acts infringe unnecessarily upon the privileges of their Charter. Your despatch also transmitted extracts from the Council Minutes, and copies of an address from the Common Council to yourself, and of your answer.

I have laid the Petition before Her Majesty.

It has not been thought desirable to withhold the Royal assent to the first mentioned Act, but that for widening the Streets of Saint John, appears to be liable to the objections so strongly taken to it by the Common Council, that it amounts to a direct and unnecessary infringement of the Charter, granted by His late Majesty King George the Third,—Her Majesty cannot be advised to confirm it. It must therefore be amended.

I enclose an order passed by Her Majesty in Council, on the 22d instant, leaving the Acts, Nos. 1230, 1231, 1238 and 1252, to their operation.*

Also, an order in Council, passed on the same day, specially confirming the Act, No. 1258, in accordance with my despatch, No. 43, of the 28th ultimo.†

I have, &c.

(Signed)

J. RUSSELL.

Major General Sir JOHN HARVEY, K. C. B., &c. &c. &c.

* 2 Vic. c. 28, 29, 36. 3 Vic. c. 1.

† 3 Vic. c. 84.

COLONIAL ASSOCIATION.

[No. 60.]

Downing Street, 4th June, 1840.

SIR,—I have the honor to acknowledge the receipt of your Despatch, No. 28, of the 6th ultimo, transmitting an Act passed by the Legislature of New Brunswick, without a suspending clause, enabling the Lieutenant Governor to grant 100,000 acres of land to the British North American Colonial Association of Ireland, upon the condition therein specified, that is, by private sale, without an auction, at the rate of three shillings per acre. This is therefore a departure from the general principle under which the Crown agreed to transfer to the Lieutenant Governor and Executive Council the conduct of the business of settling the waste Lands of the Province. It is also an exception to the provisions of the Act of the General Assembly, under which that power was created. Her Majesty's Government have, however, not thought it necessary to advise the Queen to disallow this Act, on account of this irregularity, but you will consider yourself forbidden hereafter from assenting to any Act departing from the general law, in favor of any private person or body of persons,