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COLONIAL BILLS.

NORTH AMERICA.

RETURN to an Address of the Honourable The House of Commons,
dated 27 May 1864;—*for*,

“THE Titles and Dates of BILLS passed by the Legislatures of *Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward's Island* since the Year 1836, which have been Reserved by the Governors of those Colonies respectively for Reference to Her Majesty's Secretary of State for the Colonies, and of the Titles and Dates of BILLS so referred to which the Royal Assent was ultimately Refused; and COPY or EXTRACTS of the Terms in which such Refusal was conveyed.”

Colonial Office, }
25 July 1864. }

FREDERIC ROGERS.

(*Viscount Bury.*)

Ordered, by The House of Commons, to be Printed,
26 July 1864.

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SCHEDULE.

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APPENDIX.

- No. 1.—Table shewing the number of Laws “reserved” by the Governor for the signification of Her Majesty’s pleasure, in each year from 1836 to 1864, inclusive, or containing clauses “suspending their operation” until Her Majesty’s pleasure should be made known - - - - - 47
- No. 2.—Table shewing the number of Laws to which the Royal Assent was refused, in each year from 1836 to 1864, inclusive - - - - - 47

Note.—The Acts of which the titles are printed under the heads “Nova Scotia,” “New Brunswick,” “Newfoundland,” and “Prince Edward Island,” and possibly some of those of which the titles are printed under the heads “Upper Canada,” “Lower Canada,” and “Canada,” were not, strictly speaking, “reserved” by the Governor for the signification of Her Majesty’s pleasure, but contained clauses suspending their operation until Her Majesty’s pleasure should be made known. As, however, the effect is the same in both cases, it is inferred that the Return is intended to comprise both classes of Acts.

RETURN of the Titles and Dates of **BILLS** passed by the Legislatures of *Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island*, since the Year 1836, which have been Reserved by the Governors of those Colonies respectively for Reference to Her Majesty's Secretary of State for the Colonies, and of the Titles and Dates of Bills so referred to which the Royal Assent was ultimately Refused; and COPY or EXTRACTS of the Terms in which such Refusal was conveyed.

U P P E R C A N A D A.

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
901	19 April 1836	An Act granting to His Majesty a Sum of Money for the Improvement of Roads and Bridges in the several Districts of this Province.	
902	9 March „	An Act to Loan 2,000 <i>l.</i> to the Welland Canal Company.	
903	19 April „	An Act for the Relief of John M'Millan.	
904	9 April „	An Act for the Relief of John Pearse, William Dumble, and William Hoar.	
905	31 March „	An Act to authorise the Payment to the Treasurer of the District of Ottawa of the Appropriation towards the Support of Common Schools in said District for the Years 1835 and 1836.	
906	8 April „	An Act to provide Additional Aid in Support of Common Schools in the several Districts of this Province.	
907	14 April „	An Act to Improve the Navigation of the Inland Waters of the District of Newcastle.	
908	15 April „	An Act granting a Sum of Money for improving the Hill at the River Rouge, and other purposes therein mentioned.	
909	16 April „	An Act granting a Sum of Money to complete the Payment of the War Losses.	
910	18 April „	An Act granting a Sum of Money in Support of the Provincial Penitentiary, and for other purposes therein mentioned.	
911	18 April „	An Act granting to His Majesty a Sum of Money for the Support of Lighthouses in this Province.	
912	18 April „	An Act granting 300 <i>l.</i> towards the Completion of a Lighthouse in Bois Blanc Island, in the Western District.	
913	18 April „	An Act granting to His Majesty the Sum of 100 <i>l.</i> , for the purpose of Repairing the Dwelling-house of the Lighthouse Keeper on Gibraltar Point, in the Home District.	
914	20 April „	An Act to raise a Sum of Money for the purpose of Completing a Steam Dredge for Deepening the several Harbours in this Province.	
915	19 April „	An Act to amend an Act passed in the First Session of the present Parliament, intituled "An Act granting a Sum of Money for the Erection of a Lighthouse on Gull Island, or such other Place as the Commissioners may select."	
916	19 Feb. „	An Act to allow Persons indicted for Felony a full Defence by Counsel, and for other purposes therein mentioned.	
1,062	4 March 1837	An Act to provide for the Disposal of the Public Lands in this Province, and for other purposes therein mentioned.	

RETURN RELATING TO

UPPER CANADA—*continued.*

No.	Date of Passing.	TITLE OF BILL	REMARKS.
1,063	4 March 1837	An Act to Increase the Capital Stock of the Bank of Upper Canada, and to Alter and Amend the Charter thereof.	
1,064	4 March "	An Act to secure the Independence of the Commons House of Assembly of this Province, and for other purposes therein mentioned.	
1,065	4 March "	An Act for Increasing the Capital Stock of the Commercial Bank of the Midland District.	
1,066	4 March "	An Act to Establish a Bank at Brockville, in the District of Johnstown.	
1,067	4 March "	An Act to Incorporate certain Persons under the style of "The Upper Canada Loan and Trust Company."	
1,068	4 March "	An Act to Incorporate sundry Persons under the style and title of "The President, Directors, and Company of the Bank of the Newcastle District."	
1,069	4 March "	An Act to Incorporate sundry Persons under the style and title of "The President and Directors of the Upper Canada Life Insurance and Trust Company."	
1,070	4 March "	An Act to Incorporate sundry Persons under the style and title of "The President, Directors, and Company of the Erie and Ontario Bank of the Niagara District."	
1,071	4 March "	An Act to Incorporate sundry Persons under the style and title of "The President, Directors, and Company of the Prescott Bank."	
1,072	4 March "	An Act to Incorporate sundry Persons under the style and title of "The President, Directors, and Company of the Prince Edward District Bank."	
1,073	4 March "	An Act Incorporating a Joint Stock Company under the style and title of "The President, Directors, and Company of the London District Bank."	
1,074	4 March "	An Act to Amend the Charter and Increase the Capital Stock of the Gore Bank.	
1,075	4 March "	An Act to Incorporate sundry Persons under the style and title of "The President, Directors, and Company of the Western District Bank."	
1,076	4 March "	An Act to Incorporate sundry Persons under the style and title of "The Niagara District Bank."	
1,077	4 March "	An Act erecting certain parts of the Counties of Halton and Simcoe into a new District by the name of "The District of Wellington."	
1,078	4 March "	An Act to Naturalise certain Persons therein named.	
1,079	4 March "	An Act to Authorise the Erection of certain Townships and other Territory heretofore forming part of the Newcastle District into a new District by the name of "The District of Colborne," with Peterborough for the District Town.	
1,080	4 March "	An Act to Incorporate sundry Persons under the style and title of "The President, Directors, and Company of the Freeholders' Bank of Upper Canada."	
1,147	11 May 1839	An Act to Dispose of the Lands commonly called "Clergy Reserves," and for other purposes therein mentioned.	} Assent refused by Despatch, No. 20, of the 12th October 1839, page 20.
1,148	11 May "	An Act to appropriate the Casual and Territorial Revenue, and for other purposes therein mentioned.	
1,149	11 May "	An Act to Regulate the Value at which Gold and Silver Coins shall pass current within this Province.	} Assent refused by Despatch, No. 49, 9th December 1839, page 23.

COLONIAL BILLS (NORTH AMERICA).

UPPER CANADA—*continued.*

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
1,150	11 May 1839	An Act to ascertain and provide for the Payment of all just Claims arising from the late Rebellion and Invasions of this Province.	Assent refused by Despatch, No. 20, of the 12th October 1839, page 20.
1,151	11 May "	An Act to authorise the issue of Bills of Credit - - -	
1,152	11 May "	An Act to authorise the Purchase of the Private Stock in the Welland Canal on the part of this Province, and for other purposes therein mentioned.	
1,153	11 May "	An Act to afford further Facilities to negotiate Debentures for the Completion of certain Works.	
1,154	11 May "	An Act to make Provision for the Division of the intended new District of Colborne into two Counties.	
1,155	11 May "	An Act to enable His Majesty to make a Grant of Land to James FitzGibbon, Esq.	Assent refused by Despatch, No. 31, of the 27th October 1839, page 21.
1,298	10 Feb. 1840	An Act to impose Duties on certain Articles imported into this Province from the United States of America.	
1,299	10 Feb. "	An Act to make Provision for the Management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned.	
1,300	10 Feb. "	An Act to ascertain and provide for the Payment of all just Claims arising from the late Rebellion and Invasions of this Province.	
1,301	10 Feb. "	An Act to make Provision to indemnify Persons from Losses occasioned by the acts of Incendiaries, between the 4th day of December in the year of our Lord 1838, and the 1st day of January 1840.	
1,302	10 Feb. "	An Act to amend an Act passed in the 9th Year of the Reign of King George 4, c. 2, intituled, "An Act for the Relief of Religious Societies therein."	
1,303	10 Feb. "	An Act for the Relief of John Stewart.	
1,304	10 Feb. "	An Act to enable Her Majesty to make a Grant of Land to James FitzGibbon, Esq.	Assent refused by Despatch, No. 184, 22d July 1840, page 22.
1,305	10 Feb. "	An Act to Naturalise Elijah Nellis.	
1,306	10 Feb. "	An Act for altering and amending the Charter of the President, Directors, and Company of the Bank of Upper Canada, and for increasing the Number of Shares to be held in the Capital Stock of the said Company.	
1,307	10 Feb. "	An Act to increase the Capital Stock of the Gore Bank, and the Number of Shares to be held therein.	
1,308	10 Feb. "	An Act for altering and amending the Charter of the President, Directors, and Company of the Commercial Bank of the Midland District, and for increasing the Number of Shares to be held in the Capital Stock of the Company.	Assent refused by Despatch, No. 402, 19th July 1841, page 22.
1,309	10 Feb. "	An Act to Incorporate sundry Persons under the style and title of "The President, Directors, and Company of the Prince Edward District Bank."	
1,310	10 Feb. "	An Act to Incorporate the Farmers' Joint Stock Banking Company, under the style and title of "The President, Directors, and Company of the Farmers' Bank."	

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RETURN RELATING TO

LOWER CANADA.

No.	Date of Passing.	TITLE OF BILL	REMARKS.
93	3 April 1839	An Ordinance to regulate the Currency of this Province	Assent refused by Despatch, No. 49, of 9 December 1839, page 23.

CANADA.

88	18 Sept. 1841	An Act to regulate the Inspection of Flour and Meal.	
89	18 Sept. "	An Act to extend the Charter of the "City Bank," and to increase the Capital Stock thereof.	
90	18 Sept. "	An Act to Incorporate sundry Persons under the style and title of "The President, Directors, and Company of the Bank of the Niagara District."	
91	18 Sept. "	An Act to provide for the Freedom of Election throughout this Province, and for other purposes therein mentioned.	
92	18 Sept. "	An Act to Incorporate the Quebec Board of Trade.	
93	18 Sept. "	An Act to regulate the Inspection of Beef and Pork.	
94	18 Sept. "	An Act to establish a Company, to be called "The Haldimend Glassworks Company."	
95	18 Sept. "	An Act to renew the Charter of the Bank of Montreal, and to increase its Capital Stock.	
96	18 Sept. "	An Act for the Disposal of Public Lands.	
97	18 Sept. "	An Act to Incorporate the Montreal Board of Trade.	
98	18 Sept. "	An Act to extend the Charter of the Quebec Bank.	
99	18 Sept. "	An Act to regulate the Taking of Securities in all Offices in respect of which Security ought to be given, and for avoiding the Grant of all such Offices in the event of such Security not being given within a Time limited after the Grant of such Office.	
100	18 Sept. "	An Act to regulate the Currency of this Province.	
101	18 Sept. "	An Act to permit the Business of the Bank of Upper Canada to be carried on in Toronto as usual.	
102	18 Sept. "	An Act to authorise the Banks heretofore chartered by Acts of the late Province of Upper or Lower Canada to carry on their Business throughout this Province.	
133	12 Oct. 1842	An Act to make Provision for the Management of the Temporalities of the United Church of England and Ireland in the Diocese of Quebec in this Province, and for other purposes therein mentioned.	
134	12 Oct. "	An Act to impose a Duty upon Foreign Wheat imported into this Province.	
199	9 Dec. 1843	An Act for the Discouragement of Secret Societies -	Assent refused by Despatch, No. 189, of 27 March 1844, page 27.
200	9 Dec. "	An Act to repeal certain Acts therein mentioned, and to make Better Provision respecting the Admission of Land Surveyors and the Survey of Lands in Upper Canada.	
201	9 Dec. "	An Act for better securing the Independence of the Legislative Assembly of this Province.	
202	9 Dec. "	An Act to amend the Act incorporating the Bank of the Niagara District, by providing for the Extension of the Time limited for the Paying-up of the Stock of the said Bank.	

CANADA—continued.

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
2	9 Dec. 1843	An Act to alter and amend certain parts of an Act therein mentioned relating to the Navigation of the River St. Lawrence, in so far as the same relate to the Port of Quebec.	
204	9 Dec. "	An Act for vesting the Market Block in the Town of Niagara in the Council of the said Town, and for other purposes.	
205	9 Dec. "	An Act for the better securing the Independence of the Legislative Council of this Province.	Assent refused by Despatch, No. 201 18th April 1844, page 27.
206	9 Dec. "	An Act to Incorporate the Church Societies of the United Church of England and Ireland in the Dioceses of Quebec and Toronto.	
207	9 Dec. "	An Act to Incorporate certain Persons carrying on the business of Banking in the City of Montreal, under the name of "La Banque du Peuple."	
314	29 Mar. 1845	An Act to dissolve the Marriage of Henry William Harris, Esq., with Eliza Walker, otherwise called Eliza Lock Walker, his now wife, and to enable him to marry again, and for other purposes therein mentioned.	Assent refused by Despatch, No. 478; 18th November 1845, page 24.
315	29 Mar. "	An Act to authorise to a certain extent the Seizure and Attachment of Official Salaries towards Payment of the Incumbent's Debts.	
316	29 Mar. "	An Act to provide a Legal Recourse to Her Majesty's Subjects in this Province having legal or just Claims upon the Executive Government thereof, and to enable Her Majesty the more effectually to do Justice in such cases.	
317	29 Mar. "	An Act to establish the Boundaries of the Lots and Gores of Land in the Sixth, Seventh, Eighth, Ninth, and Tenth Concessiars of the Township of Beverley, in the County of Holton.	
318	29 Mar. "	An Act to explain and amend part of an Act passed in the Seventh Year of Her Majesty's Reign, intituled "An Act for vesting in the principal Officers of Her Majesty's Ordnance the Estates and Property therein described, for granting Powers to the said Officers, and for other purposes therein mentioned"	
319	29 Mar. "	An Act to quiet the Title to Lands of Persons naturalised under the Statute of Lower Canada passed in the First Year of the Reign of his late Majesty King William the Fourth, and for other purposes therein mentioned.	
320	29 Mar. "	An Act to make further Provision regarding Aliens.	
426	9 June 1846	An Act to Incorporate a Company to extend the Great Western Railroad from Hamilton to Toronto.	
427	9 June "	An Act to amend an Act passed in the Eighth Year of Her Majesty's Reign, intituled "An Act to amend an Act passed in the Sixth Year of the Reign of his late Majesty King William the Fourth, intituled an Act to incorporate the City of Toronto and Lake Huron Railroad Company."	
428	9 June "	An Act for erecting a Suspension Bridge over the Niagara River at or near the Falls of Niagara.	
429	9 June "	An Act for supplying the City of Quebec and parts adjacent thereto with Water.	
430	9 June "	An Act to restore the Rights of Persons attainted for High Treason.	
431	9 June "	An Act to Incorporate the Wolfe Island, Kingston, and Toronto Railroad Company.	

CANADA—continued.

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
432	9 June 1846	An Act to Incorporate the Peterborough and Port Hope Railway Company.	
433	9 June "	An Act to Incorporate La Banque des Marchands.	
434	9 June "	An Act to Incorporate the Montreal and Kingston Railroad Company.	
435	9 June "	An Act for Granting a Civil List to Her Majesty.	
436	28 July 1847	An Act to facilitate Commutation of the Tenure of Lands on Roture in the Queen's Domain into that of Free and Common Socage, and to avoid the unnecessary Delays and Expense heretofore incidental to such Commutations.	
347	28 July "	An Act to extend the Time for taking the Oath and making the Declaration required of Persons naturalised in this Province.	
438	28 July "	An Act to increase the Capital Stock of the Quebec Bank, and to amend in part the Act to extend the Charter of the said Bank.	
439	28 July "	An Act to enable the Bank of Montreal to increase its Capital Stock.	
440	28 July "	An Act to enable the City Bank to increase its Capital Stock.	
441	28 July "	An Act to Incorporate the Woodstock and Lake Erie Railway and Harbour Company.	
442	28 July "	An Act to Incorporate the Bytown and Britannia Railway Company.	
443	28 July "	An Act to Incorporate the Carillon and Grenville Railway Company.	
444	28 July "	An Act to Incorporate the Lake St. Louis and Province Line Railway Company.	
445	28 July "	An Act to Incorporate the Montreal and Province Line Junction Railway Company.	
446	28 July "	An Act to Incorporate the Canada, New Brunswick, and Nova Scotia Railway Company.	
447	28 July "	An Act for Incorporating the Toronto and Goderich Railway Company.	
448	28 July "	An Act to Incorporate the District Bank of Quebec.	
578	25 April 1849	An Act to raise an Income of 100,000 <i>l.</i> out of the Public Lands of Canada for Common School Education.	
579	25 April "	An Act to repeal a certain Act therein mentioned, and make Better Provision for the Naturalisation of Aliens.	
580	25 April "	An Act to Incorporate the Queenston Suspension Bridge Company.	
581	25 April "	An Act to amend the Act relative to Savings Banks.	
582	25 April "	An Act to Incorporate the Toronto, Simcoe, and Lake Huron Union Railroad Company.	
583	25 April "	An Act to secure Titles to Real Estate to certain Persons naturalised under the Statute of Lower Canada, 1 Will. 4, c. 53.	
994	30 Aug. 1851	An Act to provide for the Establishment of a Church Society of the United Church of England and Ireland in each Diocese of that Church in Lower Canada, and for other purposes connected with the recent Division of the Diocese of Quebec.	
995	30 Aug. "	An Act to make Provision for the Management of the Temporalities of the United Church of England and Ireland in the Diocese of Montreal, and for other purposes therein mentioned.	

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CANADA—continued.

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
996	30 Aug. 1851	An Act to repeal so much of the Act of the Parliament of Great Britain passed in the 31st Year of the Reign of King George the Third, and chaptered 31, as relates to Rectories and the Presentation of Incumbents to the same, and for other purposes connected with such Rectories.	
997	30 Aug. "	An Act to Incorporate the Fort Erie and Buffalo Suspension Bridge and Tunnel Company.	
998	30 Aug. "	An Act to amend the Act for Granting a Civil List to Her Majesty.	
999	30 Aug. "	An Act to Reduce the Salaries attached to certain Judicial Offices in the Cases therein mentioned, and to Fix the Salaries of the Speakers of the Legislative Council and of the Legislative Assembly.	
1,172	-	An Act for the Relief of William Henry Beresford.	
1,758	10 June 1857	Bill, "An Act to Incorporate the International Bridge Company."	
2,413	18 May 1861	An Act to enable Frederick Chase Capreol, Esq., to dispose of certain Lands by Allotment, notwithstanding Chapter 95 of the Consolidated Statutes of Canada.	
2,553	9 June 1862	An Act to Incorporate the New Edinburgh and Waterloo Steam Ferry Company.	

NOVA SCOTIA.

1,651	Feb. 1836	An Act relating to the Fisheries, and for the Prevention of Illicit Trade in the Province of Nova Scotia and the Coasts and Harbours thereof.	
1,704	29 Mar. "	An Act to authorise the Lieutenant Governor to appoint Commissioners to run out the Boundary Line between Nova Scotia and New Brunswick.	
1,720	29 Mar. "	An Act to divide the County of Sydney, and to regulate the Representation thereof.	
1,737	12 Mar. "	An Act to Incorporate the General Mining Association.	
1,738	29 Mar. "	An Act to erect the County of Shelbourne into two separate and distinct Counties, and to regulate the Representation thereof.	
1,743	12 Mar. "	An Act for Deepening the East River of Picton	Assent refused by Despatch, No. 52, of 31st August 1836, page 28.
1,808	21 Apr. 1837	An Act to enable Members of the House of Assembly about to leave the Province, or unable from indisposition to attend their duty, to resign their Seats therein.	
1,833	21 Apr. "	An Act to divide the County of Annapolis, and to Regulate the Representation thereof.	
1,837	21 Apr. "	An Act for the quiet of the Subjects in their Possession of Lands, Tenements and Hereditaments within this Province.	
1,881	17 Apr. 1838	An Act for attesting the Representation in General Assembly, as respects the County of Inverness.	

RETURN RELATING TO

NOVA SCOTIA—*continued.*

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
1,882	17 April 1838	An Act for regulating the Internal Postage of this Province.	
1,960	30 Mar. 1839	An Act additional to, and in further Amendment of, the Act concerning Cemeteries or Burial Grounds.	Assent refused by Despatch, No. 12, of 11th November 1839, page 30.
1,967	30 Mar. "	An Act to provide for the selection and appointment of Trustees of Lands, granted, reserved, or otherwise allotted, as School Lands, or for Schools in this Province.	Assent refused by Despatch, No. 4, of 23d September 1839, page 29.
1,968	30 Mar. "	An Act for settling Titles in a certain Tract of Land in Cape Breton, called "The Mire Grant."	
2,008	4 April "	An Act to provide for the Settlement of Equitable Claims upon Real Estate in certain cases.	Assent refused by Despatch, No. 12, 11th November 1839, page 30.
2,042	27 Mar. 1840	An Act for Incorporating the Trustees of the Queen's College at Horton.	
2,043	27 Mar. "	An Act to repeal the Tenth Clause of the Act for settling Titles in a certain Tract of Land in Cape Breton, called "The Mire Grant."	
2,044	27 Mar. "	An Act for limiting the Duration or Continuance of the General Assemblies.	
2,045	27 Mar. "	An Act to grant a Drawback on Foreign Wheat Flour in certain cases.	
2,046	27 Mar. "	An Act to appoint a new Board of Governors for Dalhousie College.	
2,158	10 April 1841	An Act for facilitating the Recovery of Seamen's Wages	Assent refused by Despatch, No. 71, of 30th August 1841, page 31.
2,172	29 Mar. "	An Act to Incorporate the General Mining Association.	
2,191	29 Mar. "	An Act to amend an Act for Incorporating the Trustees of the Queen's College at Horton.	
2,197	29 Mar. "	An Act for Incorporating the Trustees of the St. Mary's College at Halifax.	
2,274	19 Mar. 1842	An Act for regulating the Currency of the Province.	
2,288	19 Mar. "	An Act relating to the Courts of Probate, and to the Settlement and Distribution of the Estates of Deceased Persons.	
2,369	29 Mar. 1843	An Act to repeal the Act for settling Titles, in a certain Tract of Land in Cape Breton, called "The Mire Grant," and to substitute other provisions in lieu thereof.	
2,370	29 Mar. "	An Act to amend the Act for regulating Elections of Members to serve in General Assembly.	
2,461	29 Mar. 1844	An Act for granting a Colonial Duty of Impost for the support of Her Majesty's Government within this Province, on Flour and Molasses in certain cases.	
2,507	19 April 1844	An Act concerning the Registrars of Deeds in the County of Halifax, and the other Counties of the Province.	
2,714	30 Mar. 1847	An Act relating to the Crown Land Department of this Province	
2,715	30 Mar. "	An Act in addition to, and alteration of, the Acts for establishing Regulations for the Disposal of Crown Lands within this Province	Assent refused by Despatch, No. 38, of 30th September 1847, page 31.
2,727	30 Mar. "	An Act to amend the Act relating to Marriage Licenses.	
2,813	11 April 1848	An Act to provide for the more accurate Audit and Inspection of Public Accounts in this Province, and for the appointment of certain Public Officers therein.	

COLONIAL BILLS (NORTH AMERICA).

NOVA SCOTIA—continued.

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
2,815	3 April 1848	An Act to render the Judges of the Supreme Court, and the Master of the Rolls, independent of the Crown, and to provide for their removal.	
2,816	11 April "	An Act relating to the Crown Land Department of this Province.	
2,817	11 April "	An Act to commute the Crown Revenues of Nova Scotia, and to provide for the Civil List thereof.	
2,878	8 Mar. 1849	An Act for transferring the Crown Revenues of Nova Scotia, and providing for the Civil List thereof.	
2,908	31 Mar. "	An Act to incorporate the Roman Catholic Bishop in Halifax.	
2,909	31 Mar. "	An Act to authorise the Sale of the Court House and Jail Grounds at Shelbourne, and the purchase of a new Site therefor.	
2,986	28 Mar. 1850	An Act concerning Registrars of Deeds.	
3,031	28 Mar. "	An Act to divide the County of Cape Breton, and to regulate the Representation thereof.	
3,126	31 Mar. 1853	An Act to Incorporate the Nova Scotia Railway Company.	
3,127	31 Mar. "	An Act to authorize the construction of certain Railways in this Province.	
3,128	31 Mar. "	An Act to authorise a Loan for the Construction of certain Public Works within this Province.	
3,191	4 April 185	An Act to Incorporate the Governors of King's College, Windsor, and to repeal the Act for founding, establishing, and maintaining a College in this Province.	
3,538	24 Mar. 1858	An Act to extend the Operation of certain Grants of Land.	
3,579	7 May "	An Act to extend to this Province certain Provisions of Part Third of the Merchant Shipping Act, 1854.	
3,857	15 April 1861	An Act for assessing the City of Halifax for Railway Liabilities.	
4,017	29 April 1863	An Act to amend Chapter 32 of the Revised Statutes "of the Naturalization and Privilege of Aliens."	

NEW BRUNSWICK.

1,002	8 Mar. 1836	An Act for the quiet of His Majesty's Subjects, by limiting Actions and Suits of the Crown relating to Lands in this Province.	
1,003	16 Mar. "	An Act for the Naturalization of Aliens in this Province.	
1,077	1 Mar. 1837	An Act to incorporate sundry Persons by the Name of "The President, Directors, and Company of the St. George's Bank."	
1,078	1 Mar. "	An Act to incorporate sundry Persons by the Name of "The President, Directors, and Company of the Bank of Fredericton."	
1,079	1 Mar. "	An Act to repeal all the Laws now in force relating to the Establishment of a Tender to be made in all payments in the Province, and to make other provision for the same.	
1,080	1 Mar. "	An Act in addition to, and in amendment of, the Laws now in force for regulating Elections of Representatives to serve in General Assembly in this Province.	

RETURN RELATING TO

NEW BRUNSWICK—*continued.*

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
1,061	1 Mar. 1837	An Act for continuing the General Assembly in this Province in case of the demise of the Crown.	
1,082	1 Mar. "	An Act to erect part of the County of Gloucester into a separate and distinct County.	
1,156	9 Mar. 1838	An Act to incorporate sundry Persons by the name of the President, Directors and Company of the Miramichi Bank.	Assent refused by Despatch, No. 132, 3d January 1839, page 33.
1,157	9 Mar. "	An Act to increase the Capital Stock of the Chartered County Bank, and to amend the Act incorporating the same.	
1,158	9 Mar. "	An Act to amend the Laws relating to the Solemnization of Marriage.	
1,200	23 Mar. 1839	An Act to make perpetual "An Act for the support of the Civil Government in this Province."	
1,201	23 Mar. "	An Act to incorporate Sundry Persons by the name of "The President, Directors and Company of the Provincial Bank."	
1,258	31 Mar. 1840	An Act further to provide for a limited time for the Support of the Civil Government of the Province.	
1,386	29 Mar. 1842	An Act to limit the Duration of the Assembly, and for other purposes therein mentioned.	
1,387	29 Mar. "	An Act to increase the Representation of the County of Restigouche.	
1,388	29 Mar. "	An Act relating to the Mines and Minerals in the County of Gloucester.	
1,389	31 Mar. "	An Act to incorporate the Grand Falls Company.	
1,390	4 April "	An Act relating to Bankruptcy in this Province.	
1,431	27 Mar. 1843	An Act to facilitate the Negotiation of a Loan to pay off the Public Debt.	
1,432	11 April "	An Act relating to the Collection of Duty on Timber and other Lumber.	Assent refused by Despatch, No. 184, 4th September 1843, page 33.
1,433	11 April "	An Act to establish Regulations for the future Disposal of Timber and other Lumber cut on Crown Lands.	
1,434	11 April "	An Act to improve the Law relating to the Election of Representatives to serve in the General Assembly.	
1,435	11 April "	An Act to repeal the several Acts now in force for establishing a Legal Tender in all Payments to be made in this Province, and to make other Provisions in lieu thereof.	Assent refused by Despatch, No. 197, of 14th October 1843, page 34.
1,478	13 April 1844	An Act to regulate the Management and Disposal of the Indian Reserves in this Province.	
1,479	13 April "	An Act for the Division of the County of Carleton into two Counties, and to provide for the Government and Representation of the new County.	
1,480	13 April "	An Act to enable Her Majesty's Government to carry into effect, within the Province, the Provisions of the 4th Article of the Treaty of Washington.	
1,481	13 April "	An Act to Incorporate the Aristook Boom Company.	
1,482	13 April "	An Act for the Relief of the Rev. Samuel P. Rice.	
1,530	27 Mar. 1845	An Act to facilitate the Settlement of the Crown Lands on the Military Road from Nova Scotia to the Canada Line.	
1,531	27 Mar. "	An Act to increase the Representation of King's County.	

NEW BRUNSWICK—continued.

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
1,532	27 Mar. 1845	An Act to divide the County of Westmoreland into two Counties, and to provide for the Government and Representation of the new County.	
1,533	27 Mar. "	An Act relating to certain Fees.	
1,534	27 Mar. "	An Act to amend an Act to facilitate the Negotiation of a Loan to pay off the Public Debt.	
1,535	14 April "	An Act to authorise a Return of Duties in certain Cases.	
1,536	14 April "	An Act to increase the Representation of the County of Northumberland.	
1,537	14 April "	An Act to authorise the Sale of certain Lands in the County of York, commonly called "The Hermitage," lately belonging to the Honourable William Odell, deceased, and to regulate the Disposal of the Proceeds thereof.	Assent refused by Despatch, No. 322, of 18th August 1845, page 35.
1,538	14 April "	An Act relating to the Election of Representatives to serve in the General Assembly.	
1,539	27 Mar. "	An Act to amend the Charter of King's College.	
1,540	14 April "	An Act to revise and continue an Act for the Naturalisation of Aliens in this Province.	
1,641	7 Mar. 1846	An Act to increase the Representation of the County at Albert.	
1,642	11 April "	An Act to Incorporate the Roman Catholic Bishops in New Brunswick.	
1,643	11 April "	An Act for the better Prevention of Illicit Trade.	
1,644	14 April "	An Act to Incorporate the New Brunswick Railway Company.	
1,645	14 April "	An Act to facilitate the making of a Railway from the City of Saint John through Fredericton and Woodstock to the Grand Falls of the River St. John, and from thence to the Boundary Line at the Province of Canada by the New Brunswick Railway Company.	
1,646	14 April "	An Act to amend an Act, intituled, "An Act to amend the Charter of King's College."	
1,647	14 April "	An Act relating to an Exchange of Lands in Fredericton with the Ordnance Department.	
1,718	23 Mar. 1847	An Act to facilitate the making of a Railroad from St. Andrew's, in the County of Charlotte, to Woodstock, in the County of Carleton, and Branches thereof.	
1,719	14 April "	An Act in relation to the Trade between the British North American Possessions.	
1,720	14 April "	An Act to repeal the Duties imposed upon Articles Imported into this Province, under the Act of the Imperial Parliament, intituled, "An Act to regulate the Trade of British Possessions Abroad."	
1,721	14 April "	An Act to regulate the Importation of Books, and to protect the British Author.	
1,722	14 April "	An Act to facilitate the making of a Railway across the Isthmus which connects the Provinces of New Brunswick and Nova Scotia, to open the Communication between the Waters of the Gulf of Saint Lawrence and the Bay of Fundy.	
1,723	14 April "	An Act to authorise the granting of a Tract of Land as a Mill Reserve to the Hon. John Robertson.	

RETURN RELATING TO

NEW BRUNSWICK—*continued.*

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
1,809	30 Mar. 1848	An Act to regulate the Importation of Books, and to Protect the British Author.	
1,810	30 Mar. "	An Act to extend the Provisions of an Act, intituled, "An Act to facilitate the making of a Railroad from St. Andrew's, in the county of Charlotte, to Woodstock, in the County of Carleton, and Branches thereof."	
1,811	30 Mar. "	An Act for the better Prevention of Illicit Trade.	
1,812	30 Mar. "	An Act relating to Immigration and the Care and Safe Keeping of the Children and Property of Deceased Emigrants.	
1,873	14 April 1849	An Act to vacate the Seats of Members of the Assembly in certain cases.	
1,874	14 April "	An Act for the Reduction of Judicial Salaries in this Province.	
1,875	14 April "	An Act in amendment of and in addition to an Act, intituled, "An Act in addition to an Act, intituled, an Act to extend the Privilege of solemnizing Marriage to all Ministers and Teachers of the several Religious Denominations in this Province."	
1,876	14 April "	An Act for the Adjustment of Claims of certain Purchasers of Crown Lands.	
1,877	14 April "	An Act further to facilitate the making of a Railroad from St. Andrew's to Woodstock, with a Branch to St. Stephen.	
1,878	14 April "	An Act in further Amendment of the Charter of the City of St. John.	
1,879	14 April "	An Act to Incorporate the St. John and Shediac Railway Company.	
1,880	14 April "	An Act to Incorporate the St. John Suspension Bridge Company.	
1,881	14 April "	An Act for the Relief of the Rev. Edward D. Very.	
1,958	26 April 1850	An Act for the more effective Auditing of the Public Accounts.	
1,959	26 April "	An Act to facilitate the making of a Railway from the Harbour of Shediac to the Bend of Petitcodiac.	
1,960	26 April "	An Act to consolidate and amend the Laws establishing the Value of Coins and a legal Tender within this Province.	
1,961	26 April "	An Act to Incorporate the Grand Falls Railway Company.	
1,962	26 April "	An Act for the Establishment and Regulation of Inland Posts within this Province.	
2,062	28 Mar. 1851	An Act to facilitate the Construction of the European and North American Railway.	
2,063	28 Mar. "	An Act to facilitate the Construction of a Railway from St. Andrew's to Quebec.	
2,064	30 April "	An Act further to facilitate the Construction of the European and North American Railway.	
2,065	30 April "	An Act in addition to and declaratory of the Meaning of the Acts now in force establishing a Legal Tender in this Province.	
2,066	30 April "	An Act to provide for the Establishment of Municipal Authorities in this Province.	

COLONIAL BILLS (NORTH AMERICA).

15

NEW BRUNSWICK—continued.

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
2,067	30 April 1851	An Act to suspend the Operation of certain Provisions of the Militia Laws.	
2,068	30 April "	An Act to extend the Privilege of Solemnizing Marriage to all Ministers and Teachers of the several Religious Congregations in this Province.	
2,069	30 April "	An Act in Amendment of an Act, intituled "An Act for the better Prevention of Illicit Trade."	
2,070	30 April "	An Act to abolish the Fees now received by the Judges of the Supreme Court.	
2,143	7 April 1852	An Act for establishing a Tender in all Payments to be made in this Province, and for Consolidating and Amending the Laws relating to the Currency therein.	
2,144	7 April "	An Act to exclude certain Persons from serving as Members of the Legislative Council in this Province.	Assent refused by Despatch, No. 14, 24th June 1852, page 35.
2,146	7 April "	An Act to Incorporate the Albert Mining Company.	
2,176	30 March "	An Act to consolidate and amend the Laws relating to the Collection and Protection of the Revenue of this Province.	
2,227	29 Oct. "	An Act to repeal certain Acts of Assembly for facilitating the Construction of the European and North American Railway; and to make other Provisions for the Construction of the same, with Branches and Extensions.	
2,228	29 Oct. "	An Act in addition to and in further amendment of the Act to incorporate the European and North American Railway Company.	
2,230	14 April 1853	An Act to continue the Act suspending the Operation of certain Provisions of the Militia Laws.	
2,231	14 April "	An Act relating to the Coast Fisheries, and for the Prevention of Illicit Trade.	
2,232	3 May "	An Act to confirm the Conveyance of certain Land in the City of St John, belonging to the Estate of a Lunatic.	
2,299	1 May 1854	An Act to amend the Acts relating to the European and North American Railway Company.	
2,449	12 April 1855	An Act relating to Mines and Minerals.	
2,457	12 April 1856	An Act for further facilitating the Making of Part of the St. Andrew's and Quebec Railway.	
2,458	12 April "	An Act in addition to and in amendment of the Act relating to the St. Andrew's and Quebec Railroad Company.	
2,520	1 May "	An Act relating to certain Exemptions from Duty	Assent refused by Despatch, No. 70, 22d November 1856, page 35.
2,521	1 May "	An Act in addition to Chapter 23, Title III., of the Revised Statutes of Charlotte County Exemptions from Duties.	
2,707	13 April 1859	An Act to establish the University of New Brunswick.	
2,855	12 April 1861	An Act relating to the Naturalization of Aliens.	
2,935	23 April 1862	An Act relating to the Office of Commander in Chief.	
2,982	20 April 1863	A Bill relating to certain Exemptions from Duty at the Port of St. Stephen.	

RETURN RELATING TO

NEWFOUNDLAND.

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
71	6 May 1836	An Act for preventing the Mischiefs arising from the Printing and Publishing Books, Newspapers, and Papers of a like Nature, by Persons unknown, and to regulate the Printing and Publishing the same.	
96	25 Oct. 1838	An Act declaratory of the Value of the Dollar in this Colony, and to remove all Doubts of the same being a Legal Tender in certain Cases.	
9	22 May 1843	An Act to abolish the Oaths now by Law taken by Members of the Legislature of this Colony, and to substitute the Oath of Allegiance instead thereof.	Assent refused by Despatch, No. 152, 25th March 1844, page 36.
28	29 April 1844	An Act to provide for the Establishment of an Academy at St. John's.	
29	29 April "	An Act to prevent the Importation and Circulation of Spurious Copper Coin within this Colony and its Dependencies, and to make Provision for a good and sufficient Copper Coinage therein.	Assent refused by Despatch, No. 201, 8th February 1845, page 36.
42	23 April 1845	An Act to continue and amend an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled "An Act to regulate the Packing and Inspection of Pickled Fish for Exportation from this Colony."	
58	23 June 1846	An Act to raise by Loan a sum of Money for the Rebuilding and Improvement of the Town of St. John's.	Assent refused by Despatch, No. 7, 27th July 1846, page 37.
71	23 April 1849	An Act to repeal certain Duties of Customs.	
105	30 April 1850	An Act to provide for the Vacation of Seats of Members of the House of Assembly in certain cases, and for the Election of Members in their stead.	
121	31 May 1851	An Act to improve the Copper Currency of this Island.	
126	31 May	An Act to authorise the issue of Treasury Notes, and for the Reduction of the Public Debt of the Colony.	
139	14 June 1852	An Act to amend the Act for the Establishment and Regulation of Inland Posts.	
150	15 June 1853	An Act for regulating the Appropriation of Packet Postage in this Colony.	Assent refused by Despatch, No. 41, 6th January 1854, page 37.
184	4 Aug. 1855	An Act to repeal and amend certain Parts of an Act passed in the Fourteenth Year of the Reign of Her Majesty, intituled "An Act to authorise the Issue of Treasury Notes, and for the Reduction of the Public Debt of the Colony."	
204	12 May 1856	An Act for establishing the Legal Value of certain British and other Coins in this Colony.	
248	10 May 1858	An Act to provide for the Appointment of Surveyors of Shipping in this Island, and for other Purposes connected therewith.	

NEWFOUNDLAND—*continued.*

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
273	14 May 1860	An Act to amend an Act passed in the Seventh Year of Her Majesty's Reign, intituled "An Act to make Provision for the Disposal and Sale of Ungranted and Unoccupied Crown Lands within the Island of Newfoundland and its Dependencies, and for other Purposes;" and to make Provision for granting Mining Licenses, Leases, and Grants of Mineral Lands, and for other Purposes.	
275	14 May "	An Act to provide for the Protection of Property wrecked on the Coast of Newfoundland.	
299	27 Mar. 1862	An Act for the better securing the Independence of the House of Assembly of this Colony, by disabling certain Persons from being elected thereto, or of Sitting or Voting therein as Members.	
304	27 Mar. "	An Act to declare the Intention or Meaning of the Words "British Sterling" and "Sterling," and "Pounds, Shillings, and Pence," introduced into any Acts passed since a Legislature was granted to this Colony in the Year 1832.	

PRINCE EDWARD ISLAND.

451	20 April 1837	An Act for levying an Assessment on all Lands in this Island.	
452	20 April "	An Act to enable the Proprietors or Shareholders of a Company, called "The Bank of British North America," to sue and be sued in the Name of any one of the Local Directors, or of the Manager or Agent for the Time being of the said Company in this Island.	
484	9 Mar. 1838	An Act to alter and amend an Act passed in the Sixth Year of the Reign of His late Majesty, intituled "An Act to consolidate and amend the Election Law."	
510	25 April 1839	An Act for the Relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives.	Assent refused by Despatch, No. 9, 31st October 1839, page 38.
540	29 April 1840	An Act to authorise the Appointment of Coroners in King's and Prince Counties.	
542	29 April "	An Act to authorise the Erection of a Building near Charlotte Town, as an Asylum for Insane Persons, and other Objects of Charity, and to provide for the future Maintenance of the same.	
556	29 April 1841	An Act to authorise the Appointment of Coroners in Prince and King's Counties.	
582	16 April 1842	An Act to authorise the Issue of a Copper Coinage in this Colony, and to prohibit the Circulation of base Coppers.	Assent refused by Despatch, No. 58, 31st December 1842, page 38.
584	16 April "	An Act to alter, and in addition to, an Act made and passed in the Tenth Year and Reign of His late Majesty King George the Fourth, relating to the laying out and altering of Highways, and for other Purposes therein mentioned.	
602	15 April 1843	An Act relating to the Fisheries, and for the Prevention of Illicit Trade in Prince Edward Island, and the Coasts and Harbours thereof.	
610	15 April "	An Act in further Amendment of an Act passed in the Tenth Year of the Reign of King George the Fourth, intituled "An Act to regulate the laying out and altering of Highways, and to provide a Mode for obtaining a Compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their Formation."	

RETURN RELATING TO

PRINCE EDWARD ISLAND—*continued.*

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
611	15 April 1843	An Act to authorise the issue de novo of certain Writs under the Road Compensation Acts, in certain Cases.	Assent refused by Despatch, No. 89, 4th December 1843, page 39.
632	30 March 1844	An Act for raising a Fund for the Encouragement of Agriculture, to be expended in the erection of Lime Kilns, and the burning of Lime.	Assent refused by Despatch, No. 115, 18th September 1844, page 39.
648	17 April 1845	An Act to suspend a certain Clause in the Land Assessment Act relating to the cancelling of Treasury Notes.	Assent refused by Despatches, Nos. 134 and 136 of the 1st and 18th August 1845, page 40.
690	April 1847	An Act to repeal certain Duties and Customs set forth in a certain Act passed in the Session of Parliament holden in the Eighth and Ninth Years of Her present Majesty's Reign, intituled "An Act to regulate the Trade of the British Possessions Abroad, so far as the same relate to this Colony."	
712	-	An Act to extend the Provisions of the Act relating to the Settlement of Township Boundary Lines.	
725	4 May 1848	An Act for laying further an Assessment on all Lands in this Colony, and for the Encouragement of Education.	
726	4 May "	An Act to repeal so much of the Land Assessment Act now in force, as relates to the cancelling of Treasury Notes.	
727	4 May "	An Act to incorporate a Mutual Fire Insurance Company.	
780	2 May 1849	An Act to provide for the Payment of the Civil List, and to alter the Appropriation of a certain Sum of Money raised by the present Land Assessment Act.	
813	23 April 1851	An Act for shortening the Language used in Acts of the General Assembly.	
814	15 May "	An Act forestablishing the Rates in Currency at which Rents reserved in Sterling shall henceforth be paid in this Island.	Assent refused by Despatch, No. 35, 29th November 1851, page 41.
828	11 Feb. 1852	An Act providing for the Payment of the Civil List of Prince Edward Island, and for commuting the Crown Revenues thereof.	
869	3 April "	An Act for the Encouragement of Education, and to raise Funds for that Purpose by imposing an additional Assessment on Land in this Island, and on Real Estate in Charlottetown and Common, and Georgetown and Common.	
872	16 April 1853	An Act relating to certain Lease and Monetary Obligations entered into before the passing of the Currency Act.	
892	1 May 1854	An Act to incorporate sundry Persons by the Name of "The President, Directors, and Company of the Bank of Prince Edward Island."	
897	10 May "	An Act relating to certain Lease and Monetary Obligations entered into before the passing of the Currency Act.	
913	17 April 1855	An Act to impose a Rate or Duty on the Rent Rolls of the Proprietors of certain rented Township Lands in Prince Edward Island, in order to defray the Expenses of any Armed Force which may be required on Account of the Withdrawal of the Troops, and for the further Encouragement of Education.	Assent refused by Despatch, No. 13, 17th November 1855, page 41.

COLONIAL BILLS (NORTH AMERICA).

PRINCE EDWARD ISLAND—continued.

No.	Date of Passing.	TITLE OF BILL.	REMARKS.
914	17 April 1855	An Act to Incorporate sundry Persons by the Name of "The President, Directors, and Company of the Bank of Prince Edward Island."	
915	17 April "	An Act to secure Compensation to Tenants in Prince Edward Island, and thereby to promote the Improvement of the Soil.	Assent refused by Despatch, No. 13, 17th November 1855, page 41.
935	17 April "	An Act to naturalize James Searle Mann.	
962	14 April 1856	An Act to increase the Number of Members to serve in the General Assembly, and to consolidate and amend the Laws relating to Elections.	
997	1 April 1858	An Act relating to the Fishery Reserves in this Island.	Assent refused by Despatch, No. 15, 20th October 1858, page 43.
1,046	2 May 1860	An Act to enable the Controllor of Navigation Laws in this Island to grant and issue Fishery Licenses to Citizens of the United States, for Vessels built in Prince Edward Island and owned by them.	
1,053	2 May "	An Act to naturalize Rachel Nichols Gibson.	
1,100	29 April 1861	An Act to repeal certain Parts of the Act consolidating the Election Laws, and to make other Provisions in lieu thereof.	
1,105	17 April 1862	An Act to give Effect to the Report of the Commissioners on the Land Question.	
1,106	17 April "	An Act to facilitate the Operation in certain Particulars of the Award or Report made by certain Commissioners, to settle and adjust Differences respecting some of the Township Lands of this Colony - - -	Assent refused by Despatch, No. 120, 9th August 1862, page 44.
1,127	17 April "	An Act for the Naturalization of Aliens - - -	Assent refused by Despatch, No. 124, 20th September 1862, page 46.
1,130	18 April 1863	An Act to Incorporate the Union Bank of Prince Edward Island.	
1,136	22 April "	An Act to Incorporate the Grand Orange Lodge of Prince Edward Island, and the subordinate Lodges in connection therewith.	Assent refused by Despatch, No. 33, 21st September 1863, page 46.
1,137	22 April "	An Act to authorise the Government to sell the Military Barracks in Charlottetown.	
1,145	22 April "	An Act to Incorporate sundry Persons by the Name of "The President, Directors, and Company of the Farmer's Bank of Rustico."	
1,148	2 May 1864	An Act for settling the Differences between Landlord and Tenant, and to enable Tenants on certain Townships to purchase the Fee-simple of their Farms.	

COPIES or EXTRACTS of DESPATCHES conveying the Disallowance of certain Reserved Bills contained in the foregoing Schedule.

Upper Canada.

U P P E R C A N A D A.

Lord *John Russell* to Sir *George Arthur*.

(Extract.)

(No. 20.)

Downing-street, 12 October 1839.

YOUR Despatches, No. 110, No. 135, and "Separate," relate to the Bill passed by the Provincial Legislature, intituled (No. 1147), "An Act to dispose of the Lands commonly called the 'Clergy Reserves.'" As Her Majesty has, for the reasons which I shall hereafter state to you, been advised to withhold Her assent from this Bill, it is unnecessary that I should further advert to the very clear and detailed statement which accompanies it, than to thank you for the exertions you have made to place Her Majesty's Government in possession of all the information which could be required for the full consideration of this important question.

The delay which accidentally occurred in the transmission of the Address from the Legislative Council and House of Assembly, contained in your despatch of the 27th July last, would have prevented a compliance, before the termination of the last Session, with the provision of the Constitutional Act of 1791, which requires that the Bill should be laid before Parliament for 30 days before the Royal Assent is given. But another and more fatal difficulty has been found to present itself to the confirmation of this Bill by the Crown. The Bill proposes, under the authority of the 41st and 42d sections of the 31 Geo. 3, c. 31, to repeal the clauses of that Act relating to the clergy reserves, and to the making provision for the Protestant clergy, and to provide that the land shall be sold, and the purchase-money be paid into the hands of the Receiver General of the province, to be appropriated by the Imperial Parliament for religious purposes. The effect of the Bill is, therefore, to refer to the Imperial Parliament the solution of the question relating to the clergy reserves. It appeared to Her Majesty's Government that very strong objections existed to this delegation to Parliament by a subordinate authority of the power of legislation, and that the more proper mode of attaining the object in view would have been, not by Bill as is proposed, but by an Address from the Legislature of the province to the three estates of the realm, praying them to undertake the decision of the question. In the correctness of this view of the case, Her Majesty's Government are confirmed by the opinion of the law officers of the Crown, who have reported that, although the Bill passed does not exceed the legal competency of the Provincial Legislature, yet that Her Majesty ought not to assent to such a Bill, the principle which it involves being quite novel, and one which might lead to very inconvenient consequences.

Under these circumstances, Her Majesty's Government have had no course open to them but to advise Her Majesty to withhold Her assent from this Bill. I need hardly state that it is with regret Her Majesty's Government have witnessed the failure of this attempt to effect a settlement of this important matter. They trust, however, that this failure is but temporary, and that the opportunity will, at no distant period, be found for arriving at a wise and satisfactory

factory adjustment of a question which, from circumstances beyond their control, has been unfortunately so long delayed.

Upper Canada.

The next reserved Bill to which I have to advert is that intituled (No. 1148), "An Act to appropriate the Casual and Territorial Revenue, and for other Purposes therein mentioned."

Your Despatch, No. 118, of the 18th of May, anticipates the objection which Her Majesty's Government have to urge against this Bill. It excludes from the protection of the Civil List, granted in exchange for the revenues ceded by the Crown, the provision hitherto made for the support of the clergy. It is hardly necessary that I should state to you that with such an omission Her Majesty could not be advised to assent to a Bill of this nature. It involves, as you have observed, a departure from the conditions on which Lord Glenelg proposed that the casual and territorial revenues should be surrendered; conditions which could not be departed from without a violation of the faith of the Crown, which is pledged to the maintenance of the clergy from these revenues under the arrangement of 1834.

The transfer of this charge to the fund derived from the clergy reserves offers, under the present state of that fund, no equivalent which, with a view to the interests of the parties, the Crown could be advised to accept.

On these grounds Her Majesty withholds Her assent from this Bill.

The third Bill to be considered is that intituled (No. 1150), "An Act to ascertain and provide for the Payment of all just Claims arising from the late Rebellion and Invasions of this Province."

To this Bill, in its present form, I fear that Her Majesty's assent cannot be given.

Her Majesty's Government readily concur in the propriety of the measure which it is the object of the Bill to effect; but they cannot undertake the obligation which, if it were sanctioned, would be imposed upon them by the Preamble of the Bill, of providing ultimately for the payment of this indemnity from the British Treasury. Such a principle Her Majesty's Government are not prepared to recognise; neither, if it were otherwise, would it be of any avail unless with the previous sanction of Parliament.

Should a similar Bill be passed for this important object, free from the objection which I have pointed out, Her Majesty will be ready to concur in the enactment of it.

The next reserved Bill is intituled (No. 1151), "An Act to authorise the Issue of Bills of Credit," and to this Bill it has been judged necessary that the Royal Assent should be withheld. The confirmation of it would have thrown into circulation an amount of small inconvertible paper money to the extent of 250,000 *l*. Her Majesty's Government are decidedly of opinion that such a step would be attended with most injurious effects on the currency and the monetary transactions of the province, and on the value of private property. But anxious as they would be to concur in any financial measure which could be adopted for meeting the present exigencies of the province, they feel that the value of any such measure is to be weighed not solely by consideration of present efficiency, but by the future effects which may be produced on the permanent welfare of the Colony. In this instance that present relief would, in their opinion, be attended not only with much immediate, but, from its nature, with much permanent evil; and they cannot, therefore, at such a risk, agree to this mode of sustaining for a time the transactions of the local treasury.

(No. 31.)

Sir,

Downing-street, 27 October 1839.

I HAVE to acknowledge the receipt of your Despatch, No. 194, of the 24th of September, together with a separate despatch of the same date, on the subject of the Bill passed by the Legislature of Upper Canada, on the 11th May last, intituled (No. 1155), "An Act to enable Her Majesty to make a Grant of Land to James FitzGibbon, Esquire."

Upper Canada.

Having considered the whole of the circumstances connected with this enactment, I have felt it my duty to advise the Queen not to confirm it, and Her Majesty has been pleased to withhold Her assent from the Bill accordingly.

Sir G. Arthur,
&c. &c. &c.

I have, &c.
(signed) *J. Russell.*

(No. 184.)

Sir,

Downing-street, 22 July 1840.

I HAVE had under my consideration a reserved Bill passed by the Legislative Council and Assembly of Upper Canada, during the last Session (No. 1304) intituled, "An Act to enable Her Majesty to make a Grant of Land to James FitzGibbon, Esquire," which, with other Acts and reserved Bills was transmitted to me in your Despatch, No. 2, of 2d March last.

This Bill is substantially the same as No. 1155, which was passed in 1839, and upon which, in my despatch of the 27th October last, I announced Her Majesty's decision that, consistently with the terms of the Act of Upper Canada for the alienation of waste lands of the Crown, and with the principles on which that Act proceeded, Her Majesty could not authorise the proposed compensation to Colonel FitzGibbon to be made in the form of a grant of land.

Having again considered the whole of the circumstances connected with this enactment, I have felt it my duty to advise the Queen not to confirm this reserved Bill, No. 1304; and Her Majesty has been pleased to withhold Her assent from the Bill accordingly.

Her Majesty's Government cannot be parties to any departure from the general rule that meritorious public services should be remunerated in money, because in that case there is an effectual security against improvident grants, which is wanting when such remunerations are made not in money but in land.

Sir George Arthur,
&c. &c. &c.

I have, &c.
(signed) *J. Russell.*

Lord John Russell to Lord Sydenham.

(Extract.)

(No. 402.)

Downing-street, 19 July 1841.

I RECEIVED your Lordship's despatch of the 27th May 1840, marked "Confidential," on the 17th of June in that year; and on the 20th of the same month I referred for the consideration of the Lords Commissioners of Her Majesty's Treasury the various reserved Bills alluded to in that despatch, of which a list* is subjoined. They are the Bills for increasing the capital stock of the Bank of Upper Canada, of the Gore Bank, and of the Commercial Bank of the Midland District; and the Bills for incorporating the Prince Edward District Bank and the Farmers' Bank. It was not till the 18th of May in the present year that I was in possession of the opinion of the Lords Commissioners on the subject of these Bills.

Her Majesty has been advised not to confirm the Bills in question, because three of them authorise the banks to continue and extend their issues of notes for sums under the value of 1 £, and because the Bills for establishing new companies have been framed without regard to the precautionary conditions for which it has appeared to Her Majesty's Government to be expedient to stipulate, with a view to the protection of the public and the proper regulation of banks in all charters or acts of incorporation for banking companies in the colonies.

* 1306, 1307,
1308, 1309, 1310.

LOWER CANADA.

Lower Canada.

(No. 40.)

Sir,

Downing-street, 9th December 1839.

WITH reference to my Despatch, No. 28, of the 28th October last, I have now the honour to convey to you the decision of Her Majesty's Government on the Ordinance No. 93, which was included on Schedule C. in that Despatch.

This Ordinance for the regulation of the currency of the province, has been under the consideration of the Lords Commissioners of the Treasury, together with an Act passed for a similar object by the Council and Assembly of Upper Canada, and reserved by the Lieutenant Governor for the signification of Her Majesty's pleasure.

I enclose for your information and guidance an extract of a Minute passed by their Lordships on the 22d ultimo, stating that, for the reasons therein given, they could not advise the confirmation of these laws.

Having submitted this report to the Queen, I am commanded by Her Majesty to communicate it to the Special Council, as explanatory of the reasons which it will not be in Her Majesty's power to confirm this Ordinance, which has a suspending clause. This report is likewise explanatory of the principles by which it is necessary that the legislation of the British North American Provinces on the subject of currency should be governed, in order to establish that uniformity which it is indispensable to maintain on matters of this kind between the laws in force throughout the various members and dependencies of the British Empire.

The Right Hon. C. P. Thomson,
&c. &c. &c.

I have, &c.
(signed) *J. Russell.*

Enclosure.

Enclosure.

COPY of TREASURY MINUTE of 22d November 1839.

My Lords have under consideration an Ordinance passed by the Governor and Special Council on Lower Canada on the 3d April last, entitled, "An Ordinance to regulate the Currency of the Province," and an Act passed by the Legislative Council and Assembly of Upper Canada in the month of May last, entitled, "An Act to regulate the Value at which Gold and Silver Coin shall pass current within the Province," which enactments having been reserved for the signification of Her Majesty's pleasure, as they shall relate to the currency and circulating medium in those Colonies, have been referred for the opinion of my Lords' Board, as to the directions it may be advisable for Her Majesty in Council to give thereon.

My Lords observe that these enactments provide for fixing the comparative rates of value between British sterling money and the local currency and money of account of the respective provinces; for giving currency as legal tenders of payment to certain foreign coins, as well as to the coins of the United Kingdom, and for the prevention and punishment of attempts to circulate counterfeit or spurious coins; and that in the case of Lower Canada a reference is made to arrangements for calling in and receiving such imperfect or other coins now in circulation, as will not be legally current under the provisions of the Ordinance.

My Lords have much satisfaction in remarking, that the attention of the legislative authorities in the Canadian provinces has been thus turned to the state of the local currency, and that the tendency of both the measures now before them is the introduction of a sound, and intrinsically valuable circulating medium and standard of value, and the assimilation of the currency to that of this country, without depriving the inhabitants of the provinces of the accommodation and convenience that may attend the use of foreign coins of ascertained value.

My Lords, however, observe, that the rates assigned by these enactments to the different coins to which it is proposed to give currency in the respective provinces are not accurately fixed with reference to the comparative values of the coins, and are consequently such as would, in both cases, defeat the objects of the enactments. On this ground, therefore, my Lords are of opinion that it would be inexpedient that either the Ordinance of the Lower

Lower Canada.

Province, or the Act of the Upper Province should be permitted to come into operation. In addition also to this conclusive reason for withholding Her Majesty's confirmation of both these enactments, the Act of the Upper Province would be liable to objection as regards the great variety of coins comprised in the Schedule (A.), and thereby constituted a legal tender, and as regards the limitation of the duration of the Act; for my Lords consider it to be desirable that the legalized tender should only extend to such coins as are constantly in circulation and well known, and consequently of ascertained fineness, and liable to frequent examination, but that coins which are obsolete, or little known in the province, be left to pass as bullion only; and as it is always desirable to abstain, as far as possible from proceedings that may tend to unsettle the currency, it appears to my Lords that the prospective limitation of the duration of an enactment of this description would be inexpedient.

The clause also, in the Ordinance of the Governor and Council of Lower Canada, which purports to empower Her Majesty to direct that coins current under previous provincial enactments, but to which no current value is assigned by the Ordinance, may be called in and re-coined into British gold and silver coins, with a proviso that the actual expense only of such re-coinage shall be borne by the province, would be objectionable, as the mode of effecting any such re-coinage must be regulated by the existing laws of this country relating to the subject.

Adverting to these several considerations, my Lords conceive it will be proper to cause a copy of this Minute to be forwarded to Lord John Russell, in order that his Lordship, if he does not see reason to dissent from the opinions of this Board, may convey instructions to the officers administering the governments of the respective provinces to apprise the local Legislatures of the objections which have prevented the confirmation of these enactments; and my Lords having before them a statement explanatory of the discrepancies in the valuations of the coins provided for by the Ordinance and by the Act, which must interfere prejudicially with their circulation, and showing the comparative rates it would be necessary to adopt to obviate those discrepancies, they will further cause the Secretary of State to be furnished with a copy of this statement, in order that it may likewise be communicated to the Canadian Governments.

My Lords at the same time deem it advisable to suggest for the consideration of Lord John Russell, whether the principal objects of the Ordinance and the Act now in question, might not be more properly attained by the issue, as in the case of the West Indian Colonies, of proclamations by Her Majesty fixing the comparative rates at which the doubloon, the dollar, the eagle of the United States, and any other coins usually circulating in the Canadian Provinces, should pass current with reference to the British sovereigns or pound sterling; and likewise fixing with reference to the value of the sovereigns the Canadian currency as indicated both by the Ordinance and by the Act, the currency rate at which, on the principles developed in the statement, that and other coins both British and Foreign, should circulate and be a legal tender of payment. My Lords also apprehend that if this course were adopted, it would only be necessary for the local governments and legislative authorities to consider whether any further legislative enactments are required to protect Her Majesty's Canadian subjects from the fraudulent circulation of forged or counterfeit coins, or whether the existing laws may, in this respect, be sufficient.

(No. 93.)

STATEMENT relative to the Metallic Currency of Upper and Lower Canada.

THE Ordinance passed in Lower Canada, after reciting that the rates and value assigned to the several coins therein mentioned are inconsistent with each other, and in many cases erroneous, and that it is highly desirable to establish a legal proportion between the pound sterling, as represented by the British sovereign and the pound currency of the province, and, as far as circumstances will permit, to assimilate the currency thereof to that of the mother country, but without injuriously affecting the interests of any party to any existing contract, proceeds to enact that a certain Act, passed in the 48th of Geo. 3, entitled, "An Act for better regulating the Weight and Rates at which certain Coins shall pass current in the Province, &c.," shall be suspended during the time this Ordinance shall be in force.

The Ordinance then enacts that the pound currency shall be such that the pound sterling, as represented by the British sovereign, of the weight and fineness now fixed by the laws of the United Kingdom, shall be equal to and pass for 1 *l.* 4 *s.* 4 *d.* currency.

	£.	s.	d.
The old eagle of the United States, weighing 11 dwts 6 grs.	-	2	13 4
New eagle of - - - ditto, - - - 10 dwts. 18 grs.	-	2	10 -
Old Spanish doubloon, Mexican and Columbia doubloon, coined in the years 1826, 1827 and 1828, 17 dwts. 9 grs.	-	3	17 8
French 40-franc piece, coined before the commencement of the present year	-	1	18 7

Lower Canada.

The above-mentioned cases, and multiples and subdivisions thereof, being of proportionate weight, to be a legal tender to any amount by tale, so long as such coins shall not want more than two grains of the weight hereby assigned to them, deducting one half-penny currency for each quarter of a grain any such coin shall want of such weight, and shall be in any case a legal tender by weight in sums exceeding 20 l. currency; and in any payment above that sum, the payer may pay or the receiver insist on receiving coins by weight, at the following rates:—

British gold coins, United States gold coins coined before July	
1834 - - - - -	94 s. per oz.
Ditto coined since July 1834 - - - - -	93 s. „
French gold coins - - - - -	93 s. 1 d. „
Doubloons - - - - -	89 s. 5 d. „

The Ordinance then enacts that the Spanish milled dollar, the dollar of the United States and of the several States of South America and Mexico, coined before 1st January 1839, and not weighing less than 17 dwts. 4 grs., shall pass for five shillings each, and shall be a legal tender, by sale, to any amount; as shall also any silver coins, being subdivisions of such dollars for proportionate sums; but the subdivisions of such dollars, being less than quarters thereof, shall be a legal tender for 50 s., and no more, provided that the governor, lieutenant-governor, or person administering the government may by proclamation extend the provisions of this section, and the section preceding it, to any gold or silver coins of the weights and denominations above referred to, but of later dates, which, having been assayed at the Royal Mint, shall be found to be equal in fineness to those above-mentioned or referred to respectively.

It is further enacted that all silver coins of the United Kingdom shall pass at the following rates:

	s.	d.
British crown - - - - -	6	-
British half-crown - - - - -	3	-
British shilling - - - - -	1	3
British sixpence - - - - -	-	7½
British groat - - - - -	-	5

The crowns and half-crowns to be a legal tender to any amount; but the shillings, sixpences, and groats to be a legal tender to the amount of 50 s. currency, and no more.

The copper penny of the United Kingdom, or any other which Her Majesty may cause to be coined, of not less than five-sixths of the weight of such copper penny, shall pass for one penny currency, and the halves and quarters thereof for proportionate sums, and such copper money to be a legal tender to the amount of 1 s. currency, and no more.

In the preamble of this Ordinance it is directed that it is desirable that the currency of the provinces should be assimilated, as far as circumstances will permit, and without injuriously affecting existing contracts, to that of the mother country.

With this intention it is also enacted that the British sovereign shall be rated at and pass current for 1 l. 4 s. 4 d. currency; and the gold coins of the United States of America, of France, and of the several States of Mexico and South America are rated according to their respective weights and fineness in exact proportion to the sovereign.

In so far as relates to the relative value of the gold coins, the intention of the Ordinance is thus successfully accomplished. But the Ordinance proceeds to enact that the dollar of the United States of America, and of Columbia and Mexico, shall pass current and be a legal tender at the rate of 5 s. currency, and that the silver coins of Great Britain shall pass current at the several rates of 6 s. for the crown, 3 s. for the half-crown, 1 s. 3 d. for the shilling, 7½ d. for the sixpence, and 5 d. for the fourpenny-piece.

Now these several rates are neither consistent with each other nor with the rates assigned to the gold coins. The dollar, the British crown and half-crown are undervalued. The British shilling, sixpence, and groat are overvalued, not only with reference to the gold coins, but likewise with reference to the crown and half-crown.

The dollar is rated in the Ordinance according to the proportion of gold to silver adopted at the mint of the United States, which proportion is about 1½ per cent. below that which obtains in the general market of the commercial world. The ground for adopting the United States proportion would seem to be, an apprehension that while the two metals are valued by law in the United States in the proportion of 16 to 1, their proportionate value in England and in the general market of the world is nearly 15½ to 1, and that if the latter proportion were adopted the gold coins would soon leave the colony, and be exported to the United States.

It is, however, conceived that the over-valuation of gold in the United States may safely be disregarded, as its effect in that country must be to make gold the only practical standard, and to establish a premium on silver equal to the difference between the legal proportions in the United States and the market proportions elsewhere; in which case little or no inconvenience would be experienced in the Colonies with respect to their exchange with the United States, if the market proportions were adopted.

On what principle the crown and half-crown are undervalued, and the shilling, sixpence and groat overvalued in relation to the sovereign is not so apparent. It is, indeed,

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enacted that shillings, sixpences and fourpenny pieces, shall be a legal tender only to the extent of 50s. currency, but this limitation would not prevent the exclusion of the superior coins from circulation. It would still be the interest of the holder of gold coins, dollars, crowns and half-crowns to exchange those coins for shillings and sixpences, and to export them to Great Britain for that purpose. It would be the interest of the banks to pay all notes of lower denomination than 50s. currency with British shillings and sixpences; for the larger notes they would be exposed to an inconvenient demand for gold in consequence of the over valuation of British silver coin.

If the proper proportions had been observed in the rates assigned to the several coins by this Ordinance, they would have been respectively as follows:—

	£.	s.	d.
Sovereign - - - - -	1	4	4
United States old eagle - - - - -	2	13	4
Ditto - new eagle - - - - -	2	10	-
Doubloon - - - - -	3	17	8
French 40 franc piece - - - - -	1	18	7
Dollar - - - - -	-	5	1
British crown - - - - -	-	6	1
Ditto half-crown - - - - -	-	3	$\frac{1}{2}$
Shilling - - - - -	-	1	$2\frac{6}{10}$
Sixpence - - - - -	-	-	$7\frac{1}{5}$
Groat - - - - -	-	-	$4\frac{8}{10}$

UPPER CANADA.

(No. 1149.)

By the Act passed in this Province on the 11th of May 1839, all former Acts for regulating the rates and value of gold and silver coins in the province are repealed.

It is then enacted that the gold coins mentioned in a schedule annexed to the Act shall be deemed a legal tender, at the rates and value set opposite to them respectively in the schedule: Provided that whenever the said coins shall not be of the full weight set opposite to them, and also in case of payment of any sum over 25L, the said coins shall be paid by weight at the following rates:—

	s.	d.
British gold - - - - -	at 4	9 per dwt.
French gold - - - - -	at 4	8 per dwt.
Spanish, Mexican and Columbian gold - - - - -	at 4	6 per dwt.

and all other coins at the rates deduced from the rates and weights set forth in the schedule.

The rates for the undermentioned gold coins in the schedule are respectively as follows:—

	dwts.	grs.	£.	s.	d.
Sovereign - - - - - weight	5	$2\frac{2}{3}$	1	4	4
United States old eagle	11	6	2	13	$3\frac{1}{4}\frac{60}{100}$
Ditto - new eagle	10	18	2	10	-
Doubloon - - - - -	17	9	3	17	$8\frac{1}{10}\frac{0}{10}$
French 40 franc - - - - -	8	7	1	18	$6\frac{1}{10}\frac{8}{10}$

According to these weights and rates the sovereign would not be a legal tender if its weight should be less than 5 dwts. $2\frac{2}{3}$ grs.

This coin when first issued from the mint should weigh 5 dwts. 3.274 grs.

By a proclamation, dated 1st July 1817, the current weight was fixed at 5 dwts. $2\frac{2}{3}$ grs., being $\frac{100}{100}$ under the full weight.

By a subsequent proclamation, dated 6th February 1821, the current rate was altered to 5 dwts. $2\frac{1}{2}$ grs., being $\frac{100}{100}$, or about $\frac{1}{2}$ of a grain under the full weight.

In fixing the current weight of the sovereign at 5 dwts. $2\frac{2}{3}$ grs. in the Upper Canada Act, it is apprehended that the proclamation of the 6th February 1821 was overlooked.

The weight and fineness of all the various gold coins enumerated in the schedule annexed to the Act, appear to be taken from a table of foreign coins made out in the United States of America, in pursuance of an Act passed by Congress on the 21st June 1834. In the United States Act it is enacted, that it shall be "the duty of the Secretary of the Treasury to cause assays of the aforesaid gold coins made current by this Act, to be had at the mint of the United States at least once in every year, and to make report of the result thereof to the Congress."

This enactment was, no doubt, deemed necessary in order to guard against any alteration that might be made in the weight or fineness of any of the various coins made current by the Act.

The Upper Canada Act is not equally guarded in this respect.

It is further enacted by the Upper Canada Act in question, that the silver coins specified in a schedule annexed to the Acts, pass current, and be a legal tender at the rates and value set opposite to them in the schedule. Provided, that British shillings and sixpences shall not be a legal tender for any payment above 10L, and provided also, that

that the said silver coins shall not be a legal tender if reduced in weight above 1-25th of the proper weight of such silver coins.

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The following are the rates at which the silver coins specified in the schedule are to pass current, and are to be a legal tender:—

	s.	d.
Spanish, Mexican, Columbian and United States dollar - - - - -	5	-
British crown - - - - -	6	-
British half-crown - - - - -	3	-
British shilling - - - - -	1	3
British sixpence - - - - -	-	7½
French crown - - - - -	4	8½ ^a / ₁₀

The rates and value assigned to the gold coins of Great Britain, France, the United States, Mexico, and South America, by the Act, are very nearly the same as those adopted in the Act passed by the Legislature of Lower Canada.

The rates and value assigned to the dollar, and to British silver coins, are exactly the same in both Acts, but, according to the Upper Canada Act, shillings and sixpences are to be a legal tender to the extent of 10*l.*; in the Lower Canada Act the limitation is 40*s.*

The observations on the Lower Canada Ordinance are equally applicable to the Act of the Upper Province. In both the rates and value assigned to the different coins specified in the Acts are erroneous and inconsistent with each other.

C A N A D A.

Canada.

Lord Stanley to Sir Charles Metcalfe.

(Extract.)

(No. 189.)

Downing-street, 27 March 1844.

HER Majesty's assent will not be given to the Bill, No. 199, for the discouragement of Secret Societies. The Queen cannot be advised to concur in an enactment, placing any class of Her Majesty's subjects beyond the protection of the law, and depriving them, without a previous conviction for crime, of the privileges to which all British subjects have a common title. You have, as I understand, adopted every necessary measure to restrain demonstrations calculated to disturb the public peace; and, much as I regret the existence of the societies against which this Bill is aimed, it appears to me more safe, more just, and more constitutional to rely on the executive government for the prevention of their possible excesses, and on their leaders' good sense and loyalty, acting on the advice which I am sure you will tender to them in a friendly spirit, for their ultimate dissolution, than to encounter the evil by legislation, affording a too ready precedent of severity and violence for imitation in future times and on other occasions.

(No. 201.)

Sir,

Downing-street, 18 April 1844.

I HAVE received from Her Majesty's attorney and solicitor general, a report dated the 9th instant, on the Bill passed by the Council and Assembly of Canada on the 9th December 1843, and reserved by you for the signification of Her Majesty's pleasure thereon, entitled (No. 205), "An Act for the better securing the Independence of the Legislative Council of this Province."

In that report it is stated that the proposed Bill appears very materially to interfere with the power vested in Her Majesty by the Act of the Imperial Parliament of the 3d and 4th year of Her Majesty's reign, c. 25, in reference to the appointment of the members of the Legislative Council.

It is consequently not competent to the Queen, in point of law, to assent to this Bill. In the absence of any other reasons this, of course, would be a conclusive and insuperable objection to the ratification and final enactment of it by Her Majesty; that ratification will consequently be withheld, and the Bill will not take effect as law in the Province of Canada.

Sir Charles Metcalfe,
&c. &c. &c.

(signed) Stanley.

Canada.

(No. 458.)

My Lord,

Downing-street, 18 November 1845.

IN reference to the correspondence enumerated in the margin on the subject of Mr. Harris' Divorce Bill, I have now to communicate to your Lordship the accompanying copy of a report from the law officers of the Crown, from which it appears that if the Bill were confirmed by Her Majesty the courts of law in this kingdom would not consider such an Act as a valid divorce, but that Mr. and Mrs. Harris would still retain, in point of law, their conjugal relation towards each other within this kingdom, and wheresoever else beyond the limits of Canada the law of England prevails.

Under such circumstances, it will, of course, be impossible that Her Majesty in Council could be advised to confirm and finally enact this Bill.

Lord Metcalfe,
&c. &c. &c.

I have, &c.
(signed) Stanley.

Nova Scotia.

NOVA SCOTIA.

Lord Glenelg to Sir C. Campbell.

(Extract.)

(No. 52.)

Downing-street, 31 August 1836.

THE Act, No. 1743, for deepening the East River of Pictou, has been brought under the consideration of the Lords of the Treasury. I transmit for your information a copy of the correspondence that has passed between this department and the Treasury, from which you will learn the grounds on which their Lordships are of opinion that the Act cannot properly be confirmed, and the course of proceeding which they think advisable, in order to obviate the inconvenience of which the withholding of Her Majesty's assent might otherwise be productive.

Concurring in and adopting the views of their Lordships, I have humbly advised His Majesty to withhold His assent from the Act in question, and I have to desire that you would suggest to the Council and Assembly the re-enactment of it with the alteration and omissions suggested by their Lordships.

Enclosure 1.
Enclosure 2.

Enclosure 1.

James Stephen, Esq. to A. Y. Spearman, Esq.

(Extract.)

Downing-street, 6 August 1836.

THE Act for deepening the East River of Pictou, contains a clause of which the following is a copy:

"Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to sanction the original grant or letters patent of the said mines, minerals, ores, seams or veins of ores, minerals or mineral substances to His Royal Highness the Duke of York and Albany, or to operate as an assent to the validity of such grant on the part of the General Assembly of this province, or to give any force, validity or effect whatever to the said grants or letters patent; but the right of the inhabitants therein, or any of them, either collectively or individually, shall be and remain in force, anything in this Act to the contrary notwithstanding."

The grant to the late Duke of York having been made on the advice of a former Board of the Treasury, Lord Glenelg wishes that their Lordships should consider how far the confirmation of this Act by His Majesty in Council would be consistent with the authority which their Lordships may attribute to that grant.

Enclosure 2.

Nova Scotia.

A. F. Spearman, Esq. to James Stephen, Esq.

(Extract.)

Treasury Chambers, 25 August 1836.

I AM commanded to desire that you will state to Lord Glenelg with respect to the Act "for deepening the East River of Pictou," that the reference therein to the grant to His late Royal Highness the Duke of York, appears to my Lords to be wholly unnecessary as regards the purposes contemplated by the Act, since it would seem to be quite sufficient that the preamble of the Act should refer in general terms to the occupation by the Mining Association of the coal mines on the banks of the river; and my Lords conceive that it would be inexpedient on various considerations that the Act should be assented to in its present shape.

In order, however, to prevent any unnecessary delay in the attainment of the useful object for which the Act is intended to provide, my Lords would suggest that in signifying the disallowance of it to the Lieutenant Governor of Nova Scotia, he might be apprised, that if the Act were altered by the recital in the preamble, of the occupation of the mines by the Company, without adverting specifically to the lease from His late Royal Highness the Duke of York, the grant to whom is, as Lord Glenelg is aware, at present the subject of litigation in this country, and by the omission of the subsequent clause relating to that grant, the objection to it in its present form would be removed, and that if the local Legislature should see fit to pass a new Act thus amended, the Lieutenant Governor might be authorised to assent to its being carried into immediate effect.

(No. 4.)

Sir,

Downing-street, 23 September 1839.

AMONG the subjects which have come under my review since I received the charge of this department, my attention has been especially directed to the pending question relating to the school lands in Nova Scotia. Various circumstances have prevented Her Majesty's Government arriving at a decision on this important subject at an earlier moment. The Act (No. 1967) passed by the Assembly during their last Session for the appointment of trustees for school lands, was only received on the 5th ultimo, and much time has necessarily been occupied in weighing the representations against the confirmation of that Act, which have been submitted by the Bishop of Nova Scotia, and in obtaining the opinions of the law officers of the Crown on those points of law in which the question was involved.

Those representations and opinions have been fully considered; I am now enabled to communicate to you the views of Her Majesty's Government on this subject.

The real points which Her Majesty's Government have had to determine have been the value and extent of the claims which have been preferred by the Bishop of Nova Scotia, on behalf of the Society for the Propagation of the Gospel, to the possession of these lands for the use of schoolmasters of the Established Church. The decision of the Crown as to the confirmation or disallowance of the Act recently passed by the provincial Legislature has necessarily been dependent, in a great degree, on the success or failure of that claim; and I shall proceed, therefore, in the first place, to explain to you the opinions which have been formed on those points by Her Majesty's Government, after a most careful examination of the whole subject.

The claim advanced by the Bishop of Nova Scotia extends to the whole of the lands set apart for educational objects, whether already appropriated to those purposes, or already vested by the Provincial Act of 1766 in the hands of trustees for the use of schools. Her Majesty's Government are of opinion that the Society for the Propagation of the Gospel, although not possessed of a strictly legal right, have established an equitable claim to that portion of the land which is already occupied and improved, and they consider that the Society should be left in the entire and unreserved possession of it for the purposes to which it is at present dedicated. Setting aside any other considerations the Society, in connection with the Established Church of England and Ireland, have, by the extent and efficiency of their arrangements for dispensing the benefits of education throughout the province, entitled themselves to the full enjoyment of this property.

You will have collected from what I have now stated, that it is not my intention to advise Her Majesty's Government to assent to the Act passed in the last session of the provincial Legislature, entitled "An Act to provide for the

Nova Scotia.

Selection and Appointment of Trustees of Lands granted, reserved or otherwise allotted as School Lands, or for Schools in this Province." The legal opinions which have been taken on this Act, confirm the doubt which was entertained by the Government as to the competency of the local Legislature to exercise this jurisdiction over the lands in question. The Act passed is open to the strong objection that it extends to all lands originally reserved or granted for the purposes of schools, which must be plainly improper, so far as relates to lands vested in trustees appointed from time to time by the Governor. Even if the claim of the Society had been altogether rejected, still the property not having been found to be with them, would devolve on the Crown, and be disposable by the Crown, and not by the local Legislature. But independently of what I have already stated, it appears to me that the Act is liable to this other grave objection, that it seeks by a direct exercise of power to enforce a settlement of a question embodying many important points of proprietary right and equitable consideration, which could only be satisfactorily arranged, after a full examination of the grounds on which the claims of the parties were founded; at the same time I should wish it to be distinctly understood that Her Majesty's Government do not express any dissent from the general views which the Legislature appear to entertain, were they to be applied to a matter on which they could be allowed to operate, with justice to the Crown and fairness to other parties.

Should the provincial Legislature undertake the settlement of rules for the application of future grants, Her Majesty's Government will readily concur in the provisions of this Act for the management of any lands which may hereafter, from time to time, be devoted to educational purposes.

I will even go further to meet the views of the Provincial Legislature. With reference to the unoccupied portion of the lands already granted, Her Majesty's Government are not prepared to admit the claim of the Society. Neither are they prepared to state the mode of appropriation which it would be just and proper to adopt with regard to this portion of the lands. I entertain strong doubts whether in departing from the view taken by the Society, as to their equitable title to these lands, also, it might not be proper, in a certain degree, to qualify that dissent and to admit their claim to a portion of them. Her Majesty's Government feel every disposition to meet the views of the Society and to aid their exertions for this great public object, and it would prove highly satisfactory to them, if by mutual concessions on the part of the parties interested, this embarrassing question could be satisfactorily arranged. I would therefore suggest for your consideration, whether it might not be practicable to relieve the Government from the further discussion of this question by the appointment of a commission, which might distinguish those lands upon which the care and the funds of the Society had been bestowed, from those which had been left altogether waste and unprofitable. Upon the report of such commission might be founded some measure in the provincial Legislature, with the concurrence of the Government, by which a partition of these reservations should be made, leaving one portion for the support of the schoolmasters of the Society, and the other to the purposes of education generally. Some such arrangement, provided it were so clearly defined as not to lead to litigation, although it would not meet the claims of either party, might be accepted by both as a means of reconciling those differences which cannot be protracted without injury to the province generally, and more particularly to that important object which all parties have in view.

Sir C. Campbell, &c. &c. &c.

I have, &c.
(signed) J. Russell.

Lord John Russell to Sir C. Campbell.

(Extract.)

(No. 12.)

Downing-street, 11 November 1839.

THE Act, No. 1960, in further amendment of the Act relating to cemeteries, provides for the exchange of a piece of land belonging to the Master General and Board of Ordnance, which the Commissioners of Public Cemeteries are desirous of possessing. The Ordnance department had this subject under

under their consideration in the month of February last, for on the 11th of that month they addressed a communication to my predecessor, stating the conditions upon which they were willing to accede to the proposed exchange; and I find that his Lordship transmitted a copy of that communication to you for your guidance in his Despatch of the 3d March last.

Having referred the Act, No. 1960, to the consideration of the Master General and Board of Ordnance, they have informed me they consider it necessary that it should embrace the terms specified in their letter of the 11th February.

The Act in question, which has a suspending clause, will, therefore, not receive Her Majesty's confirmation until it shall have been amended in the manner pointed out.

The Act, No. 2008, providing for the settlement of equitable claims upon real estate in certain cases, has formed the subject of a protest by parties who are entitled to estates in reversion or remainder, but who would, under the operation of this Bill, be deprived of their interest in property, on account of the tenant for life not having actively interfered to prevent the unlawful occupation of the land by trespassers, it being impossible for persons so entitled in reversion or remainder to take any effectual steps against such trespassers until they should become entitled to the actual possession.

Having consulted the law officers of the Crown on the validity of this objection, and they having reported it to be insuperable, and that the Bill contains many other objectionable clauses, I cannot advise Her Majesty to allow it to pass into a law by the Royal confirmation.

Lord *John Russell* to Viscount *Falkland*.

(Extract.)

(No. 71.)

Downing-street, 30 August 1841.

I HAVE received your Lordship's Despatch (No. 56) of the 12th April last, transmitting an Act passed by the Legislature of Nova Scotia, with a suspending clause, on the 10th of that month (No. 2158), "for facilitating the Recovery of Seamen's Wages." Your Lordship's Despatch also enclosed two addresses to the Queen from the Legislative Council and House of Assembly, praying Her Majesty's assent to this Act, and likewise the draft of a Bill proposed by the Judge of the Vice Admiralty Court on the same subject. I have had the honour of laying these addresses before Her Majesty, when Her Majesty was pleased to command that the subject should be referred to the consideration of Her Majesty's legal advisers. * * * * * After receiving that report I have found it impossible to advise the Queen to allow this Act, and Her Majesty does not therefore propose to confirm it.

(No. 38.)

Sir,

Downing-street, 30 September 1847.

I HAVE had under my consideration the two under-mentioned Acts passed by the Legislature of Nova Scotia in the month of March last, intituled (No. 2715), "An Act in addition to and altering the Acts for establishing Regulations for the disposal of Crown Lands within the Province," and (No. 2714), "An Act relating to the Crown Land Department of this Province."

I have not failed to lay before the Queen the address transmitted in your Despatch, No. 23 of the 1st April, from the House of Assembly of Nova Scotia, praying Her Majesty to pass the former of these laws; but it has not been in my power to advise Her Majesty to comply with that address of the Assembly, for the following reasons.

It is proposed by this Act to reduce the price to be paid for ungranted or escheated and wilderness lands in Nova Scotia from 1 s. 9 d. to 1 s. sterling per acre, the former price having been fixed as the maximum upset price by an Act passed in the Session of 1843, and continued for three years by an Act passed in the course of last year. I have reason to believe that much incon-

Nova Scotia.

venience has resulted from frequent changes in the price of Crown lands in the North American colonies, and I consider that it would not be advisable to sanction the repeal of a law passed so recently as last year, to continue provisions which the present Act would necessarily alter; but independently of those objections, I am far from being satisfied that any reduction in the price of Crown lands would facilitate the objects contemplated by the Act, of promoting the settlement and improvement of the country, or of substantially assisting the emigrant.

It has, on a former occasion, been considered by Her Majesty's Government that the rate of 1 s. 9 d. per acre for land in Nova Scotia was too low when it is a maximum as well as minimum price; but, in deference to the superior local knowledge of the Lieutenant Governor, and adverting to the inferiority of the soil of Nova Scotia, as compared with that of the adjoining provinces, the objections of Her Majesty's Government to that low valuation were not, at the time, insisted on; under these circumstances to reduce now to 1 s. per acre, the price actually established by law, is a proposal, which, if carried into effect, would in my judgment prove the reverse of advantageous to the real interests of the Colony; it would not only tend to diminish the value of landed property, and be unjust in its operation towards those persons who have been required to pay a higher price for the lands which they obtained from the Crown, but it is also more than questionable whether any real advantage would accrue to those who were enabled to obtain land at so cheap a rate.

What is requisite for the benefit of purchasers of waste land, and more especially of emigrants who wish to settle upon the hitherto unoccupied territory of the province, is not that land should be sold at a lower price, but that the price paid for it should be so laid out as to facilitate its profitable occupation.

Upon this point I have to call your attention to the following observations which I had lately occasion to make to the Governor General of British North America in regard to a plan of systematic colonization which was projected in Canada. I stated, that "What seems to be most required, is, to carry further than has yet been done the principle of making all who obtain land pay for it such a price as at once to afford the means of effecting those improvements, by the construction of roads and bridges, and by erecting schools and other public buildings which are necessary for its regular and systematic occupation. If no public lands were alienated but at a price sufficient to pay for such improvements, and if the money obtained from their sale were so expended, land would only be purchased where the improvements were already in progress, while the settler, receiving in return for the enhanced price he paid for land, not only the land, but the advantage of those works by which its profitable occupation is facilitated, would not in reality pay more, perhaps not so much, for the mere land, as when it is disposed of at a very low and almost nominal rate.

With regard to the Act making alterations in the Crown Land department in Nova Scotia, I have to state that I have no reason to suppose that the measure which the Legislature has thought proper to pass on this subject is defective in point of detail. But it is open to the objection that it makes provision for the regulation of offices which cannot at present be regarded as other than provisional; whilst the question relating to the surrender of the Crown revenues of Nova Scotia, in exchange for a civil list, continues unadjusted. Until that question be determined on a complete and satisfactory basis, it would be premature to sanction such arrangements as are provided for in this Act.

You will communicate this Despatch to the House of Assembly in answer to their addresses to you of the 30th and 31st March, at the same time assuring them of Her Majesty's readiness to assent to any measures which may appear to be really calculated to promote the settlement of the territory of Nova Scotia, and place so important a department of the provincial administration as the management of the waste lands upon a permanent and economical footing.

Sir John Harvey,
&c. &c. &c.

I have, &c.
(signed) Grey.

NEW BRUNSWICK.

New Brunswick.

(No. 132.)

Sir,

Downing-street, 3 January 1830.

THE Lords Commissioners of Her Majesty's Treasury have had under their consideration two Acts passed by the Legislature of New Brunswick during their last Session, intituled "An Act to incorporate sundry Persons, by the name of the President, Directors, and Company of the Miramichi Bank," (No. 1156); and "An Act to increase the Capital Stock of the Chartered County Bank, and to amend the Act incorporating the same," (No. 1157).

The Lords of the Treasury are of opinion that in these Acts many provisions of great importance have been omitted. In that relating to the Miramichi Bank, there is no clause prohibiting the issue of notes for sums under 1*l.*, or the making of loans on mortgage or on pledges of lands, houses, ships, or goods, whether as direct or collateral security, or providing for the forfeiture of the privileges of the company on their suspension of payments in specie, or other infraction of the more material conditions of incorporation. Their Lordships also consider as insufficient the provisions relating to payment of the notes that may be issued by the company at the place of issue, in specie on demand, to the payment of dividends to shareholders out of profits only, and to the preparation and publication of statements showing the average amount of the assets and liabilities of the company during each half-yearly period; and they moreover disapprove the unnecessarily long period which appears to be allowed for paying up the second moiety of the capital.

With respect to the Act relating to the Chartered County Bank, the Lords of the Treasury observe, that it not only authorises an increase of the capital of that establishment, but likewise extends all the existing powers and privileges of the company, which, under the original Act of Incorporation, would expire in the year 1845, to the 1st May 1860. Their Lordships, therefore, consider that this Act must be held to be equivalent to a fresh Act of Incorporation, and ought not therefore to be confirmed, unless accompanied by the same conditions and securities as it is thought necessary to require in the case of the other newly proposed establishment.

As these Acts contain clauses suspending their operation until Her Majesty's pleasure shall be declared respecting them, I shall abstain from bringing them under the notice of Her Majesty in Council, until the Legislature of New Brunswick shall have had an opportunity of considering and of remedying the objections stated to them. I have therefore to request that you will communicate the substance of this Despatch to the Legislative Council and House of Assembly at their next meeting.

Sir John Harvey,
&c. &c. &c.

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

(No. 134.)

Sir,

Downing-street, 4 September 1843.

I HAVE to acknowledge the receipt of your Despatch, No. 38, of the 20th April last, transmitting certified copies of two Acts which had been passed by the Legislature of New Brunswick; the first, No. 1432, entitled "An Act relating to the Collection of Duty on Timber and other Lumber;" and the second, No. 1433, entitled "An Act to establish sundry Regulations for the future disposal of Timber and other Lumber cut on Crown Lands."

Each of these Acts contains a clause suspending the operation of it until Her Majesty's pleasure shall have been signified. I transmit for your information the accompanying copy of the opinion of the Queen's Advocate and of Her Majesty's Attorney and Solicitor General, in answer to questions proposed to them respecting the Act for the collection of duty on timber and other lumber.

For the reasons assigned in that opinion, Her Majesty will abstain from confirming the Act to which it refers.

New Brunswick.

It will not therefore take effect or come into operation as a law.

The Act to establish regulations for the disposal of timber and other lumber cut on Crown lands must, of course, be disposed of in the same manner as the first-mentioned Act, to which it is supplementary and auxiliary. Even without reference to this conclusive objection there would have been great difficulty in confirming this Act. Without any previous intimation of the Royal pleasure, it repeals a part of the Civil List Act. It grants with no sufficient reason extensive privileges to the owners of mills in actual operation, and it does not require the payment in ready money of the fee required for the timber license.

From the statements contained in your Despatch, and in the Reports accompanying it, I, however, conclude that the present system of timber licenses requires modification; that it is expensive in its working; and that under shelter of it frauds are committed, which reduce the actual receipts much below their just amount.

As you are fully aware of these evils, I trust that you will be able to obviate them by adopting, with the advice of the Executive Council of New Brunswick, some such arrangement as that to which you refer in the latter part of your Despatch.

Sir William Colebrooke,
&c. &c. &c.

I have, &c.
(signed) Stanley.

(No. 197.)

Sir,

Downing-street, 14 October 1843.

I HAVE had under my consideration an Act passed by the Legislature of New Brunswick, with a suspending clause, on the 11th April last, for regulating the currency of that province (No. 1435).

I have no objection to offer to this Act, except as regards the valuations assigned for some of the coins specified in it; and, as these valuations are not correctly adjusted according to the intrinsic worth of the coins, with reference to their contents in pure metal and to the relative values of gold and silver, it appears that the object of the Act could not be attained without some modification of the comparative rates assigned for the coins.

I observe that the values in the provincial currency of coins mentioned in the Act are as follows; viz.:

	£.	s.	d.
The English sovereign	-	-	2
The French crown piece	-	5	6
The English crown piece	-	6	$\frac{1}{2}$
The Spanish South American or United States dollar	-	5	-
The gold eagle of the United States	2	10	-

But, considering the dollar to have been the coin principally circulating in the Province, and to be properly rated at 5 s. currency, the following should be the rates of the other coins; viz.:

	£.	s.	d.
The sovereign	-	1	4
The English crown	-	6	-
The eagle of the United States	-	2	9

I do not advert to the French crown piece, as this coin is not now fabricated, and has consequently been omitted from the currency Acts, both of Canada and Nova Scotia.

Under these circumstances Her Majesty cannot be advised to confirm the present Act; but you will avail yourself of an early opportunity of recommending the Legislative Council and Assembly of New Brunswick to pass another Act, in which the proper rates mentioned in this Despatch should be assigned to the coins of the Province.

Sir W. Colebrooke,
&c. &c. &c.

I have, &c.
(signed) Stanley.

(No. 322.)

New Brunswick.

Sir,

Downing-street, 18 August 1845.

I HAVE had under consideration the Act passed by the Legislature of New Brunswick in the month of March last (No. 1537), with a suspending clause, to authorise the sale of certain lands in the county of York belonging to the late Mr. W. F. Odell, deceased, &c.

I deemed it right, in the first instance, to refer this Act for the consideration of the law officers of the Crown in this country. I transmit herewith a copy of the report which they have made to me in reply to that reference.

Adverting to that report, I have to acquaint you that it will not be in my power to advise the Queen to make any order for the confirmation of this Act.

Sir W. Colebrooke,
&c. &c. &c.

I have, &c.
(signed) Stanley.

(No. 14.)

Sir,

Downing-street, 24 June 1852.

I HAVE had under my consideration the Act passed by the Legislature of New Brunswick in the month of April last, entitled "An Act to exclude certain Persons from serving as Members of the Legislative Council of this Province" (No. 2144), transmitted in Sir Edmund Head's Despatch, No. 17, of the 9th of April.

I conceive this Act to be open to very grave objections, because its functions not only interfere directly with the Royal prerogative, but also have the effect of removing the Legislative Councillor from his office, by disqualifying the Bishop of the Province from exercising the privilege conferred upon him by the Crown of sitting in the Council.

I have therefore considered it necessary to advise Her Majesty to disallow the Act, and I transmit herewith the necessary order of the Queen in Council for that purpose.

The Officer administering
the Government.

I have, &c.
(signed) J. Pakington.

Right Honourable Sir *John Pakington* to Governor the Honourable
H. Manners Sutton.

(Extract.)

(No. 70.)

Downing-street, 22 November 1856.

I HAVE to acknowledge your Despatch, No. 11, of 31st July last, forwarding an Act, No. 2520, passed by the Legislature of New Brunswick (with a suspending clause), "relating to certain exemptions from duty."

2. By this Act certain special privileges are conferred upon the United States as regards the trade with the Port of St. Stephen's, viz.—

1st. Timber exported to the United States from the Port of St. Stephen's is exempted from export duty.

2d. Vessels arriving at the Port of St. Stephen's from the United States are exempted from lighthouse, harbour, and other dues.

3. Legislation conferring exclusive privileges of commerce is opposed to the commercial policy which this country has deliberately adopted; and, in the present case, besides the objection pointed out by yourself, arising from the distinction established between the Ports of St. Stephen and other ports of the Colony, the exemptions proposed to be established in favour of the United States are inconsistent with many of the commercial treaties which have been entered

New Brunswick. into by Great Britain with foreign States, and which contain articles (commonly known as the most favoured nations clauses) under which a participation in such exemptions could justly be claimed by those States.

4. On these grounds it appears to Her Majesty's Government that Her Majesty cannot be properly advised to sanction this Act. As it contains a suspending clause, it will therefore remain without effect.

Newfoundland.

NEWFOUNDLAND.

(No. 152.)

Sir,

Downing-street, 25 March 1844.

I HAVE received your Despatch numbered 6, and dated the 31st January 1844, in explanation of the motives which led to the enactment by the Legislature of Newfoundland of the local statute of 6 Vict. c. 9, abolishing the oaths now by law taken by the members of that body, and substituting the oath of allegiance instead thereof,

As this Act is suspended for the signification of Her Majesty's pleasure, it will not be in my power to advise Her Majesty to confirm it. I do not enter on the question whether it is or is not right that the oaths at present required from the various members of the Legislature should be dispensed with, excepting only the oath of allegiance. My objection to this Act is of another kind.

If the existing oaths are required under the authority of Parliament, it is only by the same authority that the obligation of taking them can be annulled. If (as I rather understand the case) that obligation is imposed by the Queen, in the exercise of Her Majesty's Royal prerogative, the proper course of proceeding would be that the Legislature should address the Queen to discontinue that exercise of Her Majesty's authority. On either supposition, an Act of the local Legislature is an unfit method of introducing such a change.

Governor Sir John Harvey,
&c. &c. &c.

I have, &c.
(signed) Stanley.

(No. 201.)

Sir,

Downing-street, 8 February 1845.

I HAVE received from you an Act, passed by the Legislature of Newfoundland, in April 1844 (No. 29), for the regulation of the copper coinage, with a suspending clause.

As this is a subject the consideration of which comes peculiarly within the province of the Lords Commissioners of the Treasury, I have thought it right to refer the Act to that Board, and I enclose for your information and guidance, a copy of the answer which I have received from their Lordships, stating the reasons for recommending that this Act should not receive Her Majesty's confirmation. As I quite agree in the view taken by the Lords Commissioners, I cannot advise Her Majesty to allow this Act to become the law of the island.

Governor Sir John Harvey,
&c. &c. &c.

I have, &c.
(signed) Stanley.

(Enclosure.)

Sir,

Treasury Chambers, 3 February 1845.

WITH reference to your letter of the 18th October last, I am commanded by the Lords Commissioners of Her Majesty's Treasury to request that you will state to Lord Stanley that my Lords having had under consideration the Act of the Legislature of Newfoundland (No. 29), relating to copper coinage, are of opinion that the provisions of it are not sufficient for the attainment of the objects contemplated by the local legislative authorities in

in passing it, and that the provision relating to a special coinage would be inadmissible in its present shape, and my Lords can, therefore, only recommend that no such assent on the part of Her Majesty should be signified to the Act as would give it effect. Newfoundland.

You will observe to Lord Stanley, that it appears from the information before my Lords, that the circulating medium at Newfoundland consists principally of dollars, passing at the nominal value of five shillings local currency, and that the value of the dollar in sterling money being assumed to be four shillings and four pence, the par of exchange between Newfoundland currency and the British sterling, is considered to be 115*l.* 7*s.* 8*d.* currency for 100*l.* sterling, but that the actual exchange is usually at a premium for sterling of 4 to 6 per cent. above that rate, as would naturally result from the over-valuation of the dollar, which is only equivalent to four shillings and two pence sterling.

My Lords do not find that any settled value in currency has hitherto been assigned to British silver or copper coins; but on adverting to the currency value it is proposed by the Act now in question to give the British shilling, as compared with the rate of five shillings currency for the dollar worth four shillings and two pence sterling, my Lords apprehend that British coins, either silver or copper, would be excluded by it from circulation.

You will further state to Lord Stanley, that if the information above adverted to respecting the currency valuation of the dollar at Newfoundland is correct, it would be desirable, as a preliminary step to the introduction of a better regulated circulating medium, that a local Act should be passed, declaring that British coins of gold, silver, or copper shall be paid and received in satisfaction of all legal demands expressed in terms of the currency of the Province, at the rate of 24*s.* currency to the sovereign, and at such proportionate rates for silver and copper coins as the said silver and copper coins bear to the sovereign in sterling money.

James Stephen, Esq.,
&c. &c. &c.

I have, &c.
(signed) C. E. Trevelyan.

Earl Grey to Sir John Harvey.

(Extract.)

(No. 7.)

Downing-street, 27 July 1846.

THE operation of the Act, No. 58, is suspended for the signification of Her Majesty's pleasure.

Her Majesty's Government have already given the most conclusive proof in their power of the regret and sympathy with which they have regarded the calamitous conflagration which has destroyed so large a part of the city of St. John's, Newfoundland; but their anxiety to mitigate that disaster would not justify their advising the Queen to assent to an Act framed on the assumption that the guarantee of the British Treasury will be given to a loan to be raised in this country for rebuilding and improving the city. If the local Legislature should see fit to pass a law for raising such a loan on the single security of the local revenue, I foresee no objection to such a measure, but the Act, No. 58, will not be confirmed.

(No. 41.)

Sir,

Downing-street, 6 January 1854.

I HAVE had under my consideration the Act (No. 150) passed by the Legislature of Newfoundland on the 15th of June last, for regulating the appropriation of packet postage in that Colony, together with the address to the Queen from the House of Assembly, enclosed in your Despatch, No. 65, of the 16th September last, praying that the local post-office may be permitted to appropriate a sixth part of the packet to the purpose of defraying the salary and incidental expenses of the Postmaster of St. John's. I have caused the address to be communicated to the Postmaster General, and I now transmit, for your information, a copy of his Lordship's reply; and I have to instruct you to acquaint the House of Assembly, that, for the reasons therein stated, I regret that it is not in my power to advise Her Majesty to confirm the Act.

Governor Hamilton,
&c. &c. &c.

I have, &c.
(signed) Newcastle.

Prince Edward
Island.

PRINCE EDWARD ISLAND.

Lord John Russell to Sir Charles A. Fitz Roy.

(Extract.)

(No. 9.)

Downing-street, 31 October 1839.

I HAVE to request your attention to the following observations on the Act, No. 519, for the Relief of the American Loyalists.

The preamble of this Act sets forth the circumstances under which grants of lands were many years back made to certain American loyalists, and how it has happened that these individuals or their heirs are not now in possession of the lands so granted.

The objects of the present Bill are to establish a commission for investigating the claims of these persons or their descendents, and to provide for the satisfaction of such claims as may be established, partly by grant from the remaining waste lands of the Crown, and partly by the application for that purpose of the lands of the grantees, or their heirs, with whom the plan originated in the year 1783, of alienating parts of their estates for the benefit of that class of persons. The facts are too imperfectly explained in the preamble to admit of any confident opinion being formed as to the merits of the questions controverted between the old proprietors and the loyalists. Indeed it is scarcely possible to ascertain what may have been the nature of those questions. All that appears is, that the grantees, amongst whom nearly the whole surface of the island had been divided, were persons living in England without the slightest intention of residing on the lands assigned to them. The American loyalists were at first regarded with great favour, because their settlement in the island would increase the value of the estates of the absentees; and to tempt them thither, the offer was made of a surrender to them of certain parts of the wilderness, in the hope that the rest might thus become an available source of emolument. The project was defeated by misunderstanding and disputes. All this occurred 86 years ago. That the loyalists may have been defrauded, disappointed, and oppressed, is but too probable. That the fault may have been their own, or partly so, is no extreme improbability; but the whole rests on conjecture and surmise. Assuming, however, as the local Legislature have assumed, everything against the proprietors, and in favour of the loyalists, I cannot allow that even on that assumption this Act could be justified. For first, after a lapse of more than half a century of undisturbed possession by the old proprietors, there is a prescriptive title which I must advise the Crown to respect.

Secondly.—The effect of this Bill would be to transfer to the Commissioners to be appointed under it, not merely the proper function of the tribunals, but the power of reviving questions on which these tribunals may have already adjudicated.

Thirdly.—The Bill affords no protection to *bonâ fide* purchasers of these lands from the old proprietors, who acquired them without notice of the remote and dormant claims of the loyalists; and,

Fourthly.—The Legislature here assume a right to dispose of the waste lands of the Crown which the Crown has never yet surrendered to their control.

For these reasons I should not feel myself justified in advising Her Majesty to confirm this Bill.

(No. 58.)

Sir,

Downing-street, 31 December 1842.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 57, of the 11th ultimo, transmitting a report from the executive council of your Government, together with your own report in answer to the objections contained in my Despatch, No. 86, of the 20th of August last, against the confirmation of an Act passed by the legislature of Prince Edward Island, No. 582, entitled

“Ag

“An Act to authorise the Issue of a Copper Coinage in this Colony, and to prohibit the Circulation of Base Coppers.”

Prince Edward
Island.

Having considered these reports, I have to acquaint you that Her Majesty's Government have resolved not to submit this Act to Her Majesty in Council for the Royal assent.

I have, &c.
(signed) Stanley.

Sir Henry V. Huntley,
&c. &c. &c.

(No. 89.)

Sir,

Downing-street, 4 December 1843.

I HAVE received your Despatch, No. 110, of the 24th of October, reporting upon the memorial which Mr. Samuel Cunard had addressed to me, praying that Her Majesty's assent might not be given to an Act passed by the Legislature of Prince Edward Island to authorise the issue *de novo* of certain writs under the Roads Compensation Acts in certain cases.

I referred these Acts to Her Majesty's Attorney and Solicitor General, and they have reported to me that, taking into consideration all the circumstances stated in the memorial of Mr. Cunard, and the letter of the Attorney General of the island, and more especially the litigation which has taken place between the Government and the proprietors of the lands in question respecting the validity of the charge sought to be imposed upon them, they are of opinion that it would not be advisable for Her Majesty to give her sanction to an Act of the legislature for the express purpose of making these particular lands liable to the charges. Under these circumstances, therefore, I cannot advise Her Majesty to confirm the Act in question.

I have, &c.
(signed) Stanley.

Sir Henry V. Huntley,
&c. &c. &c.

(No. 115.)

Sir,

Downing-street, 18 September 1844.

I HAVE had under my consideration an Act passed by the Legislature of Prince Edward Island during their recent session, entitled (No. 632), “An Act for raising a Fund for the Encouragement of Agriculture, to be expended in the erection of Limekilns and the burning of Lime.”

I have received two memorials objecting to the confirmation of this enactment, one from Mr. Cooper of Prince Edward Island, the other from Viscount Melville, and other proprietors of land in that island resident in this country.

Mr. Cooper in his memorial alleges that the effect of this law would be to impose an additional tax upon the tenant without affording to him any adequate benefit in return.

Lord Melville and the other proprietors allege, in their memorial, that the greater proportion of the land in Prince Edward Island consists either of barren wastes, which could never be profitably cultivated, or of land situate at such a distance from any harbour, or other place where limestone could be landed, as not to be within the reach of profiting by the measure, and that to tax these lands for the sole benefit of the remainder would be partial and unjust. They further contend that the discrimination which the Act makes between cultivated and uncultivated lands by the imposition of a double assessment on the latter, is liable to the same objection.

Without pronouncing an opinion on the validity of these objections, it appears to me that the procuring and burning of lime is not a fit subject to be provided for by the imposition of a public tax, and that any enactment which might be

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passed for this purpose, however carefully framed, could not operate otherwise than partially and unjustly.

For these reasons, Her Majesty will not be advised to confirm the Act.

As the Act has a suspending clause, it will not be necessary that any order should be made by Her Majesty in Council for its disallowance.

Sir H. Huntley,
&c. &c. &c.

I have, &c.
(signed) Stanley.

(No. 134.)

Sir,

Downing-street, 1 August 1845.

I HAVE to acknowledge the receipt of your Despatch, No. 61, of the 12th May, in which you transmit a joint address to the Queen from the two Houses of the Legislature of Prince Edward Island, praying Her Majesty's assent to the passing of a law to authorise the issue of 10,000*l.* in Treasury notes, redeemable within 15 years.

I have also received your Despatch, No. 65, of the 27th May, enclosing a memorial from several of the inhabitants of Prince Edward Island, objecting to any such issue of paper money.

Having laid the address of the Legislature before the Queen, I have to inform you that Her Majesty was pleased to receive the same very graciously. I regret, however, that I have been unable to advise Her Majesty to accede to the prayer which it contained, for the following reasons, which you will communicate to the two Houses at their next meeting:

Having, on several former occasions, directed your attention to the unsatisfactory state of the finances of Prince Edward Island, I have looked for some explanation on that subject on receiving an application for an increase in its liabilities by the proposed issue of paper money. But I neither find in the address, nor in your own Despatch accompanying it, any explanation with respect to the finances of the Colony, nor any allusion to the fact, of which I am informed by the memorial enclosed in your second Despatch, that, independently of the sum of 11,800*l.* already existing in the shape of Treasury notes, there are Treasury warrants remaining unsatisfied to the extent of 26,223*l.*

In addition to the objections I entertain to the issue of paper currency not payable in specie on demand, I find that it is represented by the parties signing the memorial, whose opinion you consider to be entitled to great attention, that the currency of the Island is depreciated 20 per cent. below that of the adjacent Colonies. On such a statement I cannot but apprehend that the issues of paper money have already been excessive, and that the depreciation above mentioned, and the absence of metallic circulating medium, are principally attributable to that excess.

If these impressions be correct, it appears to me that they furnish substantial reasons against the issue of any further paper money; but I shall be happy to receive from you more explicit information on this subject, especially with respect to the amount of debt now outstanding, the actual exchangeable value of the Government paper, or of the warrants bearing interest as compared with coin, and the arrangements that either have been made, or are proposed to be made, for rendering the revenue equal to meet the current expenditure of the Island, and for providing for the redemption both of the existing debt and of the suggested addition to it.

Sir H. Huntley,
&c. &c. &c.

I have, &c.
(signed) Stanley.

(No. 136.)

Sir,

Downing-street, 18 August 1845.

WITH reference to my Despatch, No. 134, of the 1st instant, I have to acquaint you, that Her Majesty's Government have had under consideration the Act, No. 648, "to suspend a certain clause in the Land Assessment Act relating to the cancelling of Treasury Notes," which accompanied your Despatch, No. 61, of the 12th May.

In

In my former Despatch I stated the reasons which prevented my advising Her Majesty to accede to the wishes of the Council and Assembly for an extension of the paper currency of the island. For the same reasons it is desirable that the present amount of the paper currency should be reduced ; and as the effect of the present Act, if permitted to become law, would be to divert from its proper object the fund specially appropriated for the redemption of the Treasury notes now in circulation, Her Majesty cannot be advised to confirm it.

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Sir H. Huntley,
&c. &c. &c.

I have, &c.
(signed) Stanley.

(Extract.)

Earl Grey to Sir A. Bannerman.

(No. 35.)

Downing-street, 29 November 1851.

WITH regard to the Act, No. 814, I have to inform you that Her Majesty's Government have carefully weighed both the reasons which have been adduced in its favour, and the protest of the dissentient members of the Legislative Council, and other representations which have reached them against it. And, however unwilling to object to a measure which appears to have received the unanimous assent of the Assembly, they have not felt themselves justified in advising Her Majesty to confirm an Act of which the object is to alter, by legislation, the terms of contracts voluntarily entered into by individuals.

I am not ignorant that in consequence of the long depreciation of the currency of the island, and the practice which has obtained as to the payment of rents, considerable hardship might be imposed on some parties by the strict enforcement of their legal obligations. But, on the other hand, it would not be merely a hardship, but a direct injustice to those who have leased their land on express agreements that certain payments should be made to them to set those agreements aside without their consent, by an Act of the Legislature, which would unquestionably be the effect of the present measure.

I observe also that the provision of the Act is confined to cases in which the landlords have been already in the habit of receiving their rents on a calculation assuming less than the actual depreciation of the currency. This gives me reason for hoping that no serious practical inconvenience will arise from its not being confirmed, since I am not aware of any good reason for supposing that landlords will in future show less indulgence than they have hitherto done.

If legislation should be required in order to facilitate voluntary arrangements between landlord and tenant, on the basis of making rents payable for the future in currency of the island at the rate at which it has been practically received, provided they are punctually paid, I think that such legislation would be both proper in itself, and likely to be attended with much advantage.

There may also be special cases of hardship and injustice likely to arise from the state in which the law will be left from the non-confirmation of this Act, for which it may be proper to afford a remedy ; but it has not been shown that this is the case, nor does it appear to me that so violent an interference with private rights ought to be resorted to, without much clearer proof of its necessity.

I cannot but observe, in conclusion, that the difficulties which have arisen in this case afford a striking proof of the injustice, and inconvenience which are inevitably inflicted on individuals by measures affecting the currency which involve a departure from sound principles.

(No. 13.)

Sir,

Downing-street, 17 November 1855.

I HAVE to acknowledge your Despatches, of the numbers and dates noted in the margin, by which you transmit to me, for Her Majesty's sanction, two Acts passed by the Legislature of Prince Edward Island, in the month of April last, intitled

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tuled respectively, No 913, "An Act to impose a Rate or Duty on the Rentrolls of the Proprietors of certain Township Lands in Prince Edward Island, in order to defray the Expenses of any Armed Force which may be required for the withdrawal of the Troops, and for the further encouragement of Education;" and No. 915, "An Act to secure Compensation to Tenants in Prince Edward Island, and thereby to promote the improvement of the soil;" both of which Acts contain suspending clauses, reserving them for the assent of the Crown, and also transmit representations from various parties interested in the subject of these Acts.

Her Majesty's Government have considered these Acts separately, and with an anxious desire to do justice between the community of Prince Edward Island in general and the proprietors of the soil, and to allow the fullest possible scope to the principle of local independence in legislative matters, subject only to their paramount duty not to advise the Crown to assent to any measure inflicting manifest wrong on any of Her subjects.

I regret to be obliged to inform you that Her Majesty's Government find themselves unable to advise Her Majesty to give Her assent to either the one or the other of these Acts.

The Lieutenant Governor and Legislature of Prince Edward Island must remember that although responsible Government has been established in that island, responsible Government exists also in Great Britain; and Her Majesty's Government cannot take upon themselves the responsibility of advising the Crown to give its assent to Colonial Acts which are at variance with the principles of justice, and invade those rights of property which are the foundation of social organisation; and I have to observe that former Governments have on various occasions been obliged, with reference to Acts passed in Prince Edward Island, to uphold those principles and to protect those rights by pursuing a course similar to that which Her Majesty's present Advisers deem it their duty to pursue.

The Act imposing a tax upon the rentroll of a certain portion of the proprietors of land in Prince Edward Island, were it to receive Her Majesty's assent, would be a law passed by a majority, in order to impose a special burden upon an unrepresented minority, and would be an instance of oppressive class legislation. If the Legislature of Prince Edward Island should find that the revenue of the island is not sufficient to defray the public expenses of the Colony, and if those expenses cannot be diminished by any economical revision without detriment to the public service, a general tax, affecting alike all incomes, arising in any way from land, from houses, from trade, from manufactures, from salaries, or from any other source, might be a fair and proper mode of providing the requisite funds; and if such an Act were passed (with sufficient reason shown for it) applying equally to landowners and tenants, to proprietors and occupiers, such a measure would be free from objection.

The measure entitled an Act to secure compensation to tenants, is one to which Her Majesty's sanction must in like manner be refused, because its plain and direct tendency is to transfer property in land from the owner to the tenant. This Bill provides that where a tenant is unable or unwilling to fulfil the contract between him and the landowner by which the tenant has agreed to pay to the landowner a fixed annual rent, usually very small in amount, for the land which he holds, the landlord must either forego the rent, and thus let the land pass practically to the tenant, or he must pay to the tenant a sum equal to 20 years' purchase of what is termed the "annual profit to the landlord created by the tenant's or lessee's improvements on the soil," the amount of which payment would in many cases be equal to the marketable value of the fee-simple of the land. In the one case he would make over to the tenant the land itself; in the other case he would make over to the tenant a sum which might even go beyond the value of the land.

Such a measure of undisguised spoliation cannot be sanctioned by Her Majesty; it is needless to enumerate all the objections which apply to this measure, and the more so as they are ably stated in the memorial presented against it by some of the owners of land, and transmitted with your Despatch, No. 39, of the 2d July last; but I cannot refrain from remarking that those lands in Prince Edward Island, on which any great improvements have been made by tenants, were let in a state of wilderness at the almost nominal rent of 9*d.* or 1*s.* an acre, on the express understanding that they were to be brought into cultivation

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vation by the tenant; that to secure the tenant the enjoyment and profit of his improvements, leases of extraordinary length were given, and that a tenant, who by misfortune or other cause is unable to pay that insignificant rent, is always at liberty to sell his lease to the best bidder, and thus to realise in the market the value of the improvements he may have made.

With regard to the reasons which you have alleged in favour of this Bill, it is to be observed that if it is true that a feeling prevails in Prince Edward Island of dislike of the condition of tenant, that dislike may furnish good reason why those who entertain it should not become tenants, but it cannot furnish any reason for arbitrarily transferring the property of the landowner to the tenant; but in truth, the term for which lessees in Prince Edward Island hold their land is in general so excessively long, that such occupiers are rather in the condition of payers of quit rent than in that of tenants, as the term is generally understood.

You express your opinion that if the measures now laid before Her Majesty's Government are not sanctioned, rents will cease to be paid. Her Majesty's Government have too good an opinion of the integrity and of the sense of justice which prevail among the people of Prince Edward Island to believe that the tenants will combine to break the engagements into which they have entered, and to defraud those to whom they are bound by legal obligations; but it is the duty of Her Majesty's Government to see that the law shall take its course, and be respected and obeyed in all parts of Her Dominions, and the proper means for doing so can never be wanting.

Lieutenant Governor Daly,
&c. &c. &c.

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

(No. 15.)

Sir,

Downing-street, 20 October 1858.

I HAVE received your Despatch enclosing authenticated copies of an Act passed by the Legislature of Prince Edward Island, intituled:—

No. 997. "An Act relating to the Fishing Reserves in this Island."

After a careful consideration of the documents relating to that Act, including the remonstrances to which (as my predecessor would seem to have anticipated) it has given occasion, I find it wholly impossible to recommend that it should receive Her Majesty's sanction.

The facts of the case I understand to be the following:—

By certain Orders in Council of 1764 and 1767 the Governor of Prince Edward Island was directed to grant the lands in that Colony to various persons, subject to a reservation of "liberty to all His Majesty's subjects in general of carrying on a free fishery on the coasts . . . and of erecting stages and other necessary buildings within the distance of 500 feet from high watermark."

In parts of the island the land was actually granted on these terms, but in other parts the grants instead of reserving as right of entry for certain purposes to His Majesty's subjects, reserved the land itself (500 feet from high-watermark) "for the disposal of His Majesty," to erect "stages and other buildings for carrying on the fisheries." I understand, however, that for a long series of years, I may almost say for generations, no distinction was in fact made between these two classes of grants, the strip of 500 feet being in all cases alike treated as belonging to the grantee of the adjoining land, that the owners have leased it, improved it, incorporated it into farms, built upon it, and, above all, that they have paid taxes on it as on their own property, which taxes the Government have received. Under these circumstances it appears to have been the opinion of the law officers of the Crown in England, and of the Supreme Court in Prince Edward Island, that when "the disposal" of the fishery reserves was secured to Her Majesty by the deed of grant, the actual property of the land remained, and notwithstanding the long adverse occupancy, still remains vested in the Crown. The Act now forwarded is passed in reliance upon these opinions, and while saving the existing rights of the Crown provides

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that wherever such reserves have been leased by the reputed owner to any tenant, the tenant shall be relieved from the liability to pay rent for them.

Now, in the first place, the revival of an obsolete claim of this kind, however tenable in strict law, is open to objections of great force. The old maxim that "time does not run against the Crown," has been found in England so invidious in its application, so unjust in its consequences, so prejudicial to the free use of property, and the consequent development of wealth and industry, that it has long since been legally annulled in the mother country, and for the most part practically abandoned in her dependencies. Any right therefore which requires the support of that maxim should be exercised with great consideration for persons who for long periods have been allowed, perhaps even encouraged, by the laches of the Government, to consider themselves the owners of property. And this applies with peculiar force where, as in the present case, the Government has actually enforced against these persons the liabilities of landowners, and where there appears some reason to doubt whether the rights which it is now proposed to enforce were not unintentionally reserved to the Crown. I do not say what terms could be equitably offered in this or any other case to reputed owners, as these terms must vary indefinitely with circumstances; but, as a general rule, they should certainly include, in respect of land not required for any public purpose, a right of pre-emption on reasonable terms, and if so required, compensation for any improvements effected on the property.

Subject to qualifications of this kind, the assertion, for the benefit of the public, of the Crown title to those lands might, under certain circumstances, be defensible or even necessary. Not so the Act forwarded, which does not resume the lands for the Queen, who is their owner, but by the abolition of rent practically transfers them to the tenants, who have no right whatever to them, except that which they derive from their landlords. It is with deep regret that I regard in this Act the symptom of the same contest between classes which has led to former Acts on the part of the Legislature of Prince Edward Island, which one of my predecessors so emphatically disapproved. And I could earnestly wish that instead of propounding measures which I am convinced that no English Minister can sanction, the Legislature would devote its attention to some feasible scheme for settling those local questions which have caused so much disquietude in the island. To the expediency of such a settlement I am fully alive. Most gladly would I co-operate in measures by which it may be practically obtained in a spirit of conciliation and fairness to all parties, and the subject is engaging my anxious deliberation. But in the meantime I cannot advise that Her Majesty's consent should be given to a law which enforces for the benefit of private individuals rights of the Crown which could not properly be enforced with so much rigour even in the interest of the public. In the absence of such consent, the Act will of course remain inoperative.

Lieutenant Governor Sir D. Daly.
&c. &c. &c.

I have, &c.
(signed) E. B. Lytton.

(No. 120.)

Sir,

Downing-street, 9 August 1862.

I HAVE received your Despatch, No. 45, of the 25th of June, enclosing two Bills passed, with suspending clauses, by the Legislature of Prince Edward Island, intituled, Cap. IV. (No. 1105), "An Act to give effect to the Report of the Commissioners on the Land Question;" and

Cap. XII. (No. 1106), "An Act to facilitate the operation in certain particulars of the Award or Report made by certain Commissioners to settle and adjust Differences respecting some of the Township Lands in this Colony."

In forwarding these Acts, you informed me that you would shortly communicate to me a Minute, by your responsible advisers, explaining the reasons for framing these measures; and this you have since done in your Despatch, No. 52, of the 23d of July. I am therefore now in a position to communicate to you the conclusion to which I have been led.

It appears from the Minute of your Ministers that they consider the so-called award of the Land Commissioners to be binding on the proprietors and the Legislature, and on this ground they state that they are unable to entertain Sir S. Cunard's proposal for enabling the tenants in Prince Edward Island to acquire freehold

freehold interests in their holdings, which was transmitted to you in my Despatch of the 5th of April last, No. 103.

I very much regret that it is not in my power to concur in the views by which your Government have been led to prepare these Bills, or to advise Her Majesty to bring them into operation by giving Her assent to them.

Your advisers appear to consider that Her Majesty's Government had proposed to the proprietors of land, and that these proprietors had consented to place themselves and their interests absolutely in the hands of the Commissioners. This however was far from being the case.

The proprietors consented that Commissioners should be appointed "to enter into all the inquiries that might be necessary, and to decide upon the different questions which might be brought before them, giving of course to the parties interested an opportunity of being heard."

The main questions thus to be decided upon were, first, at what rate tenants ought to be allowed to acquire freehold interests in their property, and next what amount of arrears of rent should be remitted by the landlords.

On the first and most important of these questions the Commissioners professed themselves unable to come to any conclusion, and instead of deciding it they recommended virtually that it should be decided by other arbitrators to be hereafter nominated. This however is not what they were charged to do. They were authorised by the proprietors to make an award themselves; but they were not authorised to transfer the duty of making that award to others. The trust confided to them was evidently a personal one. The proprietors relied on the skill, knowledge, and fairness of the three gentlemen appointed in 1860; but they could not therefore be called upon in reference to these gentlemen's opinion to confide their interests even to arbitrators specifically designated in the award, much less to persons whose very mode of appointment is undetermined by it.

The objection might of course be waived by the proprietors, but it is not waived, and being insisted upon, I am obliged to admit that it is conclusive; and I am bound further to say, that it is in my opinion an objection founded not on any technical rule of law, but on a sound and indisputable principle of justice; the principle, namely, that a person who has voluntarily submitted his case to the decision of one man, cannot therefore be compelled, without his consent, to transfer it to the decision of another.

It is therefore impossible for me to advise Her Majesty to sanction the two Acts which you have forwarded, and which of course are intended to render the award obligatory on all who consented to the reference.

I must instruct you, therefore, however unwillingly, to treat the Commissioners' award only as an expression of opinion, which however valuable as such, cannot be made legally binding on the parties concerned, and which therefore ought not to be allowed to stand in the way of any other proposal which promises an amicable settlement of the question.

It was under these circumstances and with these impressions, that I forwarded to you the proposal made by Sir S. Cunard in hopes that it might be found to furnish a basis of agreement in lieu of the recommendations of the Commission.

Your Government refuse to consider this proposal not, as I understand, because they think it in itself inadmissible, but because they consider themselves as bound to give effect to the Commissioners' award. This award being now out of the way, I have to request that you will bring Sir S. Cunard's proposal under their reconsideration; I do not think it desirable that I should myself express any opinion upon its merits. I will only observe that it is in some respects more favourable to the tenants than the Commissioners' award, and that it will give me great pleasure to learn that it is likely to furnish a solution of these difficulties which, so long as they are unsolved, must continue to obstruct the progress of the Colony.

This conclusion which I have adopted respecting these Acts renders it unnecessary that I should do more than acknowledge your Despatch, No. 46, of the 25th of June, enclosing a memorial from Mr. Haythorne against the Act (Cap. XII.) to facilitate the operation of the award.

I have, &c.
(signed) Newcastle.

Lieutenant Governor Dundas,
&c. &c. &c.

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(No. 124.)

Sir,

Downing-street, 20 September 1862.

In your Despatch, No. 54, of the 6th ultimo, you transmitted, together with other Acts passed by the Legislature of Prince Edward Island on the 17th of April 1862, one containing a suspending clause, and intituled (No. 1127) "Cap. XXIV. An Act for the Naturalization of Aliens."

Your objection to this Act was well founded; its operation should have been specifically confined within Prince Edward Island, which might have been effected by inserting the words "within the island" after the word "entitled" in the 1st clause, and after the words "and shall" in the 4th clause.

In consequence of the omission of such a restriction, Her Majesty's assent will be withheld from the Act.

I have to add, that the error in the New Brunswick Act did not escape my notice, and that the Lieutenant Governor was instructed to procure its amendment.

Lieutenant Governor Dundas,
&c. &c. &c.

I have, &c.
(signed) Newcastle.

(No. 33.)

Sir,

Downing-street, 21 September 1863.

I HAVE the honour to acknowledge the receipt of the following Act of the Legislature of Prince Edward Island, passed with a suspending clause, on the 22d April 1863, and transmitted to me together with other Acts in your Despatch, No. 65, of the 5th ultimo (No. 1136) "Cap. VII. An Act to incorporate the Grand Orange Lodge of Prince Edward Island, and the subordinate Lodges in connection therewith."

I have had under my consideration as well the Act itself as two petitions against it forwarded respectively with your Despatches No. 43 of the 27th of April last, and No. 66 of the 5th ultimo, the latter of which is stated to have been signed by upwards of 11,000 persons.

I deeply regret that the Legislature of Prince Edward Island should have given its sanction to a class of institutions which all experience has shown to be calculated (if not actually intended) to embitter religious and political differences, and which thus must be detrimental to the best interests of any colony in which they exist.

Holding these views respecting the measure, I have felt it impossible to advise Her Majesty the Queen to signify Her Royal approbation of it, without which I am glad to observe it will not take effect.

The Act therefore will remain inoperative.

Lieutenant Governor Dundas,
&c. &c. &c.

I have, &c.
(signed) Newcastle.

A P P E N D I X.

No. 1.—TABLE showing the Number of LAWS “ reserved ” by the Governor for the signification of Her Majesty’s Pleasure, in each Year from 1836 to 1864 inclusive, or containing Clauses “ suspending their Operation ” until Her Majesty’s Pleasure should be made known.

—	Upper Canada.	Lower Canada.	Canada.	Nova Scotia.	New Brunswick.	New-foundland.	Prince Edward Island.	TOTAL.
1836	16	-	-	6	2	1	-	25
1837	19	-	-	3	6	-	2	30
1838	-	-	-	2	3	1	1	7
1839	9	1	-	4	2	-	1	17
1840	13	-	-	5	1	-	2	21
1841	-	-	15	4	-	-	1	20
1842	-	-	2	2	5	-	2	11
1843	-	-	9	2	5	1	3	20
1844	-	-	-	2	5	2	1	10
1845	-	-	7	-	11	1	1	20
1846	-	-	10	-	7	1	-	18
1847	-	-	13	3	6	-	2	24
1848	-	-	-	4	4	-	3	11
1849	-	-	6	3	9	1	1	20
1850	-	-	-	2	5	1	-	8
1851	-	-	7	-	9	2	2	20
1852	-	-	-	-	6	1	2	9
1853	-	-	-	4	3	1	1	9
1854	-	-	-	-	1	-	2	3
1855	-	-	-	-	-	1	4	5
1856	-	-	-	-	4	1	1	6
1857	-	-	1	-	-	-	-	1
1858	-	-	-	2	-	1	1	4
1859	-	-	-	-	1	-	-	1
1860	-	-	-	-	-	2	2	4
1861	-	-	1	1	1	-	1	4
1862	-	-	1	-	1	2	3	7
1863	-	-	-	1	1	-	4	6
1864	-	-	-	-	-	-	1	1
								341

No. 2.—TABLE showing the Number of LAWS to which the Royal Assent was refused, in each Year from 1836 to 1864 inclusive.

—	Upper Canada.	Lower Canada.	Canada.	Nova Scotia.	New Brunswick.	New-foundland.	Prince Edward Island.	TOTAL.
1836	-	-	-	1	-	-	-	1
1837	-	-	-	-	2	-	-	2
1838	-	-	-	3	-	-	1	10
1839	5	1	-	-	-	-	-	6
1840	6	-	-	1	-	-	-	1
1841	-	-	-	-	-	-	1	1
1842	-	-	2	-	3	1	1	7
1843	-	-	-	-	1	1	1	2
1844	-	-	1	-	1	-	1	3
1845	-	-	-	2	-	1	-	1
1846	-	-	-	-	-	-	-	2
1847	-	-	-	-	-	-	-	-
1848	-	-	-	-	-	-	-	-
1849	-	-	-	-	-	-	-	-
1850	-	-	-	-	-	-	-	-
1851	-	-	-	-	-	-	1	1
1852	-	-	-	-	1	-	-	1
1853	-	-	-	-	-	1	-	1
1854	-	-	-	-	-	-	-	-
1855	-	-	-	-	-	-	2	2
1856	-	-	-	-	1	-	-	1
1857	-	-	-	-	-	-	-	-
1858	-	-	-	-	-	-	1	1
1859	-	-	-	-	-	-	-	-
1860	-	-	-	-	-	-	-	-
1861	-	-	-	-	-	-	-	-
1862	-	-	-	-	-	-	3	3
1863	-	-	-	-	-	-	1	1
1864	-	-	-	-	-	-	-	-
								47

COLONIAL BILLS.

NORTH AMERICA.

RETURN of the Titles and Dates of BILLS passed by the Legislatures of *Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward's Island* since the Year 1836, which have been Reserved by the Governors of those Colonies respectively for Reference to Her Majesty's Secretary of State for the Colonies, and of the Titles and Dates of BILLS so referred to which the Royal Assent was ultimately refused; and COPY or EXTRACTS of the Terms in which such Refusal was conveyed.

(*Viscount Bury.*)

Ordered, by The House of Commons, to be Printed,
26 July 1864.

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