

the State Oaths, and transmitting Letters Patent for dispensing with the administration of them. W. M. G. C.

The Despatches accompanying this Message being read at the Clerk's Table, are as follow:—

ABOLITION OF STATE OATHS.

Copy—No. 29. *Downing Street, 2d June, 1846.*

SIR,—I have received, and laid before the Queen, the Address enclosed in your Despatch, No. 22, of the 8th April, from the House of Assembly of New Brunswick, praying for the abolition of the usual State Oaths, and the substitution for them of the Oath of Allegiance.

Her Majesty is graciously pleased to accede to this request. In order to give effect to the views of the Provincial Legislature, it will be necessary to amend, by new Letters Patent under the Great Seal, the existing Commission of the Government of New Brunswick, and this amendment will be made as speedily as may be found practicable. I have, &c.

(Signed) W. E. GLADSTONE.

Lt. Governor Sir William Colebrooke, &c. &c. &c.

Copy—No. 16. *Downing Street, August 18, 1846.*

SIR,—With reference to my predecessor's Despatch, No. 29, of the 2d of June, I have the honor to transmit herewith, Letters Patent under the Great Seal of the United Kingdom, for dispensing with the administration of certain Oaths to Members of the Legislative Council and House of Assembly of New Brunswick, and to persons holding Office in that Province. I have, &c.

(Signed) GREY.

Lt. Governor Sir W. M. G. Colebrooke, &c. &c. &c.

NEW BRUNSWICK.

Message to the House of Assembly, 2d February, 1847.

W. M. G. COLEBROOKE, Lt. Gov.

The Lieutenant Governor has the satisfaction of communicating to the Assembly, the copy of a Despatch from the Secretary of State for the Colonies, in acknowledgment of the Joint Address of the Legislative Council and Assembly in the last Session, referring to a Resolution of the lower House, to grant the sum of £10,000 to meet any emergency which might arise in the state of the Foreign relations of the Kingdom. W. M. G. C.

The Despatch accompanying this Message being read at the Clerk's Table, is as follows:—

FOREIGN RELATIONS.

Copy—No. 25. *Downing Street, 26th May, 1846.*

SIR,—I have received, and have submitted to the Queen, your confidential Despatch of the 20th of last April, in which you enclose the copy of a Joint Address presented to you by the Legislative Council and House of Assembly of New Brunswick, referring to a Resolution of the Lower House, to grant the sum of £10,000 to the Provincial Government, to meet any emergency which might arise in the present state of the Foreign relations of this Kingdom.

Her Majesty has commanded me to express to you, and through you, to the two Branches of the Legislature of New Brunswick, the gratification which she has experienced in receiving the intelligence of the liberality displayed by the Representatives of the Inhabitants of that Province. The Queen appreciates most highly this mark of approval by Her subjects in New Brunswick, of the policy pursued by Her Ministers in the relations of this Kingdom with Foreign Countries, and relies with confidence on their attachment and well known loyalty towards Her Majesty's Person and Government, on any occasion in which it may be necessary to call forth their energies in the defence of their Country.

I have to add the expression of my own satisfaction at learning that you consider the Militia Law, in its present state, adequate for the defence of the Province. I have, &c.

(Signed) W. E. GLADSTONE.

Lieut. Governor Sir W. Colebrooke, &c. &c. &c.

NEW BRUNSWICK.

Message to the House of Assembly, 2d February, 1847.

W. M. G. COLEBROOKE, Lt. Gov.

The Lieutenant Governor communicates to the Assembly, copies of two Despatches from the Secretary of State for the Colonies, in reference to an Address from the House in the last Session, on the subject of certain advances made from the Surplus Civil List Fund. W. M. G. C.

The Despatches accompanying this Message being read at the Clerk's Table, are as follow:—

ADVANCES FROM SURPLUS CIVIL LIST.

Copy—No. 17. *Downing Street, August 25, 1846.*

SIR,—I have received Her Majesty's commands to instruct you to acquaint the House of Assembly of New Brunswick, that in compliance with their Address to Her Majesty, which accompanied your Despatch of the 17th April, No. 25, the Queen has been pleased to order that the Lords Commissioners of Her Majesty's Treasury should refund to the Treasury of the Province the sums which, in obedience to the directions of Lord Stanley, have been issued under your warrant in payment of the expenses of the Commission for settling the Land Titles referred to in the fourth article of the Treaty of Washington. Her Majesty has been pleased to make this order on the ground that these expenses were really con-

tracted on account of the Diplomatic Service of the Empire at large, and because the responsibility for such expenses is admitted to rest exclusively with the Imperial Treasury.

It is proper that I should add, that the records of this office show that it was Lord Stanley's intention to qualify his instructions to you respecting the payments under this head, by an express reservation of the question, whether the liability did justly rest on the Provincial Treasury. This qualification of these instructions was omitted in the Despatch conveying them, from what would seem to have been a mere inadvertence or accident.

You will transmit to me a detailed account of the disbursements made or authorized by you on account of the expenses of this Commission, explanatory of the necessity of every such disbursement, and accompanied by the proper vouchers for each.

I regret that it has not been in my power to advise Her Majesty to accede to the further claim of the House of Assembly, that the Provincial Treasury should be relieved from the payments made or demanded on account of the Disputed Territory Fund. It appears that in the year 1828, in consequence of representations from the Government of the United States, respecting depredations said to have been committed by British subjects on the Disputed Territory, that the then Lieutenant Governor of New Brunswick agreed that any timber which might be brought into the acknowledged boundaries of the Province should be seized; that such seizures should be prosecuted to condemnation in the Supreme Court of New Brunswick; and that the proceeds of such seizures should be held in trust for the benefit of that party to which an award of right might be eventually made. The Treaty of Washington constituted such an award. By providing for a division of the Disputed Territory between the United States and Great Britain, it ascertained that the proceeds of the Timber cut on that part of the Territory which has been awarded to the United States are due to that Government, subject only to the deduction of such reasonable charges as may have been incurred in the process of condemnation in the Courts, and in levying the Fines. It follows that this is a debt due to the United States by New Brunswick; because the Government of that Province levied and held in trust the proceeds in question, according to the agreement already mentioned. It is not a debt due by Great Britain. Her Majesty's Government in this country exercised no controul, and had no voice in the matter. They took no part either in the process of condemnation or in levying the fines, or in receiving the trust money, or in holding it.

If after having thus formally agreed to receive the fines, and to hold them in trust, the Government of New Brunswick has committed any irregularity in the performance of that duty, and if that irregularity has been productive of any loss, it is a loss which must fall on the Provincial, not on the Imperial, Treasury. The Government and people of the United Kingdom are not bound to make good any deficiencies which may have been occasioned by a want of prudence or of care on the part of the Provincial authorities.

It will therefore be your duty to apply the savings of the Civil List Fund in satisfaction of the demands of the United States (when finally adjusted) in respect of the Disputed Territory Fund. It is indeed suggested that, in directing such an application of that money, Her Majesty's Government would depart from the principles established by Lords Glenelg and Stanley in the passages quoted from their Despatches. I cannot subscribe to this opinion. Their Lordships disclaimed any wish to increase the amount of the funds at the disposal of the Crown for purposes connected with the internal affairs and Government of New Brunswick. They disavowed any desire to augment the savings in question, or to acquire by means of them any authority or influence in the Province which might possibly be derived from such a source. I entirely concur with them in those views, and am convinced (that had the question been presented to them) they would have concurred with me in maintaining that it is not merely the right, but the duty, of Her Majesty's Government, in the failure of all other resources, to apply the fund placed by the Provincial Law at their disposal in liquidation of a debt for which the Province is responsible. It is a duty not merely to the country to which the debt is owing, but to the Province itself, the public faith of which is thus redeemed and rescued from reproach. It is an appropriation of money directed to no object hostile or foreign to the policy of the local Legislature, and aiming at no increase of the authority or influence of the Crown in the Province. Such an expenditure of such a fund involves indeed rather the abandonment than the accession of the means of any such authority and influence; nor do I believe that it will ultimately be regarded with disfavor by the Legislative Council and Assembly; of course, however, it will rest with those bodies (if they should see fit) to secure the application to some objects of internal improvement or utility the savings of the Civil List Fund, by granting to the Queen any other adequate means of satisfying the demands to which, as Sovereign of the Province of New Brunswick, Her Majesty is liable from the Government of the United States of America. I have, &c.

(Signed)

GREY.

Lieut. Governor Sir Wm. Colebrooke, &c. &c.

Copy—No. 39. *Downing Street, 2d January, 1847.*

SIR,—I have received your Despatch, No. 91, of September 29, transmitting an Account in detail, of the disbursements made and authorized by you, with the advice of your Executive Council, on account of the expenses of the Commission appointed to carry into