

by evident principles of justice, and not, in the whole, very considerable in amount; and you will inform them of His Majesty's disappointment that His earnest endeavours to remove every ground of dissatisfaction had not been met with more cordial concurrence on the part of the Provincial Assembly. You will, in general terms, state that His Majesty has not made any order in His Privy Council respecting the Bill of Supply which you have transmitted; you will earnestly impress upon the House the inconvenience which might result from their again assuming the right of appropriation, which His Majesty's Government have it not in their power to acknowledge, and respecting which they are prepared to make such concessions as Parliament may approve and authorize. You will also assure both Houses of the Legislature, that His Majesty earnestly deprecates the prolongation of a controversy which has already continued too long for the real interests and welfare of the Province; and you will express His confident hope that they will apply their attention to the many important questions noticed in my Despatch of the 29th September 1828, and grant such supplies as you will demand in aid of the revenue of the Crown, in reliance on His gracious assurance that measures will be immediately taken to effect an amicable termination, under the authority of Parliament, of this protracted controversy.

It is unnecessary for me to enter upon other topics connected with the administration of the Government of Lower Canada. Such instructions as it was in my power to give on these subjects were fully communicated to you in my Despatch of the 29th September 1828; and more recent events have not suggested to me the necessity of any alterations in those instructions.

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

No. 8.—COPY of a DESPATCH from Sir James Kempt to Sir George Murray,
dated Castle of St. Louis, Quebec, 15th December 1829.

Sir,

I HAVE had the honour to receive your Despatch, dated the 8th of October last, No. 81, on the subject of the Supply Bill passed in the last Session of the Provincial Parliament of Lower Canada, and conveying instructions to me as to the course which it will be my duty to pursue in the approaching session, in respect to the financial concerns of the Colony.

On this communication I crave your permission to make some observations, less, however, with a view to my own justification, than for the purpose of making known to you certain circumstances connected with the subject with which it is my duty to make you acquainted.

You are pleased to say, with reference to the Supply Bill of last session, "that I had, in my Despatch of the 25th of March last, anticipated the remark, that, in enacting this law, the Legislative Council and Assembly have assumed to themselves a power which the statute of the 14 Geo. 3, c. 88, had exclusively vested in the Lords Commissioners of His Majesty's Treasury." But I beg, with all deference, to observe, that I am unconscious of having stated any thing in that Despatch which will bear such a construction; and I may add, with perfect sincerity, that it never was my intention, under any circumstances, to give my assent to a Provincial enactment at variance with the British statute, or to any law which should be contrary to what I conceive to be the spirit of the instructions conveyed to me in your Despatch of the 28th September 1828.

I certainly had the honour of observing to you, in my Despatch of the 25th of March last, "that the House of Assembly had, in their *Resolutions* of the 6th December 1828 (which I had the honour to transmit to you in a Despatch, dated the 13th of that month), denied the right of the Crown to appropriate the funds which the law has placed at His Majesty's disposal, as communicated in my message to the Provincial Legislature on the 28th November;" and I had the honour of stating to you, that "after the adoption of those resolutions, I could entertain no hope that the House of Assembly would be disposed to pass a Bill of Supply, in which the right of the Crown to appropriate the revenue raised by the statute of the 14th Geo. 3, c. 88, would be specifically acknowledged."

The proceeds, however, of that statute, together with the other funds which the law has placed at His Majesty's disposal, being inadequate to defray the expenses of the Civil Government and those of the administration of Justice, it became absolutely necessary to call upon the Provincial Legislature to make up the deficiency, in conformity with the very explicit instructions to that effect, conveyed to me in your Despatch of the 29th of September 1828; and you are pleased to inform me, in the same Despatch, that when the Legislative Assembly is called upon to provide for and regulate any portion of the public expenditure, it virtually acquired a control over the whole.

It was my special duty, however, to see that I did not sanction any unconstitutional act, or one which would compromise the rights of the Crown; and in the absence of the Attorney-General (who was then attending the Criminal Courts at Montreal), I caused the Bill which the Legislative Council and Assembly had passed, to be referred to the Solicitor-General, who reported to me, "that there did not appear to him to be any reasons for withholding His Majesty's assent to the same." In this opinion Mr. Chief Justice Sewell, the Speaker of the Council, entirely concurred; and the Attorney-General, on his return to Quebec, also stated to me in substance, that he saw no *legal* objections to the enactment, it being, in his opinion, "not inconsistent with the appropriation contained in the statute of the 14th Geo. 3, c. 88, nor any infringement of the rights of the Crown under that appropriation."

Under these circumstances, and in the peculiar situation in which I found myself placed,

Frederick Elliot,
Esq.

25 April 1834.