

CANADA.

England, they declined, in answer to an unofficial communication which I made to them, to suggest any alterations or modifications of the ordinance.

In fact, it is not possible to deny that the terms of agreement with the seminary are most advantageous to the censitaires, and such as no other seigneur within the province, whether the Crown, or an individual, would consent to accept, and this accordingly is not denied by the parties. For years past the loudest complaints have been made by the inhabitants of Montreal, and more especially by the British community, of the injury which they suffered from the seignorial tenure possessed by the Seminary.

The strongest representations were repeatedly made to induce the legislature or the government to favour, if not to compel, a settlement of the matter; and this settlement is now effected, upon terms far more favourable, in a pecuniary sense, to the censitaires and the possessors of property under the seminary, than could have been anticipated, and to which, last year, according to Mr. Buller's Report, they assented.

The only ground, therefore, on which, as I understand it, the parties who have signed the petition to The Queen, oppose this settlement now, is that they set up an objection to any settlement at all with the seminary, alleging that that body has no legal right to the property, and that the matter must be considered as entirely new, and therefore, not authorizing the establishment of a corporation for such purposes, or with such an amount of property at its disposal.

Upon this, I have only to remark, that if the legal title of the seminary be a bad one, the property belongs to the Crown, and the faith of the Crown being pledged to the seminary, by repeated acts for the last 60 or 70 years, as is sufficiently shown in the Report of the Commissioners, it would not be possible for the Ministers of the Crown to resume the property, or assent to any act which should deprive the Seminary of it, without a fair and equitable compensation. Less than what is now given to them would not probably be considered sufficient for this purpose, and thus the only effect of now refusing to ratify their contract would be (so far as mere pecuniary considerations are involved), not to reduce the advantages to the Seminary, but to place the Crown in the position of Seigneur, compensating, as it is in honour bound to do, the latter, but offering very different, and less advantageous terms to the censitaires, for the right of commutation.

But in a political point of view the disallowance of this ordinance would be most disastrous. After years of contention, the matter was at last finally adjusted between the contending parties, through the mediation of Mr. Buller; the bargain thus made was ratified by the legislature here; it was approved by Her Majesty's Government and by both Houses of Parliament, and a special clause introduced into the Canada Government Bill by the Duke of Wellington, I believe, enabling that settlement to receive legal force. After all this, upon the representation of some few individuals, now to break up all that has thus passed, and to leave the question open to fresh discussion and fresh excitement, without the possibility of the Crown being able to consent to the measure which the petitioners affect to seek, namely, the abandonment of the Seminary, would entail the most disastrous consequences upon the colony. Upon these considerations, I adhere to the opinions of my predecessors, Lord Durham and Lord Seaton, and earnestly recommend the confirmation of the ordinance by Her Majesty.

Undoubtedly, if I considered the Crown to be free from any obligation, and that (supposing the strict legal right to be with it and not with the Seminary), I was at liberty to recommend the appropriation that I thought best, I should not make the present one. Although the Seminary is a most useful body, and manages its affairs greatly to the advantage of the province, I would willingly, under such circumstances, adopt a less exclusive distribution of such large Crown funds; and, above all, I would increase them greatly by making those who would then be the censitaires of the Crown purchase their freedom at a much higher rate. But I am not in a situation, hampered as the Crown is by its previous engagements, to take such a course, and therefore, for the same reasons, I come to the same conclusion as those to whom I have above referred have done.

I have, &c.
(signed) C. Poulett Thomson.

For Report of the Commissioners, *vide* Report of the Commissioners appointed to inquire into Grievances complained of in Lower Canada, presented by Her Majesty's Command, 1837, page 143.