

in the secretariat, trusting that the public service will not require more than one provincial secretary. As connected with the subject of the Civil List, the Governor-general has authorized the inspector-general to lay before the house some documents, being portions of a memorandum furnished by that officer, at the Governor's desire, for the information of Her Majesty's Government.

CIVIL LIST.

Memorandum laid before the Legislative Assembly, by Command of His Excellency the Governor-general, and referred to in His Excellency's Message on the Subject of the Civil List, presented to the House on the 16th October 1843.

Kingston, May 1843.

MR. HINCKS has the honour to transmit to the Governor-general, a memorandum containing some information respecting the Civil List, with suggestions for putting it on a more satisfactory footing. Mr. Hincks has also the honour to state, that having communicated the memorandum to such of his colleagues as are at present in town, it has met with their concurrence.

Memorandum.

THERE is no Canadian question requiring more serious consideration than that relating to the Civil List, of 75,000*l.* sterling, granted annually to Her Majesty by the Imperial Act, 3 & 4 Vict. c. 35, intituled, "An Act to re-unite the Provinces of Lower and Upper Canada, and for the Government of Canada."

By the 50th section of the said Act, it is enacted, that "all Duties and Revenues over which the respective Legislatures of the said Provinces before and at the time of the passing of this Act had, and have, power of appropriation, shall form one Consolidated Revenue Fund, to be appropriated for the public service of the Province of Canada, in the manner and subject to the charges hereinafter mentioned."

By the 52d section of the said Act, the said Consolidated Revenue Fund is permanently charged with the annual sum of 45,000*l.*, for defraying the expense of certain services and purposes named in a Schedule, marked (A.), annexed to the Act; and also with an annual sum of 30,000*l.*, for defraying the expense of certain services, named in a Schedule, marked (B.), also annexed to the Act, and which latter sum is granted during the life of Her Majesty, and for five years after the demise of Her Majesty.

It is not desirable to enter at present upon the constitutional question, of the right of the Imperial Parliament to make a grant to Her Majesty of a portion of the revenue over which, as is admitted in the 50th section of the Act, the Provincial Legislatures had, before and at the time of its passing, the sole power of appropriation.

It ought not, however, to be concealed from the Governor-general, that the Members of his Government, in common with the vast majority of Her Majesty's subjects in Canada, claim for the Legislative Assembly of the Province, the sole right of appropriating to the public service, at its discretion, the whole of the revenue raised within the Province, whether arising from taxes or any other Canadian source.

It must be admitted that this claim is one which has always been denied by Her Majesty's Imperial Government, and that this difference of opinion was one of the principal causes of the misunderstanding, which unhappily existed in former times between that Government and the Houses of Assembly of Lower and Upper Canada.

For this very reason, it is important that no time should be lost in placing the Civil List on a satisfactory footing.

It is earnestly hoped that the information and suggestions contained in this memorandum may aid in bringing about so desirable a result.

The grant to Her Majesty, of 75,000*l.* as a Civil List, was made by the Imperial Parliament, in consequence of the recommendation of the late Lord Sydenham, at that time Governor-general of British North America. It is stated in the despatches of his Lordship, that he had previously obtained the consent of the Legislature of the Province of Upper Canada, and of the Special Council of Lower Canada.

On reference to the resolutions adopted by the Legislative Council and House of Assembly of Upper Canada, it will be found that they give no sanction to the establishment of such a Civil List as that granted by the Imperial Parliament. It must be borne in mind that, previous to this question being submitted by Lord Sydenham to the Canadian Legislatures, clear and definite propositions had been made by the Imperial Government for the surrender of the entire revenue claimed by the Crown as hereditary, casual, or territorial, on an adequate provision being made for the support of certain officers of the civil government.

It is important to notice that the grant of a Civil List had been invariably refused, on the ground of its excess, although the services for which provision was then asked fell very far short of those included in the Schedules annexed to the Re-union Act.

On the 14th February 1837, Lieutenant-governor Sir Francis Bond Head communicated, by message, to the House of Assembly of Upper Canada, a proposition for surrendering all the hereditary, territorial, and casual revenues of the Crown, on a provision being made for certain expenses of the civil government, specified in a schedule transmitted to the House, also for certain annuities to the Indian tribes, certain payments guaranteed to religious bodies, and pensions, the latter charges being merely temporary.