

No. 12.
Lord John Russell to
the Right Hon. C.
Poulett Thomson.
September 7, 1839.

resource from which it could be paid, it is impossible to accept the proposed civil list on such terms. Anxious as Her Majesty's Government are to defer to the representatives of the people of Upper Canada in all matters connected with the internal government of that province, they cannot consent to a measure which would practically involve a violation of the pledged faith of the Crown. We cannot decline the obligation of maintaining the rights of the clergy in question; and I can only express my hope that the local legislature may concur with the Ministers of the Crown as to the propriety of re-enacting this Bill, with the addition of the charge necessary for the maintenance of those rights. The burthen will cease with the lives of the present incumbents, and is now in the course of a progressive diminution.

The last of the reserved Bills of the late Session has reference to the long controverted subject of the clergy reserves. To this Bill the Royal assent could not have lawfully been given, until it had been laid for 30 days before either House of Parliament. It was not until the 15th August that I received from the Lieutenant-Governor the document necessary to enable me to fulfil the requisition of the Constitutional Act of 1791. It was, therefore, impossible that the Bill should be finally enacted by the Queen in Council until after the commencement of the Parliamentary Session of 1840. But had this difficulty not arisen, there were other motives which would have effectually prevented the acceptance of this measure by Her Majesty. Parliament delegated to the local legislature the right of appropriating the clergy reserves, and the effect of the Bill is to retransfer this duty from the local legislature to Parliament, with a particular restriction. I am advised by the law officers of the Crown that this is an unconstitutional proceeding. It is certainly unusual and inconvenient. Her Majesty cannot assume that Parliament will accept this delegated office, and if it should not be so accepted the confirmation of the Bill would be productive of serious prejudice, and of no substantial advantage. It would postpone indefinitely the settlement of a question which it much concerns the welfare of the provinces to bring to a close; besides I cannot admit that there exist in this country greater facilities than in Upper Canada for the adjustment of this controversy; on the contrary, the provincial legislature will bring to the decision of it an extent of accurate information as to the wants and general opinions of society in that country, in which Parliament is unavoidably deficient. For all these reasons Her Majesty will decline to give her assent to this Bill.

I have thus adverted to the principal topics which will engage your attention as Governor-General of British North America, in reference to the two Canadas, omitting many minor questions which will form the subject of future correspondence, and passing by for the present all that relates to the affairs of New Brunswick, Nova Scotia, and Prince Edward Island. I reserve these for consideration hereafter.

Finally, I am commanded to direct that in all the provinces of British North America you will inculcate upon the minds of The Queen's subjects Her Majesty's fixed determination to maintain the connexion now subsisting between them and the United Kingdom, and to exercise the high authority with which She has been invested by the favour of Divine Providence, for the promotion of their happiness and the security of her dominions:

I have, &c.

(Signed)

J. RUSSELL.

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

(No. 3.)

No. 13.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 10th Sept. 1839.

I HAVE the honour to transmit herewith for your information a copy of a despatch from Lieutenant-General Sir John Colborne, containing his suggestions in regard to the proposed Bill for the union of the Canadas.

I have, &c.

(Signed)

J. RUSSELL.

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

No. 13.
Lord John Russell
to the Right Hon. C.
Poulett Thomson.
September 10, 1839.
Aug., 19, 1839,
No. 107.