

REPORT FROM THE SELECT COMMITTEE

It now becomes the duty of Your Committee to advert to the Petitions signed by the Inhabitants of the Seigneuries. On the important subjects contained in them, they thought it right to call for explanation from Mr. Neilson, Mr. Viger and Mr. Cuvillier, Members of the Assembly of Lower Canada, who had been deputed to this country for the purpose of seeking redress for the injuries complained of by the Petitioners.

From the testimony of these gentlemen they have learned, with the deepest regret, that the disputes which have arisen between the Government and the House of Assembly, originating (as they appear to have done) in doubts as to the right of appropriating and accounting for a considerable portion of the public revenues, have led to a state of confusion and difficulty in the administration of public affairs in that Colony, which calls for an early and decisive remedy.

With a view to understand accurately the grounds of this dispute, the Committee have carefully examined into the different sources of revenue arising in Lower Canada, and they have examined also the public documents which have enabled them to trace the successive steps which have been taken by the contending parties in these disputes. Your Committee beg leave to refer to the evidence of Mr. Neilson, and of Mr. Wilmot Horton, for a detailed account of the origin and progress of these differences.

Upon this important subject your Committee have felt that they should not do wisely in confining their views to a critical examination of the precise meaning of the words of the different Statutes. They look rather to the circumstances of Lower Canada, to the spirit of its Constitution, to the position and character of the local Government, and the powers, privileges and duties of the two branches of the Legislature. Although from the opinion given by the law Officers of the Crown, your Committee must conclude that the legal right of appropriating the revenues arising from the Act of 1774 is vested in the Crown, they are prepared to say that the real interests of the Provinces would be best promoted by placing the receipt and expenditure of the whole public revenue under the superintendence and control of the House of Assembly.

On the other hand your Committee, while recommending such a concession on the part of the Crown, are strongly impressed with the advantage of rendering the Governor, the Members of the Executive Council, and the Judges, independent of the annual votes of the House of Assembly for their respective salaries.

Your Committee are fully aware of the objections in principle which may be fairly raised against the practice of voting permanent salaries to Judges, who are removable at the pleasure of the Crown; but being convinced that it would be inexpedient that the Crown should be deprived of that power of removal, and having well considered the public inconvenience which might result from their being left in dependence upon an annual vote of the Assembly, they have decided to make the recommendation, in their instance, of a permanent vote of salary.

Although your Committee are aware that the grant of permanent salaries has been recommended to a much greater number of persons connected with the Executive Government than they have included in their recommendation, they have no hesitation in expressing their opinion that it is unnecessary to include so large a number; and if the officers above enumerated are placed on the footing recommended, they are of opinion that all the revenues of the Province (except the territorial and hereditary revenues) should be placed under the control and direction of the Legislative Assembly.

Your Committee cannot close their observations on this branch of their inquiry without calling the attention of the House to the important circumstance, that in the progress of these disputes the local Government has thought it necessary through a long series of years, to have recourse to a measure, (which nothing but the most extreme necessity could justify) of annually appropriating, by its own authority, large sums of the money of the Province,