

Servants of the Crown. The notice which was published, under this authority and advice, it is also to be observed, was expressly and exclusively addressed to those public officers only, whose commissions by law would expire, at the end of six months from His late Majesty's demise. At the same time, no obligation was imposed on any public officer to renew his commission, it being left to his discretion to do so or not, as he might be advised, and on his own responsibility. In this, as in other cases, depending on a rule of law, or an enactment of the legislature, it was not competent to the Government to prescribe an interpretation of it. A specification of the officers on whom it might be incumbent to renew their commissions could not, therefore, proceed from the Governor of the Colony: the law itself was to be referred to by the individuals themselves, as governing this point; and the cases in which a renewal of commissions might or might not be necessary, could ultimately be determined by the King's Courts alone; though on this, as on some other recent occasions, in Lower Canada, their authority, if not superseded, was certainly encroached upon in an extraordinary manner by public meetings, called for the purpose of determining and settling the law on this subject, at which resolutions to that effect were passed. The decisions of these meetings are even referred to in the Report of the Committee of Grievances, with approbation, and, it would appear, as constituting some authority. No reference, however, was ever made to me by the Colonial Government, on the point now adverted to, and I was neither required to give, nor did ever give, any opinion as to the description of public officers, whose commissions would or would not require renewal. In what respects Public Notaries, in particular, I was never called upon to express, nor have I ever given, any opinion, as to the necessity of the renewal of their commissions. These being the general facts connected with the animadversions of the committee, on my conduct, in the issuing of new Commissions, I now beg leave to answer, specifically, the two animadversions above mentioned.

With respect to Fees on the new Commissions of Attornies and Notaries, I have to observe, that Fees on Public Commissions are received, not by the Attorney General, but by the Secretary of the Province, who demands and receives fees, at his peril, on Public Commissions, and afterwards accounts to the Attorney General, from time to time, for his proportion of them. The Fees on the new Commissions of Attornies and Notaries, who solicited them, in conformity with this usage, was received by the Secretary of the Province for himself, and the other officer, whose services were required, in preparing them. If, therefore, fees had been improperly taken on these new Commissions (which is not the fact), the culpable officer would not have been the Attorney General, but the Secretary of the Province. In this, as in other instances of the proceedings of the Assembly against me, I cannot but remark, as evincing a singular proneness to fasten the imputation of offence on me, that I am made chargeable for the supposed misconduct of other public officers, which is imputed to me, and me only, as if it were mine; and in this particular instance, that which is deemed innocent in another, is declared to be culpable in me. The effect of such a spirit in leading to the erroneous conclusions which have been adopted by the Committee of Grievances, your Lordship cannot fail to appreciate. But, in truth, the secretary of the Province only discharged his duty, in taking fees on the new Commissions of such attornies and notaries as required them: these Commissions were prepared at their express desire, and they were of course equally bound to pay for them, according to the established tariff, as for the former Commissions which they held. What renders this animadversion of the Committee the more extraordinary is, that the attornies and notaries, who solicited and obtained new Commissions, have not complained of the payment of fees on them; and no reference appears ever to have been made to the Committee on this head. Mr. Glackmeyer, a notary, who alone petitioned the House, and whose Petition was referred to the Committee, was not one of the number of notaries who solicited and obtained new Commissions, and could not therefore complain of the payment of fees. The Committee has, therefore, it would appear, directed its attention to a matter not brought under its cognizance; and, in doing so, has evidently misapprehended the subject, and mistaken its object, in imputing blame to me, on the score of fees taken by the secretary of the Province, on the new Commissions of Attornies and Notaries, who applied for them.

In the second of the animadversions above-mentioned, alterations, it is said, have been made in the Commissions of notaries, by which "these Commissions are assimilated to the "Commissions of Public Officers whose appointment depends on His Majesty." What is meant by these latter words, I do not distinctly understand.—Notaries are public officers, vested with considerable powers, and charged with very important duties, among which are the preparing, authenticating, and safe custody of all titles to lands held under the French tenures.—

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