

Earl of Aberdeen  
to Earl Amherst.  
2 April 1835.

topics upon which, on your arrival in Lower Canada, you must be prepared to act with promptitude and decision.

First in order, and in importance, is the claim which will be preferred by the House of General Assembly to appropriate to the public service, at their discretion, the whole of the revenue of the Province, from whatever resources arising.

It was not on light grounds that preceding Administrations claimed for the Lords of the Treasury the right of applying the duties levied in Lower Canada, under the British Statute of 1774, towards the maintenance of the civil government and the administration of justice in that Province. That construction of the law was supported by every authority, legal and constitutional, to which the question could be referred. Experience, however, satisfactorily proved that such a power could not be advantageously maintained. The attempt involved a controversy with the House of Assembly, in the course of which that branch of the legislature assumed to itself the exercise of the disputed power of appropriation. His Majesty's acquiescence in that pretension was repeatedly made the condition upon which the necessary supplies of the year were granted. Lord Aylmer was thus compelled to sanction, and His Majesty's Government to acquiesce in, a proceeding which had been, in the most unequivocal terms, denounced by the Ministers of the Crown as unlawful. The Earl of Ripon, and the Administration of which he was a member, thought it necessary to terminate a controversy pregnant with such consequences as these. Parliament, therefore, at their suggestion, transferred to the General Assembly the unconditional right of appropriating to the public service of the Province the revenues raised under the Act of 1774.

Lord Ripon appears to have anticipated that this concession would have been met by a corresponding advance on the part of the Assembly towards the adjustment of all questions then in dispute between them and the British Government; and especially, that an adequate provision would have been made to secure the independence of the judges, and of those officers in favour of whom it was not desirable that salaries should be annually granted by a popular and fluctuating body. Those hopes were not fulfilled. The Assembly avowed that the concession already made would not be satisfactory unless followed up by a surrender of the hereditary and territorial revenue vested in His Majesty by his inherent prerogative.

On reviewing the various arguments alleged in support of this further demand, I find many to which, perhaps, it might not be difficult to give a satisfactory answer. But upon a deliberate survey of the question in all its different bearings, the Ministers of the Crown have thought it their duty to advise His Majesty that, subject to the conditions to be noticed in the sequel, these branches of the provincial revenue may be surrendered to the appropriation of the House of Assembly. Convinced that the well-being of his Majesty's subjects inhabiting the Province will, on the whole, be best promoted by this change, His Majesty cheerfully renounces to their representatives the trust which, except with a view to the interest of the Province at large, His Majesty could have no motive for retaining in the hands of officers appointed by himself.

To this demand of the House of Assembly your Lordship will, therefore, accede frankly and without hesitation. But the concession must not be unqualified.

After making the most liberal allowance for the distinctions which must subsist between the government of a province on the continent of North America and the administration of the affairs of this kingdom, there must yet remain some cardinal principles common to both, considered as members of the same empire, and as subject to the same Sovereign. At no period of the history of England has the King of this realm been dependent upon the votes of the House of Commons for the maintenance of those officers for whom at the present time provision is made by the Civil List. No sufficient reason has been alleged why the King should, in this respect, stand towards the House of Assembly in Lower Canada in a relation essentially different from that which His Majesty bears to the House of Commons. It is therefore in strict conformity with the settled maxims and habits of the constitution, that I instruct your Lordship to stipulate for the grant of a moderate and reasonable Civil List, as one of the conditions upon which the proposed transfer of the territorial and hereditary revenues will be made. The amount of the annual sum to be required for fixed services was stated by the Earl of Ripon, in his despatch of the 29th of September 1831, at 5,900*l.*, a sum which it would be impossible to reduce without impairing the efficiency of this branch of the public service. Lord Ripon's estimate, however, did not embrace the judges' salaries. That charge was viewed by his Lordship as the subject of distinct consideration