

Enclosure, No. 1, in Lord *Aberdeen's* Despatch to Lord *Amherst*, dated 2d April 1835.—  
(No. 2.)

Earl of Aberdeen  
to Earl Amherst.  
2 April 1835.

A MINUTE, containing a compendious Statement of the progress of the Controversies which have subsisted between the House of Assembly of Lower Canada and His Majesty's Government.

Enclosure, No. 1.

In the following paragraphs, Lord Aberdeen will purposely confine himself to a naked statement of facts, unaccompanied by any comment, or by the expression of an unnecessary opinion; his object being merely to supply Lord Amherst with a convenient epitome for his Lordship's use of various facts and dates, which it might not perhaps be otherwise easy to bring together for immediate use.

THE great Province of Quebec, comprising all the regions now known as Upper and Lower Canada, was ceded to Great Britain by the fourth article of the treaty of peace, of the 10th February 1763. In October of the same year, a proclamation of King George 3 announced, that, as soon as circumstances would admit, a General Assembly would be summoned in the Province of Quebec, in the same manner as in the other British North American Colonies; and until that design could be completed, "the benefit of the laws of England" was promised to the inhabitants.

The conquest and  
cession of Canada.

Eleven years elapsed before any attempt was made to fulfil this engagement. Instead of a popular Legislature, a Council of Government was erected, with powers both legislative and administrative; and, until the year 1774, that form of constitution continued in force throughout the entire Province.

The Constitution of  
1774.

The contest with the North American Colonies had naturally indisposed the Government to increase the number of Legislative Assemblies on that continent, while it strongly suggested the policy of conciliating, to the utmost possible extent, the inhabitants of Canada. Accordingly, in the year 1774, two statutes were passed "for the relief and better government of the people of the Province of Quebec." Of these, the first (14 Geo. 3, c. 83) secured the most ample toleration to the priests and laity of the Roman-catholic religion; established the French civil and the English criminal law; and created a Legislative Council, to which all power of general taxation was denied. The second of these Acts (14 Geo. 3, c. 88) repealed various burthensome taxes, levied under the French Government, and substituted for them more moderate duties on spirits and melasses. The produce of those duties was declared applicable by the Lords of the Treasury to the expenses of the civil government, and of the administration of justice.

The Revenue Act  
of 14 Geo. 3.

These Acts were received in the Province as valuable concessions, and produced the good effects contemplated by their authors. During the whole of the American contest the Canadas retained their allegiance to this kingdom.

The Canada Bill of 1791 divided Quebec into the two Provinces of Upper and Lower Canada, and established in each a Legislative Council and an Assembly. It was at that time contemplated that an hereditary aristocracy might be formed in these Provinces by attaching to seats in the Council titles of honour, which were together to pass to the descendants of the original grantees. In the same spirit, and as a step towards this consummation, the seats of legislative councillors were expressly declared to be tenable for life.

The Constitution of  
1791.

For the present purpose it is enough to recapitulate, in very general terms, the most material of the other provisions of the statute of 1791. It provided for convening Assemblies in the two Provinces; ascertained the qualifications of electors and of members; required an annual session to be holden; and limited to four years the duration of the provincial Parliaments. It declared that the English tenure of common soccage should apply to all land which might be subsequently granted by the Crown. It recited the terms of the "Declaratory Act," (the statute of 1778, by which Great Britain had disclaimed the right of colonial taxation, except for the regulation of trade, and the right of appropriating the proceeds of trade duties,) and pledged Parliament to observe that engagement towards the Canadas.

The Constitutional  
Act of 1791.

Lord Dorchester was the first Governor of the Province after the year 1791. His Lordship commenced the practice of laying before the House of Assembly annually both an estimate and a statement of ways and means. It was not, indeed, proposed that they should vote the estimate, but only that they should grant an aid towards the deficiency. Accordingly, in the year 1795, an Act was passed by the Canadian Legislature, by which an additional sum of 5,000 £ sterling per annum was placed at the disposal of the Crown towards the expenses of the civil government, and the administration of justice. Six years afterwards, that is, in 1801, certain duties on tobacco were imposed by a provincial Act, (41 Geo. 3,) the proceeds of which were declared applicable by the King to the same purposes.

Lord Dorchester.

The grant by the  
Assembly to the  
Crown, 1795.

Grant by the  
Assembly to the  
Crown, 1801.

Nineteen years elapsed from the settlement of the Canadian Constitution, during which the practice thus introduced by Lord Dorchester was followed by his successors. But the provincial revenue derived from the 14 Geo. 3, and the two last-mentioned grants, were not sufficient to meet the charges of the government of Lower Canada; and the deficiency was annually supplied by a vote of the House of Commons of Great Britain.

Deficiency supplied  
by Parliament.

In the year 1810 the House proposed to assume to themselves the entire charge of the civil government of the Province, for reasons which it would be foreign to the purpose of the single object of this Minute to investigate;—that offer was declined by the British Government.

1810.  
Offer by the Assem-  
bly to undertake the  
whole charge, de-  
clined.