BRITISH NEWS.

HOUSE OF LORDS—O.r. 11.

Lord Kenyon presented two Petitions. One of the Petitions stated that in Elys, tithes were imposed on lands which had always been considered exempt.—The disturbance of the ancient order of things, said the noble Lord, came from the clergy, who professed to be averse to all changes, and to be desirous that every thing should remain unchanged, but who, when their own interests were concerned, became the arch disturbers [hear!]

Lord Ellenborough complained of this attack upon the Clergy.

Lord Suffield confessed that what had taken place within these few days had caused some change in his opinion respecting the general body of the right reverend prelates, although his attachment to the Established Church remained as strong as ever. He had always considered the existence of the Bishops in that house as liable to one objection, which was, that they always threw almost the whole weight of their body into the scale of an oppressive and arbitrary Government, but the instant a liberal Government came into power, and proposed liberal and beneficial measures, the right reverend prelates voted against them.

The Earl of Carnarvon rose to order.

The Lord Chancellor did not think the Noble Lord was out of order. The noble Lord was only making observations on the Bishops, to which not only they, but all noble Lords were exposed. The right reverend prelates did not want to be exempted from observation. They courted observation. The right reverend prelates had no doubt acted with the greatest disinterestedness (hear, hear!). Good God! to impute to the right reverend prelates that they acted from selfish and interested motives! No, they had with the utmost disinterestedness acted against the present Government [loud cries of hear, hear!] They had thought of tripping up the present government [hear, hear!]; they had a right to do so [hear!]; and it could not be imputed to them that they were actuated by selfish motives when they acted against the present Government, and attempted to trip it up, and probably thought they had tripped it up [hear].

Lord Ellenborough rose to order.

The Bishop of of London denied that the Bishops desired to trip up the present government, which had introduced or promised a measure which was of great advantage to the church. Setting aside the Reform Bill, the Bishops had no reason to complain of the present Ministers; and as to the vote of the general body of the Bishops on the Bill, whatever might be said of the wisdom of the vote, the Prelates were clear as to integrity and sincerity. [hear.]

The Bishop of Llandaff had been anxious to vote for the second reading of the Bill, but could not find reasons to enable him to do so. As to the imputations insinuated, if not expressed, that they had voted from interested and selfish motives, he regarded them as idle sounds—as mere echoes of the discordant noises with which they had been assailed on their entrance into that house. [hear.]

The Bishop of Exeter: The Bishops had not opposed the measure because it was the measure of a Whig administration, but because in their consciences they could not approve of it; and they were ready to brave the censure of the mob, even when urged and instigated by those whose duty it was to restrain their ebullitions. He defied any of the censurers of the Bishops to show a single instance in which they had voted from interested and selfish motives, although they had been outrageously insulted by a person holding the highest station in office! If he was wrong in being so warm, he trusted that the occasion would be his same apology for him. A trumpery petition was presented, and that occasion was taken to hold out that the clergy, who professed to be averse to all change, were the greatest disturbers of existing rights and institutions, and were spoken of with sarcasm and insult, as being interested and selfish, and engaged in a conspiracy against liberty.

Earl Grey: This was the most unfounded accusation that he had ever heard brought forward against any Ministers by any Member of the Bench of Bishops. [hear, hear.] Whether the attack was personal to himself, or was meant to apply to his noble and learned friend on the Woolsack, he did not know; but when the right reverend prelate said that they (the Ministry,) or some of them, had spoken of the Bench of Bishops with reprobation and sarcasm, he would ask that right reverend prelate whether, in the few words he had spoken, there was any thing like reprobation or sarcasm? As to the annoyances that the right reverend prelates might have received from the people, he and his colleagues had done every thing in their power to prevent such annoyances, both as regarded the right reverend prelates and others whose votes were most likely to expose them to such annoyances. He repelled with indignation and the utmost contempt the imputation, which the right reverend prelate had made with a warmth that little became the garb he wore, that the Ministry had excited the mob to villify the right reverend prelates. There was not a syllable of truth in it, and it was a most foul calumny. He called on the right reverend prelate to state the evidence for so foul an imputation.

The Bishop of Exeter, in reply, alluded to the first night of the debate, when Earl Grey called upon the Bishops, under a threat, to vote for the measure, and when he had assumed the character of a prophet, and called upon them to "set their house in order".—The noble Earl did not, indeed, conclude the sentence. That he had left for themselves to do. But, at the same time, the meaning was clear that destruction to the house was threatened. The noble Earl had also reminded them that certain important questions were under consideration, of which the decision might be favorable, or unfavorable as the vote might be.—What were these questions, and where were they under consideration? Was it before the Members of the Government, or was it in Parliament that they were under consideration? Did the noble Earl mean that schemes of plunder were in agitation, which might be affected by the conduct of the Bishops? Whatever was meant, they had not supposed their conduct to be affected by such threats, but had voted as their consciences and sense of duty had dictated. What he said was, that the language of the noble Earl had a tendency to expose the Bishops to odium in the eyes of the people, and to instigate the people against them; and this was the echo of what others had suggested, for the very same language was held by the public journals, which had assailed the bishops because they had done their duty. [hear!]. The Bishops, at the time of the Revolution, had opposed an arbitrary Government, when they found themselves called upon to act in self-defence. This was the first time since the Revolution that the bench of Bishops, as a body, opposed a great measure of Government; and yet they were threatened and menaced for having done so in compliance with their own sense of duty.

Earl Grey: If any part of his speech on the first night of the debate on the Reform Bill had given offence to the right reverend prelate, he ought to have commented on it at the time, and then he would have answered. But the right reverend prelate's proof consisted but very little with his assertions, that Ministers had encouraged and instigated the mob to annoy them.

The Bishop of Exeter: No, he had not used such an expression. He did not recollect that he had said so.

The Duke of Wellington—The whole of this discussion had arisen on the question whether a petition against the payment of tithes should be laid on the table: and the clergy were censured by a Noble Lord, because they asked for that which was justly due to them. Another Lord (Suffield) had assailed the Bishops, because they who had always voted for an arbitrary Government, had now voted against a liberal one.—He called on the Noble Lord to say what he meant by an arbitrary Government. He had been at the head of the late Government; but he denied that it was an arbitrary Government, and he wished the Noble Lord to state on what fact he rested his charge, that the Government was arbitrary? As to charge against the Bishops, there was not a question for the last twelve months, in which they had decided against the Government, till the question as to the measure of reform had come to a division a few nights ago; and yet they were accused of voting against a liberal Government, because on that occasion they had thought proper to judge for themselves. If they had opposed the government, it was, of course, because they thought it their duty to do so. Nothing could be more unfair, than to take every occasion, even on presenting petitions, to throw out these charges against so respectable a body of men, as the Bench of Bishops and the Clergy in general.

The Duke of Newcastle asked whether those who had voted against the Bill were to have protection for their lives and their property? He himself had been assailed by a mob, and had applied at the office of the Home Department for protection, but found no one of authority at the office.

The Marquess of Londonderry stated, that as he was coming down Parliament-street, at Whitehall, a mob assailed him, and a strong fellow gave him a violent blow on the arm, and he and others attempted to pull him out of his cabriolet, and if they had succeeded, he believed they would have murdered him; but the cabriolet was driven on and he escaped. He thought that the persons and the property of those who voted against the bill ought to be more effectually protected. All the windows of his house, which had been spared by the mob on a former night, had been broken by a mob last night. He was indifferent, however, about that: but unless their persons were more effectually protected, noble Lords would carry arms in their pockets to protect themselves; and if lives were lost, the Government who did not protect them would be answerable. For his part, he would protect himself, if he should not be protected by Government. He hoped ministers would take more precautions; for, if the police had been extended up Parliament street to Whitehall, he would not have suffered under the infliction of a dastardly mob.

Lord Melbourne was extremely sorry for what had occurred, and said it had been the endeavor of Ministers to afford every practicable protection to person and property. Of course, in times like the present, some outrages would take place.

Lord Wharncliffe could not refrain from saying that the people, contrary to his expectation, after what had been said by the press, had behaved very peaceably. The subject then dropped.

GLASGOW PETITION FOR A MODERATE REFORM.

To the King's Most Excellent Majesty.

Sire—We, the undersigned, bankers, merchants, manufacturers, and other citizens of Glasgow, your Majesty's most dutiful an loyal subjects, humbly crave permission at this momentous crisis to approach your Royal presence, in order to convey to your Majesty an assurance of our unshaken and inviolable attachment to your Majesty's Royal Person, throne, and family.

While the Reform Bill, submitted to Parliament by your Majesty's present advisers, remained under discussion in the legislature, we refrained from publicly declaring our sentiments regarding it content to leave the question of its merits or demerits to the wisdom of Parliament; but now that the House of Peers has thrown out the Bill, we feel it our duty to implore your Majesty, as the father of your people, to reject the counsels of those, who, either at this or any future period, may recommend to your Majesty, by any undue exercise of the Royal prerogative, to nullify the functions of the higher branch of the legislature, or to set aside its grave and deliberate decision.

Placed, by our invaluable constitution, as a conservative barrier between the impatience of a free people, and the encroachments of sovereign power, it is on the wisdom and firmness of the counsels of the House of Peers that mainly depend the safe adjustment of the conflicting elements of political power and the preservation of the just and necessary balance among the three great constitutional estates of the realm: and therefore, it is at periods of the highest popular excitements that the importance of the House of Peers to the stability of the constitution—on which depend the best interest of the people—is most sensibly felt, and that its independence ought with the utmost jealousy to be guarded.

While we were satisfied that the provisions of the late Reform Bill were, in many respects, objectionable, we are, at the same time, sensible that some imperfections in the constitution might be removed, without hazarding its stability—the right of sending representatives to the House of Commons from this and other great cities, might be conferred with decided benefit—and that an extension of the elective franchise, suited to the increased population and wealth of the present age, and fixed on such safe, intelligible, and comprehensive bases, as the wisdom of Parliament, uncontrolled by threats or by popular clamors, may determine, would be gratefully received by us from your Majesty and from the Legislature.

In conclusion, we implore your Majesty to bear in mind, that this is a commercial nation, with dealings to an extent and amount unexampled. The history of every nation and every age has shown that commerce cannot exist amidst political agitation, dispute, and violence. If such, therefore, be longer continued in this country, about theoretical and speculative points of legislation and government, the consequences must be that trade and commerce will seek other shores where they can flourish in peace and security. The result of this change must bring misery upon the people, destroy the finances, paralyse the power, and dismember the proud empire of Great Britain, for which so many heroes have shed their blood, and for whose liberty and prosperity Nelson triumphed, and Wellington conquered.

That your Majesty may long continue to reign over a free, contented, and loyal people, is our earnest prayer.

"*The Bill.*"—Let us suppose, that by dint of Political Unions, newspapers, and political violence, the Bill passes, and then trace the consequences. The towns will send 400 members out of the 600, which the new Parliament is to consist of. The town members will be elected mainly by the £10 voters, and what description of members will be sent under such a constituency? But it may be said that wealth will still exercise its influence, and the monied aristocracy will buy up these poor voters, and return their own members.—If this be done what will England gain by the change? What will the Political Union say to this? Will they not again embody themselves and demand redress, which redress will be a still greater extension of enfranchisement by a reduction of the qualification to £5, 40s., and at length to nothing. Surely Lord Grey must begin to see the error of some of his plans—we trust he does, and that he will speedily make a compromise with the Tories, and form such an union with them as will give strength to his cabinet, and heal the divisions which now unhappily distract the country.—We repeat, that if he employs the Radicals to destroy the Tories, the Radicals, whose power is now advancing with rapid strides, will in turn destroy the Whigs, and all the institutions of the country.—*New-York Albion.*

Shortly after the loss of the Bill, Mr. Place, a Westminster tailor, Dr. Carpruea teacher of anatomy, and several others waited on the Premier, without introduction or previous notice, at eleven at night, and demanded in the name of the people, that the intended prorogation of Parliament should continue for *seven days* and no longer! His Lordship was certainly taken by surprise, and at first felt disposed to give the worthy deputation a little of his "lofty civility."—But they had other demands to make, and after admonishing Lord Grey to make no alteration in the Bill, and calling on him to create the requisite number of peers, the parties separated. Cannot Earl Grey mark the signs of the times in all these warnings?—*Ib.*

Privilege of Suffrage.—The editor of the New-York Commercial Advertiser remarks:

"In England, doubtless, an extension of this privilege, can be made with less danger to the ancient and well established institutions of the realm, than in any other nation. But even there, we are free to declare our opinion, that the late Reform Bill went much too far. We have even here, extended the elective principle much too far; and the diminished respectability of our governments, state and national, and the reduction of talents in public life, tell too plainly how much we may yet suffer for it. Still, with our habits and ideas of government, we can get along pretty well under an extension of the elective principle, that would overturn the ancient government of England, with all its boasted and venerable institutions, in a very short period. A vote is a moral and intellectual act. The object of election is to choose the best officers. This supposes that he who chooses, shall be able to see who is best, and good enough to follow the dictates of his conscience in choosing him. The qualifications, therefore, of a voter ought to be moral and intellectual. But these cannot be defined; and as a consequence, we can take only those which come nearest to it, or which in the course of events, will generally produce the best voters. Property should be one qualification. Ability to read and write, another—and that qualification is best, which would produce the best voters. Or, if the privilege has been given to all, as in this country, we must give them the qualifications.

LOWER CANADA.

[The following important Despatch from Lord Goderich, His Majesty's Principal Secretary of State for the Colonial Department, to Lord Aylmer, Governor General of Canada, in answer to certain complaints transmitted to Government, by the Legislature of Lower Canada, was laid before the House of Assembly of that Province on the 18th November last.]

Downing Street, 7th July, 1831.

My Lord,—I have received and have laid before the King your Lordship's despatches of the 5th, 6th, and 7th of April last, Nos. 24, 25, and 26.

Your Lordship's assurance of the favourable change in the general disposition of the House of Assembly of Lower Canada, towards the close of their last Session, and your report of the warm attachment borne by the people at large to His Majesty's person and Government, and to the Constitution under which they live, have been received by His Majesty with lively satisfaction.

The King has been also graciously pleased to express His approbation of the efforts made by your Lordship to ascertain with precision the full extent of the grievances of which the Assembly consider themselves entitled to complain; and assuming, in concurrence with your Lordship, that the Address of the Assembly contains a full developement of those grievances, the exposition which is to be there found of the views of that body, justifies the satisfactory inference that there remains scarcely any question upon which the wishes of that branch of the Legislature are at variance with the policy which His Majesty has been advised to pursue, and I therefore gladly anticipate the speedy and effectual termination of those differences which have heretofore so much embarrassed the operations of the local government.

No office can be more grateful to the King than that of yielding to the reasonable desires of the Representative body of Lower Canada, and while His Majesty's servants have the satisfaction of reflecting that upon one of the most important topics referred to in the Address of the Assembly, its wishes have been anticipated, they trust that the instructions which I am now about to convey to you will still further evince their earnest desire to combine with the due and lawful exercise of the constitutional authority of the Crown, an anxious solicitude for the well-being of all classes of its natural subjects in the Province.

I proceed to notice the various topics embraced in the Address of the Assembly to the Throne.

I shall observe the order with which they have followed and with a view to perspicuity, I shall prefix each successive instruction which I have His Majesty's commands to convey to your Lordship, by the quotation of the statements made upon the same topic by the Assembly themselves.

Thirdly. It is represented that the progress which has been made in the education of the people of the Province, and the concurrent effort evinced by the recent Acts of the Legislature, has been greatly impeded by the diversion of the revenues of the Jesuits' Estates originally destined for this purpose.

His Majesty's Government do not deny that the Jesuits' Estates were, on the dissolution of that order, appropriated to the education of the people, and I readily admit that the revenue which may still accrue from property should be regarded as invariably and exclusively applicable to that object.

It is to be regretted, unfortunately, that any part of those funds were ever applied to any other purpose, but although in former times your Lordship's predecessors may have had to contend with difficulties which caused, and excused, that mode of appropriation, I do not feel myself now called upon to enter into any consideration of that part of the subject.

If, however, I may rely on the returns which have been made to this Department, the rents of the Jesuits' Estates have, during the last few years, been devoted exclusively to the purpose of education, and my despatch, dated the 24th December last, marked "Separate," sufficiently indicates that His Majesty's Ministers had resolved upon a strict adherence to that principle several months before the present Address was adopted.

The only practical question which remains for consideration is, whether the appropriation of those funds for the purpose of education should be directed by His Majesty, or by the Provincial Legislature.

The King cheerfully, and without reserve, confides that duty to the Legislature, in the full persuasion that they will make such a selection amongst the different plans for this purpose, which may be presented to their notice, as may most effectually advance the interests of religion and sound learning amongst his subjects; and I cannot doubt that the Assembly will see the justice of continuing to maintain, under the new distribution of these funds, those scholastic establishments to which they are now applied.

I understand that certain buildings in the Jesuits' Estates, which were formerly used for collegiate purposes, have since been uniformly employed as a barrack for the King's troops. It would, obviously, be highly inconvenient to attempt an immediate change in this respect, and I am convinced that the Assembly would equally regret any measure which might diminish the comfort or endanger the health of the King's forces. If, however, the Assembly should be disposed to provide adequate barracks, so as permanently to secure those important objects, His Majesty will be prepared (upon the completion of such an arrangement in a manner satisfactory to your Lordship) to acquiesce in the appropriation of the buildings in question, to the same purposes as those to which the general funds of the Jesuits' Estates are now about to be restored.

I should fear that ill founded expectations may have been indulged respecting the value and productiveness of the Jesuits' Estates. In this, as in most other cases, concealment appears to have been followed by exaggerations, as its natural consequence. Had the application of the Assembly, for an account of the proceeds of these Estates been granted, much misapprehension would probably have been dispelled. My regret, from the effect of your decision to withhold these accounts, does not, however, render me insensible to the propriety and apparent weight of the motives by which your judgement was guided; disavowing, however, every wish for concealment, I am to instruct your Lordship to lay these accounts before the Assembly in the most complete detail at the commencement of their next session, and to supply the House with any further explanatory statements which they require respecting them.

It appearing that the sum of £7151 15 4½ has been recovered from the late Mr. Caldwell's property, in respect of the Crown against him on account of the Jesuits' Estates, your Lordship will cause that sum to be placed at the disposal of the Legislature for general purposes. The sum of £12[illegible] 3 4, which was also recovered on account of the same property, must also be placed at the disposal of the Legislature, but should, with reference to the principles already noticed, be considered as applicable to the purposes of education exclusively.

Secondly. The House of Assembly represent that the progress of education has been impeded by the withholding the grants of land promised for schools in the year 1801.

On referring to the Speech, delivered in that year by the Governor to the two Houses of the Provincial Legislature, I find that such an engagement, as the Address refers to, was actually made. It, of course, therefore, is binding on the Crown, and must now be carried into effect, unless there be any circumstances of which I am not apprised, which may have cancelled the obligation contracted in 1801, or which may have rendered the fulfilment of it, at the present time, impracticable. If any such circumstances really exist, your Lordship will report them to me immediately, in order that the fit course to be taken may be further considered.

Thirdly, The rejection, by the Legislative Council, of various Bills in favor of education, is noticed as the last of the impediments to the progress of education.

Upon this subject it is obvious that His Majesty's Government have no power of exercising any control and that they could not interfere with the free exercise of the discretion of the Legislative Council, without the violation of the most undoubted maxims of the Constitution. How far that body may have actually counteracted the wishes of the Assembly on this subject, I am not very exactly informed, nor would it become me to express an opinion on the wisdom or propriety of any decision which they may have formed of that nature. The Assembly, however, may be assured that whatever legitimate influence His Majesty's Government can exercise, will always be employed to promote, in every direction, all measures which may have for their object the religious, moral, or literary instruction of the people of Lower Canada.

Fourthly, The Address proceeds to state, that the management of the waste lands of the Crown has been vicious and improvident, and still impedes the settlement of those lands.

The subject has engaged, and still occupies my most anxious attention; and I propose to address your Lordship upon it, at length, in a separate despatch. The considerations, connected with the settlement of waste lands, are too numerous and extensive to be conveniently embodied in a despatch embracing so many other objects of discussion.

Fifthly.—The exercise, by Parliament, of its power of regulating the trade of the Province, is said to have occasioned injurious uncertainty in mercantile speculations and prejudicial fluctuations in the value of real estate, and of the different branches of industry connected with trade.

It is gratifying to find that this complaint is connected with a frank acknowledgement, that the power in question has been beneficially exercised, on several occasions, for the prosperity of Lower Canada. It is I hope an unmixed good in consequence of the connection which happily subsists between the two countries, that Parliament should occasionally regulate the commercial code of Lower Canada, some trifling sacrifices for the general good of the Empire at large. I therefore shall not attempt to deny that the changes in the commercial policy of this Kingdom, during the last few years, may have been productive of occasional inconvenience and loss to that body, since scarcely any particular interest can be mentioned in Great Britain, of which some sacrifice has not been required during the same period. The end which can be effected by deliberating on such a subject as this is a steady, though gradual advance towards the great objects, which mutual interest and common good regard as continental. The reciprocal restraints upon the trade of the British Colonies, and the development of their resources, have been kept steadfastly in view under all the alterations to which the subject refers, and I confidently rely on the candour of the House of Assembly to admit that upon the whole no inconsiderable advance towards those great ends has been made. They may rest assured that the same principles will be steadily borne in mind by His Majesty's Government in every modification of the existing law, which they may at any future time, have occasionally to recommend to Parliament.

Sixthly.—The Assembly in their Address proceed to state that the inhabitants of the different towns parishes, and extra parochial places in the counties of the Province suffer from the want of sufficient legal power for regulating and managing their local concerns.

I am happy in the opportunity will that present presents of demonstrating the desire of His Majesty's Government, to concur with the local Legislature in the redress of every grievance of this nature. The three Bills which your Lordship received for the consideration of His Majesty's Ministers in the last Session of the Assembly, for erecting the principal divisions of the Province, and for the incorporation of the cities of Quebec and Montreal, will be considered and finally concluded by His Majesty in Council with the first possible delay, and I expect to be able very shortly to transmit to your Lordship, the necessary orders in Council for the purpose.

I very sincerely regret that the Bill passed for the local relief of Barnet and Chelsea in the month of March last, should have been defeated by the delay which occurred in transmitting the original enactment by the King in Council; many months elapsed before it was arrived in this Kingdom, before that form could be observed, and His late Majesty's protracted illness delayed still longer the bringing it under the consideration of the King in Council.

If it should be the opinion of the Colonial Legislature that additional provisions are wanting to enable the local authorities in counties, cities or parishes, to regulate their own municipal affairs, your Lordship will understand that you are at liberty to assent in His Majesty's name to any well considered laws which may be presented to you for that purpose.

Seventhly.—I proceed to the next subject of complaint, which is, that uncertainty and confusion has been introduced into the Laws for the security and regulation of property, by the introduction of different codes of Laws and rules of proceeding in the Courts of Justice.

The introduction to which the Address refers, so far as I am aware, arises from the French criminal code having been maintained by the British Statute of 1774, and from the various Acts of Parliament which have introduced into the Province the socage tenure, and subjected all lands so holden to the English rules of alienation and descent.

As a mere matter of fact there can be no doubt, that the intrusion of these parts of the law of England with the Provincial Code was dictated by the most sincere wish to promote the general welfare of the people of Lower Canada. This was especially the case with regard to the Criminal Law, and is sufficiently apparent from the language of the 11th section of the Statute 14th Geo. III. chap. 83, with regard to the advantage to be anticipated from the substitution of socage for feudal services. I may remark the more in socage for feudal services. I may remark the more in socage tenure could scarcely be otherwise than sincerely convicted of the benefit of that measure, since the maxims on which they proceed are in accordance with the conclusions of all theoretical writers and practical statesmen. I am not indeed anxious to know that these views were just. But I think it not immaterial to have pointed out, that the errors, if any, which they involve, can be attributed only to a sincere zeal for the good of those whom the enactments in question more immediately affect.

I fully admit, however, that this is a subject of local and internal policy, upon which far greater weight is due to the deliberate judgment of enlightened men in the Province than to any external authority whatever. Your Lordship will announce to the Council and Assembly, His Majesty's entire disposition to concur with them in any measure which they may think best adapted for ensuring a calm and comprehensive survey of these subjects in all their bearings. It will then remain with the two Houses to provide such laws as may be necessary to render the Provincial Code more uniform and better adapted to the actual condition of society in Lower Canada. To any laws prepared for that purpose and calculated to advance it, His Majesty's assent will be given with the utmost satisfaction.—It is possible that a work of this nature would be best executed by Commissioners to be specially designated for that purpose. Should such be your Legislaps opinion, you will suggest that mode of proceeding to both Houses of the Provincial Legislature, who, I am convinced, would willingly incur whatever expense may be inseparable from such an undertaking, unless they should themselves be able to originate any plan of enquiry and proceeding at once equally effective and economical.

Eighthly.—The administration of Justice is said to have become insufficient and unnecessarily expensive.

As the Provincial Legislature alone derive their power and situation from local statutes, and [illegible] exercise of His Majesty's prerogative, it is not within the power of the Crown to improve the power of administering the Law, or to diminish the cost of litigation. Your Lordship will however assure the House of Assembly that His Majesty is not only ready but desirous to co-operate with them in any improvements of the Judicial system which the wisdom and experience of the two Houses may suggest. Your Lordship will immediately assent to any Bills which may be passed for that purpose, excepting in the highly improbable event of their being found open to some apparently conclusive objection. Even in that case, however, you will reserve any Bills for improving the administration of the Law for the signification of His Majesty's pleasure, instead of immediately rejecting them.

Ninthly.—The Address then states that the confusion and uncertainty of which the House complains had been greatly increased by enactments affecting real property in the Colony, made in the Parliament of the United Kingdom, since the establishment of the Provincial Legislature, without those interested having even had an opportunity of being heard: and particularly by a recent decision on one of the said enactments in the Provincial Court of Appeals.

His Majesty's Government can have no controversy with the House of Assembly upon this subject; the House cannot state in stronger terms than they are disposed to acknowledge the fitness of leaving to the Legislature of Lower Canada exclusively, the enactment of every law which may be required respecting real property within the Province.

It cannot be denied, that at a former period, a different opinion was entertained by the British Government and that the Statute Book of the Kingdom contains various regulations on the subject of lands in Lower Canada, which might perhaps have been more conveniently enacted in the Province itself. I apprehend, however, that this interference of Parliament was never invoked except in the pressure of some supposed necessity; and that there never was a period in which such Acts were introduced by the Ministers of the Crown without reluctance.

To a certain extent the Statute 1. Will. IV. cap. which was passed at the instance of His Majesty's Government in the last Session of Parliament, has anticipated the complaint to which I am now referring and has prevented its recurrence, by authorising the local Legislature to regulate whatever relates to the incidents of socage tenure in the Province, without reference to any real or supposed repugnancy of any such regulation to the Law of England. If there is any other part of the British Statute Law bearing upon the topic to which the Council and Assembly shall object, His Majesty's Government will be prepared to recommend to Parliament that it should be repealed.

Tenthly.—It is stated that several of the Judges of the Courts in the Province have long been engaged in, and even taken a public part in the political affairs and differences of the Province at the same time holding offices at pleasure, and situations incompatible with the due discharge of their judicial functions.

Under this head again, it is very gratifying to the Ministers of the Crown to find, that they had in a great measure obviated by anticipation the complaint of the House of Assembly. In the despatch which I addressed to your Lordship on the 5th February, No. 22 every amendment was made which could either be suggested or carried into effect by His Majesty's authority, for removing the Judges of the Province from all connection with its political affairs, and for rendering them independent at once of the authority of the Crown, and the control of the other branches of the Legislature, thus placing them exactly in the same position as that of the Judges of the Supreme Courts at Westminster.

The Judges themselves have, it appears, with laudable promptitude, concurred in giving effect to these recommendations, by discontinuing their attendance at the Executive Council. Nothing, therefore, in fact remains for terminating all discussion upon this subject, but that the House of Assembly should make such a permanent provision for the Judges, as, without exceeding a just remuneration, may be adequate to their independent maintenance in the rank of life which belongs to the dignity of their station.

I am not aware that any Judge in Lower Canada holds any office, except that of Executive Councillor, during the pleasure of the Crown, or which is in any respect incompatible with the due discharge of his official functions. If any such case exists, your Lordship will have the goodness immediately to report to me all the circumstances by which it may be attended, in order that the necessary instructions on the subject may be given. In the mean time I may state, without reserve, that no Judge can be permitted to retain any office corresponding with the description thus given by the House of Assembly, in combination with that independent position on the bench to which I have referred.

Eleventhly.—The Address proceeds to state, that during a long series of years, executive and judiciary offices have been bestowed almost exclusively upon one class of subjects in the Province, and especially upon those the best connected by property or otherwise with its permanent inhabitants, or who have shown themselves the most adverse to the rights, liberties and interests of the people. It is added that several of these persons avail themselves of the means afforded by their situations, to prevent the constitutional and harmonious co-operation of the Government and the House of Assembly, and to excite ill feeling and discord between them, while they are remiss in their different situations to forward the public business.

I quote thus largely the language of the address, because I am desirous to meet every part of it in the most direct manner, as well as in the most conciliatory spirit. It is not from any want of that spirit that I recommend you to suggest for the consideration of the House of Assembly, how far it is possible that His Majesty should clearly understand or effectually redress a grievance which is brought under his notice in terms thus indefinite. If any public officers can be named, who are guilty of such an abuse of their powers, and of such rudeness in their duties as are implied in the preceding quotation, His Majesty would not be slow to vindicate the public interest, by removing any such persons from service. But can he shown that the patronage of the Crown has been exercised upon any narrow and exclusive maxims, they cannot be too entirely disavowed and abandoned, especially if it be true, that the permanent inhabitants of the Colony do not enjoy a full participation in all public employments. The House of Assembly may be assured, that His Majesty can have no desire that such invidious distinctions should be systematically maintained. Beyond this general statement it is not in my power to advance. I am entirely ignorant of the specific cases to which the general expressions of the Assembly point. I can only state, that since His Majesty was pleased to entrust to my care the Seals of the Department, no opportunity has occurred for exercising the patronage of the Crown in Lower Canada, to which it is possible that the Assembly can refer; nor have my enquiries brought to light any particular case of a more remote date to which their language would appear to be applicable.

Twelfthly.—The next subject of complaint is developed in the following words:—that there exists no sufficient responsibility on the part of the persons holding these situations, nor any adequate accountability among those of them entrusted with public money, the consequence of which has been the misapplication of large sums of public money, the loss of large sums of public money, and the money of individuals, by defaulters, with whom deposits were made under legal authority, hitherto without reimbursement or redress having been obtained, notwithstanding the humble representation of your petitioners.

It would be impossible, without a violation of truth, to deny, that at a period not very remote heavy losses were sustained both by the public and by individuals from the want of proper securities having been taken by public accountants, and still more from the want of a proper system of passing and auditing these accounts. I find, however, that in his despatch of the 29th Sept. 1828, Sir George Murray adverted to this subject in terms to which I find it difficult to make any useful addition. His words are as follows:—"The complaints which have reached this office respecting the inadequate security given by the Receiver General and the Sheriffs, for the due application of public money in their hands have not escaped the very serious attention of the Ministers of the Crown. The most effectual security against abuses of this nature would be to prevent the accumulation of balances in the hands of public accountants by obliging them to pay [illegible] to some competent authority at [illegible] the proper time [illegible]