

"condition that that Officer shall be bound on demand to deliver Bills on His Majesty's Treasury, for the amount of his receipts. I trust that in this proposal the Legislature will find a proof of the earnest desire of His Majesty's Government to provide, as far as may be practicable, an effectual remedy for every case of real grievance."

If the preceding Instructions have proved inadequate to the redress of the inconvenience to which they refer, I can assure Your Lordship of the cordial concurrence of His Majesty's Government in any more effective measures which may be recommended for the purpose, either by yourself or by either of the Houses of the Provincial Legislature.

The losses which the Province sustained by the default of the late Mr. Caldwell, is a subject which His Majesty's Government contemplate with the deepest regret,—a feeling enhanced by the painful conviction of their inability to afford to the Provincial Revenue any adequate compensation for so serious an injury. What is in their power they have gladly done by the instruction conveyed to Your Lordship in the early part of this Despatch, to place at the disposal of the Legislature, for general purposes, the sum of £7154 15s. 4d. recovered from Mr. Caldwell's property.—The Assembly will, I trust, accept this as a proof of the earnest desire of His Majesty's Government to consult, to the utmost of their ability, the pecuniary interests of the Province.

Thirteenthly, The Address proceeds to state, "the evil of this state of things has been greatly aggravated by enactments made in the Parliament of the United Kingdom, without even the knowledge of the people of this Colony, which enactments have rendered temporary Duties imposed by the Provincial Legislature permanent, leaving in the hands of Public Officers over whom the Assembly has no effectual control, large sums of money arising within this Province, which are applied by persons subject to no sufficient accountability."

I understand this complaint to refer to the 21st Clause of the Stat. 3, Geo. 4, Cap. 119. The Duties mentioned in that enactment are continued until some Act for repealing or altering them shall be passed by the Legislative Council and Assembly of Lower Canada; and until a Copy of any such new Act shall have been transmitted to the Governor of Upper Canada, and shall have been laid before both Houses of Parliament, and Assented to by His Majesty. The motives for this enactment is explained in the Preamble to have been the necessity of obviating the evils experienced in the Upper Province, from the exercise of an exclusive control by the Legislature of Lower Canada, over Imports and Exports at the Port of Quebec. I acknowledge without reserve, that nothing but the necessity of mediating between the two Provinces could have justified such an interference by Parliament; and that if any adequate security can be devised against the recurrence of similar difficulties, the enactment ought to be repealed. The peculiar Geographical position of Upper Canada, enjoying no access to the Sea, except through a Province wholly independent of itself on the one hand, or through a Foreign State on the other, was supposed, in the year 1822, to have created the necessity for enacting so peculiar a Law for its protection. I should be much gratified to learn that no such necessity exists at present, or can be reasonably anticipated hereafter; for upon sufficient evidence of that fact His Majesty's Government would at once recommend to Parliament the repeal of that part of the Statute to which the Address of the House of Assembly refers. The Ministers of the Crown would even be satisfied to propose to Parliament the repeal of the enactment in question, upon proof that the Legislature of the Upper Province deem such protection superfluous. Perhaps it may be found practicable to arrange this matter by Communication between the Legislatures of the two Provinces.

The Ministers of the Crown are prepared to co-operate to the fullest extent in any measure which the two Legislatures shall concur in recommending for