

Despatches.

the community, and should be presented to you for Legislative sanction.

You are aware that it is a rule of Imperial policy generally to reserve to Parliament the consideration of any question of differential or protective Duty which may arise in the Colonies. Not refusing to make due allowance for subsisting irregularities of practice in this respect, I am desirous in prospective Legislation, to adhere to this maxim. But I grant that it is more strictly applicable to maritime commerce than to the case of a Colony having direct and extended relations, along a frontier of many hundred miles, with a foreign country. Your Lordship is therefore authorized to view the question as one to be determined according to the convictions of the people of *Canada*, whatever they may be, when constitutionally brought before you in the form of a Legislative measure.

With regard, however, to the form of any such enactment, supposing it to be introduced into discussion, I would suggest what appears to Her Majesty's Government a decided improvement upon that which is employed in the Act of the last Session "for granting Provincial Duties of Customs." The lower rate of duty, when a distinction is made, should be extended to "Goods imported otherwise, than by Sea, from a British Possession," as well as to Goods imported by Sea. The practical or commercial effect of the change might be trivial; but it would obviate an objection of general principle to an arrangement under which importation from a British Possession is, under given circumstances, made subject to a heavier burden than direct maritime importation from a foreign country.

But I have also to notice another portion of the Address of the Legislative Council and Assembly, transmitted by Lord Metcalfe with his Despatch of the 1845, which prays that the provisions of the English Navigation Law may be extended to the Inland Waters of *North America*.

Her Majesty's Government are of opinion that the time has not yet arrived when they would be enabled to examine that question in a manner befitting its importance.

In the preceding part of this Despatch, I have had occasion to state the principles upon which Her Majesty's Government are prepared to act with respect to the imposition in *Canada* of inland, or even of avowedly differential Duties.

Your Lordship is aware that the general maxims on which such Duties are founded, do not command the assent of Her Majesty's Government. They must be justified, if justified at all, upon the ground of special circumstances. Among the special circumstances bearing upon their merits, in the case of *Canada*, the deliberate and well ascertained inclinations of the people must hold a prominent place. I conceive that the points suggested by my review of the Customs Act of last year, and the consideration of the call for countervailing Duties to meet the effect of the *American Drawback Act*, will put me much more fully in possession than I am at present, of the state of the public sentiment in *Canada*. Her Majesty's Government would indeed pay great regard under any circumstances, to an Address from both Houses of the Provincial Legislature. But it is manifest, I apprehend, that I cannot fully appreciate the views and intentions with which the Address now under discussion was framed, until I shall have before me the proceedings of the approaching Provincial Session, and shall perceive from them, in what form, and to what degree, the Legislative Council and Assembly may be disposed to act in matters placed within their control upon the principles which the Address recommends to Parliament.

Another reason which has had its influence in producing this conclusion has been, that there appears to be a probability of change in the Navigation Law of the *United States*, and that it would be well to know, what as yet can only be surmised of the views and intentions entertained in that country with regard to it, especially as proceedings there might have a material effect upon general opinion in *Canada*.

And I must request Your Lordship carefully to avoid anticipating the advice which Her Majesty's Government might hereafter tender to the Crown upon the subject to which this Despatch refers, as it is their intention to reserve an unfettered discretion in regard to it.

Such being the views of Her Majesty's confidential Advisers on the subject of the extension to the Inland Waters of *Canada*, of the Navigation Acts, we have not been able to advise the Queen to return any specific answer at present to so much of the joint Address as relates to that subject. Your Lordship will therefore inform the Legislative Council and Assembly that for these reasons, that part of their Address is reserved for Her Majesty's further consideration.

I am commanded by the Queen to instruct Your Lordship to signify to the Legislative Council and Assembly, that having considered that part of their joint Address which refers to an extension of the privileges of naturalization, when conferred by Provincial enactment, Her Majesty has directed that the necessary steps be taken for giving effect to their wishes. Her Majesty's Government therefore propose to recommend to Parliament the enactment of a Law for this purpose.

I have, &c.

(Signed,) W. E. GLADSTONE.

Lieutenant General,
Earl CATHCART, K. C. B.,
&c. &c. &c.

(Copy.)

No. 20.

DOWNING STREET,
3rd February, 1846.

MY LORD,

I have laid before the Queen the joint Address of the Legislative Council and Assembly of *Canada*, on the subject of the alteration of the Act for the Re-union of *Canada*, so far as respects the use of the French Language.

I have also laid before the Queen your Despatch of the 8th of March, 1845, No. 287, which transmits the above Address.

From regard to the wishes thus expressed by Her loyal subjects, Her Majesty is inclined to entertain the prayer of that Address, and authorizes you to make a communication accordingly to the Legislative Bodies at the opening of the Session.

Inasmuch, however, as it would not be practicable to obtain from Parliament, with convenience, the change which is required in the Act of Re-union so early as to take effect upon the proceedings of the coming Session in *Canada*, and as it is obviously far from desirable that reiterated applications should be made for the alteration of a Constitutional Statute of so much importance, Her Majesty's Government do not propose to take any step of that nature until I shall have become acquainted with the proceedings of the Provincial Legislature, and shall have learned whether they may give occasion for inserting in one and the same amending Bill, together with a Provision relating to the exclusive use of the English Language, another modification of the provisions of the Act of

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