

No. 4.

In conformity with this rule you were directed to "apply yourselves to the investigation of this part of the general subject, endeavouring to ascertain how far the Legislative Council has really answered the original objects of its institution, and considering of what amendments it may be susceptible." You were also informed that "when your Report should have been received, His Majesty would take into his most serious consideration the questions whether there are any amendments in the law on this subject, which it would be fit to propose for the consideration of the Imperial Legislature; and which, being founded on the principles and conceived in the spirit of the Act of 1791, may be calculated to render the practical operation of that statute more conformable to the wishes and intentions of its framers."

If it be inquired what definite meaning is to be attached to the terms which I have thus employed, I answer that the principle of the Constitution of 1791 is, that there shall be two distinct and independent Houses of Legislature. Adhering to this general principle, it remains for your Lordship and your colleagues, acting on the instructions addressed to you as Commissioners, to inquire how the most effectual means can be taken for securing such a Legislative Council as shall enjoy at once a due share of public confidence, and a full exercise of an enlightened and independent judgment on all matters submitted for its consideration.

The fears of some and the hopes of others, have placed a more narrow construction on the extracts from my despatch of the 17th July. In disavowing that meaning, I make no new concession, but simply adhere to the views which I was honoured by His Majesty's commands to express before. Such as the intentions of His Majesty's confidential advisers were on this subject in July last, such they still continue.

The address further advances a complaint connected with the Executive Government of Lower Canada; a complaint which does not find a place either in the 92 resolutions of 1834, or in any of the earlier addresses or votes of the House of Assembly. The House now, however, state the necessity of establishing in the province what is termed "a responsible and popular government." Understanding these expressions in their obvious sense, His Majesty is happy to declare that they do not advance beyond the principles by which it is his pleasure and command that the Executive Government of Lower Canada should be administered. It is His Majesty's desire and injunction that full and early explanations should be afforded to the representatives of the people of all important measures adopted by the Government; that the Assembly should enjoy the most ample opportunity of explaining, both to the King himself and to His Majesty's representative in the province, their opinions and their wishes respecting every such measure; that the imputed misconduct of any public officer, with the exception of course of His Majesty's representative, the Governor, who must be responsible directly to the King and the Imperial Parliament, should be closely and impartially investigated; that means should be devised for bringing to trial and punishment within the province itself every such officer to whose charge any malversation in office may be laid; and that effectual security should be taken for the zealous co-operation of all subordinate officers in every measure advised by the Legislature, and sanctioned by the King, for the general welfare of His Majesty's subjects.

The address of the Assembly calls upon His Majesty to recommend to Parliament the repeal of the British Statute respecting the tenures of land in Lower Canada. If the House had been in possession of my despatch of the 17th of July, they would have probably waived this application. They would have been aware that the reluctance of the King to recommend to Parliament any measure which could be plausibly represented as an unnecessary interference with the internal affairs of the province is the single obstacle to the introduction of a Bill on that subject.

The address proceeds to demand the repeal of the Act, and the revocation of the charter under which the British North American Land Company is incorporated, and the resumption of the lands which have been sold to them. I shall not, I trust, be thought forgetful of what is due to the privileges and dignity of the House, if I do not shrink from the avowal of any opinion deliberately entertained by the Ministers of the Crown, though it be not in accordance with the sentiments of the representatives of the Canadian people. I must, therefore, state that His Majesty's Government cannot proceed to the consideration of the questions raised by the Assembly respecting the British North American Land Company, unless it can first be established, in due course of law, that the claim of
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