

The topics to which I have already adverted are those to which far more interest attaches than to any other connected with the recent discussions in Lower Canada. Referring your Lordship to the Minutes already mentioned for an explanation of my views upon many subordinate questions, I will briefly review in this place those which appear to invite a more particular notice.

I have no terms more distinct and emphatic than those employed in Lord Ripon's despatches with which to express my own conviction, that upon questions properly belonging to the cognizance of the Provincial Legislature, Parliament ought not to interfere, except at the bidding of the most evident necessity, and with a strict adherence to the limits within which that necessity may operate. I therefore have no wish that any single enactment should be retained in the British statute book respecting the tenure of land in Canada. The motives which induced Parliament, in the year 1791, to interpose on the subject of the conditions on which newly granted lands should be holden, and the motives which led to a Parliamentary interpretation of that enactment in the year 1825, if erroneous, were at least considerate, and indicative of an earnest desire to promote the welfare of the Province. The transfer to the Legislature of Lower Canada, in 1831, of the power to repeal or modify the previous Statutes at their discretion, was unquestionably dictated by the wish to testify the highest respect for their exclusive right to regulate the internal affairs of their constituents. If, as I have reason to suppose, it should be maintained that the last of these Acts does not impart to the Canadian Legislature the necessary powers in terms sufficiently ample, the Ministers of the Crown will cheerfully introduce into Parliament any Bill which may be necessary for the extension of those powers. If, on the other hand, the local Legislature concur with myself in thinking that their authority on this subject is altogether unfettered, and if, in pursuance of that opinion, they should proceed to pass any Acts for the settlement of the question respecting the tenures of land, your Lordship will cordially co-operate with them in that work. Or, finally, if the Council and Assembly should desire the repeal by Parliament of the whole, or of any particular part of the British Statutes on this subject, your Lordship will, on behalf of His Majesty's Government, engage that the necessary measures shall be promptly taken for obtaining such a repeal. It is always, of course, to be understood that the Ministers of the Crown cannot be accessory to any such alteration of the existing law as should defeat the vested rights, or destroy the reasonable and legitimate expectations, of any company or individual to any land in the Province. In the same spirit, and in pursuance of the same principle, your Lordship will give the most distinct pledge that the Ministers of the Crown will recommend to Parliament the enactment of a law repealing the whole or any part of the Canada Trade Act, 3 Geo. 4, c. 119, for the repeal of which the Legislatures both of Lower and Upper Canada may prefer a joint address to your Lordship. As the two Provinces have a common, and not a very unequal interest in the revenue distributed between them under that Statute, it is obvious that His Majesty's Government could not properly act on the subject except with the concurrence of both.

Your Lordship will direct your careful attention to the means which may be most effectually taken for improving the constitution of the legal tribunals of the Province; for increasing method, economy, and despatch in the administration of justice; for the revision of any rules of procedure, civil or criminal, at present established in those courts, by whatever authority; and for the abolition or reduction of any improper or exorbitant fees which may be taken there. Lord Ripon suggested the establishment of a commission of inquiry for these purposes. If your Lordship should find that such a measure would be really practicable and convenient, you will give effect to it, apprising the two Houses of your intention, and recommending to the House of Assembly to make provision for the necessary expense. If those Houses should prefer any other mode of revising and regulating what relates to this important class of subjects, your Lordship's active co-operation will not be wanting in any scheme which may be properly digested for the purpose; nor will you forget that upon such topics more than common deference is due to the judgment of those who, from local knowledge, constant habit, and long experience, have acquired a great familiarity with them.

The apprehension which the inhabitants of French origin have expressed, that the use of their native language would be superseded or discouraged in legal proceedings, and in other public acts, is, I trust, without foundation. Your Lordship, however, will ascertain the facts of the case, and will give your zealous support and authoritative sanction to any measure which shall secure to the inhabitants, whether of French or of English origin, the equal and unrestricted use of their

Earl of Aberdeen
to Earl Amherst.
2 April 1835.