

8 COMMUNICATIONS BETWEEN THE COLONIAL OFFICE

Clause struck out by the Council in the Militia Staff Officers' Salaries Bill.

Observations in explanation.

" Provided always, and be it further enacted by the authority aforesaid, that the foregoing provisions of this Act shall not have any force or effect, unless, during the present session of the Legislature, an Act or Acts should be passed for reviving and continuing the Acts, or any of them, heretofore passed by the Legislature of this province for regulating the militia thereof."

As the House of Assembly voted the salaries and contingencies of the militia staff, for the half year ending the 31st of December 1828, on being required to do so, and no objection has ever been made out to the charge, there is every reason to believe that the clause would have been withdrawn, and a new bill have passed the Legislature, simply providing for the expense.

N^o 7.—COPY of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray.

SIR,

Castle of Saint Lewis,
Quebec, 19th December 1829.

Having deemed it essential that the militia of the province should be placed on a footing of greater efficiency than that in which I had found it on assuming the administration of the Government, I have the honour to inform you that I recommended the subject to the consideration of the Legislature in my speech to both branches on the opening of the last session.

The subject was accordingly taken up by the House of Assembly at an early period of the session, and a special committee of the House appointed, with instructions " to inquire into all laws which may now be in force, or alleged to be in force, concerning the militia, and also into its present state, and to report their observations and opinions thereon to the House."

In the state of excitement which prevailed in the province, in consequence of the numerous dismissals which had taken place in the militia in the years 1827 and 1828, in which dismissals several of the influential members of the House were included, it was scarcely to be expected that a very dispassionate view would be taken by the committee of the matter thus referred to them; and you will observe by the printed copy of the report made by them to the House, which I have the honour herewith to transmit to you, that they took occasion in their report to animadvert in very strong terms on these dismissals, affirming that, in consequence of that measure, the impression had become general in the country that the holding of militia commissions was to be made subservient to political purposes, and declaring their own conviction that the revival of the militia ordinances of 1787 and 1789 had been made use of to give effect to that system. They recommended accordingly that a new and efficient regulation of the militia should be established by law as speedily as possible, such a measure being necessary for the safety and well-being of the province, " but that the law should be of a nature the least onerous possible to the great body of the population, and particularly that it should remedy and effectually guard against the abuses by which the militia has been assailed by authority, in a way (as the committee conceived) deeply injurious to His Majesty's service, and the security of the province."—(page 13.)

The committee also made a second report to the House (page 137,) in which they submitted the heads of a bill for the future regulation and government of the militia, but which they recommended should not then pass into a law, deeming it proper (as stated in the report) that those interested in the subject should have an opportunity of expressing their opinion thereon previous to its being adopted; they proposed accordingly that a new militia bill should be introduced similar to that which had expired on the 1st of May 1827, to continue the militia laws for a *limited* period, but that a clause should be inserted therein to declare all militia commissions issued subsequently to the 1st of May 1827, null and void, and that all commissions previously issued should be held to be valid as they stood at that date.

A militia bill was accordingly brought into the House of Assembly, and passed that body, being simply a revival of the former militia law, but containing a clause to the purport recommended by the committee, the effect of which would have been to restore to their commissions all those officers who had been dismissed by Lord Dalhousie, since the expiring of the old militia law and revival of the militia ordinances of 1787 and 1789, and to annul all appointments made since that time.

This.