

The appointment of these officers in Lower Canada proceeds from, and has always been made by the Crown: it, therefore, depends on His Majesty; and I am at a loss, therefore, to conceive on what ground such appointments are supposed to differ from other appointments which depend on His Majesty, and with which an assimilation, it would seem, is held by the Committee of Grievances to be improper. But, in reality, no alterations whatever have been made in the Commissions of Notaries, by which the nature, duration, or effect of these Commissions could in the smallest degree be changed or affected. Having for the first time been required to prepare the Draft of a Notary's Commission, I became responsible for the correctness and sufficiency of the Draft I might furnish. The form in use * for Commissions of Notaries was under the Governor's Private Seal. In the appointment of these, as of other public officers, it appeared to me, that the Public Seal of the Province ought to be used; and my opinion on this point might, (if it were necessary,) be justified not only by obvious reasons, but by reference to high authorities. Deeming it proper, therefore, to prepare my Draft † in the form of an Instrument, to be passed under the Great Seal, it became necessary that His Majesty's name, instead of that of the Governor, should be used, and with it, the usual style in which grants of office, or other things, by His Majesty, are made. As part of this style, it is stated, in my Draft, that His Majesty, "of his especial grace, certain knowledge, and mere motion," confers the appointment; and the Draft terminates with the usual conclusion of an Instrument under the Great Seal, viz.: "In testimony whereof we have caused these our letters to be made patent," &c. These words of mere form, it must excite surprise when it is mentioned, are the "alterations" in the Commissions of Notaries, to which the Committee of Grievances applies its censure, "as being contrary to the spirit of the Ordinance of the 25 Geo. III. c. 4, and "as having the effect of assimilating these commissions to those of public officers, whose appointment depends upon His Majesty." The notions of the Committee of Grievances on this head, I may be permitted to mention, are somewhat singular and peculiar, to which it will not be expected I should oppose any argument or observation; it being too plain, to persons who understand the English language, that these words, which unfortunately have given offence to the Committee, are perfectly harmless, and merely words of course, in the place in which they are found.—When the use of such words is made a ground of grave censure, it will be readily conceived, that the animadversions of the Committee of Grievances of the Assembly of Lower Canada may be incurred for slender causes.

Having thus disposed of the two specific animadversions of the Committee of Grievances, to my prejudice, on the head of New Commissions, it will not, I hope, be deemed improper if I should add a few words, as to the constitutional means that might have been used to obviate the inconveniences, upon which the Committee has been disposed to lay so much stress.—The necessity of issuing new Commissions, within the colony, might have been prevented, by an act of the colonial Legislature, in one of its sessions which preceded the demise of His late Majesty.—This measure, having been omitted previous to that event, might have been adopted during the six months which succeeded it, and the convocation of the colonial Legislature, by the Governor of the Province, at a somewhat earlier period than was fixed upon, would have facilitated its adoption. Even after the session was commenced, in January last, all inconveniences as to the Commissions of Notaries might have been obviated, by an act of the Legislature, at that time. These remedies it was within the power of the members of the Committee of Grievances to suggest, and of the Assembly to apply. It is to be regretted, therefore, that, overlooking such remedies, my conduct, without the shadow of a cause, has been impeached by the Committee of Grievances, as having contributed to inconveniences, which might have been so easily prevented by the Assembly itself, but to which I have been in no degree accessory. Out of the limits of Lower Canada, it may excite surprise, that attorneys should be appointed by commissions during pleasure, instead of being admitted to the exercise of their profession, as in other parts of His Majesty's dominions, by His Majesty's Courts of Justice. This peculiarity, with the inconveniences that may be incident to it, obtains under a law of the Province; and as to this subject of complaint also, on the part of the Committee, the constitutional remedy would have been found, in an act of the Legislature, repealing the law under which Commissions of Attorneys are now issued, and substituting other proper provisions, instead of it. Not having the honour of being a member of the Assembly of Lower Canada, and never having been consulted by His Excellency Lord Aylmer, on the subject in question, or indeed on any other subject, it has not fallen within the limits of my duty to suggest, or promote, the adoption of any of the remedies now adverted to.

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* Vide Appendix, No. 7.

† Vide Appendix, No. 5.