

It was with great satisfaction, then, that Her Majesty's Government learned that upon the question of the union itself, the House of Assembly had pronounced their decided judgment during their last session, and it will only remain for the Governor-General now to invite their assent to the terms upon which it is sought to be effected. That decision was indeed accompanied by recommendations, to which the Government could not agree, but the Governor-General entertains no doubt that under the altered circumstances, they will no more be renewed. [To the Legislative Council.—The Governor-General therefore now invites the representation of the Legislative Council to the following terms, upon which the Union may be established.] It will be for the Imperial Parliament, guided by their intimate knowledge of constitutional law, and free from the bias of local feelings and interests, to arrange the subordinate details.

The first of the terms of re-union, to which the Governor-General desires the assent of the House of Assembly, is the equal [To the Legislative Council.—That there be an equal] representation of each province in the united Legislature. Considering the amount of the population of Lower Canada, this proposition might seem to place that province in a less favourable position than Upper Canada. But under the circumstances in which this province is placed, with the increasing population to be expected from emigration, and having regard to the commercial and agricultural enterprise of its inhabitants, an equal apportionment of representation appears desirable.

The second stipulation to be made, is the grant of a sufficient Civil List. The propriety of rendering the judicial bench independent, alike of the Executive and of the Legislature, and of furnishing the means for carrying on the indispensable services of the Government, admits of no question, and has been affirmed by the Parliament of Upper Canada in the Acts passed by them for effecting those objects.

In determining the amount of the Civil List, the {Legislative Council} {House of Assembly} may be assured that the salaries and expenses to be paid from it, will be calculated by Her Majesty's Government, with a strict regard to economy, and the state of the provincial finances. Thirdly, the Governor-General is prepared to recommend to Parliament, that so much of the existing debt of Upper Canada as has been contracted for public works of a general nature, should after the Union, be charged on the joint revenue of the united province. Adverting to the nature of the works for which this debt was contracted, and the advantage which must result from them to Lower Canada, it is not unjust that that province should bear a proportion of their expense.

On these principles, the Governor-General is of opinion that a re-union of the two provinces may be effected, equitable and satisfactory in its terms, and beneficial in its results to all classes. He submits them to the consideration of the {Legislative Council} {House of Assembly}, in the full conviction of their importance, and in the hope that they will receive the assent of that House. Fortified by the expression of their opinion, Her Majesty's Government, and Parliament will be able at once to apply themselves to the full development of the scheme, and to the consideration of the provisions by which it may be carried into effect with the greatest advantage to the people of both provinces. If in the course of their proceedings, the {Legislative Council} {House of Assembly} should desire any information, which it is in the power of the Governor-General to afford, they will find him ready and anxious to communicate with them frankly and fully, and to aid by all the means in his power that settlement on which he firmly believes that the future prosperity and advancement of these colonies mainly depend.

No. 38.
The Rt. Hon. C. P.
Thomson to Ed. John
Russell.
Dec. 7, 1839.
Enclosure No. 5.