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LOWER CANADA
AND
UPPER CANADA.

EXTRACT of a DESPATCH from Lord
Glenclogh to the Earl of *Durham*, G. C. B., dated
Downing-street, 20th January 1838.

(Presented by Her Majesty's Command.)

Ordered, by The House of Commons, to be Printed,
23 January 1838.

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23 January 1838.

EXTRACT of a DESPATCH from Lord *Glencly* to the Earl of *Durham*, G. C. B.
dated Downing-street, 20th January 1838.

IN order to lay the ground for the permanent settlement of the questions which agitate Lower Canada, and also of those which create divisions between Upper and Lower Canada, it will probably be found necessary to resort to some legislative measures of a comprehensive nature. But before such measures can be framed and submitted to Parliament, it would be highly desirable to ascertain the wishes and opinions of the people of both Provinces regarding them.

This object could best be attained by a personal communication on your part with such persons selected from each Province as may be presumed, from their station, character and influence, to represent the feelings of their fellow-countrymen in general. It seems advisable, therefore, to authorize your Lordship, if you should so think fit, to call around you a certain number of such persons, with whom you might take counsel on the most important affairs of the two Provinces; the time of meeting of such a committee of advice being left entirely to your discretion. You are, therefore, empowered to select three members from the Legislative Council of Upper Canada to attend such meeting; and to invite the House of Assembly of Upper Canada to nominate ten of its members for the same purpose. Under ordinary circumstances, the same course would be pursued with respect to the Legislature of Lower Canada. But if the Bill now before Parliament should be passed into a law, recourse must be had, during the suspension of that Legislature, to another mode of supplying the deficiency.

You will, accordingly, during such suspension, select three members of the body at present composing the Legislative Council, and will take measures for calling on the electors in each of the five districts into which Lower Canada is now divided, to elect two persons to sit in the Committee. Your Lordship can obviate any difficulty which may stand in the way of holding such elections by an Ordinance for this purpose to be passed by the authority of the Governor in Council.

The committee will thus consist of twenty-six members, over whose deliberations you will of course preside.

The committee being thus formed, you will bring before them the subjects on which you desire to receive their opinion and advice. Among the most important of these are the questions in debate between the two Canadian Provinces.

In the last Session, both Houses of Parliament passed a Resolution, "That great inconvenience has been sustained by his Majesty's subjects inhabiting the Provinces of Lower Canada and Upper Canada, from the want of some adequate means for regulating and adjusting questions respecting the trade and commerce of the said Provinces, and divers other questions wherein the said Provinces have a common interest; and it is expedient that the Legislatures of the said Provinces respectively be authorized to make provision for the joint regulation and adjustment of such their common interests."

It is clear that some plan must be devised to meet the just demands of Upper Canada. It will be for your Lordship, in conjunction with the committee, to consider if this should not be done by constituting some joint legislative authority, which should preside over all questions of common interest to the two Provinces, and which might be appealed to in extraordinary cases to arbitrate between contending parties in either; preserving, however, to each Province its distinct Legislature, with authority in all matters of exclusively domestic concern. If this should be your opinion, you will have further to consider what should be the nature and limits of such authority, and all the particulars which ought to be comprehended in any scheme for its establishment.

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The Constitutional Act of 1791 will supply another subject of deliberation, with a view to determine what measures may safely be taken to correct the defects which have hitherto interfered, at least in the Lower Province, with its successful working. The Constitution of the Legislative Council has formed the chief topic of complaint with the House of Assembly of Lower Canada, and they have insisted that the only remedy is to be found in making the Council elective. On this subject the following Resolution was last year passed by both Houses of Parliament: "That in the existing state of Lower Canada, it is unadvisable to make the Legislative Council of that Province an elective body, but it is expedient that measures be adopted for securing to that branch of the Legislature a greater degree of public confidence."

It will be for you and the committee to consider in what manner the judgment thus pronounced by Parliament can best be carried into effect.

There are other very important subjects regarding which you will probably think it right to consult the same advisers,—such, for example, as the provision that should be made to meet the necessary expenses of the Civil Government in Lower Canada—the state of the law affecting the tenure of landed property in that Province—the establishment of a court for the trial of appeals and impeachments. There is, in truth, not one of the many interesting questions relating to the good government and well-being of the two Canadas, which might not very properly engage the attention of the committee.

On all the subjects which I have specified, and on others which may come under the notice of the committee, your Lordship will probably have to recommend the adoption of some legislative measures in this country. You will transmit to me an explanation of such measures in the fullest detail, in order that the Government may consider of the propriety of submitting them to Parliament.

You are authorized to fix the times and places of the meetings of the committee, to adjourn them from time to time, and to frame all regulations necessary for the despatch of business. You are also empowered to dissolve the committee at your pleasure.
