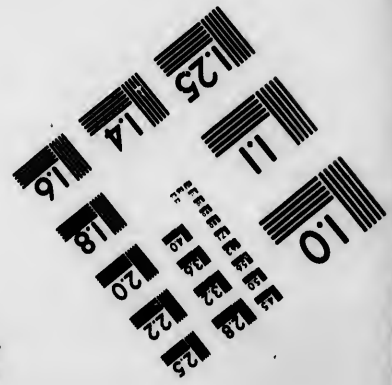
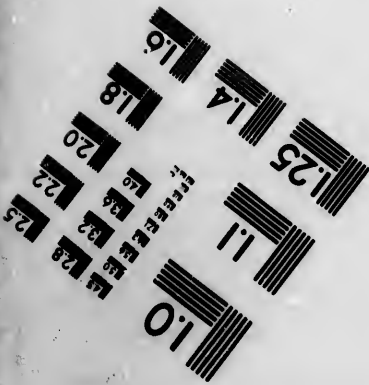
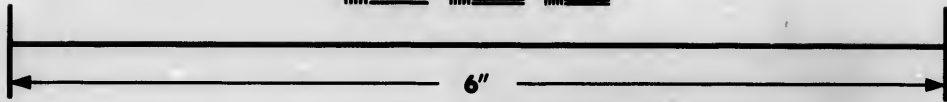
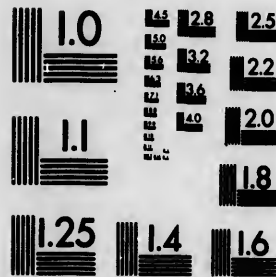


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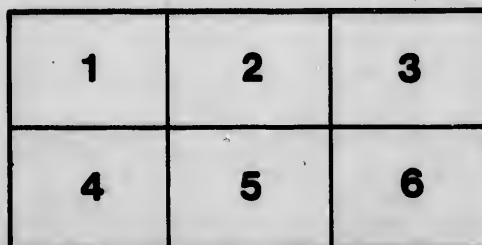
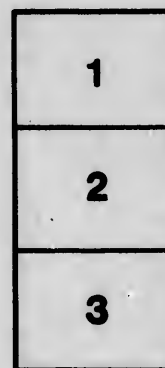
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**ADMINISTRATION**

OF

**THE HONORABLE**

**SIR FRANCIS N. BURTON, G. C. H.**

**CHAPTER XVII.**

**S**IR FRANCIS N. BURTON had before his temporary assumption of the government, been long enough in Lower Canada to become personally acquainted with most of those actively engaged in public affairs, and possessed a full knowledge of the points in discussion before the Legislature.

**CHAP. XVII.**  
June, 1824.

He was sensible of the difficulties that surrounded him in the administration of the government, but he entertained a hope, that a middle and conciliating course might bring round an understanding, and lead to an adjustment of the matters in dispute without the interposition of the British Parliament. He was believed to be averse to the intended Union as an impolitic and unnecessary measure, and to entertain an opinion that the Province was actuated by a sincere desire and fully capable of restoring harmony, a disposition which he resolved to cultivate, and in the pursuit whereof as well as by the mildness of character, and manner which previously distinguished him in the society, he became highly popular.

Not having made himself conspicuous for any interest he may previously have in taken in the topics which agitated the Province, he was the more free to adopt such

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1829

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CLDD CHAP. XVII.

1824.

course as might seem to him best suited for disenthraling all parties, who seemed heartily tired of the disputes in which they were engaged. The unpopular posture of affairs, and the anxiety professed on all hands to bring about a change, and which it was urged was the more easily to be effected, with a change of administration, were circumstances in his favor of which he could not but have been sensible, and have had a wish to avail himself accordingly.

Elections.

The Elections took place throughout the Province in July and August, but, although several new Members were returned, it was apparent that the influence of the party termed anti-ministerial, had rather increased, than been weakened by the change. Mr. Uniacke, however, the Attorney General, who hitherto had not been able to obtain a seat in the Assembly, was now elected and returned for the Borough of William Henry.

Lieut. Govern-  
nor visits  
Montreal.

The Lieutenant-Governor visited Montreal and the Upper parts of the Province towards the end of August, and was received with every mark of cordiality and respect by the Inhabitants. The Citizens of Montreal entertained His Excellency at a public dinner. Before leaving that City he attended the ceremony of laying the corner stone of the splendid edifice since erected, as the Roman Catholic Parish Church for Montreal, the Battery on the Island, St. Helena, opposite the City firing a salute of nineteen guns on the occasion.\*

\* Among the miscellaneous events of the present year that deserve to be put on record, is the fact, that the largest ship ever built (unless we credit the tales of antiquity) and certainly the largest that ever crossed the atlantic ocean, was launched on the 23th July 1824, at the Island of Orleans, near the western point, at the distance of a league and a half from Quebec. It was flat bottomed, and every way after the model of a Canadian Bateau, and built by a Mr. Wood, of Glasgow, for a company in Scotland. The purpose of this Leviathan Bateau puzzled for a time the natives, who imagined some deep speculation at bottom. It however, turned out an unprofitable one. It took in a load of timber and sailed for England, which it reached, but afterwards on returning to St. John, New-Brunswick, became in a gale of wind water-logged, and was in consequence abandoned at sea. Its length was 301 feet 6 inches—breadth 50 feet 7 inches—and depth 29 feet 4 inches, and was of 3,690 32-94 tons burthen. It was fitted out with four masts. In sailing down the St. Lawrence on her homeward voyage, after the Hercules, steam tow-boat, which had towed her down as far as Bic had left her, she ran aground at the Betslamites shoals, but upon throwing over a considerable quantity of her cargo she floated off without injury, and proceeded on her voyage. Another on a similar model of rather larger dimensions, was shortly after the launch of the former, laid down at the same place and launched the ensuing year. She reached England, but stranding on the coast, was after a short time floated off, and blown over on the coast of France where she was totally lost, but the cargo, consisting of timber, was saved. No further attempt to build vessels on a similar plan has since been attempted in this Province.

The Salaries due to the Officers denominated *local*, which for want of an Act of appropriation last Session, the Governor in Chief had not thought proper to pay on his own responsibility, were now paid by the Lieutenant Governor, who took it upon himself, trusting to the Assembly for indemnity. His Excellency, notwithstanding the vote of reduction, during the preceding Session, of one fourth upon every Salary throughout the Civil List, gave to each the amount previously enjoyed, and the measure although in the face of the resolves adopted by the Assembly, was rather popular than otherwise. It evinced a reliance, it was said, on the liberality and justice of that body, which it behoved them the more to meet with a corresponding temper, as the revenue of the year was sufficiently productive to afford a well grounded hope that the Province would be fully able to meet all fair demands upon it, without being under the necessity of insisting upon the intended reduction.

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XVII.

1824.

The Legislature met on the 8th January. Much interest had been excited with respect to the choice of Speaker, which several imagined would fall on Mr. Vallières, and who indeed promised himself certain success, having shortly previous to the meeting of the Assembly spoken to that effect in terms of great confidence. He was, however, when it came to the trial held very light, only twelve voting for him, and thirty-two for Mr. Papineau, who consequently being declared Speaker elect, was accordingly confirmed by the Lieut. Governor, in the usual manner. This preliminary proceeding being over, his Excellency addressed the two Houses in the following terms :

1825.

Legislature  
meet.

“ Gentlemen of the Legislative Council,

“ Gentlemen of the House of Assembly,

“ The Administration of the Government of this Colony having devolved upon me in consequence of the absence of His Excellency the Governor in Chief, I have judged it expedient to call you together at a season of the year, which I am led to consider as the best suited to your private convenience, and as affording the greatest portion of leisure for the despatch of public business.

Speech.

“ Gentlemen of the House of Assembly,

CHAP.  
XVII.

1695.

"I shall with as little delay as possible, cause to be laid before you, an account of the Provincial Revenue of the Crown, and of the Expenditure of the Civil Establishment during the last year, accompanied by such Statements and Returns as will enable you to judge of the resources of this rising Colony, and of the means which it possesses to provide for the Civil Expenditure of the Provincial Government, and to promote Internal Improvement, without the Imposition of Duties upon its Commerce or its Industry to an extent that can be felt as a burthen by its Inhabitants.

"Gentlemen of the Legislative Council,

"Gentlemen of the House of Assembly,

"Persuaded as I am of your devotion to the best of Sovereigns, and of your earnest desire to promote the general welfare of your fellow subjects, for whom you are called to legislate, I cannot but anticipate the most beneficial results from your proceedings.

"Although entering for the first time on the Administration of the Government, I have resided long enough in the Province to become personally acquainted with most of you, and it affords me the highest gratification to declare that I have not in any part of the King's Dominions, remarked a firmer attachment to His Majesty's Person and Government than I have observed in you individually; I have therefore the best ground to rely upon your collective exertions. I trust Gentlemen, that you will cordially unite for the purpose of doing away any difficulties which may heretofore have arisen, and for preventing by an amicable arrangement of the Financial Concerns of this Province, the recurrence of such difficulties in future.

"The abundance of the late Harvest, and the increasing prosperity of the Province, are subjects of heartfelt congratulation to us all; a state of greater tranquillity cannot well be imagined than that which we now enjoy; and both the kind Dispensations of Providence, and the fostering care of a paternal Government, hold out to you the strongest encouragement to pursue, in your legislative capacity, such a course, as may best secure the present, and promote the future happiness of your



fellow subjects in this part of Majesty's Dominions; and I beg you to be assured that nothing is more earnestly the object of my wishes than to contribute, by every means in my power, to the attainment of so desirable an end."

The Speech was well received among the Members of the Assembly, who augured favorably from it; and an advantageous result from the labors of the Session was generally anticipated.

A letter from Sir James M'Intosh, to the late Speaker, Mr. Vallières, acknowledging the receipt of certain resolutions of the Assembly, in the last Session, relating to that Gentleman, was laid before the House, a day or two after the opening of the Session.\*

Sir Jas. Mac-  
Intosh.

\* "London, 11th August 1824.

"I have the honor to acknowledge your Letter of the twenty-first of March, enclosing copies of the Resolutions of the House of Assembly of Lower Canada of the fourth of that month. I request you to present my most humble and grateful thanks to that Honorable Body, and (if their meeting should be delayed,) to the individual members, for the approbation with which they have honored my Parliamentary conduct in opposition to any Union of the Canadas, which the Body of the People in either Province disapprove. Constitutional policy, in my opinion, requires that the deliberate opinion of the more numerous as well as the more respectable classes of the Canadian community should be treated with the utmost regard. I shall not in such a case be easily convinced that what is repugnant to their wishes, should be conducive to their interests.

"With these principles, Sir, I need not assure you and the Assembly, that I shall continue to act in Parliament on this subject as I have done. I thought it my duty to watch during the last Session, for those measures relating to Canada, which it was reported to be the intention of Government to introduce. I delayed this answer till the close of the Session had terminated all anxiety on that head. Rumours of a like sort are still circulated respecting the next Session.

"The House of Assembly seem to be aware that an Individual Member of Parliament not clothed with any public character by the Assembly or even by the more considerable Inhabitants, cannot speak or act with the same weight and effect as if he was the Agent of the Province or of the Assembly. If the same unfortunate circumstances should still continue to prevent the formal appointment of an Agent, the Members of the Assembly may perhaps devise some means of arming the Individual whom they wish to act for them, with such proofs of their confidence as may be as nearly equivalent to formal agency as the situation of the Province will allow.

"I have communicated the Resolutions of the Assembly to the other Members of Parliament who joined with me in opposition to the compulsory Union of the Canadas, and they have desired me to convey to the Assembly, through you, their thanks for the honor which has been done to them.

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A motion was made early in the Session for the appointment of a Committee of five members, to consider of and report as soon as possible such plan or method as might be best adapted to the purpose of giving publicity to the proceedings of the House, in addition to the usual publications of the Journals. This motion was unanimously rejected as unparliamentary, after a short debate.

Agent, &c.

A Bill was passed during the Session by the Assembly for the appointment of an Agent in the United Kingdom, but did not receive the sanction of the Legislative Council. Messieurs Papineau and Neilson laid before the Assembly copy of a letter they had, while in England with the Petitions against the proposed Union of the Canadas, addressed to the under Secretary of State for the Colonial Department R. Wilmot, Esqr. "We have," said they, in this document, which entering into a variety of details is too voluminous for insertion here—"heard indeed in the Colonies, motives alleged for changes in the Constitution of Lower Canada, but as they bear the character of party, of prejudice, and even hatred of the Inhabitants of that Province, they never can be supposed to influence the British Government. There, appeals

"I beg that you will accept my thanks for the obliging manner in which you have transmitted to me the Resolutions of the Assembly.

"I have the honor to be

"Sir,

"Your obliged and faithful humble Servant,

"J. MACKINTOSH.

"J. R. Vallières de St. Réal, Esquire.)  
Speaker of the House of Assembly of  
Lower Canada, Quebec."

(The following are the resolutions alluded to in the above letter.)

**RESOLVED**, That the thanks of this House be given to Sir James Mackintosh, and the other Members of Parliament, who, influenced by a sense of justice and their attachment to the principles of the British Constitution succeeded in persuading His Majesty's Ministers to relinquish their support of a Bill introduced in the House of Commons in one thousand eight hundred and twenty-two, for altering the established Constitution of the Canadas, until such time as the Inhabitants of the Provinces could have an opportunity of making known their sentiments thereon.

**RESOLVED**, That the preceding and present Resolutions, signed by Mr. Speaker, be transmitted by him to Sir James Mackintosh, requesting him to communicate the same to the other Members of Parliament who seconded his generous efforts on the aforementioned occasion; and also seeing the obstacles which have for the last seventeen years prevented the Legislature of this Province from obtaining an authorized Agent in England, to watch over the interests of this Province, requesting Sir James to continue, as a Member of Parliament, those services which have rendered his name so justly dear to the Inhabitants of both Provinces.

have been made to the right of conquest against a people who have been for two generations native born British subjects; foreign attachments and feelings have been asserted to those who have twice voluntarily hazarded their lives and fortunes to preserve their allegiance to the British Crown. No calumny, no misrepresentation has been spared against those who have uniformly walked in the path of honor and of duty, and who, if they were unfortunately torn from that allegiance which connects them with the British Empire, could not fail to perceive that natives and inhabitants of North America, they would partake in its fortunes."—Without questioning the above, in the whole or in part, was the mind which indicted the same, itself wholly free of the gross impurities it imputes to an adverse party?

CHAP.  
XVII.

1825.

Mr. Uniacke, representing the Borough of William Henry, and His Majesty's Attorney General for the Province, was in the course of the Session, removed from his situation and promoted much against his wish, to the Bench, to make room for Mr. James Stuart, who as previously mentioned had taken an active part towards promoting the intended Union, and had more than once gone to England for the purpose. The Lieutenant Governor informed the House by message of Mr. Uniacke's promotion, which, it seems was by command to that effect from the Minister, and his seat was accordingly vacated. This Gentleman had acquired the esteem of the Members during the short time he had a seat in the Assembly, and his removal from it, was very generally regretted by them. Mr. Stuart also succeeded him as Member for the Borough he had represented.

Mr. Uniacke.

The independence of the Judges occupied the attention of the Assembly, and in connection with the subject, they took into consideration the expedience of establishing a tribunal "to adjudge the impeachments which might be brought by the Assembly of the Province against public functionaries," and it was resolved by the Assembly "that this tribunal be the Legislative Council in conformity to the despatch of the Right Honorable Earl Bathurst, to His Excellency Sir John Coape Sherbrooke, Governor in Chief of this Province, dated the 7th July 1817." It was also resolved "that for the more upright and impartial administration of Justice, it is expedient to render the Judges of His Majesty's

Judges, &c.

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Court of King's Bench and Provincial Courts, more independent than heretofore, by incapacitating the said Judges from seats in the Executive and Legislative Councils, and disqualifying such as now have seats therein from sitting or voting in such Councils." For these purposes it was resolved to be "expedient to secure by Law to the said Judges, their respective offices during good behaviour in the same manner as these offices are secured in England,"—and finally, that it "will be expedient for the purposes aforesaid, to secure adequate permanent Salaries to the said Judges, on their being prevented from holding any other office of profit or emolument under the Crown."

The popular clamour raised on this subject, and the proposed remedy if impartially examined, will be found alike senseless and condemnable. The pretended mischief resulting from their occupancy of seats in either or both the Councils has never been clearly exemplified, and it is hard to explain how these circumstances, by which their independence of, and influence against the Crown, is rather established than abridged, since in the Legislative Council they hold their seat for life, and in the Executive Council they become the confidential advisers of the Crown,—can be the just cause of alarm to the subject. Men honored with a seat on the Bench cannot but have a regard for public opinion, as well as for the confidence of the Executive; & from a sense of self respect, of uprightness and of honor, independent of other considerations, it is as likely they should give sound and wholesome advice to the Executive Government as receive partial and corrupt impressions from it, if hypothetically but erroneously, we could under any circumstance suppose the latter desirous of polluting the current of public justice.

Their offices and their salaries they already hold by a tenure as good as any that could be derived from the Colonial Legislature, independently of it, and unshaken amidst the misunderstandings by which it has of late years been agitated, circumstances that must have dissolved the whole judicial system, had it not stood on the foundation whereon it is placed. No disqualification that the Legislature can impose upon the Judges, will improve their independence, although it may limit the space in which they might be useful, and confine them wholly to that

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of their judicial appointment, a public advantage that after all might not compensate the loss which other departments of the state would experience from the privation of their lights and their labours. The tender of securing "*adequate permanent salaries*" to the Judges on their being disqualified as proposed by those resolutions, the Judges being already secure in this respect, is futile. It sprung from the item system, and the pretensions set up over the appropriated fund, the Assembly affecting a willingness to exempt the Judges from the operation of these pretensions, if only they could succeed in excluding these from either Council.

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1825.

The day before the Session terminated, the Lieutenant Governor, sent a message to the Assembly in answer to an address which a few days previously he had received from that House, informing them "that he had not received any communication respecting their address of last Session (1824) to His Majesty, praying for a reimbursement of the defalcation of monies levied in this Province, and placed in the hands of His Majesty's Receiver General for the Province, conformably to the royal instructions; but that he had, however, by the last mail received directions to take the necessary steps for securing the debt due by the late Receiver General, and that to this end orders had been given to the Law Officers of the Crown."—It is worthy of remark that the salary of the Receiver General, from four hundred pounds at which it previously had stood, was this Session increased to one thousand pounds sterling per annum, in favor of Mr. Hale, the new Receiver General, appointed by Lord Dalhousie in the room of Mr. Caldwell.

The Assembly ever since they were called upon by Sir John C. Sherbrooke, in 1818, to defray the Civil Expenditure or Civil List, as it was commonly termed, having uniformly refused to do so, otherwise than by an annual appropriation, which as previously mentioned they contended was in literal conformity with the demand upon them by that Governor, and which also they affected to believe was the understanding of the Minister in directing him to make the call, were now determined to ascertain officially, if possible, the nature of the instructions originally communicated on this subject to His Excellency by the Colonial Minister. They therefore,

Relative to  
Civil List.

CHAP.  
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1825.

before the estimate came down, addressed the Lieutenant Governor, "praying His Excellency would be pleased to cause to be laid before the House, a copy of the despatches, or such part thereof as contains the commands of His Royal Highness the Prince Regent, now His Most Gracious Majesty, to His Excellency Sir John C. Sherbrooke, heretofore Governor in Chief, to call upon the Provincial Legislature to vote the sums necessary for the ordinary annual expenditure of the Province, as signified to both Houses of the Legislature of this Province, on opening the Session of the Provincial Parliament, on the seventh day of January, one thousand eight hundred and eighteen."

Answer.

To this application the Lieutenant Governor verbally replied to the Messengers, that he would send an answer by Message. Accordingly, in a few days afterwards, His Excellency informed the House by Message, that he regretted, the despatch alluded to being strictly confidential, he could not consider himself at liberty to make any further communication, than was at the time, made by the then Governor in Chief.

Estimate for  
the year.

The Lieutenant Governor sent down the Estimate of the expenses of the Civil Government for the current year, on the 18th February, to the Assembly. It was in a shape different from that of the former Sessions, the distinction between the permanent and local classes of officers being omitted. The funds previously by law appropriated towards the support of the Civil Government, were estimated at £40,545 15 10 currency, and an aid of £31,456 6 currency, was called for, as necessary to meet the current expenditure of the year; a deficiency for which His Excellency said he relied upon the zeal and loyalty of the Assembly to provide.

The form in which the Estimate was submitted to the Assembly was gratifying to the body, as it seemed to be a relinquishment of the distinction previously drawn, and a tacit admission that the application of the appropriated fund, was now exerciseable, and this annually in future, by the Assembly, the point which all along they had in view, and aimed to carry with respect to the Civil List. It was therefore the subject of much congratulation among those who had recommended perseverance in the policy espoused in this matter by

the Assembly. There was, however, a misunderstanding between the parties, nothing having been further from the intention of the Lieutenant Governor (as appears by a subsequent despatch to the Minister hereafter noticed) than to relinquish or compromise in the least, the exclusive right and controul of the Government over the appropriated fund, by law vested in the Crown towards the support of the Civil Government.

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The Assembly, before entering upon the Estimate, the day after it was sent down, resolved upon an Address, praying, His Excellency would "be pleased to cause to be laid before this House, copies of such parts of the despatches from His Majesty's Ministers as contain the royal commands, to call upon the House to make a proper and permanent provision for the necessary expenses of the Civil Government of this Province, as communicated by His Excellency the Governor in Chief, in his Speech to both Houses of the Legislature, on opening the Session of the Provincial Parliament, on the 16th day of December, 1820; and the further recommendation of His Majesty, that such provision as may appear necessary for that purpose, should be granted permanently during His Majesty's life, as communicated by His Excellency the Governor in Chief, in his Speech to both Houses of the Legislature on opening the Session of the Provincial Parliament, on the 11th December, 1821; and of such other royal instructions, relative thereto, as may have been received by His Majesty's Government in this Province."

Addresses relating to Civil List, &c.

The Assembly, at the same time, presented another Address, praying His Excellency would "be pleased to cause to be laid before the House, such communication as may have been received from His Majesty's Ministers, on the subject of the Humble Address of this House, to His Majesty, of the 21st January, 1822, relative to the demand of a permanent Civil List, during His Majesty's life."

Answer.

A Message from the Lieutenant Governor, was sent a few days afterwards to the Assembly, expressing his "regret that he had to state, in answer to these Addresses, that after the most diligent search, no instructions containing the royal command, to call upon the House of Assembly to make a proper and permanent

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provision for the necessary expenses of the Civil Government, was to be found in the Office of the Governor's Secretary, and that he was consequently led to conclude that the despatch containing such instructions, had been carried home by His Excellency the Governor in Chief, with other papers likely to be useful in any deliberation with His Majesty's Ministers, respecting the Government of this Province."

He further informed the House "that no answer could be traced to the Address of the Assembly, to His Majesty of the 21st January, 1822, relative to the demand of a permanent Civil List, during His Majesty's life."

From these answers it was hastily inferred that the call by the Governor in Chief for a permanent appropriation in aid of the funds for the support of the Civil Government of the Province, was unauthorised by the Minister, and that the two classes of officers, as recently established under the denomination of *permanent* and *local*, were the mere result of the policy of the Provincial Government, in order to establish a privilege in behalf of a favored few, in immediate connection with the Head of the Executive.

The Assembly on going into the subject, did not think proper to confine themselves to a mere vote of supply, out of the unappropriated funds at their disposal, of the sum called for by the Lieutenant Governor, but went regularly through the whole Civil List, in order to dispose of and vote the application of the appropriated monies, before entering upon the vote in aid of them, out of the former. Certain unpopular offices were wholly passed over, in order that not being included in the votes for the year, they might thereby be understood as suppressed and abolished.

The entire sum at which the Civil List expense had been estimated for the year was £65,001 17 8 Sterling, including £200 for a Private Secretary, (Mr. Cochran the Civil Secretary being in England with the Governor in Chief,\*) of which the Assembly voted £58,074 2 11.

\* Mr. Cochran who had been Civil Secretary during Sir John C. Sherbrooke's administration, again came into that office upon the retirement from it of Colonel Ready, in June 1822.



Between this sum in addition to that of £3,537 5 0 previously provided for by special appropriations, there remained a deficiency of £3,390 13 9 short of the sum required. This was occasioned by the omission of certain offices from the votes of appropriation for the year, with an intention to their abolishment as mentioned above.\*

Although the Assembly had thought it necessary to make reductions upon the Estimate submitted to them they were extremely desirous of devising a bill that might cover their own pretensions, without seeming to intrench upon the rights of the Crown over the appropriated revenue. They had at previous Sessions sent up Bills of Supply, providing by *items* and *chapters*, for the Civil Expenditure, but these instead of offering a permanent provision as required, assumed an annual controul and disposal of those monies already permanently appropriated for the purpose and went to dispossess the Crown, of its ancient and hereditary revenue in the Province in a positive and direct manner, tendering the supply in aid of the appropriated fund on terms alien to the constitution and wholly inadmissible.

Bill of Supply

The Assembly were studious in maintaining their pretensions to this controul over the total expenditure, including the appropriated as well as unappropriated monies, but although extremely jealous on this point and anxious to encompass their object, yet were they equally so to send up a Bill to the Legislative Council divested of those specific restrictions which had occasioned the rejection of those formerly sent thither. The Executive were not less tenacious with respect to the rights of the Crown over the appropriated fund. The matter was one of nicety, and difficult of adjustment, and much attention from a very early period of the session was bestowed upon it. Several draughts of bills on the subject, were prepared, and exchanged among Members in the Assembly, especially those supposed to

\* Among the omissions were the following, vizt :—

Lieut. Governor of Gaspé.....	£300	0	0
Agent in London.....	200	0	0
French Translator to Government.....	200	0	0
Chairman Board of Audit.....	400	0	0
Secretary to the same .....	182	10	0
Advocate General.....	200	0	0

This accounts for so much of the deficiency—the rest consisted of a small pension, some inconsiderable offices and contingencies.

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have the confidence of the administration. That which was finally agreed upon, as best adapted to reconcile the conflicting opinions entertained on the subject, limited the total amount of the expenditure for the year, including the appropriated revenue, without however making any mention of the particular manner in which that amount was to be applied. It also admitted the existence of the previous appropriation by law.\* The Bill was in fact free of the apparent restrictions which had

\* The Bill passed on the occasion, without specifying any of the conditions or restrictions which in some instances accompanied the votes, simply enacted (as it stands on the Statute Book,) "that in addition to the revenues appropriated for defraying the expenses of the administration of Justice and for support of the Civil Government of the Province, there shall be supplied and paid from and out of the unappropriated monies which now are, or hereafter may come into the hands of the Receiver General of the Province for the time being, such sum or sums as may be necessary to make up and complete a sum not exceeding fifty eight thousand and seventy-four pounds two shillings and eleven pence sterling, for the purpose of defraying the expenses of the Civil Government of this Province and of the administration of Justice therein, and the other expenses for the said year; commencing the first day of November 1824, and ending the thirty-first day of October 1825." Lord Bathurst, the Colonial Minister, expressed his disapprobation of the bill. The objections seem less to the bill itself, which only purports to limit the expenditure for the year, including the appropriated fund, than to the pretensions raised by the Assembly in connection with it. This body in their votes decidedly assumed the disposal of that fund, but without specifying these votes in the bill which would have occasioned its rejection by the L. Council, nevertheless pretend that the Executive was implicitly to be guided by them in the application of the gross sum voted for the year. An absolute refusal of an aid the ensuing year it was said would be the result of any deviation from them. The disposal of the permanent fund exclusively belonging to the Crown, and applicable by it towards the support of the Civil Government, would therefore in this way devolve annually upon the Assembly, which in supplying the aid, also controul and dictate, not by the bill, but in this indirect though not less effectual manner, the application of the revenue previously appropriated—a system if admitted in practice that would leave the Executive no alternative between implicit acquiescence in the annual votes of the Assembly, and the danger of a renewal of misunderstandings on the subject every year. The application of the permanent revenue pursuant to the annual dictate of the Assembly in the assumed disposal of it, precludes every notion of exclusive right in the Crown to the entire controul and application of that fund, as well as of a permanent Civil List, permanent Salaries, independence of Judges and other Civil Officers. Divested of these pretensions reserved by the Assembly, and annually to be revived and acted upon, the Bill possibly might have been unobjectionable. The aid granted by it, is an uncertain sum, depending upon the amount of the appropriated revenue for the year. That aid consists of the balance there may have been between the amount of this revenue for the year 1825 and the sum specified in the Bill. As to the permanent revenue in question, it seems by the concurrent opinions of the best authorities in Britain, that the King's right to the sovereignty of the Colony does not rest upon a firmer basis, than does His Majesty's right to the exclusive controul and disposal of the fund constituted by that revenue. The one may just as well be disputed as the other. It rests upon the rights of the King of France in the Colony while under the French Crown—the conquest and capitulations of Quebec and Montreal—the subsequent treaty of 1763, and finally an act of the British Parliament in the year 1774 undisturbed by the 16th Geo. III. ch. 12, but fully recognized by recent Acts, as well of the Legislature of this Province as of the Imperial Parliament,—see 3d Geo. IV. ch. 119 or *Canada Trade Act*.

occasioned the loss of those sent up in former years to the Legislative Council, nor was any mention or allusion made in it to the reductions intended by the Assembly. It was, however, understood and insisted upon in debate in the Assembly, that the Executive were bound to look to the Journals of that House and to be guided by its votes, in the application of the sum mentioned in the Bill, and that a failure strictly to comply with these would be a sufficient and legitimate reason wholly to refuse a supply the ensuing year. No formal address upon the subject of the reductions intended, or with respect to the application of the sum voted for the year, was, however, sent to the Lieutenant Governor. He consequently by assenting to the Bill was in no respect pledged to the observance of any understanding which the Assembly may have thought proper to imply in the passing of it, although he might as matter of policy deem it expedient to look into the Journals of that House in order to take its sense and be guided in the application of the sum mentioned in the Bill, and at his disposition but without any other restriction than that it should be applied to defray the expenses of the Civil Government and administration of Justice for the current year.

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Some debates occurred in the Assembly on the form of the Bill, which it was observed would if passed as proposed, be considered as a relinquishment by the Assembly of their pretensions to the controul and disposal of the whole revenue, and of the restrictions under which certain *items* had been voted by the House. This objection and others in connection with the subject, particularly that the Executive might not think it necessary to pay attention to the proposed reductions as unnoticed in the Bill, were met by the new doctrine that the votes of the House on the Civil Expenditure, as placed on the Journals of the Assembly, were tantamount to a law to which the Executive were to look and be bound at the hazard of a refusal of the Supply at the next Session. The majority taking the matter in this light, the Bill met with little opposition, (twenty for, and three against it) and being sent up to the Legislative Council, met with the concurrence of a great majority (two only voting against it) of that Branch. The Honorable John Richardson strongly expressed his dissatisfaction at the Bill, declaring it pregnant with still greater mis-

Debates in the  
Assembly on  
the Bill of  
Supply.

chief than any of those previously sent up to the Legislative Council on the same subject. He therefore gave his vote against it, in which he was joined by Mr. Grant alone.\*

It is probable that the Bill may not have been entirely to the satisfaction of the Lieutenant Governor principally owing to the insufficiency of the sum called for by his estimate, but this being a matter, which he may have considered as a question merely of pence, and not of constitutional principles, was not, it would seem in his opinion, and reasonably so, sufficient to warrant a refusal after its passage by such decided majorities in the two Houses. It is very certain that whatever triumph the Assembly may have fancied themselves to have carried by the final passage of that Bill, the Lieutenant Governor in its acceptance did not view the subject in the same light as the Assembly. His Excellency by giving the royal sanction to the Bill neither intended to concede to them the controul of the fund in question, nor to compromise in the least the exclusive right of

\* Mr. Richardson entered his protest against the Bill. It is as follows, vizt :

“ *Dissentit,*

“ Because the practice of the Commons of the United Kingdom should be followed respecting Supplies, which is to fix the amount of the Civil List, at the commencement of each Reign, and then to grant the same for and during the life of the Sovereign, the surplus only of the public expenditure being granted annually.—A system is thereby established which conduces to stability, harmony and public confidence.

“ Because the power of granting or withholding Supplies, should not be capriciously exercised, nor with a view to the acquisition by the popular Branch of the Legislature of undue influence ; else it would become a source of Corruption, and destroy the Constitutional Balance established between the several Branches thereof, which is essential to their salutary independence.

“ Because the Assembly have not fixed the Amount of a Civil List, nor made any Grant for the life of His Majesty ; but on the contrary, by voting annually the supply towards the Civil Expenditure, after an annual discussion of the amount of the Salary of each Public Officer, and claiming the right of then striking out or curtailing the same at their pleasure (as has been done with many this year) the whole amounts to a periodical exercise of despotic authority, which must transfer to that Branch of the Legislature, the substantial power of the Provincial Government ; by placing all the Officers thereof, at the mercy of the Assembly for the means of a precarious subsistence, destructive of fidelity, and whereby the Constitution of this Province, although Monarchical in form, would become republican in practice.”

(Signed) JOHN RICHARDSON.

Quebec, 21st March, 1825.

the Crown to the entire disposal and application of it. On the contrary he understood the Assembly as distinctly conceding a point to which they previously had adhered, as his despatch to the minister clearly evinces.\* No message from the Assembly came to him explanatory of their views. He was not bound, nor would it be perhaps proper to study what conditions or restrictions not expressed in the Bill, they may have thought proper to imply, and still less to take notice of what may have been said by members when the subject was debated in the Assembly. How he might have acted, with respect to the Bill and the retrenchments made according to the votes of the Assembly, had he remained in the administration of the Government, it would be idle to conjecture, there being no authentic source of information on record, by which His Excellency's views in this respect can be ascertained. The King's instructions upon the subject most probably would have intervened and relieved him from the exercise of his own judgment in the matter.†

That he was not in possession of the despatches to the Governor in Chief, the Earl of Dalhousie, by which His Lordship's course with respect to the Civil List had been regulated, he distinctly informed the Assembly by message as previously observed, in answer to an address from that House. Special instructions had been given

Despatches  
relating to the  
Civil List.

\* This despatch has never been published; but by the despatch from Lord Bathurst of the 4th June 1825 disapproving of the Bill, the view which the Lieutenant Governor entertained of the sense of the Assembly on the subject is clearly expressed. "You inform me" (says his Lordship) with infinite satisfaction that the differences which have so long subsisted between the Legislative bodies on financial matters, have been amicably settled, and that I shall perceive by the draft of a bill which you enclose that the Assembly have decidedly acknowledged the right of the Crown to dispose of the revenue arising out of the fourteenth George the third, &c." This despatch expressing dissatisfaction at the arrangement made by that bill, and conveying something like censure on the Lieutenant Governor, for not having conformed to special instructions given to the Governor in Chief by despatches of the 11th Sept. 1820 and 13th Sept. 1821, was afterwards withdrawn, from the circumstance, that not being possessed of them, he could not fairly be blamed for an arrangement to which he saw no reasonable objections, and which no special instructions in his own possession prevented him from acceding to. The despatches of 1820 and 1821 have never been officially published; the particulars in them cannot therefore be spoken of with certainty.

† An adjustment which the parties concerned understood so differently, could not be expected to last. The Assembly tendered the bill, but with reservations which they had not thought proper to express in it. The Lieutenant Governor accepted it, as it was, and without reference to those reservations. The lapse of one year must have rendered mutual explanation unavoidable, and replace matters where they were before, unless the Executive were to yield in the present instance, and were also prepared again to concede such other points as, year after year, in the same matter the Assembly might insist upon.

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by His Majesty's Command, in despatches from Lord Bathurst to the Governor in Chief, of the 11th Sepr. 1820, and 13th Sepr. 1821, imposing upon the latter "the necessity of refusing all arrangements that went in any degree to compromise the integrity of the revenue known by the name of the permanent revenue." These despatches, which must have been those intended by the Assembly, and which the Lieutenant Governor in answer to their address, said, were not to be found in the office of the Governor's Secretary, and that he was consequently led to conclude had been carried home by the Governor in Chief, with other papers likely to be useful in any deliberation with His Majesty's Ministers respecting the Government of the Province, had in fact, as it since has been generally understood, been so taken, and for the purpose supposed by the Lieutenant Governor.

Address relating to the defalcation.

The Assembly, at an advanced period of the Session, addressed the Lieutenant Governor, requesting His Excellency would lay before the House the substance of any answer he might have received to the honorable address of the House to His Majesty in the last Session, praying a reimbursement of the defalcation of the monies levied in the Province and placed in the hands of the Receiver General; or any other information which His Excellency might have received of the determination of His Majesty's Government relating thereto, and which he should think proper to communicate to the House. In answer to this he informed them, by message, that he had not received any communication respecting that address; but that he had, however, by the last mail received directions to take the necessary steps for securing the debt due by the late Receiver General, and that to this end orders had been given to the Law Officers of the Crown.

Prorogation.

The business of the Session being brought to a close, the Legislature was prorogued on the 22d March. The Speaker on presenting the Bill of Supply, and a Bill to authorize a loan to complete the Canal between Lachine and Montreal, addressed the Lieutenant Governor, at the Bar of the Legislative Council in complimentary terms. His Excellency having given the royal sanction to the Bills passed by the two Houses, prorogued the Legislature with the following Speech :—

" Gentlemen of the Legislative Council, and

" Gentlemen of the House of Assembly,

" The diligence with which you have proceeded in the despatch of Public Business, enables me to terminate the Session of the Provincial Parliament, and I derive much pleasure on this occasion, in observing that the cordiality and good understanding which have subsisted between the several Branches of the Legislature during the whole of the Session, are subjects of sincere congratulation to every one who takes an interest in the happiness and prosperity of this Colony.

" Gentlemen of the House of Assembly,

" I thank you, in His Majesty's name for the Supply you have granted in aid of those Funds already appropriated by Law, for defraying the expenses of the Civil Government and the administration of Justice.

" Gentlemen of the Legislative Council, and

" Gentlemen of the House of Assembly,

" It will be a pleasing part of my duty to convey to His Majesty, as early as possible, the satisfactory intelligence, that by an amicable arrangement of the pecuniary concerns of the Province, you have removed those difficulties, which, for several years successively, had disturbed the harmony it was so desirable to establish between the Legislative Bodies; and this event, I am persuaded, will tend in an eminent degree to draw closer the bond of union between this Province and the Parent State.

" Gentlemen,

" You are about to return to your respective residences in various parts of the Province, and to mingle with the general mass of your fellow subjects, whose loyalty and good conduct, your example will serve to encourage, whose approbation and esteem you highly deserve, and will, I hope, universally obtain."

Several liberal appropriations were made this Session

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Governor's  
Speech.

by the Assembly towards the internal improvement of the Province. The sum of fifteen hundred pounds was granted for encouraging the intercourse between Quebec and Halifax, to be given as a premium or reward to the first Steam Packet of not less than five hundred tons burthen, that should run regularly between those ports.\* An Act also was passed authorizing for the first time since the establishment of the Constitution, an enumeration and return of the Population of the Province. Some beneficial alterations were likewise made in the pre-existing laws of the Province.

The result of the Session gave general satisfaction, and it was hoped that the difficulties which heretofore had existed concerning the Civil List, or Expenditure of the Province, if not completely placed at rest, would be of easy adjustment upon the arrangement which had taken place by the Bill.

The administration of the Lieutenant Governor terminated, on the return, and reassumption of the Government by the Governor in Chief, who arrived at Quebec on the 16th September, in His Majesty's Yacht Herald, Captain Leeke. In this ship, the Lieutenant Governor, having previously obtained His Majesty's leave for the purpose, sailed for England on the 6th October, bearing with him the good will of the Province, and receiving from the inhabitants of Quebec and Montreal at the moment of his departure very flattering demonstrations of the esteem and respect they entertained for his person, and strong expressions of their satisfaction with his administration of the Government.

\* The Legislature of Nova-Scotia met this appropriation with a corresponding spirit, immediately voting £750 for the same purpose. These votes have not however produced the intended effect, no steam vessel, having as yet (March 1829) undertaken to run between the ports of Quebec and Halifax.

*Corrigendum.*—In page 316, omit the second paragraph, being a repetition from page 307, by mistake.




## POSTSCRIPT.

Memoirs of the Administration of Sir FRANCIS N. BURTON, will also shortly be published, as well as the continuation of that of Lord DALHOUSIE, after his Lordship's return from England in 1825, until his departure from the Province in September, 1828.

The following is a Statement of the nett Revenue collected in Lower Canada, (the fifth, belonging to Upper Canada, deducted) from the years 1819 to 1824, inclusively—vizt :

1819.....	£107,437	17	9½
1820.....	94,947	18	0½
1821.....	73,700	13	9
1822.....	74,696	12	4
1823.....	104,997	19	6½
1824.....	95,645	11	6½

 A few Copies of the Memoirs of the several Administrations of this Government, from that of Sir James H. Craig, (1807,) inclusively, to the commencement of the present, are for sale at the Book-Store of THOMAS CARY & Co., and afford an opportunity, to those who wish to inform themselves, of becoming acquainted with the public affairs of this Province, as far as they are treated of in the memoirs referred to, which, when brought down to the close of the late Administration, in September 1828, will embrace a period of twenty-one years. The APPENDIX will come out with the concluding part of the memoirs of this Administration, in which the referendes from the preceding sheets will appear.

Quebec, 1st February, 1829.

