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LOWER CANADA.

INSTRUCTIONS to Lord *Durham* for the  
Constitution of Special Council.

(*Sir Edward Sugden.*)

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Ordered, by The House of Commons, to be Printed,  
19 July 1838.

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LOWER CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons,  
dated 9 July 1838 ;—for,

- 1.—COPY of INSTRUCTIONS to Lord *Durham* for the Constitution of Special Council.
- 2.—Lord *Durham's* PROCLAMATION Dissolving Special Council.
- 3.—Lord *Durham's* LETTER to the Members of the Executive Council, dispensing with their Attendance.
- 4.—The APPOINTMENTS made by Lord *Durham*, of the Executive Council and the Special Council.

Colonial Office, Downing-street, }  
18 July 1838.

G. GREY.

— No. 1. —

COPY of INSTRUCTIONS to Lord *Durham* for the Constitution of  
Special Council.

VICTORIA R.

ADDITIONAL INSTRUCTIONS to Our right trusty and right well-beloved Cousin and Councillor John George Earl of Durham, Knight Grand Cross of the Most Honourable Order of the Bath, Our Captain-General and Governor-in-Chief in and over Our Province of Lower Canada; or, in his absence, to Our Lieutenant-Governor, or the Officer administering the Government of Our said Province for the time being.

Given at Our Court at Windsor, this 13th day of April 1838, in the First Year of Our Reign.

WHEREAS by Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, constituting you Our Captain-general and Governor-in-Chief in and over Our Province of Lower Canada, We did require and command you to do and execute all things in due manner that should belong to your said command, and the trust We have thereby reposed in you, according to the several powers and authorities granted or appointed you by the said Commission, and the Instructions under Our Royal Sign Manual and Signet therewith given to you, and according to such further powers, directions, and authorities as should at any time thereafter be granted or appointed you under Our Royal Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State :

And whereas by an Act passed in the First Year of Our Reign, intituled "An Act to make temporary Provision for the Government of Lower Canada," it is amongst other things enacted, that it shall be lawful for Us, by any Commission or Commissions to be from time to time issued under the Great Seal of Our United Kingdom, or by any Instructions under our Signet and Sign Manual, and with the advice of Our Privy Council, to constitute a Special Council for the affairs of Our said Province of Lower Canada; and for that purpose to appoint or authorise the Governor of Our said Province to appoint such and so many Special Councillors as to Us should seem meet, and to make such provision as to Us should seem meet for the removal, suspension, or resignation of all or any such Councillors :

Now know you, that, in pursuance of the powers so vested in Us by the said recited Act, We have, with the advice of Our Privy Council, by these present Instructions under Our Signet and Sign Manual, thought fit to constitute, and with the advice aforesaid do hereby constitute, such Special Council for the affairs of Lower Canada, and for that purpose have authorised, and do hereby authorise you to appoint not less than five Special Councillors for the purposes of the said Act.

It is nevertheless Our pleasure, and We do hereby direct, that such persons only shall be appointed by you Special Councillors in pursuance hereof, and of the said Act, as shall be persons of approved loyalty and good life, and as shall be of the full age of twenty-one years, and as shall be Our subjects, natural-born or duly naturalised; and We do hereby provide and declare, that all or any such Councillors may at their pleasure resign such their offices, and that it shall be competent to you, upon any good and sufficient cause to you appearing, to suspend any such Councillor; and We do hereby reserve to Us full power and authority from time to time, as to Us shall seem meet, to remove all or any such Councillors.

— 2. —

LORD DURHAM'S PROCLAMATION Dissolving Special Council.

EXTRACT from the *Quebec Gazette*, dated 1 June 1838.

Office of the Secretary of the Province, 1 June 1838.

His Excellency the Governor-General has been pleased, by letters patent under the Great Seal of the Province, bearing date this day, to dissolve the Special Council which stood prorogued to the 16th June.

— 3. —

LORD DURHAM'S LETTER to the Members of the Executive Council, dispensing with their Attendance.

EXTRACT from the *Quebec Gazette*, dated 1 June 1838.

Sir,

Castle of St. Lewis, Quebec, 31 May 1838.

I AM directed by his Excellency the Governor-general to acquaint you that it is not his intention to continue the Executive Council according to its present composition, and that your services, therefore, will not be required for the present.

His Excellency has come to this determination not from any feeling of dissatisfaction with the conduct of that Council, or of any of its members; on the contrary, his Excellency particularly directs me to express his high sense of your services, and his esteem and respect for yourself personally; but his Excellency deems it essential for the objects of his mission that during the temporary suspension of the constitution the administrator of affairs should be completely

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completely independent of and unconnected with all parties and persons in the province.

Dissensions and animosities have naturally, during the course of the late unfortunate events, been carried to such an extent, that the necessary abstraction from all party feeling cannot be expected from any who have been participators in the struggle on one side or the other.

His Excellency believes that it is as much the interest of you all as for the advantage of his own mission, that his administrative conduct should be free from all suspicions of political influence or party feeling, that it should rest on his own undivided responsibility; and that when he quits the province he should leave none of its permanent residents in any way committed by the acts which his government may have found it necessary to perform during the temporary suspension of the constitution. When happily the time shall have come for the re-establishment of constitutional government, the different powers composing it will return to their natural state, and be confided to those whose station in the province and personal character entitle them to the confidence of their Sovereign and their Country.

I have, &c.

(signed) *Charles Buller, jun.*  
Chief Secretary.

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— No. 4. —

THE APPOINTMENTS made by Lord *Durham* of the Executive Council and the Special Council.

EXTRACT from the *Quebec Gazette*, dated 2 June 1838.

His Excellency the Governor-general has been pleased to summon to the Executive Council the following gentlemen :

The Secretaries of the General Government ; viz.

Charles Buller, Esq., M. P., Chief Secretary.

T. E. M. Turton, Esq., Secretary.

Colonel George Couper, K. H., Military Secretary.

The Provincial Secretary.

The Commissary-general.

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No appointment had been made by the Earl of Durham to the Special Council at the date of his last despatches.

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