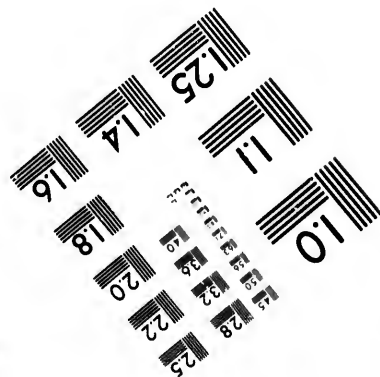
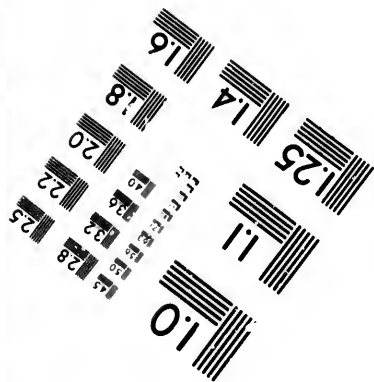
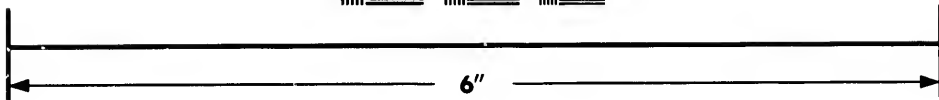
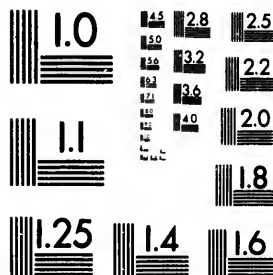


**IMAGE EVALUATION  
TEST TARGET (MT-3)**



**Photographic  
Sciences  
Corporation**

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 572-4503

1.5 2.8 2.5  
1.9 3.2  
2.6 2.2  
2.0  
1.8

**CIHM/ICMH  
Microfiche  
Series.**

**CIHM/ICMH  
Collection de  
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

1.5 1.1  
1.0  
0.7

**© 1985**

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/  
Couverture de couleur
- Covers damaged/  
Couverture endommagée
- Covers restored and/or laminated/  
Couverture restaurée et/ou pelliculée
- Cover title missing/  
Le titre de couverture manque
- Coloured maps/  
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black)/  
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations/  
Planches et/ou illustrations en couleur
- Bound with other material/  
Relié avec d'autres documents
- Tight binding may cause shadows or distortion  
along interior margin/  
La reliure serrée peut causer de l'ombre ou de la  
distortion le long de la marge intérieure
- Blank leaves added during restoration may  
appear within the text. Whenever possible, these  
have been omitted from filming/  
Il se peut que certaines pages blanches ajoutées  
lors d'une restauration apparaissent dans le texte,  
mais, lorsque cela était possible, ces pages n'ont  
pas été filmées.
- Additional comments:/  
Commentaires supplémentaires:

- Coloured pages/  
Pages de couleur
- Pages damaged/  
Pages endommagées
- Pages restored and/or laminated/  
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/  
Pages décolorées, tachetées ou piquées
- Pages detached/  
Pages détachées
- Showthrough/  
Transparence
- Quality of print varies/  
Qualité inégale de l'impression
- Includes supplementary material/  
Comprend du matériel supplémentaire
- Only edition available/  
Seule édition disponible
- Pages wholly or partially obscured by errata  
slips, tissues, etc., have been refilmed to  
ensure the best possible image/  
Les pages totalement ou partiellement  
obscurcies par un feuillet d'errata, une pelure,  
etc., ont été filmées à nouveau de façon à  
obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

The copy filmed here has been reproduced thanks to the generosity of:

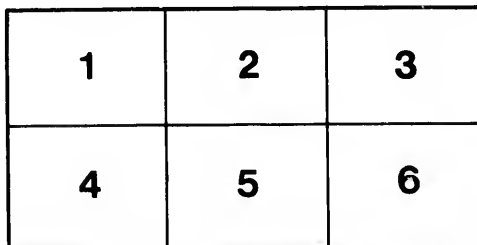
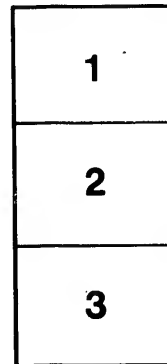
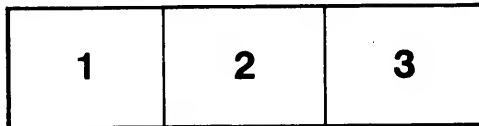
Library of the Public  
Archives of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol  $\rightarrow$  (meaning "CONTINUED"), or the symbol  $\nabla$  (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

La bibliothèque des Archives  
publiques du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole  $\rightarrow$  signifie "A SUIVRE", le symbole  $\nabla$  signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

H

**REPORT AT LARGE**  
OF A  
**DEBATE**  
IN THE  
**HOUSE OF ASSEMBLY**  
OF THE  
**PROVINCE**  
OF  
**LOWER-CANADA,**

*On the 14th February, 1821.*

---

FROM NOTES TAKEN STENOGRAPHICALLY BY  
**WILLIAM S. SIMPSON.**

---

**QUEBEC:**  
*PRINTED FOR THE REPORTER,*  
By T. CARY, Jr. & Co.

---

1821.

WALTER H. HARRIS  
1881-1882

THE UNIVERSITY OF CHICAGO  
LIBRARY

1881-1882

CHICAGO, ILL.

1881-1882

CHICAGO, ILL.

1881-1882

CHICAGO, ILL.

in  
wh  
rel  
wh

wh  
Se  
Sp  
18  
top  
of  
to  
pre  
Pr

de  
he  
an  
up  
pu

the  
cus  
“  
“  
“

oc  
Ho  
an  
to  
Co  
(w  
ap  
tha

up  
the  
Pa  
tur  
tha  
of  
18

# INTRODUCTION.

4

The following pages contain an accurate report of one of the most important Discussions that ever occurred in the Provincial Legislature, whether viewed in connection with the general subject to which it refers, or in association with the late illustrious Governor in Chief, whose administration is examined therein.

Uncommon interest was excited in the public mind, at the period when the debate took place, but the events of the latter part of the Session (*Vide APPENDIX pages 60 to 64,*) tend in union with the Speech of *His Excellency the EARL OF DALHOUSIE*, on the 17th *March*, 1821, greatly to increase both the interest and importance of the main topics involved in the existing contest between the different Branches of the Legislature—a contest which for a series of years, has, it is much to be feared, whilst interrupting that harmony so indispensable to the prosperity of any community, materially retarded the welfare of this Province.

Upon the merits of the question at issue, it might perhaps be considered presumptuous in the *Reporter* to offer *his* opinion at *any* time; and *he* is sensible, that, on the *present* occasion such a step would be, if not an unwarrantable, at least, an unnecessary obtrusion of his sentiments upon the public. The duty he prescribed to himself in the present publication, viz. to present an accurate report of an important debate—he feels he has impartially and faithfully performed; and he trusts, the Pamphlet will be found to realize its *Prospectus*, in which the discussion was described “as having been conducted with ability and animation, proportioned to the importance of the topics under consideration,” and he sincerely wishes, that, “its perusal may equally gratify the admirers of the late lamented *Governor in Chief* and the advocates of *Popular Rights*.”

During the Interval from 1810 to 1821, many important points, occasioning differences between the three estates, were agitated in the House of Assembly; but the questions of “*Appointing an Agent*,” and the “*Impeachments of the Judges*,” altho’ frequently giving rise to Resolutions, both in the *House of Assembly* and the *Legislative Council*, intimately connected with the assumed rights of each, have not (with one or two exceptions) been noticed in the Appendix; from an apprehension that their multiplicity and length would be tedious rather than elucidatory.

The APPENDIX, (it is believed) contains every important resolution upon the subject of “*Parliamentary Privilege*” (with the exception of those alluded to above) passed by the *House of Assembly*, and the Pamphlet is submitted by the Reporter, to the Members of the Legislature, and to the public at large, with an ardent and confident hope, that “the moderate and dignified sentiments” expressed in the Speech of *His Excellency the EARL OF DALHOUSIE*, delivered on 17th *March*, 1821, will not fall of producing their desired effect.

W. S. Simpson.

Quebec, 9th October, 1821.



PR  
LOW

place to  
of his i  
to the  
the re  
consen  
ing; th  
ing pag

Mr.  
detain  
day. E  
ion and  
conten  
which  
confide  
tion th  
*true* th  
them r  
withou  
be the  
merely  
theref

The  
the 21  
second  
Act to  
of the  
thous  
adopt  
unpre  
on the  
prerog  
a law  
the c  
power

PROVINCE OF }  
LOWER - CANADA. }

## HOUSE OF ASSEMBLY,

WEDNESDAY, 14th Feb. 1821.

**A**BOUT six o'clock Mr. *Neilson* rose in his place to move the resolutions which he had previously given notice of his intention to propose to the House for adoption, agreeably to the determination he expressed on Monday evening, when at the request of *Andrew Stuart*, Esqr. and other Members he consented to postpone their consideration till the present evening; their introduction gave rise to a debate of which the following pages contain the substance.

Mr. *NEILSON*—It is not necessary, Mr. *Speaker*, that I should detain the House by repeating now what I expressed the other day. Every honorable Member has the resolutions in his possession and is doubtless prepared to give his vote upon them; I shall content myself with assuring the House that it is a sense of duty which leads me to bring them forward, and I do it with perfect confidence in the Members of this House, that if upon examination they are found to be *true* they will pass, and if they are *not true* they will not pass. Each honorable Member when he hears them read will judge for himself, upon the resolutions themselves, without reference to any extraneous matters, and whatever may be the decision of the House I shall be satisfied, that I have done merely my duty in submitting them for consideration: I shall therefore at once move the first resolution, which is,

That the entry in the Journal of the Legislative Council, of the 21st April 1819, on the order of the day being read, for the second reading of the Bill from the Assembly, intituled, "An Act to appropriate a certain sum of Money to defray the expences of the Civil Government of this Province, for the year one thousand eight hundred and nineteen," to wit, "That the mode adopted by this Bill, to defray the expences of the civil list is unprecedented and unconstitutional, and a direct assumption on the part of the Assembly, of the most important rights and prerogatives of the Crown; that were this Bill to be passed into a law, it would give to the Commons of this Province, not merely the constitutional privilege of providing the supplies, but the power also of prescribing to the crown, the number and descrip-

tion of its servants, and of regulating and rewarding their services individually, as the Assembly should from time to time judge meet or expedient, by which means they would be rendered dependant on an elective body, instead of being dependant on the crown, and might eventually be made instrumental to the overthrow of that authority which by their allegiance they are bound to support," be now read.—The motion being seconded by Mr. *Heney*, was put by the Speaker, and the reading of the above Entry was ordered unanimously.

The Assistant Clerk accordingly read from the Journals of the Legislative Council the Entry in question.

Mr. *Neilson*—I shall next move that a part of the entry in the Journals of this House, of the 24th April 1819, of the Speech of His Grace the Duke of Richmond, the then Governor in Chief be read. His Grace unhappily adopted the sentiments contained in the vote of the Legislative Council. It will be found that it was not one branch only of the constituted authorities that deemed it expedient to censure the proceedings of this House, but that the executive also joined its reproof to that of the Legislative Council. The head of the Government, the first of the three branches of the Legislature, that which as the Representative of our Sovereign, we are accustomed to respect most highly, in exercising one of the rights belonging to his elevated station, did in my humble opinion convey a direct censure upon the proceedings of this House; and intending presently to move this House to resolve that this part of the Speech of His Grace, as well the Entry in the Journals of the Legislative Council do severally contain a censure of our proceedings; I, for regularity's sake, move that so much of the entry in the Journals of this House, of the 24th April 1819, of the Speech of His Grace the then Governor in Chief, as states: "You, Gentlemen of the Legislative Council, have not disappointed my hopes, and I beg to return you my thanks for the zeal and alacrity you have shewn in all that more immediately belongs to your body. It is with much concern I feel myself compelled to say, that I cannot express to you, Gentlemen of the House of Assembly, the same sentiments, nor my approbation at the general result of your labours (at the expence of so much valuable time) and of the public principles upon which they rest, as recorded in your Journals. You proceeded upon the documents which I laid before you to vote a part of the sum required for the expences of the year one thousand eight hundred and nineteen, but the bill of appropriation which you passed was founded upon such principles, that it appears by the Journals of the Upper House, to have been constitutionally rejected: His Majesty's Government has thus been

left w  
minist  
ing th  
Resol  
sand e  
second  
The  
part o  
Mr.  
the A  
tive C  
pectiv  
the 2n  
thirty-  
III. in  
in the  
for m  
Provin  
provis  
enacti  
to sign  
divide  
called  
Canad  
shall b  
lative  
stitute  
of the  
cessors  
and w  
Assem  
peace,  
repugn  
the Le  
vinces  
succes  
as His  
appoin  
vince,  
shall f  
within  
by virt  
to all  
in the  
of the  
afores

left without the necessary supplies for supporting the civil administration of the Province for the ensuing year, notwithstanding the voluntary offer and pledge given to His Majesty by the Resolve of your House, of the thirteenth February, one thousand eight hundred and ten," be now read. The motion was seconded by Mr. *Heney*, and passed unanimously.

The Assistant Clerk accordingly read from the Journals the part of the entry in question.

Mr. *Neilson*—The next motion I shall offer is that a part of the Act of the Parliament of Great Britain, by which the Legislative Council and the House of Assembly of this Province are respectively constituted, be read.—Mr. N. accordingly moved, that the 2nd clause of an Act of the Parliament of Great Britain of the thirty-first year of the Reign of His Majesty, King George the III. intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" reciting and enacting as follows, "And whereas His Majesty has been pleased to signify to both Houses of Parliament his royal intention to divide his Province of Quebec into two separate Provinces, to be called the Province of Upper Canada and the Province of Lower Canada; be it enacted by the authority aforesaid, that there shall be within each of the said Provinces respectively a Legislative Council and Assembly, to be severally composed and constituted in the manner herein-after described; and that in each of the said Provinces respectively, His Majesty, his heirs and successors shall have power during the continuance of this Act, by and with the advice and consent of the Legislative Council and Assembly of such Provinces respectively, to make laws for the peace, welfare and good government thereof, such laws not being repugnant to this Act, and that all such laws being passed by the Legislative Council and Assembly of either of the said Provinces respectively and assented to by His Majesty, his heirs and successors or assented to in His Majesty's name by such person as His Majesty, his heirs and successors shall from time to time appoint to be the Governor or Lieutenant Governor of such Province, or by such person as His Majesty, his heirs and successors shall from time to time appoint to administer the Government within the same, shall be and the same are hereby declared to be by virtue and under the authority of this Act, valid and binding to all intents and purposes whatever within the Province wherein the same shall have been so passed," and also the 28th clause of the same Act, viz. "And be it further enacted by the authority aforesaid, that all questions which shall arise in the said Legis

lative Councils or Assemblies respectively, shall be decided by the majority of voices of such Members as shall be present, and that in all cases where the voices shall be equal the Speaker of such Council or Assembly, as the case shall be, shall have a casting voice," be now read.—The motion was seconded by Mr. *Heney*, and being put from the Chair, passed unanimously.

The Assistant Clerk then read the two clauses.

Mr. *Neilson*—From the clauses just read, it was manifestly the intention of the Parliament of Great Britain in passing this Act, that the *three Estates* shall be perfectly independent of each other, and that neither, as the powers of the three are equal, should be subject to the censure of the other; I shall now proceed to move that two of our own standing rules be read, for the purpose of shewing that in the matter to which the foregoing resolutions relate, this House has acted in strict accordance to the principles which it has asserted for the rule of its conduct, in granting supplies to His Majesty and in voting Monies for the public service.—I shall move, that the second standing rule of this House under the head, "Aid and Supply," and the second standing rule under the head, "Petitions," viz. "That all aids and supplies granted to His Majesty by the Legislature of Lower Canada, are the sole gift of the Assembly of this Province; and all bills for granting such Aids and Supplies ought to begin with the Assembly, and it is the undoubted right of the Assembly to direct, limit and appoint in all such bills, the ends, purposes, conditions, limitations and qualifications of such grants which are not alterable by the Legislative Council."—"That this House will receive no Petition for any sum of Money relating to the Public service, but what is recommended by His Majesty's Governor, Lieutenant Governor or person administering the Government at the time," be now read.

Mr. *Quirouet* seconded the motion, and the reading of the above two standing Rules being unanimously ordered, they were read by the Assistant Clerk.

Mr. *Neilson*—I come now to propose that this House shall declare its sense upon the extract from the Journals of the Legislative Council, and a part of His Grace the late Duke of Richmond's Speech, which have just been read.—I shall first propose that the House by vote shall declare that they severally contain a censure of the proceedings of this Branch of the Legislature. If the House concurs with me in opinion, I shall move it in like manner to declare that all censure of our proceedings, by either of the other branches of the Legislature, is an improper assumption of power, a violation of our rights and privileges, and subversive of the liberal and happy constitution of Government established by Law in this Province. I refer to the

autho  
which  
we de  
of the  
such  
the li  
ought  
critic  
ordina  
memb  
the do  
the L  
Duke  
severa  
the sa  
21st.  
Govern  
severa  
of the

I sh  
propos  
stated  
contai  
Legisl  
such a  
and th  
Mr. A

Mr.  
ker, t  
the d  
severa  
consid  
found  
voted  
presen  
be con  
not b

Up  
pass ?

Mr  
as the  
introd  
inviol  
sideri  
farthe  
plied.

authority of the Act of the British Parliament, an extract from which I thought it expedient to have read, as the source whence we derive our authority, in conjunction with the other Branches of the Legislature, to enact Laws, to shew that, entrusted with such great power as to make Laws, which affect the lives, the liberties and the property of His Majesty's subjects, we ought to be *free*, perfectly free from censure, or any other description of undue influence on the part of those who are coordinate with us.—I ask of this House, and of each honorable member thereof, to say whether we have not been censured in the documents before us, whether the entry in the Journals of the Legislative Council and the Speech of His Grace the late Duke of Richmond, as entered upon our own Journals, do not severally contain a severe censure. I move to resolve, "That the said entry in the Journals of the Legislative Council of the 21st. April, 1819, and the Speech of His Grace the then Governor in Chief, of the 24th April, of the same year, do severally contain a censure of the proceedings of this Branch of the Legislature."

I shall not detain the House by any further remarks upon this proposition—my reasons for bringing it forward, I have before stated. I consider that the entry and the Speech do severally contain a censure upon the proceedings of this Branch of the Legislature. Each honorable member will *judge* for himself, such as concur with me in opinion, will of course vote in favor, and those who think differently, will vote against the motion. Mr. *Henev* seconded the motion.

Mr. *Neilson* begged before the motion was put by the Speaker, to observe that for the purpose of giving greater facility to the debate, he would have submitted to the suggestion of several members, who wished this matter to be referred to the consideration of the House in *Committee of the whole*, but that he found in case of a division that the names of the Members who voted could not be taken down, which he was desirous in the present instance of having done—As however the subject might be considered a *question of privilege*, the same strictness would not be observed as marked the usual debates of the House.

Upon Mr. *Speaker* putting the question—shall this motion pass?

Mr. *Oldham* expressed himself equally anxious and disposed as the Honorable Member for the County of Quebec, who had introduced the Resolutions, or any other Member, to preserve inviolate the privileges of that House; yet he could not help considering that the first resolution now before the House went farther than was necessary, and contained what was never implied. He remarked that differences had long existed between

the different branches of the Legislature, and that it appeared to him that the Resolutions of the Legislative Council, and the approbation of it by his Excellency the Duke of Richmond, were only intended as protective of their own rights, as component parts of the Legislature. He could not conceive that these acts were such a direct censure upon that House, as ought to call forth the declaration in the Resolution. Unfortunately for the Country, it was but too true, that distrust and jealousies between the different branches had existed heretofore, to the great detriment of the Country, which he lamented exceedingly; and that a too high sense of their own importance had caused that House to neglect what was due to the other parts of the Legislature. He was afraid that the due balance, which constituted the beauty and strength of the constitution, the model of which had been given them, and which had been so, for all the world might be destroyed, if due attention was not given to it. He must also confess, in truth, that he could not relieve the other two branches from the accusation of occasionally trespassing upon what were considered as the rights of that honorable House. He said, he had paid strict attention to the reading of the Resolution of the Legislative Council, and that part of the Speech which approved it, and he could not conceive either amounted to a censure. It was he thought, intended only as an assertion of their own rights.—For if ever the branches of the Legislature came in collision concerning their respective rights, they have scarcely any manner left them for their defence, but a formal Resolution, put solemnly upon their Journals. In such a light he considered the proceedings of the Council and the Speech of His Grace the late Duke.—It should be remembered, by that House, that the Legislative Council had also their rights and privileges; and that as they contributed in proportion to the general expense of the Country, they also had a consent to give to any money bill by that House. Undoubtedly the right of originating all money bills in that House was unquestionable, but it was as true that to give effect to them, the consent of the other branches was equally necessary. His reason for breaking the silence which had prevailed, was because he did not consider a direct and immediate censure had been passed upon the House of Assembly, and therefore he could not agree to the first Resolution, and because he would not give a silent vote upon it. As to the two subsequent Resolutions which he believed were intended to be moved, he would consent to join the honorable Member in them, because they were general and declarative of the just rights of that House. He respected the rights and privileges of that House and could never see them infringed from any quarter, without expressing his unqualified

disapp  
clarat  
might  
He ha  
and w  
fluenc  
willin  
the H  
would

Mr  
resolu  
derati  
sidere  
leges  
undou  
al cla  
they  
In Ex  
high  
tion o  
part  
take p  
of the  
this r  
tribut  
lature  
is "a  
ever t  
rights  
late D  
ence  
charac  
contr

If  
Coun  
ocasi  
with  
vote  
Legisl  
are ne  
"that  
is un  
on th  
prerog  
claims  
compl

disapprobation. He gave his free consent to any general declaration, but he would not consent to a Resolution, which might have the tendency to stir up variance and confusion. He had only in view to heal, if possible, the existing jealousies, and was only desirous of explaining the reasons, which had influenced him in his vote. Mr. O. concluded by repeating his willingness to concur in any resolution asserting the rights of the House, and declaring if even none should be moved, he would still vote against the motion before the House.

Mr. *Taschereau* said, that he could not admit that the resolution of the Legislative Council, now under consideration, contained a *censure* upon this House, he considered it only as an assertion of their own rights and privileges as a branch of the Legislature. Both branches had an undoubted right to insert upon their Journals their constitutional claims, and it ought not to be held, that in so doing, they intended to censure the other branches of the Legislature. In ENGLAND the House of Commons regularly resolve that it is a high breach of their privilege for any Peer to interfere in the election of the Members of that House; the House of Lords on their part vote in opposition to this, that they possess the right to take part therein, as well as annul or make void the proceedings of the Commons, by withholding their concurrence thereto. In this manner each asserts its privileges, but without either attributing to the other a censure upon their Branch of the Legislature. Although in ENGLAND the vote is, that such conduct is "a high infringement of their privileges," yet no notice was ever taken of such a vote beyond a counter declaration of the rights of the House of Lords. In speaking of His Grace the late Duke of Richmond, Mr. T. said, there could be no difference of opinion, for all knew too well his noble and liberal character, to imagine for a moment, that he would do any thing contrary to the privileges of this House.

If (said Mr. T.) we to-night complain of the Legislative Council censuring us, we should recollect, that on many occasions we have censured *them*. In 1817, when they differed with us relative to the matter of *Mr. Justice Foucher*, we by vote placed upon our Journals, described the claims of the Legislative Council in terms of censure equally strong as that we are now considering. In 1819, the Legislative Council declare, "that the mode adopted by this House to defray the civil list is unprecedented and unconstitutional, and a direct assumption on the part of the Assembly of the most important rights and prerogatives of the Crown," and in 1817 we resolve, "that the claims of the Legislative Council, touching the accusations and complaints brought by this House against *Louis Charles Fou-*



cher, Esquire, are not founded on the constitutional Law or any analogy thereto, tend to prevent offenders, out of the reach of the ordinary tribunals of this country, from being brought to Justice, and to maintain, perpetuate and encourage an arbitrary, illegal, tyrannical and oppressive power over the people of this Province." The Legislative Council in 1819, declare nothing stronger than our own resolution, relative to them, in 1817. They vote that our proceedings "are unprecedented and unconstitutional, and a direct assumption of the most important rights and prerogatives of the Crown," and we declare their "claims, touching the accusations or complaints brought by this House, against *Louis Charles Foucher*, Esquire, are not founded on the constitutional Law or any analogy to it."

If (continued Mr. T.) these assertions of our respective rights are to be considered censures, it appears to me, that of the two we have gone farther in ours than the Legislative Council; for if difference does exist, our resolution is the stronger censure, for we not only declare "that their claims are not founded on the constitutional Law or any analogy thereto, but we go on and accuse them, in making the claims which they inserted on their Journal, relative to *Mr. Justice Foucher*, of introducing a system, the tendency of which will be "*to maintain, perpetuate and encourage an arbitrary, illegal, tyrannical and oppressive power over the people of this Province.*" The resolution of the Legislative Council in 1819, certainly does not go so far as this. If the honorable Member for the County of *Quebec*, should carry these resolutions, he cannot, if he is liberal and consistent with himself, do less than request leave to expunge from our Journals, the resolutions of a similar nature to that I have read, for the purpose of placing them on the other side of the paper containing the propositions he has this night submitted.

This House at each Session, or more correctly at each Parliament, claims its privileges, and declares that it will be a high infraction of them by the Executive, if the most favorable interpretation is not given to all their proceedings, but we should remember that each of the three Branches have privileges. The third estate is certainly as much entitled to express its sentiments and principles to the other two as they have to record theirs of the Executive. The late *Duke of Richmond*, in exercising this portion of his prerogative as the representative of the Sovereign, intended nothing more than to declare to the other branches of the Legislature, his views upon their public measures. Every individual member of this House, as well as the Province at large, knew sufficiently the noble and liberal character of his Grace, to be assured, that in the exercise of his own he would not censure or infringe the rights and privileges of

either  
tion w  
tion, o  
opinion

Reve  
We cen  
but ha  
Branch  
1814,  
having  
receive  
Govern  
hath v  
House.  
censure  
which  
had alv  
own pa  
convict  
which  
motion  
Branch  
of thos  
would  
much  
ceeded  
the pro  
dissent.

Mr.  
his vot  
princip  
this H  
a time  
self, no  
been o  
of the res  
Grace  
censur  
Branch  
tional  
mean t  
pass re  
for, wa  
in so d  
receive  
direct

either of the other branches of the Legislature. His only intention was to exercise the right appertaining to his elevated station, of exhibiting to the other Branches of the Legislature his opinion upon their public measures and conduct.

Reverting to the proceedings of this House, Mr. T. observed *We* certainly have not been backward in exercising this right, but have frequently expressed our opinions of both the other Branches of the Legislature, as reference to our Journals for 1814, 1815, and 1817, will fully demonstrate. In 1814, after having addressed His Excellency SIR GEORGE PREVOST, and received his answer, we resolved "that His Excellency the Governor in Chief by his answer to the address of this House hath violated the constitutional rights and privileges of this House." In 1815, a variety of votes passed this House equally censures upon the other Branches of the Legislature with that which the Legislative Council passed upon us in 1819, but they had always been considered as resolutions merely asserting our own particular rights. Mr. T. concluded by suggesting as the conviction of his mind that were the resolutions of this House which might, according to the principle upon which the present motion proceeds, be justly considered as censures upon the other Branches of the Legislature to be put in a column by the side of those referred to in the printed papers in our hands, there would be found a far greater number and also expressions of much greater severity used by this House than had ever proceeded from them. Impressed with these opinions, he considered the proposed resolution as not called for, and he should therefore dissent from its passing.

Mr. Cuwillier said he rose for the purpose of supporting by his vote resolutions which he not only considered founded in principle, but also essential to the dignity and independence of this House. Their rights and privileges had been attacked at a time that it was out of the power of this House to defend itself, nor is it till the present moment that an opportunity has been offered to assert and vindicate its rights. In declaring the resolution of the Legislative Council, and the Speech of His Grace the then Governor in Chief severally to contain a direct censure upon this House, and that all censures by the other Branches of the Legislature of our proceedings are unconstitutional infractions of our privileges, (Mr. C. observed) he did not mean to say that the Legislative Council had not the right to pass resolutions to protect its own privileges, all he contended for, was that the other Branches of the Legislature had no right in so doing, to attack ours and to censure us; and that having received from both a severe censure upon its Members, and a direct attack upon its rights and privileges, it was due to the

dignity and independence of this House, that the earliest moment should be embraced to declare our opinions upon such conduct by a solemn vote, that it is an unconstitutional assumption of power and a violation of our rights. Mr. C. said before he entered upon the consideration of the resolution immediately before the House, he should take the liberty of reading some passages from the memorable Speech of His Excellency SIR JAMES HENRY CRAIG, on proroguing the Legislature in 1809, for the purpose of refreshing the memories of such as were Members of the House at that period, and of making those who were *not so* fully acquainted with the proceedings of those days. After informing the Legislative Council and the House of Assembly, of the reasons which induced him to prorogue the Parliament, and expressing his determination immediately to dissolve the House and recur to the sense of the people, His Excellency proceeds,

*Gentlemen of the House of Assembly,*

“When I met you at the commencement of the present Session, I had no reason to doubt your moderation or your prudence, and I willingly relied upon both. Under the guidance of these principles, I expected from you a manly sacrifice of all personal animosities and individual dissatisfaction—a watchful solicitude for the concerns of your country, and a steady perseverance in the executing of your public duty with zeal and dispatch. I looked for earnest endeavours to promote the general harmony of the Province, and a careful abstinence from whatever might have a tendency to disturb it; for due, and therefore indispensable attention to the other Branches of the Legislature, and for prompt and cheerful co-operation and assistance in whatever might conduce to the happiness and welfare of the Colony. All this I had a right to expect, because such was your constitutional duty; because such a conduct would have been a lasting testimony, as it was the only one sought for by His Majesty’s Government of that loyalty and affection which you have so warmly professed, and which I believe you to possess, and because it was particularly called for by the critical conjuncture of the times, and especially by the precarious situation in which we then stood, with respect to the American States. I am sorry to add that I have been disappointed in all these expectations and in every hope upon which I relied.”

“You have wasted in fruitless debates, excited by private and personal animosities or frivolous contests upon trivial matters of form, that time and those talents to which within your walls the public have an exclusive title; this abuse of your functions you have preferred to the high and important duties which you owe to your Sovereign and your constituents, and you have thereby

been  
neces  
virtu  
been  
your  
been  
jesty’  
three  
you s

“S  
proce  
spect  
by th  
the m  
ral go  
new A

“I  
be un  
repu  
liamen  
matur  
first p  
furthe  
to ad  
part o  
and i  
Coun  
tenan  
the or  
preve  
Th  
exclu  
guage  
Speec  
the ve  
cisely  
His B  
resem  
them  
Provi  
he cor  
much  
enabl  
me fo  
detai  
and I

been found to neglect the consideration of matters of moment and necessity which were before you, while you have at the same time, virtually prevented the introduction of such others as may have been in contemplation. If any further proof of this mis-use of your time were necessary, I have just presented it in having been called on, after a Session of five weeks to exercise His Majesty's prerogative of assent, to only the same number of Bills, three of which were the mere renewal of annual Acts to which you stood pledged, and which required no discussion.

"So much of intemperate heat has been manifested in all your proceedings, and you have shewn such a prolonged and disrespectful inattention to matters submitted to your consideration by the other branches of the Legislature, that whatever might be the moderation and forbearance exercised on their parts, a general good understanding is scarcely to be looked for without a new Assembly.

"I shall not particularly advert to other Acts which appear to be unconstitutional infringements of the rights of the subject, repugnant to the very letter of that Statute of the Imperial Parliament under which you hold your Seats, and to have been matured by proceedings which amount to a dereliction of the first principles of natural Justice, and I shall abstain from any further enumeration of the causes by which I have been induced to adopt the determination which I have taken, because the part of your conduct to which I have already referred is obviously and in a high degree detrimental to the best interests of the Country; such as my duty to the Crown forbids me to countenance, and as compels me to have recourse to a dissolution as the only constitutional means by which its recurrence may be prevented."

These are the observations which His Excellency addresses exclusively to the House of Assembly, and the similarity of language to that of the Legislative Council, and the extract from the Speech of His Grace cannot but be noticed. In some instances the very same words are introduced and on many occasions precisely similar sentiments. In the concluding paragraph in which His Excellency addresses both Branches of the Legislature, the resemblance to the Speech of 1819, is complete. After notifying them of his intention to give the necessary orders for calling a new Provincial Parliament, and his expectations from that measure, he continues, "I will not conceal from you that it has been very much with a view to obviate misrepresentation, if possible and to enable the people to judge of the grounds which have been afforded me for the conduct I have adopted, that I have entered into any detail upon this subject; the task has been painful in the extreme, and I turn from it with peculiar satisfaction, to offer to you, Gentle-

men of the Legislative Council, the acknowledgements that are due to you for that unanimity, zeal and unremitting attention which you have shewn in your proceedings. It rests not with you that so little has been accomplished for the public good. To a considerable portion of the House of Assembly my thanks are equally due. I trust they will believe, that I do them the justice of a proper discrimination in the sense I entertained of their efforts to avert that conduct of which I have so much reason to complain. By this, Gentlemen, you have truly manifested your affection to His Majesty's Government and your just estimation of the zeal and permanent interests of the Province." The Legislature was then prorogued, and shortly after the House of Assembly was dissolved. Early the ensuing Session, namely, on *Saturday, 3rd February, 1810*, this extraordinary Speech was noticed by a resolution of this House, declaratory of its own rights and expressive of their sense of this direct attack upon them. *Mr. Bedard*, seconded by *Mr. Blanchet*, moved to resolve; "that every attempt of the Executive Government, and of the other Branches of the Legislature against this House, whether in dictating or censuring its proceedings, or in approving the conduct of one part of its members, and disapproving the conduct of the others, is a violation of the Statute by which this House is constituted—a breach of the privileges of this House against which it cannot forbear objecting, and a dangerous attack upon the rights and liberties of His Majesty's subjects in this Province." This resolution after considerable debate, and an amendment having been moved, was carried upon a division by a majority of *Twenty-four to eleven*; and among the *Twenty-four*, is found the name of the honorable Member for *Gaspé*, (*Mr. Taschereau*) who now is about to vote in contradiction to the principles upon which he then acted. As he was the only member of this House in 1810, whose opinions had changed upon this subject, he (*Mr. C.*) should have liked to have heard from the honorable Member, what were the circumstances which had induced the alteration.

That Hon. Member (*Mr. C.* continued) had referred to the measures adopted by this House, in the case of *Mr. Justice Foucher*, when the Legislative Council thought proper to arrogate to itself prerogatives which it never possessed, and to deny to us the constitutional rights vested in us by the Act of the British Parliament, from which the whole of the Legislature derive whatever power the Branches severally possess. On that occasion, the Legislative Council did what we could not pass over, because it was a positive denial in an address to HIS ROYAL HIGHNESS the PRINCE REGENT of the accusatory powers of this House; and we therefore by a vote, adapted to the emergency of

the c  
by th  
spok  
form  
not h  
and t  
tain  
latur  
of the  
of the  
becar  
a con  
An  
(said  
vote  
a mo  
nor a  
lution  
Bill,  
and u  
this  
resolv  
and c  
to the  
tiona  
Coun  
tion  
Crow  
ing th  
resolu  
Queb  
nifica  
Th  
goes  
Bill o  
of the  
give  
provi  
it see  
ing t  
by th  
we re  
also  
its s  
indiv

the occasion, declared our sentiments on the usurpation set up by the Legislative Council. The same Honorable member, has spoken of *reciprocity* of censure. If even that has occurred, it forms no reason why the resolution before the House should not be adopted, if the Entry upon the Journals of the Council, and the Speech of the then Governor in Chief, do severally contain a censure upon the proceedings of this Branch of the Legislature. But a full examination of the votes of the two Branches of the Legislature, will shew that *we* have never passed a vote of that nature, except when our privileges were attacked, and it became an imperative duty for this House, to assert its rights as a component Branch of the Legislature.

Another Honble. Member, (*Mr. Oldham,*) had questioned (said *Mr. C.*) whether a direct censure was contained in the vote of the Legislative Council, but to his (*Mr. C.*'s) mind a more positive assumption of illegal power could not be made, nor a more direct censure on this House be offered. The resolution commences by declaring, "that the mode adopted by this Bill, to defray the expences of the Civil List, is unprecedented and unconstitutional." Is it, I would ask, no censure, to tell this House (or for a body equal only in power to itself, to resolve) that the exercise of one of its inherent, constitutional and chartered rights, in the mode they consider most conducive to the interests of the Country, is "*unprecedented and unconstitutional*"? Is it no censure, to tell us, and to proclaim to the Country at large, that this conduct is "*a direct assumption of the most important rights and prerogatives of the Crown.*" If these are not censures, and censures deserving the notice of this House, in the manner proposed in the resolutions moved by the Honorable Member for the County of *Quebec*, I must confess I have misapprehended hitherto the signification of the term.

The Resolution of the Legislative Council (*M. C.* continued) goes on to describe the consequences that would flow from the Bill of appropriation sent from this House to defray the expences of the Civil List, if it were passed into a Law, viz: "it would give to the Commons, not only the constitutional privilege of providing the supplies"—this (said *Mr. C.*) is a privilege, that it seems will be left us—'*The constitutional privilege of providing the Supplies*'—It is surprising that *any* privilege is left us by this august body, but in passing this Bill, not only should we retain *that* right, "but it would give to the Commons the power also of prescribing to the Crown the number and description of its servants, and of regulating and rewarding their services, individually, as the assembly should from time to time judge

meet or expedient, by which means they would be rendered dependant on an elective body, instead of being dependant on the Crown, and might eventually be made instrumental to the overthrow of that authority which by their allegiance they are bound to support." There can be no doubt, (Mr. C. observed) that it is the Prerogative of the Crown to nominate persons to places of Honor and of Profit, but the *quantum* of remuneration that they are severally entitled to, or that any particular Branch of the public service requires, belongs to this House or its superintending power over the public expenditure is a nullity. We have undoubtedly nothing to do with the *number* of officers that the Crown may appoint, any more than with the appointment of *persons* to offices, but if we have no power over the remuneration of their services so far from possessing a *controlling* power, we possess no power at all over the Public Monies.

In conclusion (Mr. C. said) I will not detain the House further, I consider the resolution of the Legislative Council as broad a censure as ever a deliberative body passed on another, its equal in rank and authority; and so considering it, I think it the duty of this House to notice it, and approving of the method now introduced, I shall vote for the motion. In reference to the Speech of His Grace the then Governor in Chief, I shall say little, of the DUKE OF RICHMOND nothing beyond actual necessity, he is in the tomb and from my heart I say *Peace to his Ashes*. But a variety of circumstances have prevented any notice being hitherto taken of a Speech, which *Etiquette* would not permit an answer to be given to, at the time it was delivered. It contains strong animadversions upon the legitimate exercise of our rights and a strong and general censure upon our proceedings, and ought not to be passed without notice by this House. We are sent away from the presence of the Representative of our Sovereign, reproached with an unconstitutional exercise of our rights, and reprov'd for an injudicious waste of valuable time. Considering these remarks to be equally a censure upon this Branch of the Legislature, I am compelled to vote for the motion, in the shape in which it is presented by the Honble. Mover.

Mr. Viger declared, that had the proposition of the Honorable Member for the County of Quebec, been opposed, merely on the ground of inexpediency, he should have contented himself with giving a silent vote, in favor of the motion. I should (said Mr. V.) have confirmed my vote upon a similar occasion, in 1810, because I considered it the duty of the members of this House, to act now as they did when SIR JAS. CRAIG, unconstitutionally censured a *part* of them. But when doubt is expressed, whether the entries which have been read contain direct censures, when it is questioned whether this House ought to

consi  
raise  
my C  
the L  
of Hi  
censu

Mr  
the L  
poize  
of ou  
uncon  
becom  
upon  
assun  
our u

Ad  
is the  
pursu  
this H  
incur  
vince  
voted  
reject

Is it  
Comm  
the s  
migh  
done  
those  
Bill d  
of th  
they  
the c

Si  
ly cl  
5, of  
laws  
the r  
Parl

"  
priv  
sidie  
best  
inter  
two  
this

consider them censures and treat them as such, I cannot but raise my humble voice, and in the face of this House, and of my Country, declare, "that the said entry in the Journals of the Legislative Council, of the 21st April, 1819, and the Speech of His Grace the then Governor in Chief, do severally contain a censure of the proceedings of this Branch of the Legislature."

Mr. *Speaker*, if it can be allowed to the other Branches of the Legislature, to censure this House, that admirable counterpoize of the three estates which forms the beauty and strength of our constitution is lost, and in resisting all attempts at so unconstitutional an attack upon our rights and privileges, it becomes the duty of this House, by a solemn vote, to place upon their Journals a denial of the prerogatives so improperly assumed, and an assertion of our fixed determination to protect our undoubted rights and privileges.

Adapting this principle to the subject in debate, what I ask, is the course which the three Branches of the Legislature have pursued? His Grace the then Governor in Chief, laid before this House an estimate of the expences he judged it necessary to incur in the administration of the civil Government of the Province. This House proceeded to take it into consideration, and voted that portion, which to them appeared necessary, and rejected those items which they considered it inexpedient to give. Is it denied that the constitutional right of this House, as the *Commons Branch* of the Legislature authorizes it to furnish the supplies in any manner that appears most suitable? I might refer (as the Honorable mover of this question has done) to the standing orders of *our own* House, but I shall refer those who entertain the strange opinion that the appropriation Bill of 1819, encroached upon the privileges or rights of either of the other Branches of the Legislature, to an authority which they must allow and it will shew that our rules go no further than the constitution justifies and sanctions.

SIR WM. BLACKSTONE, in treating of this matter, is extremely clear and perfectly conclusive. In his first Book, at *Section 5*, of the *second Chapter*, PAGE 168, he says, "The peculiar laws and customs of the House of Commons relate principally to the raising of Taxes and the Elections of Members to serve in Parliament."

"FIRST, with regard to taxes, it is the ancient indisputable privilege and right of the *House of Commons*, that all grants of subsidies or parliamentary aids, do begin in their House, and are first bestowed by them; although their grants are not effectual to all intents and purposes, until they have the assent of the other two branches of the Legislature. The general reason given for this exclusive privilege of the *House of Commons*, is, that the



supplies are raised upon the body of the people, and therefore it is proper that they alone should have the right of taxing themselves. This reason would be unanswerable, if the *Commons* taxed none but themselves : but it is notorious that a very large share of property is in the possession of the *House of Lords* ; that this property is equally taxable, and taxed, as the property of the *Commons* ; and therefore the *Commons* not being the sole persons taxed, this cannot be the reason of their having the sole right of raising and modelling the supply. The true reason, arising from the spirit of our constitution seems to be this. The *Lords* being a permanent hereditary body, created at pleasure by the KING, are supposed more liable to be influenced by the crown, (and when once influenced to continue so,) than the *Commons*, who are a temporary elective body, freely nominated by the people. It would therefore be extremely dangerous, to give the *Lords* any power of framing new taxes for the subject ; it is sufficient that they have a power of *rejecting*, if they think the *Commons* too lavish or improvident in their grants. But so reasonably jealous are the *Commons* of this valuable privilege, that herein they will not suffer the other house to exert *any* power but that of *rejecting* ; they will not permit the least *alteration* or *amendment* to be made by the *Lords* to the mode of taxing the people by a money bill ; under which appellation are included all bills, by which money is directed to be raised upon the subject, for any purpose or in any shape whatsoever ; either for the exigencies of government, and collected from the Kingdom in general, as the land tax ; or for private benefit, and collected in any particular district, as by turnpikes, parish rates, and the like."

Here then *Mr. Speaker*, we perceive what are the rights of the House of Commons in *England*, as well as the reasons upon which they are founded. Similar rights were given to *this* House in the constitution, which the liberality of the parent Government extended to us, and we should be unworthy of them if we did not endeavor to preserve them. It is really deplorable to reflect that our constitution is more liberal and munificent than that of any other Colony and yet that in no other Colony are the popular Branch so frequently reproached by the other Branches. This observation is peculiarly true, with respect to our *Governors*, and can, I think, only be attributed to undue influence being used to the prejudice of this House. In the nomination of a Nobleman of the high rank and exalted character of the late DUKE of RICHMOND, to the Government of the Colony ; it might have been expected a mark of attention to its interests, and a sensibility to its importance, were exhibited by the Parent State, sufficiently powerful to have counteracted the baneful influence

of the  
perva  
tion  
expect  
disapp

It  
rank—  
—led  
censu  
Comm  
how i  
be der  
the P  
colon  
is a *ju*  
assum  
tentio  
misle  
of the  
memo  
feelin  
his S  
the r  
notici  
Exec  
right  
itself  
equal  
*each*  
*whole*  
than  
been  
The  
Cro  
sider  
of Co  
NAD  
inco  
wise  
cour  
bein  
we b  
but  
expr

of those party attachments which had so long and so detrimentally pervaded the administration of public affairs. The Termination of the Session of 1819, shewed, that in indulging such an expectation we (and the Country at large) were miserably disappointed.

It was truly painful to see a Nobleman of the most elevated rank—whose character was just, upright, honorable and exalted—led by misapprehension, arising from misrepresentation, to censure the exercise of the highest constitutional right which the Commons' Branch of the Legislature possesses. I would ask how it comes, no matter who is Governor, that the rights should be denied to us which are constantly exercised by this Branch of the Parliament at home, and by the popular Branch in every colony, but that of *Lower-Canada*, without reproach? There is a *fatality* attending our Governors, that notwithstanding their assuming the reins of Government with the most devoted intentions for the welfare of the Province, they are constantly misled, and their own generous ideas and views, as well as those of the parent state completely frustrated. My respect for the memory of the *late* DUKE of RICHMOND, were my *personal* feelings alone concerned, would lead me to pass over in silence his Speech, but we cannot put upon our Journals our sense of the rights we possess, and which have been denied, without noticing the attack, which has been made upon them by the Executive and in doing so, we are not only protecting our own rights, but are even asserting those of the *Legislative Council* itself. Our Legislature consists of *three* Branches, and it is the equality of liberty of action, and the equality of rights which *each* possesses, that constitute the harmony and beauty of the *whole*. This being the case, it is impossible to say otherwise than that the peculiar privileges and rights of this House have been attacked, and a censure passed on it, and its Members. The right of levying taxes and granting such supplies to the CROWN as it judges necessary, and in such a manner as it considers expedient, is a right that never was denied to *any* House of Commons or House of Assembly, except that of *LOWER-CANADA*. The constant practice of the Commons of *ENGLAND*, incontestibly proves the right, and the united opinions of the wisest Statesmen and Lawyers that ever did honor to their country, sanction the constitutional excellency of such a power being vested in them. For exercising this invaluable privilege we have been censured, and I shall therefore vote for the motion, but I could not do so in silence, when Honourable Members expressed *doubts* as to the *RESOLVE* of the Council, and the

**SPEECH** of His Grace, containing severally, a censure of the proceedings of this Branch of the Legislature.

Mr. *Davidson* perfectly agreed with the Honourable Member for the County of *Quebec*, that this House was co-equal with the other Branches of the Legislature. Each of the three had its particular functions to exercise, and while each confined itself to those limits which the constitution had prescribed, interference from any other, was certainly improper, and ought to be discountenanced. As a Member of this House, he (Mr. *D.*) would at all times maintain to the utmost of his ability, its constitutional rights and privileges. Encroachment upon them from any quarter, he would steadily resist; but upon the present occasion, he thought the House would go far enough if it asserted its rights, without making so pointed a censure upon His Grace the late Governor in Chief. Reviewing the life of the late *DUKE* of *RICHMOND*, it was impossible (said Mr. *D.*) but he must have been intimately acquainted with the constitution of his Country; and he felt persuaded that no Honourable Member had so incorrect a knowledge of that exalted nobleman as to imagine he would by any act of his, infringe upon the constitutional rights of this House.

When I reflect (continued Mr. *D.*) on his elevated rank and his great talents, and recollect the length of time he was a Member of the House of Commons, how long he was an ornament of the House of Lords, that he had as Vice-Roy of *Ireland*, been the immediate Representative of His Majesty, in an integral Branch of the British Empire—when, Mr. *Speaker*, all these circumstances present themselves to my mind, I cannot but conclude, that he was well acquainted with the constitution and with parliamentary usage. He knew and respected the rights of this House as one of the Branches of the Legislature, but he felt he had rights appertaining to himself, as the representative of his Sovereign; and I believe no man knew better or was more disposed to sustain the relations in which the several Branches constitutionally stand towards each other.

I am confident (said Mr. *D.*) that this House must be sensible, that there never came to the country, a man more anxiously devoted to its prosperity. It was the object of all his solicitude by night and by day, and the subject of all his conversations, public and private. Immediately upon his arrival, he entered upon a personal investigation of the Country itself, gathering from his own observation a knowledge of its resources, extent and military aspect. He saw on one hand immense resources, and on the other, a population rapidly extending itself, and desirous of calling into action all its energies, neither labour,

troub  
ledge  
advan  
It is t  
tion h  
that h  
of G  
wanta

As  
lofty s  
charac  
affecti  
the RE  
able, c  
unassu  
govern  
Impre  
mit th  
fringe  
doubt  
more

pursue  
*D.*) t  
censur

Mr.  
import  
ments  
opinio  
(Mr.  
ed, fr  
mode  
tacked  
ing up  
rights  
infract  
ingdon  
the H  
reau)  
tion m  
of tha  
to a ge  
Govern  
against  
ings,  
and d

trouble nor expence were spared to acquire that intimate knowledge of the country and its population, which should enable him advantageously to administer the Government he had accepted. It is truly astonishing to consider how much valuable information he acquired in so short a time, and deeply to be regretted, that he was not spared to prosecute those plans, and that system of Government which, founded on a correct knowledge of the wants and capacity of the country, required only time to develop.

As a MAN IN PRIVATE LIFE, he was actuated by the most lofty sentiments of honor, of justice and equity, and his whole character was eminently calculated to gain the confidence and affections of the people. In his PUBLIC CHARACTER—as the REPRESENTATIVE of his SOVEREIGN—he was firm, honorable, easy of access, liberal in his sentiments, dignified and unassuming in his deportment, and every way qualified to govern with honor to himself, and advantage to the country. Impressed with these sentiments (*said Mr. D.*) I cannot admit that the DUKE of RICHMOND would unconstitutionally infringe upon the rights and privileges of this House, altho', no doubt he considered the conduct of the Legislative Council as more consistent with the spirit of the constitution than that pursued by this House. Under these circumstances, he (*Mr. D.*) thought a general declaration of its rights, to be free from censure by the other Branches, would be going far enough.

*Mr. Stuart*--I cannot, *Mr. Speaker*, allow a question of this importance to go to a division, without explaining the sentiments which govern the vote I shall give. I perfectly concur in opinion with the Honourable Member for the County of *Kent* (*Mr. Viger*) that wherever our rights and privileges are infringed, from any quarter, it is our duty to assert them. The only mode we can constitutionally adopt for their protection, when attacked by either of the other Branches of the Legislature, is by placing upon our Journals, a vote of the House, declaratory of such rights and privileges, and expressive of our opinion as to their infraction. The Honourable Member for the County of *Huntingdon* (*Mr. Cuvillier*) I consider in error, when he supposes the Honourable Member for the District of *Gaspé* (*Mr. Taschereau*) is acting in contradiction to his conduct upon the resolution moved by *Mr. Bedard*, in 1810. A reference to the Journal of that year will shew that *Mr. Bedard's* resolution was confined to a general declaration, "That every attempt of the Executive Government, and of the other Branches of the Legislature against this House, whether in dictating or censuring its proceedings, or in approving the conduct of one part of its Members, and disapproving of the conduct of the others, is a violation of

the statute by which this House is constituted, a breach of the privileges of this House, against which it cannot forbear objecting, and a dangerous attack upon the liberties of His Majesty's subjects."

For my part I should on this occasion have preferred a direct resolution to the series which the Honourable Member for the County of *Quebec*, in the exercise of his judgment, has deemed it expedient to submit. Nevertheless, I cannot but vote for the resolution now before the House.

This resolution is predicated upon an Entry in the Journals of the *Legislative Council*, in these words, "That the mode adopted by this Bill to defray the expenses of the Civil List, is unprecedented and unconstitutional, and a direct assumption on the part of the Assembly, of the most important rights and prerogatives of the Crown; that were this Bill to be passed into a Law, it would give to the Commons of this Province not merely the constitutional privilege of providing the supplies, but the power also of prescribing to the Crown the number and description of its servants, and of regulating and rewarding their services individually, as the Assembly should from time to time, judge meet or expedient; by which means they would be rendered dependant on an elective body, instead of being dependant on the Crown, and might, eventually, be made instrumental to the overthrow of that authority, which, by their allegiance, they are bound to support," and upon an Entry on the pages of our own Journals, being a part of the Speech of His Grace the late lamented Governor in Chief, upon the prorogation of the Legislature in 1819. viz: "You, Gentlemen of the Legislative Council, have not disappointed my hopes, and I beg to return you my thanks for the zeal and alacrity you have shewn in all that more immediately belongs to your body. It is with much concern I feel myself compelled to say, that I cannot express to you, Gentlemen of the House of Assembly, the same satisfaction, nor my approbation at the general result of your labours, (at the expense of so much valuable time) and of the public principles upon which they rest, as recorded in your Journals.—You proceeded upon the Documents which I laid before you, to vote a part of the sum required for the expenses of the year one thousand eight hundred and nineteen, but the Bill of Appropriation which you passed was founded upon such principles, that it appears from the Journals of the Upper-House to have been constitutionally rejected: His Majesty's Government has been thus left without the necessary supplies for supporting the Civil Administration of the Province for the ensuing year, notwithstanding the voluntary offer and pledge given to his Majesty by

the Resolve of your House of the thirteenth February, one thousand eight hundred and ten."

The resolution now before the Chair, calls upon this House to declare that these Entries severally contain a censure upon the proceedings of this branch of the Legislature. It proposes that we resolve, "that the said entry in the Journal of the Legislative Council, of the 21st April, 1819, and the Speech of His Grace the then Governor in Chief, of the 24th April of the same year, do severally contain a censure of the Proceedings of this branch of the Legislature." In determining *my* conduct upon the present occasion, I put but one question to myself. Is the statement contained in the resolution *true* or is it *false*? If it be *true* I shall vote for the motion—if it be *false* I shall vote against it. And first, with respect to the *Legislative Council*.—That it is the undoubted right of the *Legislative Council*, to express its opinions in ordinary cases, and to record them too, in contradiction to those expressed by this House I am well aware; but the accusation made by this Entry is of no ordinary description. It is much to be regretted, that at this late day we should be obliged, in this House, to discuss first principles. It is deplorable; that in a colony the most favored by the Government of the mother country of any other dependent Provinces—a colony raised above all others, by receiving a constitution, modelled after that of the parent state—It is deplorable, I say, that thus situated, there should be found in a collateral branch of the Legislature, a disposition to question and to deny a right given to this House by so high an authority. In what other Country—what other Colony or Province is the right of the House of Assembly, to dispose of the revenues of the Province, raised under its own authority ever questioned? In none—in this miserable and unhappy Province alone, it is that any have been found sufficiently daring to presume to trample upon our rights and to censure us for exercising them. It is here, alone, that the beneficent intentions of the parent Government are perpetually thwarted, counteracted and done away with by the assumption of powers incompatible with the constitution and subversive of every thing that is valuable to us.

The Hon. Member for the County of *Kent*, (Mr. *Viger*) referred to BLACKSTONE'S Commentaries, the most elementary work with which English Lawyers are acquainted, and well might he do so, when the most obvious principles of the Constitution are disputed and denied. That work shews that it is the undoubted right of the representatives of the people to originate all bills for granting aids or supplies to the executive, and if it be their prerogative to originate such bills, it belongs to

them, as a matter of right, to limit and qualify them in such manner as in their discretion seems meet. Yet for the exercise of this right, so universally acknowledged, we have been censured by the other Branches of the Legislature—censured by *both*, for unfortunately the *late* DUKE OF RICHMOND sanctioned the conduct of the LEGISLATIVE COUNCIL, and added HIS reproof to that which two or three days before we had received from that body. “It is (said His Grace in his Speech of 24th April, 1819,) with much concern I feel myself compelled to say that I cannot express to you, Gentlemen of the House of Assembly, the same satisfaction, (as that with which he had complimented the Legislative Councillors) nor my approbation of the general result of your labours, (at the expense of so much valuable time) and of the public principles upon which they rest, as recorded in your Journals. You proceeded upon the documents which I laid before you to vote a part of the sum required for the expenses of the year 1819, but the Bill of appropriation which you passed was founded upon such principles, that it appears from the Journals of the Upper House, to have been constitutionally rejected. His Majesty’s Government has thus been left without the necessary supplies for supporting the Civil Administration of the Province for the ensuing year, notwithstanding the voluntary offer and pledge given to His Majesty by the resolve of your House, of 13th February, 1810.” At the time of the passing of the Bill of appropriation referred to in the extract I have just read, it appeared to me necessary, from particular circumstances which it was then impossible to control, to vote the Civil List in a different manner or form from that in which it was ultimately sent to the LEGISLATIVE COUNCIL. As to the RIGHT of this House to vote it in whatever shape it judged most eligible I never for a moment entertained a doubt. My reason for voting as I did upon that occasion, to make the various appropriations by chapters was that circumstances in my opinion almost compelled such a mode of appropriation, so as not to retard the public business, and the regular course of Government, but as to the RIGHT of the House to direct and limit the appropriations, a doubt, never entered my mind, nor can it be called in question by the other Branches of the Legislature, without a direct infringement of the Constitution.

It is undoubtedly the duty and the Province of this House to furnish the necessary supplies to Government, but it is its peculiar right to give those supplies on its own terms—this right we have always avowed, and I should hope we will never be disposed to concede, ungrateful as it may be to those gentlemen who would deprive us of every privilege, except that

of v  
wha  
the  
right  
of th  
tell t  
adop  
Civil  
Colo  
not b  
ture,  
trol a  
I am  
thoug  
the ri  
Gove  
appro  
holdi  
exces  
to th  
coliat  
Canad  
at lar  
consti  
cedent  
discov  
not of  
assum  
rights  
the I  
tions,  
a bran  
King  
the a  
these  
deny  
to a l  
ly the  
seems  
presc  
vants  
as th  
pedie  
Hous  
votin

of voting monies, whenever *they* may demand them and to whatever extent *they* may think proper to require. But really the information of the LEGISLATIVE COUNCIL upon the rights and privileges of the COMMONS House of Parliament, and of their practice is of a very singular description, for they gravely tell the world by the Entry upon their Journals, that the mode adopted by this House in its bill to defray the expenses of the Civil List, is *unprecedented*. Where they would look to find a Colony, wherein the *right* of making money appropriations, has not been constantly held to belong to this branch of the Legislature, and as constantly exercised by it, independently of any control as to the *mode* of granting them, or as to their extent, I confess I am at a loss to imagine. *Unprecedented!* why every other Colony though not so highly favored as this, possesses and exercises the right of voting supplies, for the support of the administration of Government as it judges most expedient, of making particular appropriations for particular purposes, and of diminishing or withholding altogether any demand which it considers unnecessary or excessive. What I would ask of those gentlemen who assume to themselves, powers, such as never before were arrogated by a collateral branch of any legislation, what do they find in *Canada* so degenerate as to consider this House and the Country at large, insensible to the blessings bestowed upon them by the constitution. Not only are we told that our conduct is *unprecedented*, but that it is also *unconstitutional*,—this indeed is a discovery of no ordinary depth, but they do not stop here. It is not only *unprecedented* and *unconstitutional*, it is also “a *direct assumption* on the part of the *Assembly*, of the most important rights and prerogatives of the *Crown*.” By what authority do the *Legislative Council* take upon themselves, to bring accusations, and then to pronounce sentence of condemnation against a branch of the Legislature, every way co-equal with them. The *King* himself, the Monarch of the Empire would not act to the august body of the House of *Commons* of *England*, what these gentlemen, without the shadow of an authority would deny to us. They go on to say, “that were this Bill to be passed into a law, it would give to the Commons of this Province, not merely the constitutional privilege of providing the supplies,” (that it seems we may still be permitted to do) “but the power also of prescribing to the Crown the number and description of its servants and of regulating and rewarding their services individually, as the Assembly should from time to time judge meet and expedient.” It appears to me that these gentlemen consider this House an unnecessary appendage to the Legislature, except in voting supplies. If in so doing, and in every other case, this



House is not to exercise its judgement upon what comes before it, why do we assemble? If our discretion be denied us, we have nothing to do here, we are merely wasting our time and the resources of the Province. The Government might as well (to use a homely expression) *give us the bag*, for upon these principles we are merely a burthen to the *Legislative Council*.

But we come now to a charge more serious. The COUNCIL proceed to state what they dread as the fatal consequences likely to follow from this House exercising the chief of its rights—the granting of supplies to the Crown upon its own terms—and fatal indeed they are, according to their apprehensions. This part of their resolution must I think have passed rather inconsiderately, for after the Executive had sent us the Civil List in the shape we received it, our duty would have been greatly neglected if we had not proceeded to give it the most minute consideration. “By which means (*says the entry on their Journals*) they, (*the servants of the Crown*) would be dependant on an elective body, instead of being dependant on the Crown, and might eventually be made iustrmental to the ove brow of that authority, which, by their allegiance they are bound to support.” How in GOD’S name are the servants of the Crown to become dependant on an elective body, instead of being dependant on the Crown? Do we dispense places—do we dispose of the favors of the Crown, or deprive its servants of their offices? Or is it thought by the LEGISLATIVE COUNCIL that we represent a PEOPLE so ungenerous and are OURSELVES so base and so ill qualified to be the representatives of such a people that we would deprive the CROWN of the servants necessary for the transaction of its business, or the support of its dignity, such an idea can only proceed from absolute ignorance, or from wilful misrepresentation, and is calculated only to excite distrust and alienate the affections of the different Branches of the Government, and the people from each other. When a collateral Branch of the Legislature by a solemn vote declares the exercise, by another and equal Branch, of their peculiar rights—rights conferred upon them by a Constitution which is the greatest boon ever conferred by a paternal Government—“would render the servants of the Crown dependant on an elective body, instead of being dependant on the Crown, and might eventually be made iustrmental to the overthrow of that authority which, by their allegiance they are bound to support,” it becomes this House with firmness to assert its rights, and by resolutions such as those introduced by the Honorable Member for the County of *Quebec* to repel the attack thus made upon them.

It had been truly observed by the Honorable mover of these

Reso  
matte  
bers,  
unde  
resol  
beco  
I  
ment  
Wha  
trust  
both  
confi  
shou  
the l  
in th  
gentl  
inter  
Have  
His  
heart  
funct  
Th  
urged  
I do  
items  
Any  
the c  
is tru  
depe  
pleas  
depe  
Fd  
altho  
more  
the  
that  
part  
An  
ashe  
ashe  
duty  
him  
resp  
have  
In t  
be c

Resolutions, at a previous stage of the proceedings, that it was a matter of surprise, that the *Legislative Council*, having, as Members, so many gentlemen occupying high and lucrative offices under the Crown, should feel the apprehensions stated in these resolutions, that the public functionaries generally, would become traitors, if they were not paid to remain loyal.

I concur entirely with the Honorable Member in this sentiment. What then becomes of their oaths of Allegiance? What becomes of their honor? They tell us that they cannot trust themselves, and that they are prevented from bartering *both* only by vile gold! And these are the men highest in the confidence of His Majesty's Government! What though *they* should make the exchange, will they carry away with them *all* the loyalty of the country? Will there be *none* left interested in the support of Laws and Government? Have the country gentlemen, and the large class of landholders in the country, *no* interest in the maintenance of the administration of Justice?—Have *they* no honor—no faith? Are *all* the other classes of His Majesty's subjects, in this Province, as base and hollow hearted, as these resolutions represent His Majesty's public functionaries to be?

The importance of the independence of the judiciary, has been urged by many. No one is more sensible of this than myself. I do not see that the voting of the Civil List, in block (*en bloc*), by items or by classes, can make any difference as to this matter.—Any measure calculated to secure their independence, must meet the cordial support of every friend of the Laws. They were, it is true, dependent, but not on the people, or *this House*, they were dependent on the *Crown*; they hold their seats only *during good pleasure*: yet when have we heard them complain of this dependence.

For the resolution before the House I shall certainly vote, although, I should have preferred the mode adopted in 1810, as more consistent with the dignity of this House. In assigning the reasons which influence the vote I shall give, I feel regret, that I may perhaps, have appeared to reflect unfavorably, on a part of the conduct of His Grace, the late Governor in Chief. An Honourable Member (Mr. *Cuvillier*) has said, "*peace to his ashes!*"—I say *peace and love, honor and veneration be to his ashes!* Of the public measures of the Government it is my duty on this occasion to speak. Of the DUKE OF RICHMOND, himself, no one could feel any other sentiment, than the highest respect and admiration. He had not in view, he cou'd not have in view any thing, but the advancement of the Colony. In the first instance, however, his information must of necessity be derived from the constituted authorities. It was not surpris-

ing then, that at the commencement of his administration, he should fall into error. But associating as he did, with every person from whom he could derive information, his knowledge of the people and the resources of the Colony must have extended itself, and having detected the imposition, but too successfully practised upon him, I am persuaded, that such was his sagacity, and the ingenuousness and manliness of his nature, that before this time, he would (having discovered the truth) not have hesitated to avow, and repair, any error which he might have fallen into. Unfortunately however, and by one of those mysterious dispensations of divine providence which are beyond our feeble powers to scan, but to which it is our duty to bow with humble resignation—unfortunately I say, before the beneficial effects of the character of the colony being estimated from his own observation, could be felt and enjoyed—the DUKE OF RICHMOND was suddenly snatched from his family, his government and his country for ever. Had this not been the case, viewing his character at the humble distance I had in some degree, an opportunity of becoming acquainted with it, (for God knows I was no courtier of the DUKE OF RICHMOND;) viewing his great and manly character, as it constantly displayed itself, from his first entry into public life, to the moment of his death—looking at his character as a statesman and as a soldier—looking at his public conduct, when occupying the highest station that a British subject can hold from his sovereign, (the Lord Lieutenancy of *Ireland*,) and this under circumstances peculiarly trying; we are justified in the belief, that had he been spared to this country, he would before this time, have duly appreciated the characters of those, by whom he was surrounded; and who too long for the honor and happiness of this province, have regulated its affairs. Withdrawn from *their* councils and prejudices, under his beneficent administration, we should at last, have enjoyed those advantages, which the wisdom and munificence of the mother country, has hitherto vainly attempted to confer upon us.

In viewing the end of this great man, it is impossible not to be overwhelmed by the visitation, both in the extent of our loss and the peculiarly afflicting circumstances, which marked the calamity. Whilst pursuing inquiries, whence the most important consequences were fondly and justly anticipated, with a zeal proportioned to the anxiety he felt for the improvement of the country; regardless of his own personal ease and convenience, and at a distance from the comforts and elegancies of life, to which he had been accustomed, the DUKE OF RICHMOND was destined to see the slow, steady and unrelenting approach of death in one of its most afflictive forms. Surrounded only by two or three personal friends, at a distance from his family, in the log hut of a poor

settler of the OTTAWA, died this heir of three Dukedoms, in the full maturity of his virtues and endowments.

Thus died in arduous exertions for the welfare of this country a RICHMOND! leaving his country an inheritance, spotless as his virtues and imperishable as his fame—HIS CHARACTER. That belongs TO ENGLAND—TO IRELAND—TO CANADA. His character belongs to his Country, and to ENGLAND particularly, it forms a noble inheritance. Uniting in himself all those qualities which adorn human nature, he exhibited a noble example of real greatness to all around him. Brave to excess, almost intuitive in his perceptions, indulgent to the weaknesses and passions of others, but governing his own with a rod of iron, the blood of three royal families ennobling his veins; thus highly gifted he formed a dignified representative of his Sovereign, and in the full maturity of all his virtues and endowments, he accepted the Government of these Provinces. Immediately he repaired to them, and as instantly commenced the execution of the great plans which he had devised for their improvement, and in the prosecution of them sacrificed his life. What must be our feelings, when we reflect that this highly exalted—highly gifted—this almost unequalled Nobleman was destined to die in a hovel, unattended by any one of his family to sooth his passage to the tomb, bereft of the attentions of his amiable and beloved daughter.

Eminently distinguished, as he had been, through life, for personal courage and fortitude, how painful to think that his latter moments should be disturbed by an apprehension of losing his accustomed control over his own mind and actions. But his accustomed fortitude did *not* forsake him—his soul remained erect and unshaken; there was no complaint—no claim upon the sympathy of those around him. On the contrary, concealing with anxious solicitude the pain which he felt, he occupied himself in giving directions, whereby acts of beneficence and kindness to others, commenced by him in life, should be consummated, when he should himself have ceased to exist; and in preparing for the great change which was soon to take place.

Leaving his *public*, and approaching his *private* character, our sympathies are equally powerfully excited. All those qualities of mind, which constitute the happiness of domestic life, eminently centered in the DUKE OF RICHMOND—the affectionate HUSBAND—the indulgent FATHER—the liberal MASTER—he stood the respected and almost adored head of his family. In his *friendship*, warm as it was extensive, carrying into its circle all those domestic feelings which solaced his family; it was not the trifling offices, that are so frequently and so improperly, dignified

with that name, that marked his attachments, nor were they limited; for he was anxious to confer substantial, real happiness, on all that came within the extended sphere of his observation.

The reflection, Mr. SPEAKER, is awfully humiliating to the lofty pride of human nature; that the energies of even a RICHMOND, mighty as they were, became the ravings of folly or the stupor of insensibility at the nod of OMNIPOTENCE. I can figure nothing so truly melancholy as the last scene of this great man's life—nothing more agonising than his employment of writing to his affectionate and beloved daughter, and preparing her mind for the loss she was about to sustain; thus to the last, maintaining and clinging to his greatness of mind. For my own part, I am lost in admiration of the wonderful union of fortitude and benevolence which this scene exhibits, and can imagine nothing to be compared to it, nor of the feelings it must have excited in those who witnessed it, except I compare it to our seeing a NEWTON or a BACON, men whose intellectual and moral powers had measured the heavens, and given laws to the earth; men possessing such an influx of the divine mind that they can hardly be said to be merely human, or that the generality of mankind belong to the same order of beings—I say, Mr. SPEAKER, I can compare it to nothing but the effect that would be produced, by seeing a BACON, or a NEWTON, reduced to a state of drivelling imbecility, racked with the fury of madness, or their faculties chained with the stupor of idiotism. From the time he put on the robe of manhood, the distinguishing characteristic of the late lamented Duke was—COMMAND OF SOUL; and to contemplate the loss of it, in the moment of death, must have been to HIM the sting that agonised the hours of its approach.

Mr. SPEAKER, we feel, we deeply feel our loss, but the extent of it can hardly be ascertained. It is an inscrutable dispensation of Providence, to which we must bow with humble submission; melancholy as is the consideration that one born to riches, to rank, to honor, who was himself all goodness, should be destined to pass his last moments in the manner I have stated. I have very feebly expressed my sense of his character, and my regret for his loss, and have to thank the House for its indulgence.

Mr. Quesnel said a few words in support of the motion, but they were too indistinctly heard in the Gallery to justify an attempt to report his observations.

Mr. Oldham—referring to an observation of Mr. Stuart, which he supposed directed to his remarks at the opening of the debate, declared, that he had delivered his sentiments on the present occasion, as a subject of His Majesty, who gloried in living under the constitution, it was the happiness of this Country to possess,

and  
The  
the C  
after  
Legis  
gove  
still  
Mem  
self  
latur  
ed as  
very  
the f  
and i  
tages  
The  
all th  
that  
by p  
ed, b  
tion,  
but g  
M  
resol  
pose  
that  
of th  
ing r  
and  
the  
the C  
tain  
its r  
mod  
had  
and  
nor  
B.  
SUP  
TITY  
List  
so,  
indi  
cons  
Mr.  
(Mr

and with that freedom which became a Member of that House. The Honourable and learned Member no doubt well understood the Constitution of his Country, and so (*said Mr. O.*) do I too, after my way (*suiwant ma façon.*) The constitution gave us a Legislature, composed of three Estates. A purely monarchical government, was certainly not desirable, an aristocratical was still worse, but a democratical worst of all. No Honourable Member (*Mr. O. said*) was more anxiously disposed than himself to declare and protect the rights of this Branch of the Legislature, but the censure contained in this resolution, he considered as too direct, and only calculated to extend still further, the very prejudicial differences he had before alluded to. Under the free government we enjoyed, the three Estates were equal, and it was only in the happy union of the whole, that the advantages of such a form of Government could be fully experienced. The admirable balance of power which it exhibited had caused all the world to copy after its model, and he (*Mr. O.*) trusted that this House would be cautious of doing any thing, which, by possibility could impair such a constitution. *Mr. O.* concluded, by expressing his willingness to vote for the second resolution, as it contained an assertion of the rights of this House, but go further he could not.

*Mr. Bourdages* expressed his determination to vote for the resolution before the House, and also for those which he supposed would afterwards be submitted to them. He considered that if the resolution of the Legislative Council, and the Speech of the *late* Governor in Chief were constitutional, that the standing rules of this House must be unconstitutional. The Resolution and the Speech in his opinion equally censured this Branch of the Legislature. He did not know that either the Council, or the Governor had a right to do so at *any* time, but he was certain they had not, whilst this House governed its proceedings by its rules. On the present occasion he must assert that, in the mode in which the Civil List had been voted in 1819, this House had been strictly within the letter as well as the spirit of its rules; and (*added Mr. B.*) whilst acting in that manner, I cannot bear nor ought this House to submit to censure from any quarter. *Mr. B.* then read the second standing rule under the head "AID AND SUPPLY," and also the second standing rule under head "PETITIONS," contending strongly that the mode in which the Civil List had been voted, was in strict accordance to both, and being so, that it was the duty of this House to repel with becoming indignation, the censures which that conduct, though so highly constitutional had called forth. Referring to the observations of *Mr. Oldham*, relative to the *intention* of the Legislative Council, (*Mr. B. said*) he could only judge of it by their public conduct,

and whatever they might mean or intend, they had attacked the constitutional rights of this House, and passed a direct and unmerited censure upon its proceedings. He concluded by declaring, that for these reasons he should vote for the resolutions.

Mr. *Vallieres de St. Real*—said, he would on the present occasion have preferred the short and direct course, which characterised the vote of the House in 1810, which upon motion of Mr. *Bedard*, proceeded at once to declare, “ That every attempt of the Executive Government, and of the other Branches of the Legislature against this House, whether in dictating or censuring its proceedings or in approving the conduct of one part of its members, and disapproving the conduct of the others, is a violation of the statute by which this House is constituted—a breach of the privileges of this House, against which it cannot forbear acting, and a dangerous attack upon the rights and liberties of His Majesty’s subjects.” But no doubt (said Mr. *V.*) the Honourable Member who introduced the resolutions, had satisfied his own mind on the eligibility of the course he had adopted, and I shall not therefore detain the House upon that point, but immediately proceeding to the consideration of the resolution as it stands, I shall state the grounds upon which my assent will be given to it.

It is with sentiments of regret that I feel myself forced to give a vote, which reflects in an unfavorable point of view, any act of the *late DUKE OF RICHMOND*; but those feelings are considerably abated from the conviction that the one in question never was an emanation from his own mind, for it was a mind too great and too manly to have conceived or uttered such sentiments, had his information and knowledge of the character of the people he was to govern, and of the character of this House been the result of his own discriminating observation. His Grace it ought to be remarked, assumed the Government of a Colony to which he was an entire stranger—of a Colony, the habits, customs and the laws of which, were different from what he had witnessed in Europe, and it was his misfortune to receive the information which he felt it his duty to seek, from persons whose motives and dispositions were widely different from those which swayed *his* actions. If His Grace had been spared longer, it is not likely that this House would now be debating, whether adopting the sentiments of the Legislative Council, the extract from his Speech, which has been read, contains a censure upon this House, for discovering (as he soon would have done) the motives of those who thus dared to poison his mind, he would have sent for this House, and with that manly frankness, which is ever more ready to acknowledge than to persevere in error, he would have assured to them the complete exercise of every right

they  
this  
point  
for  
of  
matti  
cens  
of A  
and  
meri  
W  
and  
retur  
cil i  
all r  
whar  
red,  
stitu  
not v  
fault  
Prov  
ESta  
The  
ches  
who  
and  
with  
Brar  
of th  
Gov  
Hou  
from  
insu  
lar  
but  
port  
equa  
Mr.  
the  
tion  
the  
Bra  
and  
right  
tion  
alto  
whi

they possess, without apprehension of his displeasure. The evil we this night deplore, and to which the resolution before the House points, arises entirely from the sources whence, unfortunately for the House, and unfortunately for the country, the DUKE OF RICHMOND, as well as other Governors, obtained their information as to the country: *viz.* from those in place. It was the censure of those, who would lead him to think that the House of Assembly are inferior to the next Branch of the Legislature, and in return, it is the counsellor and not the counselled, who merits, and who should receive the severity of our censure.

We hear, Mr. *Speaker*, the constitution constantly invoked, and our conduct declared to be unconstitutional; whilst in return we declare that the conduct of the Legislative Council is unconstitutional. What is this constitution to which all refer as the guide of their political conduct? Or through what medium do we severally read, so as to make it black, white, red, green, according to our particular inclinations? The constitution itself cannot be so indefinite in its provisions, or it does not merit the eulogiums so constantly bestowed upon it. But the fault is not in the constitution, for the constitution of these Provinces is the constitution of *England*, and being so, the three Estates are component, but *equal* Branches of the Legislature. The dissensions and want of concert between the different Branches of the Legislature, has been produced by certain persons who constantly surround the Executive, acting themselves and endeavoring but too successfully to impress that Branch with a similar sentiment, as if the Commons are an inferior Branch of the Legislature. Whether we look to the resolutions of the Legislative Council, or to the Speech of His Grace the late Governor in Chief, or to those of his predecessors, of which this House has complained, we shall discover that they all emanate from the same source. We shall perceive that it is not the mere insult of a day—that it is not an occasional attack of particular measures, momentarily injurious to the feelings of members, but a direct and systematic denial of our inherent and most important rights as a constitutionally component and every way equal Branch of the Legislature. And whence, I would ask, Mr. *Speaker*, do the Legislative Council or the Executive derive the right which they thus assume? Certainly not from the constitution. The Act of the 31st of His late Majesty, which created the Legislature did not make us dependent on either of the other Branches, any more than they, or either of them, upon this House; and we therefore deny that the Legislative Council have any right to censure our measures. They may suggest modifications, they may propose amendments, or they may reject them altogether, but we enjoy and exercise a similar power over those which they give rise to.



I repeat, Mr. *Speaker*, that being *equal*, we have no reason to submit to censure from either of the other Branches of the Legislature. In the term *censure*, a sort of punishment is contained, and no person or body of persons has a right to be punished by another which is only its equal. In asserting these sentiments, I am far from wishing to attack the just prerogatives of the Crown, or of its representatives in this Province; for from a variety of reasons, among which may be numbered, the prejudices of Education, I most highly cherish them. The resolutions proposed by the Hon. Member for the County of *Quebec*, by no means could be considered as an attack on the Executive, or on the Legislative Council *as such*, but as a vindication from the censures contained in the Speech of the one, and the resolutions of the other, which were made at a period when it was impossible for this House to do itself justice. A mode of proceeding, it ought to be remembered, had been frequently adopted by the Legislative Council: viz. towards the close of a Session when it was totally out of the power of this House, to combat them or to defend itself, to pass a string of resolutions, calculated to astonish and agitate the public mind as to the proceedings of this Branch of the Legislature. They did so in 1819, and in lamenting the Memory—as I most sincerely do, of the late DUKE OF RICHMOND, I also lament that he unfortunately sanctioned the views of the Legislative Council at that time. This House cannot at the present moment, do otherwise than declare, as proposed in the resolution now before it, that His Grace's Speech and the Entry in the Journals of the Legislative Council, do severally contain a censure of the proceedings of this Branch of the Legislature, and in following that vote up by adopting unanimously the succeeding resolutions, it only vindicates its rights as the representatives of the people and the honor of its Members, both of which have been so frequently infringed, and particularly by the Legislative Council.

Mr. *Neilson*, Mr. *Oldham* and Mr. *Vallieres de St. Real*, severally said a few words in explanation when the question was taken and the House divided.—

AYES—*Thirty-four*.—Messrs. *Neilson*, *Belanger*, *Huot*, *Heny*, *Bourdages*, *R. Jones*, *J. Jones*, *Taché*, *Quirouet*, *Fournier*, *E. Lagueur*, *Viger*, *Ls. Lagueur*, *Robitaille*, *Proulx*, *Panet*, *Paré*, *Davidson*, *Stuart*, *Valois*, *St. Onge*, *McCallum*, *Picotte*, *Garden*, *Mousseau*, *Gauvreau*, *Vallieres*, *Blanchet*, *Dessaules*, *Cuvillier*, *Langevin*, *Provost*, *Amiot*.

NAYS—*Two*.—Messr. *Taschereau*, *Oldham*.

Mr. *Neilson* then moved to resolve, "That all Censures of any proceedings of this Branch of the Legislature, by either of the other Branches thereof, is an assumption and exercise of

pow  
priv  
Gov  
T  
pass  
M  
" T  
or S  
Bran  
ings.  
to ad  
form  
judg  
welfa  
T  
pass  
M  
but a  
it, p  
T

power contrary to Law, a breach of the undoubted rights and privileges of this House, and subversive of the constitution of Government, as by Law established in this Province."

The motion being seconded, was put from the Chair and passed *nemine dissentiente*.

Mr. Neilson.—I shall now propose to the House, to resolve, "That it is the undoubted right of this House, in voting Aids or Supplies, or offering Money Bills for the consent of the other Branches of the Legislature (as well as in all its other proceedings, under the afore-recited Act of Parliament of Great-Britain) to adopt such order or mode of proceeding as it may find conformable to its Rules; and to propound such matter, as in its judgment shall seem fittest and most convenient to the peace, welfare, and good Government of this Province."

The motion being seconded, was put from the Chair, and passed as the last.

Mr. Neilson was about proposing an additional resolution, but after some explanation from several Members, he withdrew it, pledging himself to bring it forward on an early day.

The House shortly after adjourned.



## APPENDIX.

---

SIR J. H. CRAIG'S SPEECH, 15th MAY, 1809.

---

“ *Gentlemen of the Legislative Council, and  
“ Gentlemen of the House of Assembly,*

“ The advanced state of the season, your private convenience, and the happy change that has taken place between His Majesty's Government and that of the United States, from which we may reasonably look for a permanence of the public tranquillity, together with other circumstances, have induced me to put an end to this Session: and upon a full consideration of the events by which it has been marked, I feel it to be a duty which I owe to His Majesty and to the Province, to recur as speedily as circumstances will permit, to the sense of His Subjects, by calling a new Parliament.

“ *Gentlemen of the House of Assembly,*

“ When I met you at the commencement of the present Session, I had no reason to doubt your moderation or your prudence, and I willingly relied upon both. Under the guidance of these principles, I expected from you a manly sacrifice of all personal animosities, and individual dissatisfaction--a watchful solicitude for the concerns of your country, and a steady perseverance in the executing of your public duty, with zeal and dispatch. I looked for earnest endeavours to promote the general harmony, of the Province, and a careful abstinence from whatever might have a tendency to disturb it: for due, and therefore indispensable attention to the other Branches of the Legislature, and for prompt and cheerful co-operation, and assistance, in whatever might conduce to the happiness and welfare of the Colony. All this I had a right to expect, because such was your constitutional duty; because such a conduct would have been a lasting testimony, as it was the only one sought for by His Majesty's Government, of that loyalty and affection, which you have so warmly professed, and which I believe you to possess; and because it was particularly called for by the critical conjuncture of the times, and especially by the precarious situation in which we then stood, with respect to the American States. I am sorry to add, that I have been disappointed in all these expectations, and in every hope upon which I relied.

“ You have wasted in fruitless debates, excited by private and personal animosities, or frivolous contests, upon trivial matters of form, that time and those talents to which, within your walls, the public have an exclusive title; this abuse of your functions, you have preferred to the high and important duties which you owe to your Sovereign, and to your constituents, and you have, thereby, been forced to neglect the consideration of matters of moment and necessity, which were before you, while you have at the same time, virtually prevented the introduction of such others, as may have been in contemplation. If any further proof of this mis-use of your time were necessary, I have just presented it, in having been called on, after a Session of five weeks, to exercise His Majesty's prerogative of assent, to only the same number of Bills, three of which, were the mere renewal of annual Acts, to which you stood pledged, and which required no discussion.

“ So much of intemperate heat has been manifested in all your proceedings, and you have shewn such a prolonged and disrespectful inattention to matters submitted to your consideration by the other branches of the Legislature, that whatever might be the moderation and forbearance exercised on their parts, a general good understanding is scarcely to be looked for, without a new Assembly.

“ I shall not particularly advert to other acts, which appear to be unconstitutional infringements of the rights of the subject, repugnant to the very letter of that Statute of the Imperial Parliament, under which you hold your Seats, and to have been sanctioned by proceedings, which amount to a dereliction of the first principles of natural Justice; and I shall abstain, from any further enumeration of the causes by which I have been induced to adopt the determination, which I have taken, because the part of your conduct, to which I have already referred, is obviously and in a high degree, detrimental to the best interests of the Country; such, as my duty to the Crown forbids me to countenance, and as compels me to have recourse to a dissolution, as the only constitutional means by which its recurrence may be prevented.

“ *Gentlemen of the Legislative Council, and*

“ *Gentlemen of the House of Assembly,*

“ I shall give the necessary orders for calling a new Provincial Parliament, as soon as convenience will permit; and having no other object, and confident that no other will be attributed to me, but to preserve the true principles of the free and happy Constitution of the Province, and to employ the power entrusted to me by His Majesty, to the only end for which I have received it, the good of his subjects, I have an entire confidence in the

electors, to whom I shall recur; trusting that by the choice of proper representatives, further mischiefs may be obviated, and the important interests of the Colony, considered in the next Session, with less interruption, and happier effect.

“I will not conceal from you, that it has been very much with a view to obviate misrepresentation, if possible, and to enable the people to judge of the grounds which have been afforded me, for the conduct I have adopted, that I have entered into any detail upon this subject; the task has been painful in the extreme, and I turn from it with peculiar satisfaction, to offer to you, Gentlemen of the Legislative Council, the acknowledgements that are due to you, for that unanimity, zeal and unremitting attention, which you have shewn in your proceedings. It rests not with you that so little has been accomplished for the public good. To a considerable portion of the House of Assembly, my thanks are equally due. I trust they will believe, that I do them the justice of a proper discrimination, in the sense I entertain of their efforts, to avert that conduct, of which I have so much reason to complain. By this, Gentlemen, you have truly manifested your affection to His Majesty’s Government, and your just estimation of the real and permanent interests of the Province.”

---

*Mr. BEDARD's resolution passed by the House of Assembly,  
(on a division,) on 3d February, 1810.*

“That every attempt of the Executive Government, and of the other Branches of the Legislature against this House, whether in dictating or censuring its proceedings, or in approving the conduct of one part of its Members, and disapproving the conduct of the others, is a violation of the Statute by which this House is constituted—a breach of the privileges of this House, against which it cannot forbear objecting, and a dangerous attack upon the rights and liberties of His Majesty’s subjects in this Province.”

*YEAS,*

*Messrs. Debartzch, J. L. Papineau, Lee, Beauchamp, Hébert, Huot, Caron, Langlois, F. Roi, St. Julien, Viger, I. Roi, B. Panet, Durocher, Blanchet, Taschereau, Blackwood, Bedard, Drapeau, Borga, Meunier, Robitaille and Bernier.*

*NAYS,*

*Messrs. R. Cuthbert, Duchesnay, M'Cord, Bell, Mure, Dénéchau, Jones, Gray, Jones of Bedford, Bowen and Gugsy.*

## HOUSE OF ASSEMBLY,

Tuesday, 13th Feby. 1810.

## TO THE KING'S MOST EXCELLENT MAJESTY,

The most humble Address of the Assembly of *Lower Canada*, in Provincial Parliament convened.

---

"WE, Your Majesty's most dutiful and loyal subjects, the representatives of the Commons of *Lower-Canada*, in Assembly met, humbly beg leave to approach your Majesty's Throne, with hearts full of loyalty and gratitude.

"We humbly beseech Your Majesty to be assured of the sentiments of affection entertained by Your Majesty's subjects of *Lower-Canada*, and also to be persuaded, that the people of this Colony, ever attached to their Sovereign, will never be surpassed by others in Your Majesty's Empire, in the sentiments of regard and affection which they feel for your sacred person.

"We humbly beg leave to express to your Majesty, the lively gratitude which we feel, on a recollection of all your Majesty's favours, and on a view of the state of prosperity, to which this Province has attained, under your Majesty's paternal Government, and the happy Constitution which has been granted us by the liberality of your Majesty, and of the British Parliament.

"This state of prosperity is become such, as to enable us to engage to pay in the course of the present Session of the Legislature, the Civil Expenditure of the Provincial Government, which has hitherto been chiefly defrayed by your Majesty, and this effect of our prosperity is the more gratifying to us, as your Majesty's people of *Great Britain* have been so long burdened with the expenses of a war, undertaken for the protection of every part of your Majesty's vast Empire.

"In these circumstances, Your Majesty's subjects in this Province feel themselves happy in being now able to acquit themselves of an obligation imposed on them by duty and gratitude."

[Addresses of similar import, to the HOUSE OF LORDS and the HOUSE OF COMMONS, were voted on the same day.]

---

Wednesday, 14th Feb. 1810.

Upon motion of Mr. *Bedard*, it was (upon a division) resolved:

That an humble Address be presented to His Excellency the Governor in Chief, informing His Excellency, that this

House has resolved to vote in the present Session, the sums necessary for paying all the Civil Expences of the Government of this Province, and to beseech that His Excellency will be pleased to order the proper officer to lay before this House an estimate of the said Civil Expences.

*Friday, 16th Feb. 1810.*

Mr. *Bedard* reported, that accompanied by the other messengers, they had in obedience to the orders of the House, presented their Address of *Wednesday* last, to His Excellency the Governor in Chief, praying he will be pleased to order the proper officer to lay before this House, an Estimate of the Civil Expences of the Government of this Province; and that His Excellency had been pleased to answer, that he will give directions that the desire of the House might be complied with."

---

*Friday, 23d Feb. 1810.*

Mr. SPEAKER and the House went up to the *Castle of St. Lewis*, with the Addresses voted on the 13th inst. (*vide* page 37) and being returned, Mr. SPEAKER reported that the House had attended upon His Excellency with the said Addresses, and that His Excellency was pleased to make the following answer :

" *Gentlemen,*

" The Addresses which you have presented to me, are all under such peculiar circumstances of novelty, that they have demanded and received, a considerable degree of consideration from me.

" The constitutional usage of Parliament, fully recognized by the wisdom of the House of Commons of the United Kingdom, forbids all steps, whatever, on the part of the people, towards grants of money, upon public or private grounds, which are not recommended from the Crown. And although, by the same Parliamentary usage, all grants and aids do originate in the Lower House, yet it is scarcely necessary for me to observe that they are wholly ineffectual, without the concurrence of the Upper House. I must observe also that of Addresses to the House of Lords, or to the House of Commons separately, by a single branch of a Colonial Legislature (as far as my information goes) no former example exists. And I must request you to notice that the Address which I have now received from you, intended for the House of Commons of the United Kingdom, is made to a part only of that House.

"For these reasons, I cannot but consider these Addresses to be unprecedented; to be imperfect in form; to be founded upon a resolution, which until it has received the concurrence of the Legislative Council, must be wholly ineffectual, (except as a spontaneous offer on the part of the Commons of Canada) that they are consequently premature; and I regret that I cannot therefore, under the impression which I feel of my official duty, take upon myself to transmit them to His Majesty's Minister. I may add that His Majesty's Ministers are not the regular organs of communication with the Houses of Parliament, unless by His Majesty's command. I could not therefore pledge myself for the delivery of these Addresses were I to transmit them through that channel.

"Under some of these considerations, I should equally feel myself bound, upon ordinary occasions, to decline transmitting any Address to His Majesty, that might be under circumstances similar to the present. But upon this occasion, and after mature deliberation, I think it right that it should be laid before him. I think it right that by an act of their own, His Majesty should be informed of the good disposition, gratitude and generous intentions of his Subjects in this Province. I think it right, also, that His Majesty, by their own act, should be formally apprized, of the ability and of the voluntary pledge and promise which the people of this Province, by this Address to their Sovereign, and by the resolution upon which it is founded, have given to His Majesty, to pay the entire Civil Expenditure of the Province, when required so to do. And consequently, without repugnance demands from them, the performance of this solemn undertaking on their part, whenever he may, in his wisdom think it expedient so to do.

"For these reasons I shall transmit your Address to the King, as you have requested.—I desire, however, that it may be distinctly understood, that as I ought not, by any act of mine, to compromise the rights of His Majesty, of the Imperial Government, or of the Legislative Council of this Province, so I do not by this compliance with your request, concede to the Assembly of this Province, or admit that any step, on their part, towards grants of money, which are not recommended by the Crown, can be constitutional, or that any such step, can be effectual, without the concurrence of the Legislative Council and the final approbation of the King.

"The expression of affection and of gratitude, towards his Majesty, and the two Houses of the Imperial Parliament, for the



favors conferred on this Province, under which it has attained its present state of prosperity, which you so warmly and so explicitly profess, in your Address, will not permit a moment's doubt of the sincerity of your wishes, to carry into complete effect, the resolution which is the object of them. So commendable a purpose entitles you to every acknowledgement; and I cannot but lament exceedingly, that any circumstances should have compelled me to express myself, on the subject, in a way that may carry with it, even an appearance, however little intended, of opposing any check to the manifestation of the sentiments under which I persuade myself you have acted."

---

Mr. BEDARD moved, seconded by Mr. BOURDAGES,

That a Committee of *seven* members be appointed to search for, and enquire upon the Constitutional points and Parliamentary usages, mentioned in the answer made by His Excellency the Governor in Chief to the humble Address of this House to His Excellency, presented this day by this house to His Excellency, and to report with all convenient speed.

The House divided upon the question, and the names being called for, they were taken down as follows:—

*YEAS.*

Messrs. *Blanchet, Bourdages, Bedard, J. L. Papineau, Taschereau, Borgia, Drapreau, Fortin, Saint Julien, Robitaille, Lee, Huot, Meunier, Durocher, B. Panet, Langlois, Beauchamp, and Debartzch.*

*NAYS,*

Messrs. *McCord, Blackwood, Mure, Dénéchau, Ross Cuthbert and Gugy.*

So it was resolved in the affirmative and ORDERED, that Messrs. *Bedard, Bourdages, Taschereau, Borgia, Blanchet, Debartzch, and J. L. Papineau,* do compose the said Committee.

This Committee did not report, because on the 26th February, His EXCELLENCY THE GOVERNOR IN CHIEF closed the Session with the following Speech :

*Gentlemen of the Legislative Council, and  
Gentlemen of the House of Assembly ;*

I am come down here for the purpose of proroguing the present Parliament, and upon a mature consideration of the circumstances that have taken place, I am to inform you of my determination of again recurring to the sense of the people by an immediate dissolution.

Called again to the unpleasant exercise of one of the functions of His Majesty's prerogative, with which I am entrusted, I feel it to be again expedient that I should state to you, and that through you, which is, indeed, the only channel of communication that I have with them, the people may be distinctly informed of the motives by which I am actuated.

Whatever might be my personal wishes, or however strong might be my desire that the public business should suffer no interruption, I feel that, on this occasion, nothing is left to my discretion—it has been rendered impossible for me to act otherwise than in the way I am proposing.

The House of Assembly have taken upon themselves, without the participation of the other branches of the Legislature, to pass a vote that a Judge of His Majesty's Court of King's Bench cannot sit nor vote in their House. However I might set aside the personal feelings, which would not be unnatural in me, as to the mode in which this transaction has been conducted towards myself, there is another, and infinitely higher consideration arises out of it, which I must not overlook.

It is impossible for me to consider what has been done, in any other light than as a direct violation of an Act of the Imperial Parliament, of that Parliament which conferred on you the constitution to which you profess to owe your present prosperity, nor can I do otherwise than consider the House of Assembly as having unconstitutionally disfranchised a large portion of His Majesty's subjects, and rendered ineligible, by an authority which they do not possess, another not inconsiderable class of the community.

Such an assumption I should, at any rate, feel myself bound by every tie of duty to oppose ; but, in consequence of the expulsion of the Member for the County of Quebec, a vacancy in the representation for that County has been declared, and it would be necessary that a new writ should issue for the election of another Member ; that writ would be to be signed by me.—

Gentlemen, I cannot, dare not render myself a partaker in a violation of an Act of the Imperial Parliament, and I know no other way by which I can avoid becoming so, but that which I am pursuing.

When we met, I felt much satisfaction in the consciousness of having taken such steps as I thought most likely to facilitate, indeed I thought would do away every possible objection to a measure that seemed to be wished for, and that, in itself, met my entire concurrence; but my objection, and the only objection that can, I think, exist in the mind of any reasonable man, to the eligibility of the Judges, arises from the possible effect that may be produced by the necessity it puts them under of soliciting the votes of the Electors. No well grounded objection can be offered to their sitting in the house when they are elected; on the contrary, their talents and superior knowledge must render them highly useful, and were it not for other considerations, highly desirable members. I cannot but exceedingly lament, that a measure which I consider as beneficial to the country, should not have taken effect. The people, however, in the disappointment of their expectations, will do me the justice to acquit me of being the cause of it, as they must equally acquit me of being the cause that so little of the public business has been done.

---

The following EXTRACT from the SPEECH of *His Excellency* SIR J. H. CRAIG, of the 2d February, 1810, is given as connected with the above observations:

During the two last Sessions, the question of the exclusion of His Majesty's Judges of the Court of King's Bench from a seat in the House of Representatives has been much agitated. This question rests in the desire of precluding the possibility of the existence of a bias in the minds of persons exercising the judicial functions in those Courts, from their being under the necessity of soliciting the votes of individuals, on whose persons or on whose property they may afterwards have to decide.

Whatever might have been my own opinion on this subject, I, nevertheless, hold the right of choice in the people, and that of being chosen by them, in too high estimation, to have taken upon myself, had the question ever come before me, the responsibility of giving His Majesty's Assent to the putting limits to either by the exclusion of any class of his subjects; and they are rights, of which it is impossible to suppose they could be deprived by any other authority than that of the concurrence of the three branches of the Legislature.

That the channel in which flows the current of justice should be pure and free from every the slightest contamination, is too essential to the happiness of the people not to be interesting to a Government which has solely that object in view, and it is perhaps, little less necessary to that happiness, that there should not exist in the minds of the public a doubt on the subject.— In this latter view, I have thought the early disposal of the question may be of utility ; and, therefore, in recommending the subject to your consideration, I have to add, that having received His Majesty's pleasure upon it, I should feel myself warranted in giving His Royal Assent to any proper Bill for rendering His Majesty's Judges of the Court of King's Bench, in future, ineligible to a seat in the House of Assembly, in which the two Houses may concur.

---

A few days afterwards, a dissolution of the House of Assembly was announced by Proclamation ; and writs for calling a new one were issued, bearing test on the 12th *March*, to be returnable on the 21st *April*.

The 12th *December*, 1810, was appointed for the meeting of the new Parliament, and upon the succeeding day, (after sanctioning the choice of the Speaker) the Session was opened by His Excellency with the following Speech :

*Gentlemen of the Legislative Council, and  
Gentlemen of the House of Assembly ;*

As I have never doubted the loyalty and zeal of the several Parliaments which I have had occasion to meet, since I assumed the administration of the Government of this Province, so I do rely with equal assurance, that I shall not fail to experience those same principles, in that which I am now addressing ; and in the confident expectation that you are animated by the best intentions to promote the interests of His Majesty's Government, and the welfare of his people, I shall look for the happy effects of such a disposition, in the tenor of your deliberations, and the dispatch of the public business.

Of the state of public affairs in Europe, I have no official notice, on which I can ground any information to be given to you. In these parts, it appears, however, that no advances have been made towards an accommodation of the differences that have so long subsisted between His Majesty's Government and that of the United-States ; such is, indeed, so far from being the case, that I am warranted in stating, that new claims as relating to their Neutral Rights, have been brought forward by the latter,

of a nature that seem likely to place that wished for event, at a very uncertain period.

I desire to call your attention to the temporary Act, for the preservation of His Majesty's Government, as by law happily established in this Province; and to that for establishing regulations respecting Aliens, and certain Subjects of His Majesty, who have resided in France. No change has taken place in the state of public affairs, that can warrant a departure from those precautions and that vigilance, which have hitherto induced all branches of the Legislature to consider these acts as necessary. In saying that they are important to the interests of His Majesty's Government, you will not, I am confident, for a moment suppose that I mean to divide these from the interests of the public: they are inseparable. The preservation of His Majesty's Government, is the safety of the Province, and its security is the only safeguard to the public tranquility. Under these considerations, therefore, I cannot but recommend them, together with the Act making temporary provision for the regulation of trade, between this Province and the United-States, to your first, and immediate consideration.

If any other matters should occur, to which I may conceive it necessary to call your attention, I shall communicate them by message;

*Gentlemen of the House of Assembly;*

I shall direct to be laid before you, a statement of the Provincial Revenue of the Crown, and the expenditure for the last twelve months.

*Gentlemen of the Legislative Council, and  
Gentlemen of the House of Assembly;*

I entreat you to believe, that I shall have great satisfaction in cultivating that harmony and good understanding, which must be so conducive to the prosperity and happiness of the Colony; and that I shall most readily and cheerfully concur in every measure which you may propose, tending to promote those important objects.

The rule of my conduct, is, to discharge my duty to my Sovereign, by a constant attention to the interests of His Government, and to the welfare of his Subjects, which he has committed to my charge; and these objects, I feel to be best promoted, by a strict adherence to the Laws, and to the principles of the Constitution, and by maintaining in their just balance, the rights and privileges of every Branch of the Legislature.

---

Nothing of consequence, connected with the subject of Parli-

amentary Privilege, occurred during the years 1811, 1812 or 1813; but in 1814, the Session was opened with a Speech from His Excellency Sir GEORGE PREVOST, on the 13th *January*, detailing the principal events of the war in Europe and in North America.—It acknowledged in the most expressive terms, “the loyalty, zeal and unanimity of His Majesty’s Canadian Subjects.” Alluding to no topic connected with this Appendix, it is deemed unnecessary to insert it; but as the Session (notwithstanding the war with the neighbouring States, which was then at its height) exhibited in its proceedings, a great variety of matters bearing upon the general subjects or principles discussed in the preceding pages, it has been deemed advisable to prepare a *syllabus* of such as have that tendency. The following, it is believed, will be found sufficiently extensive; and, it is hoped, impartially meets the object contemplated:

HOUSE OF ASSEMBLY,  
MONDAY, *January 17.*

The House went up to the Castle St. Lewis, with the Address in answer to His Excellency’s Speech on opening the Session, which it echoed.

A Bill, disqualifying the Judges of the Courts of King’s Bench from being summoned or voting in the Legislative Council, was introduced and read a first time.

*Friday 21.*

The above Bill was read a second time and referred to a Special Committee.

*Monday 24.*

The Committee reporting the Bill without any amendments, it was ordered to be engrossed, and on the next day, being read for the third time, passed and was ordered to the Legislative Council.\*

*Friday, February 18.*

The Committee appointed on *Tuesday*, to search the Journals of the Legislative Council, as to what proceedings are therein with relation to the bills sent by the House to the Honorable Le-

\* The following is an extract from the Journals of the Legislative Council, upon receiving the above Bill:

“On reading the title of a bill from the House of Assembly, “For disqualifying the Chief Justices and Justices of the Court of King’s Bench, in this Province, from being summoned to the Legislative Council, or sitting or voting therein,” it was moved by Mr. *Ryland*, and unanimously resolved,—First, “That the matters contained in this Bill, are unparliamentary and unprecedented, and intrench on the Prerogatives of the Crown and the Privileges of this House”—Second, “That this House will proceed no further in the consideration of this Bill.”

legislative Council, intituled, "An Act for disqualifying the Chief Justices and the Justices of the Court of King's Bench in this Province, from being summoned to the Legislative Council, or sitting or voting therein," and "An Act for the more effectual establishing of Schools for the teaching of the first rudiments of education in the country parts of this Province," reported, that the Committee had searched the said Journals, and had taken copies of what proceedings are therein with relation to the said bills. The report being read, it was delivered in at the Table, where it was again read; whereupon it was unanimously,

**RESOLVED**, That the reasons assigned by the Legislative Council, for not proceeding on the Bill, intituled, "An Act for disqualifying the Chief Justices and Justices of the Court of King's Bench in this Province, from being summoned to the Legislative Council or sitting or voting therein;" are unfounded and are an infringement of the constitutional rights and privileges of this House.

**RESOLVED**, That the said Bill might, according to the Constitution of this Province, originate and be passed in this House, and that the proceedings thereupon in this House have been parliamentary.

**RESOLVED**, That the Legislative Council, by their refusal to proceed on the said Bill, have excluded from their consideration, a measure highly meriting the attention of the Legislature of this Province, and have thereby afforded additional evidence of its expediency.

*Wednesday, March 2.*

A Committee was appointed to examine the Journals of the Council, relative to its proceedings upon the Addresses of this House to His Royal Highness the Prince Regent and to His Excellency.

*Thursday 3.*

Mr. SPEAKER reported, that the House had attended upon his Excellency the Governor in Chief with their Address, to which His Excellency was pleased to make the following answer:

"I shall take an early opportunity of transmitting to His Majesty's Ministers, your Address to His Royal Highness the Prince Regent, together with the Articles of Accusation which have been preferred by you against the Chief Justice of the Province, and the Chief Justice of the District of Montreal. But I do not think it expedient to suspend the Chief Justice of the Province and the Chief Justice of the District of Montreal, from their Offices, upon an Address to that effect from one Branch of the Legislature alone, founded on Articles of Accusation on

which the Legislative Council have not been consulted, and in which they have not concurred."\*

Upon which, after various Resolutions, asserting the Rights of the House of Assembly, it was

**RESOLVED**, That His Excellency the Governor in Chief, by his said Answer to the Addresses of this House, hath violated the constitutional rights and privileges of this House.

*Monday 7.*

**RESOLVED**, That notwithstanding the perverse and wicked advice given to His Excellency the Governor in Chief, on the subject of the constitutional rights and privileges of this House, and the endeavours of evil disposed advisers, to lead him into error, and to embroil him with His Majesty's faithful Commons of this Province, this House has not, in any respect, altered the opinion it has ever entertained of the wisdom of His Excellency's Administration of the Government, and is determined to adopt the measures it has deemed necessary for the support of the Government, and the defence of the Province.

*Thursday 17.*

**RESOLVED**, That the claim of the Legislative Council, to alter or amend money bills, is contrary to parliamentary usage in this Province and in England.

**RESOLVED**, That the exercise of the said claim, during the late and present Sessions, tends to render the Constitution of this Province ineffectual for the purposes for which that Constitution was granted; and to deprive His Majesty's Canadian Subjects of the benefits thereof.

**RESOLVED**, That the claims of the Legislative Council, touching the heads of Impeachments against Jonathan Sewell and James Monk, Esquires, are not founded on the Constitutional Law, or any analogy thereto; tend to prevent notorious offenders, belonging to that body, from being brought to justice, and to maintain, perpetuate and encourage an arbitrary, illegal, tyrannical and oppressive power over the people of this Province.†

**RESOLVED**, That while the people of this Province, continue to make every exertion to repulse the enemy, they ought also to bestow their attention, through their Representatives, upon any plots which may be framed, by criminal and interested individuals, for depriving them of their rights and liberties, and for overthrowing the Constitution and Govern-

\* The above answer evincing the tenor of the Address, it is not thought necessary to insert it. W. S. S.

† *Vide* Mr. Taschereau's Speech, page 8, relating to Mr. Justice Foucher, also APPENDIX, 21st March, 1817.



ment, as they are by Law happily established in this Province.

A Message was received from His Excellency the Governor in Chief, requesting the immediate attendance of the House upon him, in the Upper House of the Legislature, and it went up accordingly, when, after giving in His Majesty's name, the Royal Assent to several public Bills, His Excellency prorogued the Parliament in a Speech, from which the following are extracts :

*Gentlemen of the Legislative Council, and  
Gentlemen of the House of Assembly ;*

The different subjects submitted to your consideration having been disposed of, I am happy to be enabled to close the Session, and to permit your return to your families and homes.

It would have afforded me sincere gratification, to have witnessed that unanimity and dispatch amongst yourselves, and that liberal confidence in me, which the emergencies of the times, the situation of the Province, and the assurances contained in your Addresses, gave me a right to expect from you, and I have seen with regret, that my disappointment in this expectation, has been attended with serious inconveniences to the public service.

*Gentlemen of the House of Assembly ;*

I cannot but lament, that the course of proceeding adopted by you, has occasioned the loss of a productive Revenue Bill, and of the liberal appropriations you had made for the defence of the Province, and for ameliorating the situation of the Militia ; and I regret that in sacrificing these desirable objects, you should have been swayed by any considerations which seemed to you of higher importance than the immediate security of the Country, or the comfort of those engaged in its protection.

**Mr. SHERWOOD's Resolution, passed by the House of Assembly,  
(on a division) 21st March, 1817.**

"That the claims of the Legislative Council, touching the accusations or complaints brought by this House against *Louis Charles Foucher*, Esquire, are not founded on the Constitutional Law, or any analogy thereto ; tend to prevent offenders out of the reach of the ordinary tribunals of this country, from being brought to justice, and to maintain, perpetuate and encourage

an arbitrary, illegal, tyrannical and oppressive power over the people of this Province."\*

The new Parliament was convened on the 21st *January*, 1815, and on the 24th, His EXCELLENCY THE GOVERNOR IN CHIEF, after approving of the choice of Mr. PAPINEAU, as *Speaker* to the *House of Assembly*, opened the Session with a gracious Speech from the Throne. In addressing the two Branches of the Legislature, His Excellency adverted to general topics, which it is not requisite to insert, and concluded as follows :

“ *Gentlemen of the House of Assembly ;*

“ I shall direct to be laid before you a statement of the Provincial Revenue of the Crown, and of the expenditure during the last year.

#### LEGISLATIVE COUNCIL,

SATURDAY, 1st *March*, 1817.

\* **RESOLVED**, That an Address be presented to His Royal Highness the Prince Regent, humbly beseeching His Royal Highness not to inflict any punishment upon the Hon. *Louis Charles Foucher*, Esquire, one of the Puisne Justices of the Court of King's Bench for the District of *Montreal*, in consequence of the Articles of Complaint exhibited against him by the Assembly of this Province, until such articles of complaint shall have been submitted to the consideration of this House, and this House shall have concurred therein, and such articles of complaint, after such submission and concurrence, shall have been heard and determined in such Tribunal as His Royal Highness shall be pleased to appoint for that purpose, or until such submission and concurrence shall have been heard and determined in due course of Justice in this House, under such Commission as His Royal Highness shall see fit to issue for that purpose, with such powers and limitations as to His Royal Highness shall seem meet.

**RESOLVED**, That no humble Address be presented to His Excellency the Governor in Chief, requesting him to lay the humble Address of this House to His Royal Highness the Prince Regent at the foot of the Throne, in such way as he may judge most proper.

To His Excellency Sir John Coape Sherbrooke, Knight Grand Cross of the Most Honorable and Military Order of the Bath, Captain-General and Governor in Chief, &c. &c. &c.

*May it please Your Excellency,*

We, His Majesty's most dutiful and loyal Subjects, the Legislative Council of the Province of Lower Canada, in Provincial Parliament assembled, taking into consideration the proceedings on the part of the Assembly of this Province, against *Louis Charles Foucher*, Esq. one of the Judges of the Court of King's Bench for the District of *Montreal*, have found ourselves under the necessity of coming to a resolution to address His Royal Highness the Prince Regent, respecting such proceedings, and we now beg leave to present to your Excellency our humble and dutiful Address to His Royal Highness the Prince Regent, which we have passed unanimously; and we respectfully request that Your Excellency will be pleased, in such way and manner as you may judge proper, to transmit to His Majesty's Ministers, the said Address to His Royal Highness the Prince Regent, in order that the same may be laid at the foot of the Throne.

*Monday, 3d March*, 1817.

To His Royal Highness the Prince Regent of the United Kingdom of Great-Britain and Ireland.

*May it Please Your Royal Highness,*

We, His Majesty's most dutiful and loyal subjects, the Legislative Council of the Province of Lower Canada, in Provincial Parliament assembled, do most humbly represent to your Royal Highness, that certain Articles of complaint and accusation

“ The demands of the public service continuing various and large, I look to your liberality for continued exertions to meet them, for a renewal of a productive Revenue Bill, not established in the last Session, and of such of the Provisions of the Army Bill Act, as it shall be deemed expedient to adopt for the future.

“ I recommend also to your attention, the improvement of the communications in the Province.

“ *Gentlemen of the Legislative Council, and*  
“ *Gentlemen of the House of Assembly;*

“ To you the community look for example; I, therefore, trust that in all your proceedings you will manifest that liberal confidence in His Majesty's Government, and unanimity among yourselves, which is so essential to the Public service, and without which, your exertions and my own alike, must necessarily diminish in influence and effect.”

for high crimes and misdemeanours, have been voted by the Assembly of this Province, against *Louis Charles Foucher*, Esquire, one of the Judges of His Majesty's Court of King's Bench for the District of *Montreal*, and an Address of the Assembly has also been voted to be laid before Your Royal Highness with the said articles, and praying that the said *Louis Charles Foucher*, Esquire, be removed from his Office.

In these proceedings we have had no participation in any shape, the resolutions of the Assembly not having been submitted to us for our concurrence, nor has the accused been at all heard in his defence, or had any communication of the charges against him, other than what the public papers or private information may have conveyed; we, therefore, do not presume to give any opinion upon the guilt or innocence of the accused.

Under all the circumstances of the case, however, we consider it our bounden duty humbly to submit to the consideration of Your Royal Highness, the serious consequences which are likely to result if the claim of the Assembly be sustained—That claim extends to the right of passing articles of accusation without limitation and without controul in this Province, either when voted after the hearing of *ex-parte* testimony, without notification to the accused of complaint against him, or in the absence of all testimony, as hath been already practised.

If such a right in the Assembly shall be established, and that Articles of complaint and accusation by that House neither require any concurrence in the Legislative Council, previously to being submitted to Your Royal Highness, nor can be adjudged upon by this House, or any other Tribunal constituted or to be constituted in this Province, then every Public Officer, being liable to be compelled, at his own expense, to go to *England* before being heard, at an immense distance from the place of residence of his exculpatory witnesses, must henceforth feel himself wholly at the mercy of the Assembly, and thereby become disqualified from an independent and faithful discharge of his duty.

We, therefore, humbly beseech Your Royal Highness not to inflict punishment upon the said *Louis Charles Foucher*, Esquire, one of the Judges of His Majesty's Court of King's Bench for the District of *Montreal*, in consequence of the Articles of complaint exhibited against him by the Assembly of this Province, until such Articles of complaint shall have been submitted to the consideration of this House, and this House shall have concurred therein, and such Articles of complaint after such submission and concurrence, shall have been heard and determined in such Tribunal as your Royal Highness shall be pleased to appoint for that purpose; or until such Articles of complaint, without such submission and concurrence, shall have been heard and determined in due course of Justice in this House, under such commission as your Royal Highness shall see fit to issue for that purpose, with such powers and limitations as to your Royal Highness shall seem meet.

*Legislative Council, 3d March, 1817.*

To this Speech, the House on the 30th *January*, presented an answer echoing the observations of His Excellency, and concluding thus :

“ Having no other desire but to discharge our duty, by maintaining the civil and political rights of His Majesty’s subjects in this Province, as happily established by Law, and by providing for the security and welfare of the Province, our views cannot but coincide with those of His Majesty’s Government, and beget reciprocal confidence. On our part we shall only follow the impulse of our feelings, in placing the most liberal and implicit confidence in His Majesty’s Government, and it will always be our wish to cultivate unanimity in our proceedings, being sensible with your Excellency that the Public service will be thus promoted, and that without such conduct, the influence and effect of our exertions as well as those of your Excellency, must be diminished.”

To which his Excellency was pleased to return the following answer :

“ *Gentlemen of the House of Assembly,*

“ I return you my sincere thanks for this loyal Address, and observe with heartfelt satisfaction your disposition, cordially to adopt such measures as may best support His Majesty’s Government, and establish the prosperity of this Province.

“ It is extremely gratifying to my feelings to find that the measures I have pursued have, after a fair and unbiassed view of them, obtained your good opinion.

“ My earnest endeavours shall never be wanting to strengthen the sentiments of confidence which you have expressed.”

Nothing peculiarly important occurred during this Session, in connection with the subject of “ *Parliamentary Privilege,*” if the following Resolution arising from the Report of an Election Committee be excepted :

**RESOLVED,** That it is a high infringement of the liberties of the Commons of Lower-Canada, for any Legislative Councillor of this Province to interfere or concern himself in the Election of any Members to serve for the Commons of this Province.

---

Upon the 22d *March*, the Parliament was prorogued, and His Excellency took his leave of the Legislature in the following Speech addressed to both Houses :

“ *Gentlemen of the Legislative Council, and  
“ Gentlemen of the House of Assembly ;*

“ The measures adopted by you having provided for the important public interests, which required your immediate attention, in a manner evincing both a just comprehension of the exigencies of the Province, and an anxious desire to promote its prosperity ; I no longer delay to release you from those useful public labours, which have detained you from your private concerns.

“ I owe it equally to yourselves, and to a sense of justice, to express the high satisfaction with which I have viewed your unwearied application to matters closely interwoven with the general welfare.

“ *Gentlemen of the House of Assembly ;*

“ The liberality with which you have provided for the advancement of purposes of high utility, has sufficiently shewn that you have proceeded upon those patriotic and loyal principles, which dignify when they actuate the Representatives of a free People.

“ *Gentlemen of the Legislative Council,  
“ Gentlemen of the House of Assembly ;*

“ You will have learned with satisfaction that the desire of his Majesty, for the renewal of amity with America, has been met by a corresponding disposition from the Government of the United-States, and that a Peace has ensued, which it may be permitted us to hope, will, by its ultimate provisions and its permanence, compensate for the evils of war, to which it has given a termination.

“ I have now to inform you that I have received the commands of His Royal Highness the Prince Regent, to return to England for the purpose of repelling accusations, affecting my Military Character, which have been preferred by the late Naval Commander in Chief on the Lakes in Canada, and while I take my leave of you with regret, I embrace with eagerness, the opportunity afforded me of justifying my reputation.

“ However intent on the subject which so unexpectedly thus summons my attention, be assured I shall bear with me a lively recollection of the firm support I have derived from you, and I shall be gratified, at an early period, in representing personally to His Royal Highness the Prince Regent, the zeal and loyalty evinced by every class of His Majesty's subjects in British North

America during my Administration, their attachment to his August Person and to his Government, and most particularly, the spirit and devotion manifested by the People of the Canadas in the late contest with the United-States of America."

From this period up to the date of the Resolution proposed by Mr. *Sherwood*, (which is erroneously placed on page 48) nothing occurred at all bearing upon the topics referred to in the foregoing debate.—Subsequent to Sir GEO. PREVOST'S retirement, the reins of Government were assumed by Sir GORDON DRUMMOND, who upon the arrival of Sir JOHN COAPE SHERBROOKE, resigned them to his direction.

### HOUSE OF ASSEMBLY.

EXTRACT from the SPEECH of *His Excellency Sir JOHN COAPE SHERBROOKE*, upon opening the Session, on *Wednesday, 7th January, 1818.*

"Gentlemen of the Legislative Council, and  
"Gentlemen of the House of Assembly,\*

\* \* \* \* \*

"I have received the commands of His Royal Highness the Prince Regent, to call upon the Provincial Legislature to vote the sums necessary for the ordinary annual expenditure of the Province. These commands will, I am persuaded, receive from you that weighty consideration, which their importance deserves.

"Gentlemen of the House of Assembly,

"In pursuance of these directions, which I have received from His Majesty's Government, I shall order to be laid before you, an Estimate of the sums which will be required to defray the Expences of the Civil Government of the Province, during the year 1818, and I desire you, in His Majesty's name, to provide, in a constitutional manner, the supplies which will be necessary for this purpose. I shall also order to be laid before you the Accounts of the Public Revenue and Expendi-

\* The commencement of His Excellency's Speech, (which is omitted) referred to a variety of local matters. W. S. S.

ture, for the last twelve months, by which you will be enabled to ascertain the means of supply that are at your disposal; and I anticipate with confidence, a continuation of that loyalty and zeal for His Majesty's service, on your part, which I have hitherto experienced, and a ready execution of the offer which you made on a former occasion, to defray the expences of His Majesty's Provincial Government, with a liberality that did you honor."

EXTRACT from the ADDRESS of the HOUSE of ASSEMBLY,  
voted 9th *January*, 1818, in *answer* to the foregoing  
Speech.

"Your Excellency, in communicating to us the commands you have received from His Royal Highness, the Prince Regent, to call upon the Provincial Legislature to vote the sums necessary to defray the ordinary annual expenditure of the Province, rightly entertains the persuasion that the subject will receive from us that mature consideration which its importance deserves.

"Your Excellency may rest assured of the desire of the Commons of Lower-Canada to apply their most serious attention to the estimate which Your Excellency purposes to lay before them, of the sums that will be required to defray the Civil Expenditure of the Government of the Province, during the year one thousand eight hundred and eighteen, and may also rest assured of their desire to provide in a constitutional manner the supplies necessary for this purpose.

"We shall, in like manner, apply our attention to the public revenue and expenditure for the last twelve months, in order to enable ourselves to ascertain the means of supply which are at our disposal.

"Your Excellency has done us justice in expressing your confidence in our loyalty and zeal for His Majesty's service, and in expressing your hopes of our fulfilling, during the present Session, those offers which a sense of duty and gratitude heretofore impelled the Commons of this Province to make, of defraying the Civil Expenditure of His Majesty's Provincial Government."

MESSAGE from *His Excellency* the GOVERNOR IN CHIEF,  
to the HOUSE OF ASSEMBLY, 26th Feb. 1818.

J. C. SHERBROOKE, GOVERNOR IN CHIEF.

"The Governor in Chief has directed to be laid before the House of Assembly estimates of the ordinary permanent expences of the Civil Government of Lower-Canada and of the revenue applicable to the discharge thereof, for the year one thousand eight hundred and eighteen, and from these it appears that the further sum of forty thousand two hundred and sixty-three pounds, eight shillings and nine pence, will be necessary to meet the current expenditure of the year.

"In forming these estimates, regard has been had to the expenditure of former years, from which little variation has been made, and the Governor in Chief relies on the zeal and loyalty of the Assembly, to provide by the necessary appropriations for the deficiency of the supplies.

"Should there be any other objects of expences necessary to be provided for, the Governor in Chief will make a communication of them to the House of Assembly, by message, before their proceedings on the estimates can be closed, and their being other changes respecting which it is necessary for him to consult the King's Government, he will lay them in the same manner before the House of Assembly, when he shall have received instructions on the subject.

Castle of St. Lewis,  
Quebec, 26th Feb. 1818.

J. C. S.

Mr. TASCHEREAU's Resolution, passed by the House of Assembly, (on a division\*) on the 26th March, 1818.

"That an humble Address be presented to his Excellency, the Governor in Chief, representing to His Excellency, that the House having taken into consideration His Excellency's recommendation on the subject of the Expences of the Civil Government of this Province, for the year one thousand eight hundred and eighteen, have voted a sum not exceeding forty thousand, two hundred and sixty-three pounds, eight shillings and nine pence, currency, towards defraying the expences of the Civil Government of this Province, for the year one thousand eight hundred and eighteen, exclusive of the sums already appropriated by Law, but that the peculiar circumstances which have prevent-

\* The names were not taken down—the numbers were YEAS 16, NAYS 2.



ed the House from reviewing at an earlier moment, the Estimate of the Civil List, Revenue and Public Accounts, and the advanced state of the Session, not admitting the passing of a Bill of appropriation for the purpose, they pray His Excellency will be pleased to order, that the said sum, not exceeding forty thousand, two hundred and sixty-three pounds, eight shillings and nine pence, currency, be taken out of any of the unappropriated monies which are or hereafter may be in the hands of the Receiver General of this Province, for the purpose aforesaid, and assuring His Excellency, that this House will make good the same at the next Session of the Provincial Parliament."

---

SPEECH of *His Grace* the DUKE OF RICHMOND upon opening the Session of 1819.

Friday, 22d January, 1819.

" *Gentlemen of the Legislative Council, and*  
 " *Gentlemen of the House of Assembly ;*

" The respect which we owe to the memory of Her Majesty, our late revered Queen, having been so far publicly manifested by your short prorogation, I now meet you with the assurance of my confidence in your zeal and assiduity, and in your union and loyalty to promote, by your labours, the best interests of this favored Province, inseparably connected with those of the Mother Country, and the honor of His Majesty's Crown and Government ; in the progress of which you may rely on my most cordial support and assistance.

" *Gentlemen of the House of Assembly ;*

" His Majesty having been pleased to accept the voluntary offer made by the Representatives of the Commons of this Province, to provide for the expences of the Civil Government, measures were adopted by your late Governor in Chief, Sir J. C. SHERBROOKE, during your last Session to carry the same into effect, which you cheerfully supported ; but having, by his illness, been prevented from contemplating the appropriations required, I consider it necessary to call your immediate attention to this subject, by which his Administration, so honorably conducted, may be, in this respect closed. And for this purpose, I shall order the accounts of the actual expence of the Civil Government for the last year, and of the Revenue collected during the same period, to be forthwith laid before you, in order that your course may be open to proceed on other financial objects.

" In like manner the estimates of the expence for the present year, and the amount of the Revenue to be expected from the existing Laws, will be prepared to be laid before you, that you may be able to attend to the whole of these measures which more peculiarly originate with your branch of the Legislature.

" *Gentlemen of the Legislative Council, and*  
 " *Gentlemen of the House of Assembly;*

" Your joint experience of the public affairs of this Province, and your intimate acquaintance with the wants and interests of your fellow subjects, render it unnecessary for me, at this early period after my arrival, to call your attention to any particular objects of Legislation.—I shall, in the course of the Session, communicate to you by Messages, such matters as circumstances which may arise, shall require.

" My earnest desire is to promote, to the utmost of my power, the prosperity of this rising Colony; and I have no doubt of experiencing from the union of your proceedings, the most satisfactory results to the interests of His Majesty's People and Government.

---

MESSAGE from *His Grace the GOVERNOR IN CHIEF* TO  
 THE HOUSE OF ASSEMBLY.

RICHMOND, LENNOX AND AUBIGNY,  
 GOVERNOR IN CHIEF.

The Governor in Chief has directed to be laid before the House of Assembly, estimates of the regular and contingent expences of the Province of Lower-Canada, for the year commencing the first November, one thousand eight hundred and eighteen, and ending the thirty-first October, one thousand eight hundred and nineteen, inclusive, in full confidence the House will provide by sufficient appropriations for the same.

The amount of these Estimates may be considered as the sum which will be annually necessary for the support of the Civil List, subject, nevertheless, from time to time, to such diminution or augmentation, as the circumstances of the time may require, and the wisdom of the Legislature shall judge expedient, and the Governor in Chief has no doubt but that the House will always be disposed to make a due and respectable provision for the support of all the branches of His Majesty's Government.

in order that the services of such persons as are best suited to discharge the respective duties required, may be obtained.

*Castle of Saint Lewis,*  
 QUEBEC, 3d. March, 1819. }

EXTRACT from the SPEECH of *His Grace* THE DUKE OF RICHMOND, upon closing the Session of 1819.

Saturday, 24th April, 1819.

“ *Gentlemen of the Legislative Council,* and  
 “ *Gentlemen of the House of Assembly;*

“ I came to this Province to take the Government of His Majesty's Dominions in North America, with a sincere desire of carrying into practice the intentions and liberal views of His Royal Highness the Prince Regent, to promote, by every practicable measure, their general prosperity, to improve their natural resources, and the individual happiness of His Majesty's people.

“ A reasonable hope and expectation was entertained by me, in accepting this command, that I should meet, in those pursuits, with the cheerful support of every well informed person, who could appreciate, in his own mind, my motives in undertaking the charge.

“ With these impressions on my mind, and with full confidence in your zeal, your loyalty, and your local knowledge of the public and private interests of the country, I met you on your Legislative duties, and have most patiently attended to your proceedings during a long Session, which I am now to close by pro rogation.

“ You, Gentlemen of the Legislative Council, have not disappointed my hopes, and I beg to return you my thanks for the zeal and alacrity you have shewn in all that more immediately belongs to your Body.

“ It is with much concern I feel myself compelled to say, that I cannot express to you, Gentlemen of the Assembly, the same satisfaction, nor my approbation of the general result of your labours, (at the expense of so much valuable time,) and of the public principles upon which they rest, as recorded on your Journals.

“ You proceeded upon the Documents which I laid before you, to vote a part of the sum required for the expences of the year

1819; but the Bill of Appropriation which you passed, was founded upon such principles, that it appears from the Journals of the Upper House, to have been most constitutionally rejected: His Majesty's Government has been thus left without the necessary supplies for supporting the Civil Administration of the Province for the ensuing year, notwithstanding the voluntary offer and pledge given to His Majesty, by the Resolve of your House, of the 13th of February, 1810.

"Gentlemen of the Legislative Council, and

"Gentlemen of the House of Assembly;

"I recommended to you, by Special Message, the consideration of the Judicature Act, &c. &c. &c.\*

"The present time affords you an opportunity of maturely deliberating on those important objects, and on others essentially necessary to be better considered. I recommend particularly to your attention as individuals, the value of your constitution of Government; which affords the most complete and ample protection and freedom of Person and Property that can possibly be desired, and superior to every system of Government enjoyed by any Colony that has heretofore existed, your sister Colony of *Upper-Canada* excepted. And as branches of the Legislature, it is of the first importance that you should fully understand your Constitutional rights; that that privilege may not come into question with prerogative; and that while you maintain those rights which respectively belong to you by the Constitution, you may be equally careful of encroaching on each other, and respectively pay a due regard to the rights of the Crown.

"I shall lay before His Majesty's Ministers the proceedings of the Session and a general state of the Revenue, the Expences, Agriculture and Commerce of the Province, and request instructions on such points as may be necessary to be more fully understood, that difference of opinion amongst those who ought to have only one object in view, may as much as possible be avoided."

---



---

## HOUSE OF ASSEMBLY,

WEDNESDAY, 14th February, 1821.

**RESOLVED**—That the said entry in the Journal of the Legislative Council, of the 21st April, 1819, and the Speech of

\* The part of His Grace's Speech omitted, relates to a variety of local matters.  
W. E. S.

His Grace the then Governor in Chief, of the 24th April of the same year, do severally, contain a censure of the Proceedings of this branch of the Legislature.

**RESOLVED**—That all censure of any proceedings of this branch of the Legislature, by either of the other branches thereof, is an assumption and exercise of power contrary to Law; a breach of the undoubted rights and privileges of this House, and subversive of the Constitution of Government, as by law established in this Province.

**RESOLVED**—That it is the undoubted right of this House, in voting aids or supplies, or offering money bills for the consent of the other branches of the Legislature (as well as in all its other proceedings under the afore recited Act of Parliament of Great Britain) to adopt such order or mode of proceedings as it may find conformable to its Rules, and to propound such matter, as in its judgment, shall seem fittest and most conducive to the peace, welfare, and good government of this Province.

## HOUSE OF ASSEMBLY,

WEDNESDAY, 15th March, 1821.

On the first and second Resolutions;—

**RESOLVED**, That this House has never done nor claimed any thing contrary to what is stated in the said Resolutions of the Honorable the Legislative Council.

On the other Resolutions;—

**RESOLVED**, That the Honorable the Legislative Council, cannot, constitutionally, prescribe or direct to this House, the manner or form of proceeding on Bills of Aid or Supply, nor upon any matter or thing whatsoever, and that every attempt of the Legislative Council for that purpose, is a breach of the Rights and Privileges of this House.

**RESOLVED**, That the right of originating Bills of Aid or Supply belongs solely and exclusively to this House.

**RESOLVED**, That the right of originating Bills of appropriation of public money, belongs solely and exclusively to this House.

**RESOLVED**, That this House are astonished that the Honorable the Legislative Council, have passed Resolutions, and adopted Rules, which affect the Constitutional Rights and Privileges of this House, without having heard the reasons to the contrary which might have been given on the part of this House.

**RESOLVED**, That the said Resolutions have been adopted by the Honorable the Legislative Council, without any difficulty or dispute having arisen between the said Legislative Council and this House respecting the matters therein set forth, and that the said Resolutions adopted gratuitously and unnecessarily by the said Legislative Council, are of a nature to retard the re-establishment of that harmony and that good understanding between the two Houses, which is so desirable should prevail, for the good government, peace and welfare of the people of this Province.

**RESOLVED**, That all Resolutions by which one branch of the Legislature lay down for themselves beforehand, and in a general manner, a rule not to proceed on Bills of a certain form or description which may be offered to them by another branch, is contrary to parliamentary laws and usages, to the Constitutional Act, and to the Liberties, Rights and Privileges of the other branches of the Legislature, and even of that branch which adopts such Resolutions.

**RESOLVED**, That by constant parliamentary usage, recognized by several Acts of the Parliament of the United Kingdom and the Legislature of this Province, the Commons of the United Kingdom and the Assembly of this Province have frequently voted by Addresses advances of money when the exigencies of the state and country have rendered it necessary, and that this practice far from being disadvantageous, has been of very great assistance to Government, as the converse would produce incalculable inconvenience and fatal consequences to His Majesty's Government.

**RESOLVED**, That it is the duty of this House towards His Majesty and the people of this Province, to take into consideration all salaries, pensions, and augmentations thereof, and to provide for them with liberality and justice, although the *quantum* be not mentioned in the recommendation made to this House by the King's Representative.

RESOLVED, That the Honorable the Legislative Council cannot directly or indirectly, abridge or prolong the time fixed by Bills of this House for the collection of any sum of money, nor change the mode established by Bill of this House, either for the collection or application of the public money.\*

SPEECH OF HIS EXCELLENCY the EARL OF DALHOUSIE, upon closing the Session of 1821.

Saturday, 17th March, 1821.

"Gentlemen of the Legislative Council, and  
"Gentlemen of the House of Assembly ;

"Although I cannot by any means express my satisfaction in the general result of your deliberations, yet it is with great plea-

LEGISLATIVE COUNCIL,

TUESDAY, March 6th, 1821.

\*RESOLVED, That it is the undoubted constitutional right of the Legislative Council, to have a voice in all Bills of Aid or Supply, or money of any kind, levied upon the People of this Province by the Legislature thereof, and in all Bills of Appropriation of the same, whatsoever the purpose may be.

RESOLVED, That the said right extends to the approval or rejection of all Bills of Aid or Supply or monies aforesaid, and of all Bills of Appropriation for the whole or any part of such Aid or Supply or such monies, and that no legal appropriation can be made without the concurrence of the three branches of the Legislature.

RESOLVED, That the Legislative Council will not proceed upon any Bill of Aid or Supply, which shall not, within the knowledge of this House, have been applied for by the King's Representative in this Province.

RESOLVED, That the Legislative Council will not proceed upon any Bill appropriating public money, that shall not, within the knowledge of this House, have been recommended by the King's Representative.

RESOLVED, That the Legislative Council will not proceed upon any Bill of Appropriation, for money issued in consequence of an Address of the Assembly to the King's Representative, (Addresses of the Assembly for the expenses of that House excepted) unless upon some extraordinary emergency, unforeseen at the commencement of a Session, and which unforeseen emergency will not allow of time for passing a Bill of Appropriation for the same, in the Session when the Addresses shall have been voted.

RESOLVED, That the Legislative Council will not proceed upon any Appropriation of public money, for any Salary or Pension hereafter to be created, or any augmentation thereof, unless the *quantum* of such Salary, Pension or augmentation shall have been recommended by the King's Representative.

RESOLVED, That the Legislative Council will not proceed upon any Bill of Appropriation for the Civil List, which shall contain specifications therein, by Chapters or Items, nor unless the same shall be granted during the life of His Majesty the King.

RESOLVED, That nothing contained in these Resolutions, shall be construed to prevent or infringe upon freedom of debate and decision in this House, upon the merits of any matter which shall be recommended by His Majesty's Representative, or upon any Bill relating to public money, upon which this House, according to the spirit of these Resolutions, can proceed.

sure I acknowledge your assiduous and zealous attendance in the discharge of your public duties, during the long and laborious Session, which I am now to close.

*“ Gentlemen of the House of Assembly ;*

“ I thank you in His Majesty’s name for those supplies which have been granted, by Bills of appropriation ; and assure you of my best attention in the application of them to the purposes for which they are intended.

“ I exceedingly regret that the expectations of His Majesty, which, by his command, I had the honor to express to you at the opening of this Session, have not been realized.

*“ Gentlemen of the Legislative Council, and*

*“ Gentlemen of the House of Assembly ;*

“ When this Parliament met for the dispatch of public business, I did entertain a hope that the experience of the last few years, would have led you to a mature and serious consideration of the consequences that would inevitably follow, if the then state of things should not be remedied ; you cannot, therefore, be surprised that I should now express not only my disappointment, but great concern that the same question of constitutional principle should have again disturbed the unanimity of your Legislative proceedings.

“ Upon this occasion, I think it a duty which I owe to you and to your country, to call upon you to consider, during this summer, the result of the discussions of the Session in all its bearings.

“ You will see the Administration of the Civil Government left without any pecuniary means, but what I shall advance upon my own personal responsibility ; you will see individuals suffering under severe and unmerited hardships, caused by the want of that constitutional authority, that is necessary for the payment of the expences of the Civil Government ; you will see the interior improvements of the country nearly at a stand ; you will see, in short, the Executive Government in a manner palsied and powerless.

“ When I shall again summon you to meet here in Parliament you will come to decide the important question, whether the Government shall be restored to its constitutional energy, or whether you are to deplore the prospect of lasting misfortune ; by a continuance in the present state of things ? Important as that question is, there can be no difficulty in the decision. When the blessings of the British Constitution were granted to this Province, you received with it, the recorded experience of centu-



ries of practice. There is no question of doubt or of difficulty that may not find its precedent in the records of the Imperial Parliament ; and I cannot think that any wiser guide need be desired."



difficulty  
Imperial  
need be

