

# CORRESPONDENCE

RELATIVE TO THE

# AFFAIRS OF CANADA.

1846.

*Presented to both Houses of Parliament by Command of Her Majesty.*

JUNE 1847.

L O N D O N.

PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,  
FOR HER MAJESTY'S STATIONERY OFFICE.

1847.

# SCHEDULE

## CIVIL LIST

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**CORRESPONDENCE**  
RELATIVE TO THE  
**A F F A I R S O F C A N A D A.**

(No. 53.)

No. 1.

CANADA.

No. 1.

COPY of a DESPATCH from Lord METCALFE to Lord STANLEY.

Government House, Montreal, Canada.

April 17, 1845.

MY LORD,

I HAVE the honour to submit a copy of a sketch of a Civil List prepared by the gentlemen of the Executive Council, in order that it might be laid before the Legislative Assembly during the recent session; but by some inadvertence in the hurry with which the session closed, that intended proceeding was forgotten, and the Civil List consequently remains, for the present, on the footing upon which it was established by the Imperial Act of Re-Union.

2. If the Legislative Assembly, in its next session should vote a Civil List, in accordance with this sketch, I am disposed to think that it might be accepted by Her Majesty's Government as sufficient; for I am not aware of any equivalent advantage that would attend its rejection, in comparison with that of settling a question which, as long as it remains in its present state, will always furnish a convenient handle for inflammatory agitation.

3. The sketch has been prepared with the double view, of evincing to the Legislative Assembly a desire for reduction on the part of its framers, and of meeting, as far as practicable, the just expectations of Her Majesty's Government. It was proposed to me to sanction a reduction of the salary of the Governor. Such a measure would no doubt in some degree be popular, and if its consequences were confined to myself, I might not think it necessary to withhold my assent; but I did not consider myself to be at liberty to alter what had been determined by Her Majesty's Government on this head, nor would it have been just towards my successors; for I am bound, by my own experience, to affirm that the salary is not more than adequate to the station. I objected, therefore, to any further reduction in the Governor's salary, beyond what I had spontaneously adopted, by making over to the province the Governor's share of custom-house seizures—a sort of emolument which might always, I conceive, be well dispensed with. The separate salaries of the Civil Secretary and the Private Secretary, when those offices be disunited, will, I have no doubt, find objectors, in the Legislative Assembly, where the idea is popular, that the Civil Secretary and the Private Secretary ought to be the same, and that both together ought to receive the smallest possible amount of salary. The province ought, however, to be satisfied with the considerable reduction already spontaneously effected in that department.

4. In addition to such specific reductions as appeared to be practicable, the general principle of reduction adopted in the accompanying sketch, is that of eventually paying most of the salaries in currency instead of sterling. This arrangement, however, is not to affect actual incumbents. Whether this sketch, even with the reductions proposed, will be adopted by the Legislative Assembly, is, I conceive, doubtful; and all that I have to offer on that subject is, that if the Assembly will not grant a moderate and reasonable Civil List, they can only expect that Her Majesty's Government will adhere to that which is established by the Imperial Act.

5. The interval which will elapse before the next legislative session, will enable me to receive your Lordship's instructions regarding the sketch now sub-

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mitted, before any communications need be made to the Assembly. The assent of Her Majesty's Government to this sketch will probably facilitate its being passed by the Legislative Assembly, while the rejection of it, if it cannot be admitted, will render useless, and consequently prevent its presentation to the House.

The Right Hon. Lord Stanley.

I have, &amp;c.,

METCALFE.

Encl. in No. 1.

Enclosure in No. 1.

## SCHEDULE A.

	Currency.		Currency.	
	£.	s. d.	£.	s. d.
Governor-General's Salary, and in lieu of all fees, seizures, and forfeitures, 7,000 <i>l.</i> sterling	7,777	15 7		
<i>Upper Canada.</i>				
One Chief Justice	1,500	0 0		
Four Puisne Judges, 1,000 <i>l.</i> each	4,000	0 0		
One Vice-Chancellor	1,111	2 2		
<i>Lower Canada.</i>				
One Chief Justice, Québec	1,500	0 0		
Three Puisne Judges, 1,000 <i>l.</i> each	3,000	0 0		
One Chief Justice, Montreal	1,200	0 0		
Three Puisne Judges, 1,000 <i>l.</i> each	3,000	0 0		
One Judge, Three Rivers	500	0 0		
One Judge, St. Francis	500	0 0		
Two Judges in Gaspé, 500 <i>l.</i> each	1,000	0 0		
Pensions to Judges	2,222	0 0		
Attorneys and Solicitors General and Contingencies	3,900	0 0		
Court of Vice-Admiralty	470	0 0		
Circuit Allowance for Judges	1,100	0 0		
Permanent Clerk, attached to the Crown Law Department	300	0 0		
			33,080	17 9

## SCHEDULE B.

Civil Secretary and his Office	1,780	0 0		
Private Secretary, when held by a person not acting as Civil Secretary	333	0 0		
Provincial Secretary and his Office	3,855	0 0		
Registrar: this office to merge in the Provincial Secretary's Office, in charge of a Deputy, after the present incumbency	650	0 0		
Receiver-General and his Office	2,125	0 0		
Inspector-General and his Office	2,700	0 0		
Executive Council Office	2,500	0 0		
Board of Works	1,800	0 0		
Emigrant Agent and Expenses	750	0 0		
Pensions	5,555	11 1		
Indian Annuities	6,666	0 0		
Contingencies of the Public Offices	5,550	0 0		
			34,264	11 1
			£67,345	8 10

## PROPOSED ARRANGEMENT of the OFFICES according to the prefixed Schedule:

*Civil Secretary's Office.*

	Currency.		Currency.	
	£.	s. d.	£.	s. d.
Civil Secretary	1,000	0 0		
Confidential Clerk of Despatches	275	0 0		
First Clerk	200	0 0		
Second Clerk	175	0 0		
Office-keeper	80	0 0		
Messenger	50	0 0		
			1,780	0 0

*Private Secretary's Office.*

Private Secretary, when held by a person not acting as Civil Secretary	333	0 0		
			333	0 0

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*Provincial Secretary's Office.*

	Currency:			Currency:		
	£.	s.	d.	£.	s.	d.
Provincial Secretary	1,000	0	0			
Assistant Secretary, East	550	0	0			
Assistant Secretary, West	550	0	0			
Senior Clerk and Receiver of Fees in charge of the Contingencies of the Public Offices	300	0	0			
First Clerk, East	200	0	0			
Second Clerk, ditto	175	0	0			
Third Clerk, ditto	175	0	0			
Fourth Clerk, ditto	175	0	0			
Office-keeper	80	0	0			
Messenger	50	0	0			
First Clerk, West	200	0	0			
Second Clerk, ditto	175	0	0			
Third Clerk, ditto	175	0	0			
Messenger	50	0	0			
				3,855	0	0

*Registrar's Office.*

Registrar and Clerks	650	0	0	650	0	0
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*Receiver-General's Office.*

Receiver-General	1,100	0	0			
Confidential Clerk	300	0	0			
First Clerk	250	0	0			
Second Clerk	225	0	0			
Third Clerk	200	0	0			
Messenger	50	0	0			
				2,125	0	0

*Inspector-General's Office.*

Inspector-General	1,000	0	0			
Deputy Inspector-General	550	0	0			
Corresponding Clerk	300	0	0			
First Clerk	250	0	0			
Book-keeper	225	0	0			
Second Clerk	200	0	0			
Third Clerk	125	0	0			
Messenger	50	0	0			
				2,700	0	0

*Executive Council Office.*

President of the Council	1,000	0	0			
Clerk of the Council	550	0	0			
Confidential Clerk	300	0	0			
First Clerk	200	0	0			
Second Clerk	175	0	0			
Third Clerk	175	0	0			
Messenger	50	0	0			
Door-keeper	50	0	0			
				2,500	0	0

*Board of Works*

Chairman	800	0	0			
Engineer	500	0	0			
Secretary	300	0	0			
Clerk	150	0	0			
Messenger	50	0	0			
				1,900	0	0
Emigrant Agent's Salary	400	0	0			
Expenses to be accounted for	350	0	0			
				750	0	0
Pensions	5,555	11	1	5,555	11	1
Indian Annuities	6,666	0	0	6,666	0	0
Contingencies of the Public Offices	5,550	0	0	5,550	0	0
				£34,264	11	1

CANADA

No. 2.

No. 2.

COPY of a DESPATCH from Lord STANLEY to Lord METCALFE.

MY LORD,

Downing Street, June 11, 1845.

I HAVE had the honour to receive your Lordship's Despatch of the 17th April, No. 53, in which you enclose the scheme of a Civil List, for the payment of the officers of the Executive Government of Canada, which the Members of your present Executive Council had prepared, with the view of submitting it to the Legislative Assembly during the last session. On the assumption that the Legislature of Canada will provide for the salaries of the public officers, according to the appropriations contained in the schedule now submitted to me, Her Majesty's Government will sanction an application being made to the House of Assembly, in the ensuing session, for a Civil List, amounting to 67,345*l.* currency. And so soon as the necessary provincial enactment shall have been obtained, Her Majesty's Government will be ready to propose to the Imperial Parliament to repeal so much of the Act of Re-Union as relates to this subject.

With respect to the contingencies of judicial expenditure, I am of opinion that they may be properly left to annual votes of the Assembly. They already exceed the maximum assigned for this service by the Imperial Act, and are, therefore, now virtually under the control of the Canadian Legislature.

Observing that no provision has been made in the proposed Civil List for the payment of the offices of Commissioner of Crown Lands and Surveyor-General, I presume that the expense thereof is intended to be defrayed, under the authority of the 54th clause of the Re-Union Act, out of the *gross* proceeds of the hereditary revenues of the Crown.

I have, &amp;c.;

The Lord Metcalfe,  
&c. &c.

(Signed) STANLEY.

No. 3.

No. 3.

COPY of a DESPATCH from Earl CATHCART to Earl GREY.

Government House, Montreal,  
August 28, 1846.

MY LORD,

WITH reference to the reports upon the reserved Bills of the late session of the Provincial Legislature, which will be forwarded by the present mail, I beg leave to direct your Lordship's attention more particularly to some of the amendments which were made during its passage through the House of Assembly, in the Civil List Bill, which had originally been framed upon the sketch of the Civil List that had been submitted by my predecessor to Lord Stanley, and had received the approval of Her Majesty's Government.

The amount of salaries and other charges provided for in this Bill, like in the sketch referred to, had been based upon the Schedules A and B, appended to the Act 3rd and 4th Victoria, cap. 35, with some few modifications under some of the heads, to bring the whole within the amount with which it had been deemed advisable that the Consolidated Revenue Fund should be permanently charged, in order to give stability and security to the great civil institutions of the province.

This was particularly the case with respect to the provision made for the offices of Civil and Private Secretary, Lord Metcalfe having, with Lord Stanley's sanction, placed the former on the footing of a permanent office, *i. e.*, not necessarily dependent upon a change of Governors, and reduced the salary to 1000*l.* per annum currency; but reserving the power of appointing a private secretary, if it should be found necessary at any time to have the duties performed separately, with a salary of 300*l.* per annum, it being understood that whenever the two offices should be combined in one, as in the case of Captain Higginson, the salary of private secretary should not be drawn. These offices were accordingly included respectively at the above rates in the Civil List Bill.

Your Lordship must be fully aware of the importance of the duties of the Civil Secretary, who must be looked upon as an accredited agent of the Crown, rather than as a provincial officer, for the purpose of taking charge of and conducting the correspondence between the Governor-General and the Home Government, which

is always of a confidential and often of a secret nature, and that without seriously compromising the interests of both this correspondence could not be allowed to pass out of the hands of the Governor-General himself, or of his Civil Secretary, who must necessarily have no connexion with the Legislature, or with any office in the Provincial Administration.

The office of Civil Secretary has always been looked upon with much jealousy by those who style themselves advocates for responsible government, who, in proposing, and, by their exertions, in carrying the amendment, by which the salary of that officer is hereafter to be reduced to 750*l.* per annum, and that of the Private Secretary to be entirely abolished, showed evidently their disposition to renew the attempt in another shape to secure all the power to themselves, which had been so successfully defeated by Lord Metcalfe; their object being to do away with the office, as it has heretofore been carried on, with a view to make the Governor's Secretary a mere appendage to his personal staff, with the ultimate intention that the whole of the correspondence with the Government at home should pass through the department of the Provincial Secretary, leaving the Governor-General without any discretion as respects this responsible branch of his office, and entirely in the hands of his Executive Council.

The other amendment, which was introduced by the same party, is a reduction of the salaries of the two Chief Justices from 1,666*l.* to 1,250*l.* per annum, the necessity for which is not apparent, for it has always been admitted, that considering the onerous duties these judges have to perform, they were not over-remunerated.

I have thought it right to bring the subject of these amendments to so important a Bill, which will require the partial repeal of an imperial enactment to give effect to it, under your Lordship's notice,—not so much on account of their influence on the principle of the measure, as with reference to the spirit with which they have been introduced,—which alone, in my opinion, is a sufficient reason to render it expedient that the Civil List Bill, in its present shape, should not be recommended for Her Majesty's sanction.

I have, &c.

The Right Hon. Earl Grey,  
&c. &c. &c.

(Signed) CATHCART.

Enclosure in No. 3.

Encl. in No. 3.

An ACT for granting a CIVIL LIST to HER MAJESTY.

MOST GRACIOUS SOVEREIGN.

WHEREAS Your Majesty has been most graciously pleased to declare to your faithful Canadian Commons in Provincial Parliament assembled, Your Majesty's gracious desire to owe to the spontaneous liberality of Your Canadian people, such grant by way of civil list, as shall be sufficient to give stability and security to the great civil institutions of the province, and to provide for the adequate remuneration of able and efficient officers in the executive, judicial, and other departments of Your Majesty's public provincial service, the granting of which civil list constitutionally belongs only to Your Majesty's faithful Canadian people in their provincial Parliament.

We therefore, Your Majesty's most dutiful and loyal subjects, the Commons of Canada in Provincial Parliament assembled, desirous that a certain competent revenue for the purpose, may be settled upon Your Majesty (to whom may God grant a long and happy reign) as a testimony of our unfeigned affection to Your sacred Person and Government, have accordingly freely resolved to grant unto Your Majesty a certain revenue, payable out of the consolidated revenue fund of this province: we do therefore most humbly beseech Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "An Act to re-unite the provinces of Upper and Lower Canada, and for the Government of Canada;" and it is hereby enacted, by the authority of the same, that all duties and revenues over which the respective Legislatures of Upper Canada or Lower Canada, had before the passing of the Act of the Imperial Parliament, intituled "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada;" or over which the Legislature of this Province has, or may have power of appropriation, shall form one consolidated revenue fund to be appropriated for the public service of this province, in the manner and subject to the charges hereinafter mentioned."

And be it enacted, that the consolidated revenue fund of this province, shall be permanently charged with all the costs, charges and expenses, incident to the collection, management, and

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receipt thereof, such costs, charges and expenses, being subject, nevertheless, to be reviewed and audited in such manner as shall be directed by any Act of the Legislature.

And be it enacted, that there shall be payable in every year to Her Majesty, her heirs and successors, out of the consolidated revenue fund of this province, a sum, not exceeding thirty-four thousand six hundred and thirty-eight pounds fifteen shillings and fourpence currency, for defraying the expense of the several services and purposes named in the Schedule A to this Act annexed; and during the life of Her Majesty, and for five years after the demise of Her Majesty, there shall be payable in every year to Her Majesty, her heirs and successors, out of the said consolidated revenue fund, a further sum not exceeding thirty-nine thousand two hundred and forty-five pounds, sixteen shillings currency, for defraying the expense of the several services and purposes named in the Schedule marked B to this Act annexed; the said sums of thirty-four thousand six hundred and thirty-eight pounds fifteen shillings and fourpence, and thirty-nine thousand two hundred and forty-five pounds sixteen shillings, to be issued by the Receiver-General in discharge of such warrant or warrants as shall be from time to time directed to him under the hand and seal of the Governor; and the said Receiver-General shall account to Her Majesty for the same, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty shall be graciously pleased to direct.

And be it enacted, that the sums set down in the first column opposite to each office or department, in the said Schedules A and B, shall be payable for each, while the present incumbents shall respectively remain in office; and as often as any such present incumbent shall cease to hold such office, the sums respectively mentioned in the first column shall cease to be payable, and the sums mentioned in the second column shall, as each case arrives, be payable instead, as in the said Schedules mentioned.

And be it enacted, that it shall be lawful for the Governor to abolish any of the offices named in the Schedule B, or to vary the sums thereby appropriated, to such purposes connected with the administration of the Government of this province, as to Her Majesty, her heirs and successors, shall seem fit; and that accounts in detail of the expenditure of the several sums expended under the authority of this Act, shall be laid before both Houses of the Legislature within thirty days from the beginning of the Session next after such expenditure shall be made. Provided always, that not more than two thousand two hundred and twenty-two pounds two shillings and fourpence, shall be payable at the same time for pensions to the judges out of the sum mentioned in the said Schedule A, and that not more than five thousand five hundred and fifty-five pounds eleven shillings and one penny, shall be payable at the same time for pensions out of the sum mentioned in Schedule B, and that a list of all such pensions, and of the persons to whom the same shall have been granted, shall be laid, in every year, before the Legislature.

And be it enacted, that during the time for which the said several sums mentioned in the said Schedules are severally payable, the same shall be accepted and taken by Her Majesty by way of civil list, instead of all territorial and other revenues now at the disposal of the Crown arising in this province; and that three-fifths of the net produce of the said territorial and other revenues now at the disposal of the Crown within this province, shall be paid over to the account of the said consolidated revenue fund; and also, that during the life of Her Majesty, and for five years after the demise of Her Majesty, the remaining two-fifths of the net produce of the said territorial and other revenues now at the disposal of the Crown within this province, shall be also paid over in like manner to the account of the said consolidated revenue fund.

And be it enacted, that the consolidation of the duties and revenues of this province, shall not be taken to affect the payment out of the said consolidated revenue fund, of any sum or sums heretofore charged upon the rates and duties now raised, levied and collected, or to be raised, levied and collected, to and for the use of either of the former provinces of Upper or Lower Canada, or of this province for such time as shall have been appointed by the several Acts of the Legislature of the province by which such charges were severally authorized.

And be it enacted, that it shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill for the appropriation of any part of the said consolidated revenue fund, or of any other tax or impost, to any purpose which shall not have been first recommended by a message of the Governor to the said Legislative Assembly during the Session, in which such vote, resolution, or Bill shall be passed.

Provided always, and be it enacted, that the foregoing provisions of this Act shall have no force or effect until the fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, and fifty-seventh sections of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, intituled "An Act to re-unite the provinces of Upper and Lower Canada, and for the Government of Canada," and the Schedules referred to in the said sections shall have been repealed.



SCHEDULE A.

CANADA.

OFFICES, &c.	Amount payable while the present Incumbents are respectively in Office.			Amount to be Allowed in future as Vacancies occur by removal of the present Incumbents.		
	Currency.			Currency.		
	£	s.	d.	£	s.	d.
Governor-General, to be in lieu of fees, seizures, and forfeitures; 7000 <i>l.</i> sterling.	7,777	15	6	7,777	15	6
<b>UPPER CANADA.</b>						
One Chief Justice	1,666	13	4	1,250	0	0
Four Puisné Judges, at 1000 <i>l.</i> each	4,000	0	0	4,000	0	0
One Vice-Chancellor	1,250	0	0	1,111	2	2
<b>LOWER CANADA.</b>						
One Chief Justice of Lower Canada	1,666	13	4	1,250	0	0
Three Puisné Judges at Quebec, at 1000 <i>l.</i> each	3,000	0	0	3,000	0	0
One Chief Justice of Montreal, or of Quebec, as the case may be	1,222	4	4	1,200	0	0
Three Puisné Judges at Montreal, at 1000 <i>l.</i> each	3,000	0	0	3,000	0	0
One Judge at Three Rivers	1,000	0	0	500	0	0
One Judge of the district of St. Francis	555	11	1	500	0	0
First Judge, district of Gaspé	555	11	1	500	0	0
Second Judge, district of Gaspé	500	0	0	500	0	0
Pensions to Judges	2,222	2	4	2,222	2	4
Attorneys and Solicitors-General, salaries and allowances for contingencies.	3,900	0	0	3,900	0	0
Court of Vice-Admiralty	472	4	4	470	0	0
Circuit allowances to Judges	1,550	0	0	1,550	0	0
Permanent Clerk attached to Crown Law Department	300	0	0	300	0	0
Totals Currency	34,638	15	4	33,031	0	0

SCHEDULE B.

OFFICES, &c.	Amount payable while the present Incumbents are respectively in Office.			Amount to be Allowed in future as Vacancies occur by removal of the present Incumbents.		
	Currency.			Currency.		
	£	s.	d.	£	s.	d.
Governor's Secretary, and his office	1,925	8	6	1,536	0	0
Provincial Secretary, and his office	4,423	1	10	4,242	0	0
Registrar's office, to merge in the Provincial Secretary's office after the present incumbency.	1,083	6	6	650	0	0
Receiver-General's office	2,300	8	8	2,056	0	0
Inspector-General, and his office	4,022	13	4	3,856	0	0
Executive Council office	2,922	4	4	2,637	0	0
Board of Management of Public Works	2,094	17	7	2,000	0	0
Emigrant Agent	752	4	2	752	4	2
Pensions	5,555	11	1	5,555	11	1
Indian Annuities	6,666	0	0	6,666	0	0
Contingencies of Public Offices	7,500	0	0	7,500	0	0
Totals Currency	39,245	16	0	37,450	15	3

I do hereby certify the above to be a true Copy of a Bill passed by the Legislative Council and Legislative Assembly of the Province of Canada, in the Second Session of the Second Provincial Parliament, and reserved for the signification of Her Majesty's pleasure thereon, by his Excellency the Governor-General, on Tuesday the ninth day of June, One thousand eight hundred and forty-six.

Attest,  
 CHARLES DE LÉRY,  
*Assistant Clerk, Legislative Council.*

10 CORRESPONDENCE RELATIVE TO AFFAIRS OF CANADA.

CANADA.

No. 4.

No. 4.

EXTRACT of a DESPATCH from the EARL of ELGIN to EARL GREY, dated Montreal, March 26, 1847.

In the Civil List Bill which awaits Her Majesty's decision, the two situations of Civil and Private Secretary are merged in the new office of Governor's Secretary, the salary of which is fixed at 750*l.* a year.

Lord Cathcart, I observe, protests againsts this provision in the Bill. It would appear from the terms of his despatch that he considers the spirit which suggested it to be so objectionable as to warrant the disallowance of the whole measure.

I do not find that this opinion is shared by any member of the provincial administration whom I have consulted, except Mr. Daly; and, I confess, that I am disposed, as at present advised, to dissent from it.