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P A P E R S

RELATIVE TO THE

AFFAIRS OF LOWER CANADA.

(Presented to Parliament by His MAJESTY'S Command.)

*Ordered, by The House of Commons, to be Printed,
20 February 1837.*

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AFFAIRS OF LOWER CANADA.

(PRESENTED TO PARLIAMENT BY HIS MAJESTY'S COMMAND.)

*Ordered, by The House of Commons, to be Printed,
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LOWER CANADA.

— No. 1. —

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

Castle of St. Lewis, Quebec,
12 November 1835.

My Lord,

I HAVE the honour herewith to transmit a copy of the speech with which I opened the session of the Provincial Parliament on the 27th ultimo, together with copies of the Addresses of the Legislative Council and House of Assembly in answer to it, and my replies to each.

I have, &c.

(signed) Gosford.

No. 1.

Enclosure 1, in No 1.

Gentlemen of the Legislative Council,
Gentlemen of the House of Assembly,

IT is in no ordinary circumstances that I meet you ; and consequences of vast importance depend on the impression you may receive from my words. Dissensions have almost arrested the course of government. The supplies required for carrying into execution the laws by which society is held together, have now for a considerable period been withheld. The most urgent and conflicting statements of numerous grievances by adverse parties have been borne to the throne of His Majesty ; but accompanied with expressions of an apprehension that the Ministers of the Crown might not have that practical and local knowledge of the province which is necessary for the discernment of the most appropriate remedies.

I am sent amongst you therefore, not only as your Governor, but as the Head of a Commission upon which the task is imposed of inquiring fully, and upon the spot, into the complaints which have been made, and of offering to the King and to the Councils by which the Throne is surrounded, the deliberate conclusions of the Commissioners.

There are some cases in which the executive power of the Governor will of itself be sufficient to apply a remedy ; in others, though he cannot act by himself, yet with the help of one or both branches of the Provincial Legislature, he may effectually accomplish what is required. There are others in which the laws and institutions of the United Kingdom make it impossible for us, without the enactments or sanction of the authorities in England, to effect what is asked ; so that if we were to act we should be acting unlawfully ; if we were to make laws, they would be binding upon no one.

If these distinctions are borne in mind, whilst I state to you the commands I have received from His Majesty, and the policy to which I shall adhere, I am confident that I shall satisfy all impartial minds of the magnanimity and wisdom with which His Majesty has listened to your complaints ; of the resolution which has been taken to redress every grievance under which any class of His Majesty's Canadian subjects may labour, and of my own determination to do all of which I am capable in giving effect to these generous and wise intentions. As Governor, I will execute with alacrity, impartiality and firmness whatever I am competent to do of myself ; as head of the Provincial Legislature, I will zealously co-operate with its other members in the redress of every evil they may find occasion to correct ; as Commissioner, I pledge myself that a prompt, but careful examination shall be made of those still weightier matters which depend upon the highest powers of the empire ; and that having, with the most anxious thought and solemn deliberation, arrived at our conclusions, the Commissioners will state them with an earnestness of purpose calculated to give additional force to the authority which they ought to derive from having been deemed worthy of so grave a charge.

In what I shall now proceed to communicate, it is not my design, nor am I authorized by His Majesty, to condemn or to applaud generally the conduct of any one ; the abatement of dissensions, and the conciliation of adverse parties, are the objects at which I aim : the goodwill of the Canadians of all ranks and classes ; the confidence of the representatives of the people ; the respect of all branches and members of the Government, are what I ardently desire to earn and to retain, and in this I hope to succeed, because I am conscious that my intentions deserve it. With as much freedom from fear or favour as I have promised to act, I will now speak of the things of which you have complained, and of the remedies which I hope to see applied.

It is affirmed that the French origin of the majority of the inhabitants of Lower Canada has been made a pretext for excluding them from office and employment, and for retaining them in a state of political inferiority. I disclaim, on the part of His Majesty and of the British people, so ungenerous a motive. Having long ago become a part of the family of British subjects, our Constitution recognises nothing, as a mark for disfavour, which may denote the estrangement of their ancestors in a former century. It regards nothing in the present generation as demerit, save misconduct. The circumstances which first united this country with the British Empire, must necessarily have occasioned for some time afterwards an exclusion of its prior inhabitants from offices of Government, and the bias thus unavoidably

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ably received, may in some degree, have influenced, even to the present day, the course of affairs. Neither is it possible, in the distribution of political offices at any time, or in any circumstances, to be guided entirely by a reference to the numbers of individuals, who may be comprised in this or in that class. But I assure you, that in this respect, my instructions enjoin upon me the utmost impartiality and an entire disregard of distinctions, derived from difference of origin. Fitness for the trust, is the criterion to which mainly, if not entirely, I am to look; and I do not hesitate to avow the opinion, that in every country to be acceptable to the great body of the people, is one of the most essential elements of fitness for public station.

So great is the solicitude of His Majesty to take the most effectual security against the occurrence of any abuse in the distribution of his patronage, that he has commanded the adoption of arrangements designed to elicit a far more particular account than heretofore, of the exercise of this part of his delegated authority in Lower Canada; and he has been further pleased to direct that all offices in his gift, of which the emoluments shall exceed a stated sum, shall not be granted, except under the Public Seal of the Province, in pursuance of Warrants to be issued for that purpose by His Majesty.

Complaint is also made that incompatible offices are in some cases held by the same persons. In whatsoever degree this grievance may be found to exist, His Majesty has signified to me his expectation that it should be completely remedied. Commencing with the highest, I have formed the opinion that it is neither right nor consistent with the wholesome separation, and independence of the principal bodies of the Government, and with the dignity of their members, that out of the limited number of executive councillors in this province, several should hold offices under the Legislative Council and House of Assembly. I desire, however, that it may be understood that no dissatisfaction with the conduct of the members of the Executive Council, nor any mark whatever of His Majesty's displeasure is intended to be conveyed. The immediate retirement of those gentlemen who prefer to retain their appointments under the legislative body might embarrass or interrupt the proceedings of the Court of Appeals; but I felt it my duty to impart to them the conclusion to which my mind had come. I shall communicate the same opinion to the proper authorities at home, and I entertain no doubt that as soon as their places can be supplied, according to the forms prescribed by law, effect will be given to the wish they have expressed to relinquish their seats in the Executive Council. My views are not limited to these cases. No union of incompatible or incongruous offices will be willingly acquiesced in by me: but I wish to be understood as speaking of offices of which the duties cannot conveniently or with propriety be discharged by the same person. In some instances, the division of offices is merely nominal, and the duties are more conveniently discharged by one person than they could be by two. In other instances, the salary of the office is so small, or its duty so seldom called for, that without a union with some other, the employment could only be made acceptable to a competent person by an increase of emolument.

It is stated as a grievance, that the Government has at various times refused to give the legislature access to accounts, and other documents which were necessary for the prosecution of its inquiries, and that the executive has not, in all cases, communicated when requested, the despatches which have passed between the Colonial Department and the Local Government. His Majesty's Government fears that the Assembly may have been exposed to some inconvenience from this source. The rule which I am instructed to follow, is a freedom from all unnecessary reserve. I am commanded to withhold no information from the Provincial Legislature which can be communicated without a violation of confidence, or specific detriment to the public service; and in particular, I am to offer you the fullest assistance in investigating every thing connected with the revenue and with finance. There is scarcely any document within the power of the Government which it will not always be willing to lay before you, except those confidential communications with the authorities at home or with its own officers here, which it is obvious could not be made public in all cases and at all seasons without extreme inconvenience.

As an earnest of the sincerity of these intentions, I have given directions that a copy of the annual Return, generally known as the Blue Book, should in future be presented to each branch of the Legislature; and since correct information on the statistics of the province is an object of general importance, I invite your assistance in rendering all returns of this nature as accurate and as comprehensive as possible.

The too frequent reservation of Bills for the signification of His Majesty's pleasure, and the delay in communicating the King's decision upon them, is a grievance of which His Majesty's Government are solicitous to prevent the recurrence. I shall consider the power of reserving Bills as a right to be employed not without much caution, nor except on some evident necessity. His Majesty's Government also undertake on their part to bestow the most prompt attention on every question of this nature which may be brought under their notice, and especially that no measure having for its object the institution in the Province of any colleges or schools for the advancement of Christian knowledge or sound learning, shall hereafter be unnecessarily deferred.

Connected with this subject, is the lapse of time which, it is stated, has on various occasions, occurred in conveying to the Legislature His Majesty's answers to their addresses. It is very possible that delays, which all would regret, may have taken place; in some instances, perhaps, occasioned or prolonged by circumstances which no activity or zeal in His Majesty's service could have obviated; but His Majesty takes so deep, and, if I may use the expression, so personal an interest in the affairs of this country, that His Ministers have received the most unqualified commands to lay before His Majesty, immediately on its arrival in England, every communication which either branch of the
Legislature

Legislature may address to the Throne; and to see that His Majesty's answer be conveyed to the province with the utmost possible dispatch.

There have been several complaints of other matters, such as of the undue preference of the English to the French language; of improperly calling on the judges for extrajudicial opinions on matters which might subsequently come before them for decision; of an interference in the elections of the representatives of the people, and of other matters on which I should scarcely have thought it necessary to make any specific observations, because I can assure you generally, and without reservation, that any course of government liable to such imputations would be marked by the displeasure of His Majesty, and because I rely upon your giving me so much of your confidence as not to suppose beforehand that I should subject myself in these respects to any just reproach.

With respect, however, to any undue partiality to the English language, it may not be superfluous to apprise you more explicitly, that His Majesty disapproves, and is desirous to discourage and prevent the adoption of any practice which would deprive either class of his subjects of the use, in their official acts, of that tongue with which early habits and education may have rendered them most familiar; and that if you should deem it requisite to pass a law, for securing both the English and French inhabitants of the province against any disadvantage arising from an undue preference to either language, I should be prepared willingly to assent to the measure.

It has been represented as another grievance that exorbitant fees have been charged in some of the public offices. I have not yet been sufficiently long in the province to have obtained accurate information on this subject; but I am willing to concur with you in a revision of the fees of every office in the province, and in the appointment, should you think it expedient, of a commission of inquiry for that purpose.

His Majesty has no wish on the subject, but that the remuneration of all public officers, from the highest to the lowest, should be so regulated as to provide for the efficient discharge of the public service, an object which cannot effectually be secured without a fair remuneration to the persons employed by the public.

I will readily co-operate, if it be desired, with a Committee of both Houses, or of either House, in an inquiry not only into certain rules of practice, made by the courts of law, which, it has been stated in addresses to the Throne, have exceeded the just authority of the Judges, but also into all the practice and proceedings of the superior tribunals, with a view to rendering them more prompt and methodical, and less expensive. I apprehend, however, that after such an inquiry, it might not be in the power of the Governor alone to apply any effectual remedy; and that I should require the concurrence of both branches of the Provincial Legislature in passing an Act for the purpose.

The clergy reserves are among the most extensive of the subjects adverted to in the complaints from the province. The whole question, with the draft of a Bill for the adjustment of the claims of all parties, has been already submitted to the decision of the Legislature, but was lost, apparently, by some misapprehension of the intentions of His Majesty's Government. As the best means of removing this misapprehension, I shall cause to be communicated, without delay, copies of the Earl of Ripon's despatches on this subject; and I invite you to resume the consideration of the proposals which they contain.

Gentlemen of the House of Assembly,

To both branches of the Legislature I am authorized to offer my warrants for the payment of their contingent expenses.

I have received the commands of our most gracious Sovereign to acquaint you that His Majesty is disposed to place under the control of the representatives of the people all public monies payable to His Majesty, or to his officers in the province, whether arising from taxes or from any other Canadian source; but that this cession cannot be made except on conditions which must be maturely weighed, and that to arrange such conditions for your consideration is one of the principal objects of the commission with which it has pleased His Majesty to charge myself and my colleagues.

Our inquiries into this subject shall be pursued with unceasing diligence, and the result shall be submitted with all practicable speed to His Majesty's Government, and I hope in a session to be holden in the ensuing year, I shall be able to lay before you proposals for a satisfactory and conclusive arrangement.

I have desired that the accounts which are necessary to show the financial state of the province, with an estimate for the current year, should be submitted to you as soon as possible, and every explanation respecting them which it may be in my power to afford shall be furnished without reserve. These accounts show the large arrears that are now due for salaries to public officers, and for the other ordinary expenditure of the Government; and I earnestly request of you to pass such votes as may effect the liquidation of these arrears, and provide for the maintenance of the public servants, pending the inquiry by the Commissioners to which I have alluded.

Should you place the Government in this position, I am authorized to engage that no part of the surplus proceeds of the Crown revenues which may accrue beyond the charges to which they are at present permanently liable, shall, in the interval of the Commissioners' inquiry, be applied to any purpose whatever unless with your assent.

As connected with the subject of arrears, I am further commanded to ask of you the repayment, to the military chest, of the sum advanced under the sanction of His Majesty's Government, to meet the pressing exigencies of the public service. This advance was exclusively made from British funds, for the purpose of avoiding any undue interference with the revenues falling under the control of the Assembly, and with a strong persuasion that

Enclosure 1,
in No. 1.

it would not prejudice the satisfactory adjustment of any of the questions at issue between His Majesty's Government and the House of Assembly. However the measure may have been subsequently understood, such were the feelings with which it was adopted. It is obvious that this application does not call on you to grant the smallest amount more than would have been required if there had been no advance. His Majesty therefore hopes, that an issue made in reliance on the just and liberal feelings of the House of Assembly, and designed for no other purpose than to prevent an highly inconvenient interruption of the general business of the province, will be cheerfully repaid.

In the absence of any legal provision for the purpose, I took on myself the responsibility of continuing the Quarantine Establishment at Grosse Isle, on the same footing as I found it, relying on your liberality to make good an expenditure thus incurred solely for the public advantage. I am happy to state that the establishment was closed at an earlier period than usual, in consequence of there having been, for several weeks previously, no sick of any description in the hospital. I avail myself of this opportunity to suggest to you the expediency of indemnifying the proprietor of the island for its past occupation in the public service, and of enabling the Government to obtain possession of it, should the continuance there of a quarantine station be deemed advisable.

I have to announce that the suit instituted by the Crown against the late Receiver-general for repayment of the debt due to the province, has been brought to a termination which makes the estate of the defendant applicable to the satisfaction of the demands of the province. I may also announce to you that the party against whom the judgment has been given, has come to the determination to relinquish his seat in the Legislature of the province, and to abstain from the exercise of all rights and privileges attached to it.

Gentlemen of the Legislative Council,

Gentlemen of the House of Assembly,

In requesting your attention to such useful statutes as may have recently expired, I beg to recommend to your more immediate notice, one, the expiration of which has affected the system of strict reciprocity requisite to be maintained in our commercial intercourse with the United States. I allude to the Act passed in the fourth year of the reign of His present Majesty, intituled "An Act to continue for a limited time, and to amend certain Acts therein mentioned, relating to the collection of the revenue at the several inland ports of the province." I would also recommend to your consideration the whole question of prisons and prison discipline, and the expediency of adopting some more effectual methods, than at present exist, for repressing crime, which, I regret to say, appears to be on the increase in the province.

Of the Commission of which I have spoken to you, it will be the first and most urgent duty to prepare with deliberation, and the utmost care, and yet without delay, the heads of a bill for giving up to the appropriation of the House of Assembly the net proceeds of the hereditary revenue, and to prepare it in such a form that it may be acceptable to the various authorities whose sanction it may require, or under whose cognizance it may come. In what form precisely this important concession may be finally made, it would now be out of place to discuss; but it will be necessary that two points should be secured: First, that the management of the sources of that revenue of which the proceeds are to be appropriated by the House of Assembly, should be reserved to officers of the Crown, whose accounts will be open to the inspection of the Legislature of the province: Secondly, that a provision should be made for the support of the Executive Government, and for the salaries of the Judges, by an adequate civil list.

The much agitated questions respecting the tenures of land and the registry of titles, and all the complicated considerations connected therewith, will also form a subject for the review of the Commissioners; and they are directed to make a complete investigation of the conflicting claims of the Crown, and of the seminary of St. Sulpice, within the seigneurie of Montreal. What constitution and course of proceedings would be most advantageous for the Executive Council? What system for the general education of the people? How the collection and apportionments between the two provinces of the duties of customs, levied within the waters of the St. Lawrence, may be best arranged? And what principle ought hereafter to be taken as a guide in granting or refusing to companies or associations any powers to be exercised, or privileges or capacities to be enjoyed, within the province, are also questions on which the Commissioners must report to the Crown.

There are still graver matters which have been made the grounds of petition to His Majesty, and respecting which the Commissioners are not precluded from entering into an inquiry. But it would be painful to speak here of dissensions between the two Legislative bodies whom I address, or to recapitulate the faults which have been found with the constitution of either body by the other; let me invite you, rather, to follow that example of forbearance, moderation, and of mutual respect which, notwithstanding their differences of opinion, has been recently exhibited by the two Houses of the Imperial Parliament. This moment, as it seems to me, is a great opportunity for good or for evil; let me entreat of you that it may not be lost or thrown away. Lower Canada is divided by two parties, and each of them appears to be agitated by apprehensions which, I trust, are exaggerated. To the Canadians of French origin I would say, do not fear that there is any design to disturb the form of society under which you have so long been contented and prosperous. However different from those of her colonists in other parts of the world, England cannot but admire the social arrangements by which a small number of enterprising colonists has grown into a good, religious and happy race of agriculturists, remarkable for the domestic virtues, for
a cheerful

a cheerful endurance of labour and privations, and for alertness and bravery in war. There is no thought of endeavouring to break up a system which sustains a dense rural population without the existence of any class of poor. England will protect and foster the benevolent, active and pious priesthood under whose care, and by whose examples so much of order, of good conduct and of tranquil bliss is created, preserved and handed down from generation to generation.

Of the British, and especially of the commercial classes, I would ask, is it possible you should suppose that there can be any design to sacrifice your interests, when it is clear to all the world that commerce is one of the main supports to the British system of finance, that without it this wonderful fabric of British power and dominion would crumble into dust; and that it is especially the object and purpose for which, at a vast expense, the mighty colonies of England are maintained in every quarter of the globe? Rely upon it, that the great and powerful country from whence you have removed yourselves to these shores, will not abandon there the policy which has established the prosperity of her people in every other region; and that a Government, of which constancy and good faith are the main elements of power, will not fail to sustain in this portion of the empire the spirit of that Constitution which has so long been held out as a boon to its natives, and an inducement to the settlers who have embarked in it their enterprise, their wealth and their hopes of individual happiness.

In a declaration put forth by many among you who inhabit this city, I have seen the following objects enumerated: First to obtain for persons of British and Irish origin and others His Majesty's subjects labouring under the same privations of common rights, a fair and reasonable proportion of the representation in the Provincial Assembly: Secondly, to obtain such a reform in the system of judicature, and the administration of justice as may adapt them to the present state of the province: Thirdly, to obtain such a composition of the Executive Council as may impart to it the efficiency and weight which it ought to possess: Fourthly, to resist any appointment of members of the Legislative Council otherwise than by the Crown, but subject to such regulation as may ensure the appointment of fit persons: Fifthly, to use every effort to maintain the connexion of this Colony with the parent state, and a just subordination to its authority; and Sixthly, to assist in preserving and maintaining peace and good order throughout the province, and ensuring the equal rights of His Majesty's subjects of all classes. If these objects are indeed all that are desired by the whole commercial interest, I trust it will be satisfactory to those who aim at them to know that there is not one of them which is not strictly within the line of duty of the King's Commissioners to take into consideration, to receive respecting them the fullest evidence and information which may be offered, and finally to submit to our Gracious Sovereign and His Ministers their impartial and well-weighed conclusions.

To the Canadians, both of French and British origin, and of every class and description, I would say, consider the blessings you might enjoy, and the favoured situation in which but for your own dissensions you would find yourselves to be placed. The offspring of the two foremost nations of mankind, you hold a vast and beautiful country, a fertile soil, a healthy climate; and the noblest river in the world makes your most remote city a port for ships of the sea. Your revenue is triple the amount of your expenditure for the ordinary purposes of government; you have no direct taxes, no public debt, no poor who require any other aid than the natural impulses of charity. If you extend your views beyond the land in which you dwell, you will find that you are joint inheritors of the splendid patrimony of the British Empire, which constitutes you, in the best sense of the term, citizens of the world, and gives you a home on every continent and in every ocean of the globe. There are two paths open to you,—by the one you may advance to the enjoyment of all the advantages which lie in prospect before you; by the other, I will not say more, than that you will stop short of these, and will engage yourselves and those who have no other object than your prosperity, in darker and more difficult courses.

Enclosure 2, in No. 1.

To his Excellency the Right Honourable Earl of Gosford, &c. &c. &c.

May it please your Excellency:

WE, His Majesty's dutiful and loyal subjects, the Legislative Council of Lower Canada, in Provincial Parliament assembled, beg leave to return your Excellency our thanks for your speech from the throne on opening the present session of the Legislature.

We feel the importance of the circumstances under which your Excellency meets us; amidst difficulties which have arisen in the province, and of late years have produced embarrassments in the administration of the Government in consequence of the withholding of the supplies which are required for defraying the expenses of the civil establishment, and for carrying the law into effect, of which the due execution affords the surest pledge for the happiness and security of society.

We trust that His Majesty's views, as well as the means he has taken to make an inquiry on the spot, may have the effect, by making known the true state of things, of facilitating to His Majesty's Government the means of remedying the grievances of which the subjects of His Majesty in this province may have to complain, and of satisfying their just demands.

It becomes our duty to express our gratitude for the views and intentions, and for the lively solicitude of His Majesty towards this province, as communicated to us by your
Excellency,

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S PAPERS RELATING TO LOWER CANADA.

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in No. 1.

Excellency, and of the assurance of the firm determination of your Excellency to give effect to those wise and generous intentions. The frank declaration of your Excellency can hardly fail to inspire those sentiments of confidence so necessary between the different branches of the Government.

We pray your Excellency to accept of our thanks and the expressions of our gratitude for the assurance you give us, and for the sentiments, as well as for the principles, which you have manifested relating to those objects, particularly with respect to the spirit of impartiality in the instructions received by your Excellency, and for the positive commands contained therein.

We feel it our particular duty to express to your Excellency our satisfaction for what is contained in your speech relating to the difference of origin of the inhabitants of this province respectively, to the distribution of places, to the accumulation and incompatibility of certain offices in the same persons, to the refusal made to the Legislature of documents necessary for the prosecution of its inquiries, to the too frequent reservation of Bills for the signification of His Majesty's pleasure, to the use of both languages generally spoken in the country, of calling on the Judges for extra-judicial opinions on matters which might subsequently come before them for decision, of an interference in the elections of the representatives of the people, and we cannot but applaud the views of justice which your Excellency manifests with respect to these several objects.

We have also received with satisfaction the assurance your Excellency gives us that you are resolved to afford your co-operation in those measures that may lead to fix the fees in some of the public offices according to just and equitable principles between the public officers and individuals, to put an end to the complaints relating to certain rules of practice made by the courts of law, and to render the proceedings of the superior tribunals more prompt and methodical and less expensive.

We shall thankfully receive the copies of the despatches which your Excellency proposes to make to us with respect to the clergy reserves, and this will be the object of our most serious consideration, as well as the project of all measures which may relate to the same.

We will also give our attention to such useful statutes as have recently expired, and more particularly to the one which your Excellency has mentioned, passed in the fourth year of His present Majesty's reign, intituled, "An Act to continue for a limited time, and to amend certain Acts therein mentioned relating to the collection of the Revenues at the several Inland Ports of the Province."

We will also give attention to the state of the prisons and their present discipline, and to the expediency of adopting some more efficient measures for repressing crime, and preventing its increase in this province.

Dissensions between legislative bodies are not only obstacles to the advancement of the public welfare, but necessarily produce public calamities; we indulge the hope that they will be replaced by feelings of moderation and mutual forbearance, and that we may be able to co-operate for the advancement of the prosperity of the country.

We have reason to rejoice at the opinion entertained by your Excellency with regard to the inhabitants of the country, of their moral character, and of the happy results of their institutions and establishments, as well as the assurance that we shall receive the protection of England with regard to these objects.

We feel that it is by maintaining the public peace and good order, by insuring an equality of rights to all His Majesty's subjects in this province without any distinction, that we may indulge the hope of being able to avail ourselves of all our resources, of a fertile soil, a healthy climate, and of those advantages of our situation with relation to commerce and navigation. Union alone can produce this effect; our dissensions would necessarily be the means of paralyzing all our efforts to obtain the same.

Legislative Council Office, Quebec, 9 November 1835.

Enclosure 3, in No. 1.

Mr. Speaker, and Gentlemen of the Legislative Council.

I RETURN you my thanks for this Address.

I trust that the measures which His Majesty has commanded me to adopt may lead to the most successful results, that dissensions may cease, and goodwill and harmony be restored.

To the principles and sentiments which I announced at the opening of this session I shall firmly adhere, persuaded that by so doing I shall best discharge the duties which His Majesty has been pleased to confide to me, and promote the general interests of this great community.

Castle St. Lewis, Quebec, 11 Nov. 1835.

Enclosure 4, in No. 1.

TO His Excellency the Right Honourable the Earl of Gosford, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's faithful and loyal subjects the Commons of Lower Canada, in Provincial Parliament assembled, humbly thank your Excellency for your speech at the opening of the present session.

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We congratulate your Excellency on His Majesty's determination to call to the head of the government of this province, in the person of your Excellency, a distinguished individual, whose habits and former station have, independently of his other qualifications, rendered him more able to accomplish this important charge. We congratulate your Excellency in like manner on your safe arrival among us.

It is indeed under no ordinary circumstances that your Excellency has assumed the reins of administration. The government has not for some time past sufficiently possessed the confidence of this House, and of the people, to fulfil the purposes of its institution. In this state of things, it was in conformity to the ancient custom of Parliament, and in the spirit of the constitution itself, as well as for the advantage of His Majesty's subjects, and of his government in this province, that this House adopted constitutional means for obtaining the redress of grievances and abuses. We shall see with pleasure that His Majesty's government has acquired that practical and local knowledge of the province which is necessary for the discernment of the most appropriate remedies. It is, therefore, with feelings of hope that we contemplate the extensive powers, attributions and circumstances with which your Excellency has commenced the arduous duties of your exalted office.

Bearing in mind the distinction pointed out by your Excellency with regard to the application of the remedies in question, we are firmly convinced of your Excellency's just and liberal intentions in the administration of the executive power. In those cases where your Excellency may be called upon to act jointly with the Provincial Legislature, or with this House in particular, we shall always be disposed to co-operate in every measure which may tend to the welfare of this province. With regard to the Bills which may require to be passed or sanctioned by the authorities in England, we have already, on more than one occasion, made known our desires and wishes to His Majesty's Government. We are firmly persuaded that the result of the attention which has lately been given to the desires and the repeated claims of this House and of the people, will be an entire conviction of their justice, and that they will be granted to their fullest extent.

We ought not to fail here to declare most respectfully to your Excellency, that the great body of the people of this province, without distinction, consider the extension of the elective principle, and its application to the constitution of the Legislative Council in particular, the repeal of the Acts passed in Great Britain on matters concerning the internal government of the province, and fully within the jurisdiction of the Provincial Parliament, as well as of the privileges conferred by such Acts; and the full and unrestrained enjoyment on the part of the Provincial Legislature and of this House of their legislative and constitutional rights, as being essential to the prosperity, welfare and happiness of His Majesty's faithful Canadian subjects, and as being necessary to ensure their confidence in his government, and their future welfare and contentment under it, and to remove the causes which have been obstacles thereto. And we also most respectfully pray your Excellency that in those future communications to which you have alluded, between your Excellency and His Most Gracious Majesty, or His Government, on the subject of the great interests of this province, Your Excellency will be pleased not to lose sight of this firm conviction on the part of the people, which we feel in common with them.

The desire manifested by your Excellency to obtain the goodwill of the Canadians of all ranks and classes, and the confidence and respect of the representatives of the people, is our warranty of your Excellency's intentions to do all in your power for the welfare of the country. We thank your Excellency for your declaration that, as head of the Provincial Legislature, you will co-operate with us in the redress of every evil which it may be necessary to correct.

His Majesty's Government must have been long convinced that the circumstances mentioned by your Excellency as being of a nature for some time practically to exclude the majority of the inhabitants of this province from a due participation in the powers and advantages of office, rested on an incorrect appreciation of their sentiments. The people have repeatedly defended the country in time of war; they refused to accede to the appeal made to them by the former British colonies on this continent, at the period which preceded the independence of those colonies; they preserved their confidence in His Majesty's Government in times of difficulty, and under administrations which trampled on their dearest rights; they have, by their representatives, laboured to insure to all classes of their fellow subjects, without distinction, a participation in all the political and natural advantages of the country, and firmly to establish in this province the Constitutional and Parliamentary Law of Great Britain, and such other portions of its institutions as appeared to the people to be salutary and protecting, and consonant to their wants. It is, therefore, with satisfaction that we have heard your Excellency disclaim, on the part of His Majesty and of the British people, the motives to which the practice heretofore followed has been necessarily attributed. We welcome, with a like feeling, your Excellency's declaration, that your instructions enjoin upon you the utmost impartiality and entire disregard of unjust distinctions.

We thank your Excellency for the frank and open avowal of the salutary principle, that in every country to be acceptable to the great body of the people is one of the most essential elements of fitness for public station. We shall rejoice to hear that arrangements have been adopted to lay before the competent authorities a more particular account than heretofore of the exercise of the Royal authority in the appointment to public office in this province. We perfectly appreciate the motives by which His Majesty is actuated, yet we cannot but feel some anxiety lest the too frequent appeal to His Majesty should, in certain cases, have an effect contrary to his gracious intentions.

It will be of the greatest advantage that the cumulation of incompatible offices in the

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same person should be completely remedied. Your Excellency cannot fail to remember that the particular cases to which you have been pleased to declare that your attention has been already given were, among others, provided against by a Bill passed by the two Houses of the Provincial Parliament, and subsequently taken into consideration by His Majesty's Government. This circumstance and the complaints which have uniformly been made on this subject would have led us to hope that your Excellency would have been invested with the powers necessary to enable your Excellency forthwith to carry into effect your determination on the subject of the salutary separation of the principal component parts of the Government. We should be happy to see established that responsibility on the part of the executive power in this province to the Legislature thereof, and to this House in particular, which is happily established in the United Kingdom, and imparts strength and security to its institutions. We moreover confidently hope that the arrangements your Excellency has been pleased to mention will be speedily carried into effect. Your Excellency has also been pleased to declare to us that your views are not confined to these cases, and that no union of incompatible and incongruous offices will be willingly acquiesced in by your Excellency.

The intention announced by your Excellency to communicate to this House all despatches, accounts, papers and information of which in the course of our deliberations we may have need, is of a nature to call for our particular acknowledgments. We duly appreciate the fears of His Majesty's Government, that we may have been exposed to some inconveniences arising from this source. We expect the greatest advantage from the unreserved assistance which your Excellency has been pleased to promise us, with regard particularly to every thing connected with the revenue and with finance; and we hope that, with your Excellency's aid, the inquiries which this House will continue and institute will have a happy effect on the legislation, and on the future welfare of the country. We venture to hope that these inquiries, in conjunction with those which this House has already made, will furnish extensive information on the statistics of the province, and may aid your Excellency in collecting the information and forming the opinions which your Excellency has announced your intention of transmitting to His Majesty's Government.

By abandoning the too frequent practice of reserving Bills for the signification of His Majesty's pleasure, and that of delaying the communication of the Royal pleasure, as well with regard to such Bills as to the Addresses of this House, the executive authorities will concur in consolidating in the province itself an effective and regular Government, adapted to provide in the best manner for the wants of its inhabitants. This amelioration of the practice on this subject may also be especially favourable to the establishment of colleges and schools for the advancement of Christian knowledge and of sound learning, unattended by those delays which your Excellency believes that, under a contrary system, the greatest zeal and activity in His Majesty's service would be insufficient to obviate. The deep and personal interest which His Majesty designs to take in the affairs of this province have happily suggested to him a measure which we cannot but applaud.

His Majesty's displeasure, announced beforehand by your Excellency, at any conduct on the part of the Government liable to the imputation of giving to the English an undue preference over the French language, of calling upon the judges for extra-judicial opinions on questions which may subsequently come before them for decision, or of interfering in the elections of the representatives of the people, will be one of the elements of order and security; and we are persuaded that your Excellency can have no motive for not giving the fullest effect to His Majesty's injunctions on this head.

With respect to the idea of any undue partiality to the English language over that which makes part of the laws and institutions, guaranteed in the most solemn manner to His Majesty's Canadian subjects, we learn with pleasure that His Majesty disapproves and is desirous to prevent the adoption of any practice which would deprive either class of his subjects of the use of the language with which early habits and education have rendered them most familiar. We flatter ourselves that the due consideration which your Excellency will doubtless bestow with regard to fitness of the persons who may compose the tribunals and fill the several public offices, will suffice for the future to insure respect for the incontestable rights of all classes of the inhabitants of this country.

We shall give our earnest attention to the subject of the fees demanded by divers public functionaries, with a view to revise and regulate the same by the supreme authority of the law. His Majesty may be assured that we shall be guided in this behalf by the nature of the services to be remunerated, the state and circumstances of the province, and the various considerations due to the interests of all portions of the public weal, and to the advancement of the moral condition and of the industry of the people.

We shall accept with pleasure your Excellency's co-operation with this House in an inquiry into the practice and proceedings of the superior tribunals, with a view to ensure their conformity to the law, and to render them more prompt and methodical, as well as less expensive. We hope that the same good understanding will continue to exist between your Excellency and this House, if any bills on this subject should be brought before the Provincial Parliament.

On the subject of the Clergy Reserves, we regret that we have to state to your Excellency that, notwithstanding the benevolent intentions of His Majesty's Government, of which your Excellency is pleased to assure us, our apprehensions have been justified by the disposal of a considerable portion of the waste lands in the manner which we had foreseen. As we have already expressed our opinion to His Majesty's Government on this head, we shall confine ourselves to assuring your Excellency that we shall enter zealously into the examination

examination of the whole question, with the hope of being able to agree to the views of His Majesty's Government, at the same time that we shall respect the rights of all parties and maintain the common or individual interests of all the inhabitants of this province.

We thank your Excellency for having recognized the constitutional privileges of this House, with regard to its contingent expences.

The declaration of His Most Gracious Majesty, whereby we are led to hope that the legitimate control of the representatives of the people will be exercised over all public monies payable to His Majesty, or to his officers in the province, whether arising from taxes, or from any other Canadian source, carries with it the admission of an incontestable and essential principle, calculated to insure that efficiency and responsibility which are so much to be desired in the Government, and to maintain that constitutional control which the people have a right to exercise by their representatives over every branch of the Executive Government. On this head, which embraces a vast number of matters of detail, we shall receive with respect, and will take into our most serious consideration, every communication from His Majesty's Government, or from your Excellency, which you may be pleased to make to us; and we trust that they will tend to facilitate at an early period the conclusive and satisfactory settlement of all financial difficulties. Our labours on this subject will be conducted with the same unceasing diligence which your Excellency is pleased to promise to bestow on it.

We shall receive in the same spirit the accounts necessary to show the financial state of the province, with such estimates and explanations as your Excellency may be pleased to lay before us.

All matters of this nature are so essentially connected with the interests of our constituents and the peculiar privileges of this House, that we cannot fail to be guided in our determinations respecting them by what we believe to be the constitutional privileges of this branch of the Legislature, and for the welfare of the province.

The request made by your Excellency, in consequence of measures heretofore adopted by the executive power, and with regard to which we have already humbly expressed our opinions to His Majesty's Government, is so intimately connected with the same rights and privileges, that it will be our duty to take it into consideration with the same views and sentiments.

We ought, however, to express to your Excellency our conviction that the application of sums of money, subject to the control of this House, without the consent of the representatives of the people, would tend to create an obstacle to the arrangements contemplated by His Majesty's Government, which we most sincerely desire to see completed.

We are thankful to Providence for having exempted this province, during the summer of the present year, from the ravages of the scourge which had necessitated sanitary precautions on an extensive scale. The discontinuance, by your Excellency, of some of these precautions at an earlier period than usual, appears to us to have been conformable to the circumstances under which it took place. We shall not fail to make good any just and reasonable expences incurred in carrying the said precautions into effect. We shall also take into consideration the expediency of indemnifying the proprietor of Grosse Isle, and of purchasing it for the public uses of the province.

The judicial decision of the suit instituted by the Crown against the late Receiver-general, which your Excellency has announced to us, adds to the hope we entertain that the right of the province to be reimbursed will be acted upon.

We shall give our attention to the useful statutes which have recently expired. We shall also continue our deliberations on the question of prisons and prison discipline, and on the expediency of adopting some more effectual measures than at present exist for the suppression of crime.

Any sufficient and constitutional measure, tending to facilitate the exercise of the right of this House to the control of the whole revenue raised in this province, shall be received by us with a due appreciation of the motives by which it shall have been dictated, and of the advantages to be derived from it. Every communication on this subject will be received with respect, and examined with attention.

The questions connected with the internal government of this province will continue to form one of the subjects of our labours; and we hope that, with the intentions manifested by His Majesty's Government, the Bills which may from time to time be passed by this House on the various matters connected with these questions, will be productive of results advantageous to the country. We confidently expect the same results in those matters which are more especially within the province of His Majesty's Government.

We pray to be allowed to assure your Excellency that the representations which have been made by this House and by the people, on the subject of the present constitution of the legislature of this province, were so made after mature deliberation, and most careful consideration of the principles of government, and of past events. With a conscientious conviction of its necessity, and in our desire to establish harmony between the high constituted authorities in this province, and to insure the happiness of its inhabitants for a long period to come, as a portion of the empire over which His Most Gracious Majesty presides, we have prayed for the extension of the elective principle to the Legislative Council. The general opinion of the people gives additional strength to our conviction that no arrangement of a merely administrative and temporary nature could produce that harmony which, in common with your Excellency, we have so much at heart, with a view to the full and effective representation in the Legislature of the country of the rights, interests, desires and wants of the people thereof.

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Your Excellency cannot doubt our earnest desire to labour for the happiness of the people, with those dispositions and sentiments with which the high trust vested in us ought to inspire us. Elected by the people of this province, from among whom we come, and into the midst of whom we are to return to partake their lot, we cannot fail at all times to feel an anxious desire to promote the welfare of all, and to see the Legislature contribute effectively to the advancement of the public prosperity.

We thank your Excellency for the declaration, that there is no design to disturb the form of society in this province, or the rights of any class of its inhabitants, and that the great interests of agriculture and commerce are sure of just protection. We feel flattered by the manner in which your Excellency has already appreciated the moral and social institutions of this country; and we trust that your Excellency will be daily more and more convinced of the public and private virtues of its inhabitants of all classes and of all origins. The qualities of the priesthood of all denominations, are among our guarantees that we shall continue to possess these advantages. We can assure your Excellency that we shall apply ourselves, as we have heretofore done, to the fulfilment of our duty towards all, with brotherly impartiality, and we trust our fellow-subjects from different portions of the British empire, who have or may come to settle among us, will find here all that protection which is requisite to their happiness and the encouragement of their industry, and that their efforts will, jointly with ours, tend to promote the common welfare of all.

With regard to the opinions expressed by the great body of the people, and by this House on the public affairs of this province, your Excellency will perceive that they have not been and are not founded in any manner whatsoever on distinctions of nation or of origin, and that the due appreciation of this fact cannot but tend to create a firm conviction of those sentiments of equal justice to all, of which we humbly believe that the representatives of the people of this province have given ample proof. We believe that the House of Assembly, in fact as well as in principle, represents the interests and wishes of the great body of inhabitants of this province of every origin; and animated as we are by the consciousness of the duties which this position imposes on us, there is no class of our fellow subjects, of whatever origin, persuasion or opinion they may be, to whom we are not disposed to afford equal aid and protection.

We duly appreciate the advantages which Providence has bestowed on this country, and we entertain no doubt of the high degree of prosperity and happiness to which its inhabitants might attain under an enlightened, liberal and responsible Government. We confidently expect to obtain a Government of this nature, which will be a pledge to us for our future enjoyment of all the blessings to which we look forward through the firmness of the people, and the attention given to the interests of the country by His Majesty's Government. We also entertain the hope that, with the intentions expressed by your Excellency, this great work of liberty and peace will be accomplished under your Excellency's administration.

House of Assembly, Quebec,
Friday, 6 Nov. 1835.

(signed) *I. J. Papineau,*
Speaker of the House of Assembly.

Enclosure 5 in No. 1.

Enclosure 5,
No. 1.

Mr. Speaker, and Gentlemen of the House of Assembly,
I THANK you for this Address, and especially for the flattering and kind manner in which you have spoken of myself.

It will be my constant study to adhere faithfully to the line of conduct which I stated to you at the opening of this session, and I shall feel truly rejoiced to find that course promote the good understanding which it is so desirable to see re-established in this Province.

Castle St. Lewis, Quebec, 9 November 1835.

— No. 2. —

No. 2.

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

Castle of St. Lewis, Quebec,
10 March 1836.

My Lord,

IN compliance with an Address of the House of Assembly presented to me on the 7th instant, I have the honour to transmit for the purpose of being laid at the foot of the Throne, an Address from that body to His Majesty on the state of the Province, and on certain parts of the instructions to the King's Commissioners in Lower Canada.

I have, &c.

(signed) *Gosford.*

Enclosure in No. 2.

To the King's Most Excellent Majesty.

Enclosure in No. 2.

May it please Your Majesty,

We, your Majesty's faithful and loyal subjects, the Commons of Lower Canada in Provincial Parliament assembled, humbly approach Your Majesty's throne for the purpose of expressing once more, in the name of the people we represent, our firm though respectful opinion of the necessity of the reforms we have so often prayed for in the constitution of this Province, and of the redress of the grievances and abuses which have prevailed therein. We seize the same occasion to make known our sentiments with regard to a portion of the recent views and determinations of Your Majesty's Government, in so far as it has been possible for us to become acquainted with them. We pray Your Majesty to believe in our sincerity. We desire, as the representatives of a people, who have even in times of difficulty shown a strong attachment to the empire over which Your Majesty presides, not to forget the sentiments of respect we owe to Your Majesty's sacred person, and which Your Royal attributes require; but at the same time it would be culpable in us to sanction by our silence any misconception with regard to the nature of the improvement and reforms required, or to the constitutional and practical system of government which we desire to see established in this province, and which we believe to be equally in accordance with the true principles of the constitution, the incontestible rights of the inhabitants of this Province, and their natural and social position, and with their wishes, interests and necessities.

When we solemnly repeat, that the principal object of the political reforms, which this House and the people of this province have for a great number of years used every effort to obtain, and which have frequently been detailed to Your Majesty, is to extend the elective principle to the Legislative Council, a branch of the Provincial Legislature which, by its opposition to the people, and by reason of its imperfect and vicious constitution, has proved insufficient to perform the functions for which it was originally created; to render the Executive Council directly responsible to the representatives of the people, conformably to the principles and practice of the British constitution as established in the United Kingdom;—to place under the wholesome and constitutional control of this House the whole public revenue raised in this Province, from whatever source derived;—to obtain the repeal of certain Acts passed by the Parliament of the United Kingdom, in which the people of this Province are not represented, with regard to the internal affairs of this Province, making its territory and best resources the subject of unfair speculation and monopoly, and which we hold to be a violation of the rights of the Legislature and of the people of this Province: to ensure equal rights and impartial justice to all classes of the inhabitants of this Province;—to abolish sinecures and the accumulation of incompatible offices;—to redress the numerous abuses which prevail in the various departments of the public service;—to obtain for the Provincial Legislature, with regard to the internal affairs of the Province, and more especially over the management and settlement of the waste lands thereof, for the benefit of all classes of Your Majesty's subjects without distinction, that essential control which would be the direct consequence of the principles of the constitution. When we say we respectfully repeat to Your Majesty these our demands, and declare our firm intention to persevere in asking them, as being alone calculated to ensure the liberty, peace and welfare of this Province, and the confidence of the people in the Government, and to cement their political union with the United Empire, we can scarcely fear that we should not be understood by Your Majesty. We shall, however, add to our humble declarations some new facts which must tend yet more to convince Your Majesty of the justice of what we ask, and of the correctness of the view we take of the common interest of the mother country and of this colony.

We are bound, in the first place, to thank Your Majesty for having recalled the head of the Executive Government, and for having appointed as his successor a distinguished personage, who, independently of his qualifications as an individual, of which we have no motive for doubting, was, from his previous habits and position, more likely to comprehend our wishes and our wants. At the opening of the present session of the Provincial Parliament we had to applaud the principles of order and justice enounced in the speech delivered from the throne by his Excellency the Governor-in-chief of this Province, on divers matters connected with the administration of the government, and which might become the subject of our deliberations. In our firm hope that the efforts of Your Majesty's Government to do full justice to the people of this country would be continued without relaxation, in a spirit of enlightened liberality, we have by our answer shown that confidence could still exist on our part and on that of the people in Your Majesty's Government. We believed so much the more firmly, that the declaration of which we have just spoken, and the extraordinary attributes and circumstances which accompanied the usual powers of Your Majesty's representative, were our guarantees that the essential and vital subjects which were only spoken of to us as matters for the future deliberation and decision of Your Majesty and Your Parliament, would be looked at in the same comprehensive spirit, and with the same views, and above all, that the researches and determinations adapted to throw light on the solution of these weighty questions would not be restrained by any formal refusal of the demands which were to form the matter of investigation, nor by any final determination to maintain at all events the pretensions raised from time to time on divers subjects of colonial policy by Your Majesty's responsible Ministers, and which called forth the remonstrances of this House and the people; matters which, as Your Majesty was pleased to assure us, were to be equally the

Enclosure in No. 2. subject of research and deliberation. We thought, that without bringing forward unjust and inapplicable theories of metropolitan domination and colonial abasement, without recurring to a system proved false by memorable examples, regard would be had exclusively to the principles of the constitution, the mutual interests of all parties, and the peace, welfare, rights, wishes and wants of these important portions of the British dominions. It could, therefore, only be with lively anxiety that we were brought to suppose, from the knowledge which reached us, at first indirectly, and afterwards by the official channel, of certain extracts from a Despatch, dated the 17th of July 1835, addressed by Your Majesty's Principal Secretary of State for the Colonies, to certain persons in Lower Canada, (unacquainted as we moreover are with the tenor of the other parts of the same document, and with any subsequent instructions,) that in point of fact the researches authorized by Your Majesty, for the purpose of ascertaining the means of doing justice to Your Canadian subjects, were, on several of the most essential points, limited by preconceived opinions and anticipated decisions in the manner hereinbefore set forth. We are bound on this head to declare, that in the face of obstacles like these, if Your Majesty's Government should persist in maintaining them, and without Your Royal assent to the essential reforms we expect, no measure of minor importance can have the effect desired; that the delay occasioned by the investigations announced, will serve only to embolden the enemies of the people of this Province and of Your Majesty's Government in their hopes of dissension and violence, and that the best intentions or even acts on the part of the head of the Provincial Executive, even in conjunction with the efforts of this House and of the people, might be wrecked in contending against the deep rooted system of vice and abuse which has robbed Your Majesty's Government in this Province of all efficiency and respect, and has endangered the liberties and safety of the inhabitants of Canada.

At the head of the reforms which we persist in considering as essential, is the introduction of the principle of popular election into the constitution of the Legislative Council. The people of the country without distinction regard this body, as at present constituted, as factiously opposed to its institutions, its state of society, its feelings, and its wants, and as having been and as being necessarily the strong hold of oppression and abuses. They continue in like manner to believe that any partial reform which shall stop short of the introduction of the elective principle, will be altogether insufficient, and will, as leaving the inherent vice untouched, bring back the same evils and the same collisions. We think, that with regard to the constantly baneful action of the Legislative Council, we have amply explained ourselves to Your Majesty, and that no other proof than the past and the present acts of that body is needed to remove all doubt as to the nature and spirit of the improvements to be introduced into it. We look, in this respect, upon the Act of 1791, giving Legislators for life to the Canadian Provinces, at the mere pleasure of the executive authority, as an unfortunate experiment, followed by most unhappy consequences. We also look upon this experiment as entirely foreign to the British Constitution. We regret that in the extracts from the despatches we have mentioned, an attempt is made, by begging the question, to infer an analogy which does not exist, for the purpose of aggravating certain specious objections against an Elective Council. We would respectfully pray Your Majesty to remark, that the influence which prevailed in the Councils of the Empire, at the period when the Act of 1791 was passed, was calculated to give an undue preponderance to the aristocratic principle, while, in America, the independent state and the progress of society repelled any doctrine of this nature, and demanded the extension of the contrary principle. We must also express our regret, that while Your Majesty's representative in this Province has solicited the co-operation of the two Houses of the Provincial Legislature to labour at the reform of abuses, and while this House is fully disposed to grant that co-operation, the constant opposition of the Legislative Council is of a nature to prevent so important an appeal from being followed by any result. For ourselves we are conscious that we have ever been, and are still guided in our labours by our conviction of what was for the greatest advantage of the people, and best adapted to cause Your Majesty's Government in this Province to be respected, cherished and strengthened; and firm in our determination to pursue the same course, we pray Your Majesty to believe that we shall not depart from it.

We are not ignorant that some individuals interested in the maintenance of bad government, and accustomed to a system of ascendancy and domination, pretend that harmony might be established between the constituted authorities in the Province, by introducing in its territorial limits, or in the representation of the people, violent changes, of which the sole end would be to deprive a numerous portion of Your Majesty's subjects of a due participation in the advantages of the constitution, and to establish invidious political preferences, as a prelude to the subversion of the institutions of the Province, at the very time when Your Majesty's Government is proclaiming principles of equal justice to all, and acknowledges the excellence of our institutions. We rely too much on the honour of the Government to believe in the possibility of attempts which would destroy all the ties that bind the people to Great Britain, and would force them to regret their allegiance. We cannot, however, but express our regret that in the extracts already mentioned, as well as in several other instances, it has appeared as if the same importance was attached to the calumnious representations of a small number of individuals, supporting the abuses of past administrations, as to the solemn deliberations and unvarying opinions of the representatives of the people, who form a branch of the Legislature which no prejudice against their origin can succeed in causing to be regarded as less essential than the other and co-ordinate branch. In this systematic practice of assimilating a recognized authority, acting in a constitutional capacity, to the disorderly passions which seek to overthrow it, the people

of this country might in the end see a desire to misunderstand the essence and unity of the popular principle acting in the Government, while the aristocratic principle is upheld by attaching it to the Legislative Council, as if it were part of the essence of the constitution itself. We have at least the satisfaction of seeing that the great body of the inhabitants of this Province, of every creed and of every origin, are satisfied with the share they have in the Provincial representation, and that our fellow-subjects of the less numerous origin in particular, acknowledge the spirit of justice and brotherly love with which we have endeavoured to ensure to all the inhabitants of the country, a participation in its political and natural advantages. We perceive in this happy union another guarantee of good government, and an antidote against the tortuous policy which it is sought to support by unjust distinctions.

Even admitting, in opposition to principles and to facts, that the Legislative Council of Lower Canada had some analogy to the House of Lords, it would not follow that the constitution of the said Council ought not to undergo any change, when such change shall become necessary to the stability of the Government, and to the common welfare of the people, since the happy modifications in the institutions of the United Kingdom, which have assured to 7,000,000 of men their civil and political rights, which have dispensed with intolerant tests, and have purified and equalized the representation of the people although opposed at first by the powers of the day, as contrary to the constitution, found at length their place in the statute book, to the great benefit of Your Majesty's Government, and of Your subjects. What the inhabitants of the three Kingdoms asked and obtained for themselves, under given circumstances, we ask for ourselves under circumstances very little dissimilar, and we believe that when we shall have obtained them, the constitution will have lost nothing of its essence or of its efficiency, but will, on the contrary, have acquired an element of strength and activity rendering it more fit to attain the objects of its institution, the happiness and contentment of the people.

Respecting, as we do, the expression of the Royal Pleasure, we yet regret that the Ministers of the Crown should have declared that Your Majesty was most unwilling to admit that the question of an Elective Legislative Council was a subject open to debate in this Province. We beg to be permitted to represent to Your Majesty, that it is not within the province of the Colonial Secretary to limit the subjects which are to engage the attention of this House and the people it represents, within the required forms, with the view of improving the laws and condition of the Province. Against this infringement of the liberties of the subject, by one of Your Majesty's responsible servants, we dare to appeal to the supreme authority of the Empire, to that of Your Majesty sitting in Your High Court of Parliament.

We do not intend to discuss the historical points of English colonial government on which we venture to differ with your Majesty's Ministers. Time has solved the problem, and we firmly believe that those happy countries to which these questions refer would never have attained the degree of prosperity which they now enjoy, either under the old Colonial Government or under a system like that which successive Colonial Ministers have established and maintained in this colony.

On the subject of the Executive Council, we abstain from entering on any details, because we hold this question to be closely connected in practice with the other more important subjects of colonial policy. We shall confine ourselves to saying, that the full and entire recognition of the rights of this House and of the people, by those whom Your Majesty may be pleased to call to Your Councils, and their constitutional responsibility, based upon the practice of the United Kingdom, will be essential motives for confidence in Your Majesty's Government.

We have also asked, and we now again ask, for the repeal of certain noxious Acts, of which the people of the country have complained; we wish, among others, to mention the Act of the sixth year of our late Sovereign George the Fourth, Your Majesty's Royal Brother, chapter 59, commonly called the "Tenures' Act," and also the more recent Act granting certain privileges to a company of individuals, residing chiefly in London, whose object is to make the lands of this Province a subject of speculation. With regard to the former of these Acts, its nature and its effects, our complaints have been so detailed and so numerous, that we shall abstain from repeating them; we shall only add, that recent decisions of the superior tribunals of the country have refused any validity to the proceedings of the pretended Court of Escheats established by the said Act, which has in fact merely served as a pretext for creating several sinecures, paid out of the public revenue of this Province, and which we have not recognized, and will never recognize. We pray Your Majesty, then, that being at length convinced of the baneful effects of the said Act, on the social institutions of this Province, the common rights of its inhabitants, and the settlement of the waste lands therein, without its containing one redeeming beneficial provision, but when, on the contrary, it has tended solely to favour the seigneur, while it professes to be intended for the relief of the mass of the censitaires, it may please Your Majesty to recommend to Your Parliament the immediate repeal of the said Act, in order that the Provincial Legislature may be no longer prevented from enacting laws (as it has the right to do) on the numerous subjects which it has been pretended to regulate by the said Act, and in order that we in particular, as one branch of that Legislature, may do justice in that behalf to our constituents, in a manner adapted to their interests and their wants, with which we have better means of being acquainted than any authority sitting without this Province. On the subject of the latter of the said Acts, we have, as well before it was passed, and with the knowledge and approbation of Your Majesty's Ministers while it was in progress through the Houses of Parliament, as since that time, made equally numerous representations. We know that one of the effects of this Act, besides

Enclosure in No. 2. authorizing monopoly in improved lands already owned and occupied by the people of this Province, has been to confirm the illegal sale of nearly a million of acres of the waste lands of this Province, made to the said company in addition to the unusual privileges it confers on the same company, with regard to the application of the proceeds of the said sale. privileges which belong solely to the Provincial Legislature, whose powers have been therein usurped. This subject is also closely connected with the incontestable right of British subjects inhabiting this Province, and of those who come to settle therein, not to be taxed without their free consent, expressed through their representatives. The said sale has also rendered impossible the free settlement of the most advantageous portion of the accessible lands, and, properly speaking, the only portion of these lands which had escaped the action of the system of fraud, speculation and monopoly which the servants of Your Majesty's Government in this Province have constantly maintained in this department. We humbly believe, that independently of the high considerations aforesaid, an essential point of the public law of the country has been lost sight of, namely, that the waste lands of this Province are not, may it please Your Majesty, of the same nature as the hereditary and patrimonial property belonging to Your Majesty's Crown, any more than they had that character when they were held by His Most Christian Majesty. They formed then, and we deem that they form at this day, part of the public domain of the state which in the several dependencies of the Empire, is committed to Your Majesty's paternal care for the benefit of their inhabitants, and of other subjects of Your Majesty who may wish to settle therein, and is subject to the supreme authority of Parliament; and we conceive that in this Province the Provincial Parliament is fully and exclusively invested with this authority, the exercise of which we shall never willingly renounce. We believe we have given too many proofs that we are perfectly disposed to exercise it for the advantage of all classes of Your Majesty's subjects, to render it possible that any consideration foreign to the laws and constitution, should induce the Parliament of the United Kingdom or Your Majesty's Ministers forcibly to abridge, in this point, the rights of the Provincial Parliament.

If other arguments than those drawn from constitutional law, and from the public law of the country, were requisite to demonstrate the correctness of the view we take of this question, we would say, that in practice, other portions of the public domain of this Province, which were a source of profit at an earlier period, have continued to be administered as having precisely the same character as before the cession of the country; that in divers instances no objection has been raised to the various Acts of the Provincial Parliament on matters therewith connected; and that from the moment when the very Act which defines the forms of our present constitution went into operation (a circumstance which cannot but have weight with Your Majesty), Your Majesty's Government has recognized the nature and destination of the waste lands of this Province by the very circumstance of reserving and continuing to this day to reserve a seventh part thereof to belong more particularly to the Crown, and to be under its special control. Instead of this seventh, the executive authorities have taken possession of the whole of these lands, of which they have disposed for the personal advantage of their members, and of their friends and subalterns, for the purpose of planting corruption in the representation and among the people, of securing an undue irresponsibility in the Provincial Administrations, and of withdrawing them altogether from the control and influence of this House. To justify their former waste, and to retain the same means of bad government for the future, the same authorities established as a doctrine what had theretofore been only a culpable act; and these pretensions, rendered powerful by their own effects, have unhappily made their way to Your Majesty's Throne, and to the Supreme Councils of the United Kingdom.

Under the ancient government in Canada, the settlement of the wild lands, under a system as regular and easy as possible, and adapted to the circumstances of the climate, the laws, manners and locality by the then inhabitants, and by others of their fellow-subjects who come to settle among them, was regarded as a point so essential, that a great portion of the ancient law of the country relates to this subject, and lays down rules which ensure the right of the population to obtain lots of land for the purpose of cultivating them, and which establish the relative rights of all the parties interested. We conceive, that the power of ensuring the efficiency of these laws, of modifying them, or enacting others in their stead in case of need, has devolved solely upon the Provincial Parliament. We regret that since the change of dominion the exactions of certain seigneurs, and the undue favours which have been conferred on others under the Tenures' Act, on the one hand, and the pretensions of the Executive to dispose of these lands without control on the other hand, have entirely nullified the advantages which were best adapted to advance the moral and physical welfare of the people, and to give stability to their institutions and to their political existence, as a happy and affectionate portion of Your Majesty's subjects. We are sure that the people of Canada, of whatever origin, have equally had reason to complain of the vices and abuses above mentioned. We cannot believe that while rights so essential were recognized and respected under an absolute monarchical government, the operation of the British constitution, though imperfect in its application to this Province, will be absolutely insufficient to maintain them.

Your Majesty cannot but know that the climate of this portion of the world, and other peculiar causes, render the clearing of lands, in order to bring them under cultivation, one of the chief resources of the surplus population of the old settlements, and the surest mode of investing the very moderate capital possessed by the people of the country. The resources which the waste lands would afford in point of revenue, under a wise system of management, established under the authority of the Provincial Parliament, would be equally necessary as a provision for the support of Your Majesty's Provincial Government, and for the completion

pletion of the numerous local improvements made requisite by the increase of the population, the emigration from the United Kingdom, and the state of a rising country. These resources are so important in both these respects, that if left to the unrestrained disposal of the Executive, they would destroy the constitution, purchase the adherence of men made powerful by the authority vested in them, and give the administration ample pecuniary means equivalent to the other revenues of the Province, and, consequently, the power of governing arbitrarily in defiance of the authority of the Legislature. We state, as a fact, that such has been in effect the system which has prevailed in this Province, and has been an inexhaustible source of evils and abuses. We attach so much importance to this subject, that we are firmly of opinion, that without the legislative and constitutional authority of the Provincial Parliament over the lands of the Provincial domain, and the revenue arising from them, the power vested in the Legislature to make laws for the peace, welfare and good government of this Province, would be altogether nugatory. Your Majesty may infer from this, how much we differ from Your Majesty's Minister, when in one of the extracts from despatches above mentioned, while commenting on the tenure of public offices in the Province in a manner which seems to us but little applicable to the subject, he appears, on the contrary, to wish to curtail the influence of the representatives of the people over the persons composing the administration, because this House must be animated by a spirit of the people, while we regard this latter circumstance as a most fortunate one, and as a pledge for the due and efficient conduct of public officers, and for the security of those whose affairs they administer.

We therefore pray Your Majesty to be pleased to recommend to Parliament the repeal of the said Act passed in favour of the Land Company; and also that it may please Your Majesty to adopt legal means for annulling all the undue privileges incompatible with the rights of this Province, which it is the object of the said Act to confirm, or of which it may have been the source. We also humbly pray Your Majesty to be graciously pleased, with regard to the matters relative to the public domain and the lands of this Province, to recognize the rights of its Legislature, and of Your faithful subjects therein, to the end that we be no longer prevented from labouring as a part of that Legislature, and, with the consent of Your Majesty as the first branch thereof, to render available all the resources of the country for the support of Your Government therein, and for the equal benefit of all Your subjects who inhabit this Province, or may come to settle in it; and more especially to ensure to all without distinction the means of settling on the waste lands, under an easy system, and on such conditions as shall be found most advantageous.

On the subject of the independence of the Judges, we see with pleasure that there exists no difference between the views of Your Majesty's Government and our own. We regret that our efforts to carry those views into effect have been misunderstood. Since that time the modifications which have rendered the character of the Legislative Council worse, while it was pretended to improve it, have convinced us that it would be of no advantage to the due administration of justice to proceed on the same basis. We shall not, however, abandon the consideration of the subject, and we shall attentively examine any plan which shall appear to us well adapted for the attainment of the desired end.

What we have now said will suffice to show Your Majesty what our views are, with regard to the politics of the colony as a whole, to the functions and powers which we believe to belong to the Provincial Legislature on all matters relative to the internal affairs of the colony, and with regard to what we conceive to be the best means of ensuring activity, efficiency and responsibility in the public service. We would suggest to Your Majesty, that there are on this portion of the American Continent more than 1,000,000 of Your Majesty's subjects, composing the Colonies of Upper and Lower Canada, who, speaking different languages, and having a great diversity of origin, laws, creeds, and manners, characteristics peculiar to them respectively, and which they have severally the right to preserve as inhabitants of a separate and distinct Province, have yet come to the conclusion that the institutions common to the two countries ought to be essentially modified, and that it has become urgently necessary to reform the abuses which have up to this day prevailed in the administration of the Government. We rejoice that we have, in our just claims, the support of our brethren of Upper Canada. This support will demonstrate to Your Majesty, and to our fellow-subjects in all parts of the Empire, that we have been sincere in our declarations, that the circumstances and wants of the two Canadian Provinces do indeed require a responsible and popular government, and that we have been actuated by no narrow views of party or of origin in demanding for many years of Your Majesty that such a government may be granted us.

With regard to the protection and to the equality of rights which Your Majesty's subjects in this Province are entitled to, the remedy of evils and abuses, the abolition of sinecures and pluralities, the expected formation of an Executive Council on the principles above set forth, and to divers other subjects more particularly mentioned in the speech from the Throne at the opening of the present session, we refer to our answer to his Excellency the Governor-in-chief, and we ardently wish that the views and instructions of Your Majesty's Government on essential points, may be of a nature to facilitate the results which Your Majesty's representative has been pleased to promise, and which it will afford us the most lively satisfaction to see attained.

In the extracts from despatches hereinbefore cited, there are certain passages which induce us to believe that we have not made ourselves understood by Your Majesty's Government, with regard to the nature of the control we desire for the Provincial Legislature over the waste lands of the public domain of the province, and which might cause some misapprehension in the opinion of our fellow-subjects. We have never claimed to exercise over

Enclosure in No. 2.

this portion of the affairs of the Government, any other authority than the parliamentary and constitutional authority which we are entitled to exercise over all the other affairs of the country, in so far as the peace, welfare and good government of the country may be therein concerned. We have already set forth at length our reasons for believing that this authority belongs to us. On this head, as on all others, our wish is, that the due execution of the laws may remain in the hands of the Executive authority within the limits prescribed by the laws and the constitution, and under the necessary responsibility; but we also wish that the right of the Assembly of the province to legislate on these subjects, jointly with the other branches of the Legislature, and to exercise in this behalf the other powers of the Commons of the country, may receive its full application. We believe we have demonstrated the fatal results of the systems in which this wholesome doctrine has been lost sight of, and the necessity which exists that their effects should be remedied by laws, in the making of which we have a right to participate. We should esteem ourselves happy if this explanation of our views remove any unintentional mistake into which Your Majesty's Government may have fallen, in construing our former representations. If we have in them dwelt more especially on this subject, it is because, until lately, it was enveloped in this province in a system of secrecy, by which the rights of the Provincial Parliament were violated and rendered nugatory, and which has been most injurious to the interests of the Government, and also because Your Majesty's Ministers seem to agree in the opinion that these matters should be withdrawn from the legislative and parliamentary control of the Provincial Parliament. If, on this occasion, we repeat our claims, it is because the more recent opinions of the same servants of Your Majesty have appeared to us to have the same tendency. On the subject of the waste lands, we shall here add that we consider them as of much greater importance with regard to their free settlement, than with regard to the immediate pecuniary revenue which might be derived from them by disposing of them at too high a price, or in larger portions than would suffice to meet the demands of such of Your Majesty's subjects as should be disposed personally to cultivate and settle on them.

It remains for us to address Your Majesty on an important and extensive subject, the public revenue and expenditure of this Province. We humbly thank Your Majesty for the gracious declaration that Your Majesty is disposed to admit the control of the representatives of the people over the whole public revenue raised in the Province. We regard the fulfilment of this promise as of the highest importance. In stating explicitly in the preceding portions of this Address, the rights which we humbly believe to belong to the Legislature of this Province, with regard to certain parts of this revenue, we wish to present the subject in its true point of view, in order that no misconception may hereafter retard the desired result. In the proposal which it may please Your Majesty to make to us for the purpose of attaining this result, it is impossible that Your Majesty should lose sight of the essential principles of the constitution, or of the Declaratory Act of 1778, to the benefit of which we believe the people of this country are peculiarly entitled. We shall receive with respect, and examine with the most scrupulous attention, any communication which Your Majesty may be pleased to make to us, tending to the settlement of the financial questions. We believe, however, that any merely temporary arrangement, made as a matter of expediency, and not carrying with it the recognition of the principles we have supported, could not have the desired effect, but would sooner or later bring back the very difficulties with which we are now contending. We humbly represent to Your Majesty, that the people of this Province, tired of the continued struggle in which they have been so long engaged, to obtain the recognition of their rights on the part of the metropolitan and colonial authorities, would regard with painful apprehension the possibility of the recurrence of the same state of things, and of the necessity of making new sacrifices for the purpose of laying these complaints before Your Majesty and Parliament. We wish for a Government which shall assure us freedom and security; the unrestricted effect of Your Majesty's declarations can alone confer it on us, and it will be when we possess it, and can entertain a hope of the removal of the grievances and abuses that we complain of, that we can properly consider the means of giving effect to Your Majesty's wishes with regard to an appropriation of a permanent nature. With respect to the extension of any appropriation of this nature, beyond what we have hitherto thought to be reasonable, it will be impossible for us to take the subject into consideration until after the views of Your Majesty's Government, with regard to the details, shall have been made known to us. We must, however, declare, that having represented to Your Majesty our views with regard to the efficiency and responsibility which we wish to see established in the Provincial Government, we should think we failed in our duty to our constituents, if we destroyed that efficiency and that responsibility by placing, as a general rule, the great public functionaries of the Province beyond the reach of the wholesome action of the constitution. We are not actuated by any considerations of a merely pecuniary nature; we believe that the largest sums Your Majesty's Government could ask for, would be utterly insignificant, in comparison with those for which Your Majesty's servants in this Province have been defaulters, or the enormous sums expended out of the public revenue, without the authority of the Provincial Legislature, and even in opposition to the votes of this House; or in comparison with the waste of the public property, by which four millions of acres of land, or more, scarcely an eighth part of which has yet been settled, have been monopolized or alienated. But we earnestly desire to preserve the benefit of a just control on the part of the Legislature, over the several branches of the Provincial Executive, and we can never consent, by renouncing it, to confound all the powers of the state for the time to come.

The pretensions set up by the Executive authority to the exclusive disposal of considerable portions of the public revenue of this Province have been so different and so variable, that

that we shall ever consider it a fortunate circumstance that the discussion of these questions, as far as principles are concerned, has been closed by the general declaration, for which we have already expressed our gratitude to Your Majesty. But we cannot admit that our present claims are at variance with our anterior acts, as Your Majesty's Minister supposes. If we could consent to retaliate, and continue the discussion, we might say, that the control of the Provincial Legislature over the sources of revenue in question has been recognized by a long course of practice; that with regard to the casual and territorial revenue, the message of his Excellency, Lord Dorchester, in the year 1794, was then, and has ever since been, interpreted in the Province, and even by the Royal authority in assenting to divers Bills passed by the Provincial Parliament, in such manner as to leave no doubt on the subject; we might then regard the more recent pretensions of the Executive as of a nature altogether unexpected. But, omitting these arguments, we appeal only to the principles of the constitutional and public law of the colony, and the very nature of these sources of revenue, which, we believe, we have sufficiently set forth.

There is another point connected with the casual and territorial revenue of which we ought not to omit to speak. The very definition of this revenue, and the particular sources from which it is derived, demonstrate that it extends to all resources which may be derived from Your Majesty's public domain in this Province. Lord Dorchester, in the message abovementioned, confirms this conclusion in speaking of the sources of revenue from which no profit had then been derived; and his Excellency Lord Aylmer had very recently included the revenue arising from the sale of lands and the cutting of timber in the casual and territorial revenue. Your Majesty, therefore, will not see without surprize, that Your Ministers and servants, feeling that the control of the Provincial Parliament must sooner or later be exercised over the said casual and territorial revenue; compelled, moreover, to acknowledge that in any case this revenue could not be applied otherwise than to the wants of the Civil Government and of the administration of justice; and desirous of creating funds which might be otherwise applied, and might enable them to indulge the spirit of favouritism, and perpetuate their system of bad government, have endeavoured to separate from the said casual and territorial revenue the most important and extensive portion of it, namely, the whole of the waste lands and saleable timber in this Province; and they appear to have assigned to the fund which they thus procured by the sale of the said lands and timber, without lawful authority, the name of Your Majesty's Hereditary Revenue. It is sufficient to examine the purposes to which this part of the revenue has for many years been applied, to be convinced that our opinion of this application is by no means erroneous, and that these purposes have only an almost infinitely distant relation to the essential wants of the Civil Government, and of the administration of justice, for which the casual and territorial revenue is destined. From this administrative manœuvre it follows, as a necessary consequence, that in the hands of Your Majesty's servants, to whom the management of the territorial domain is entrusted, the waste lands will be alienated with a view to the immediate increase of this uncontrolled revenue, instead of being managed with a sage foresight, founded on the consideration of the resources which these lands offer for the future, and of their settlement by your Majesty's subjects. It seems to be intended that this revenue should be enormously increased by the proceeds of the sale to the Land Company. On this latter subject we pray Your Majesty to be pleased to exclude from the revenue over which you have been graciously pleased to encourage the hope of seeing the control of the Legislature of this Province established, all sums arising from alienations in favour of the said Company. We hold the unrestrained access to so great an extent of the waste lands, to be too valuable to Your Majesty's subjects who inhabit this Province, or who may hereafter come to settle therein, to allow us to barter away their rights for any pecuniary considerations whatsoever, or by acknowledging the validity of the said alienations. We are, therefore, bound to abide by the requests herein above made to your Majesty.

We humbly thank Your Majesty that, if we rightly understand Your gracious intentions, the announced recognition of the control of the Provincial Legislature over the whole revenue extends equally to the sources of revenue thus separated from the casual and territorial revenue. This extension will have the effect of preventing, for the future, the consequences of the system heretofore followed. We observe, however, that Your Majesty is desirous of maintaining, under any final arrangement, the charges to the payment of which this particular revenue has hitherto been applied, and which are considered as permanent. We have already expressed our opinion as to the nature of these charges. Your Majesty cannot doubt our readiness to make every provision which may be necessary to ensure the efficient and beneficial management of the said lands and timber. We shall likewise give our attention to the nature of the other charges, with the view of making the result of our deliberations known to Your Majesty's Government. We have, however, already declared that we could not recognize the sinecures created under the Tenures' Act. With regard to the several pensions which have hitherto been paid out of this fund, it is our wish to express no premature opinion here; and we shall merely remind Your Majesty that they have hitherto been in opposition to the determination of this House. If we see the desired arrangement effected, we shall receive with respect, and shall take into consideration with the liberality we have always exercised (regard being had to the circumstances of each case, and to the resources of the country), all recommendations from Your Majesty requesting appropriations on our part, of the public monies for constitutional purposes.

Having thus exposed our opinions on the essential points of the extracts from despatches which have come to our knowledge, we refer on all other points to our humble petitions to Your Majesty and Your Parliament of the 1st of March 1834 and the 28th of February 1835, in which we persevere. We beg leave to call Your Majesty's royal attention to the

Enclosure in No. 2. essential reforms we have pointed out in the former part of this address, and which we believe to be indispensable. Declaring ourselves unsatisfied with the views and intentions of Your Majesty's Ministers, we address ourselves to Your Majesty and Your Parliament, in order that our just claims may be listened to, and that Your Majesty's Government in this Province may be rendered constitutional and responsible, and possess the confidence of your faithful subjects. We have frequently regretted that the destinies of the inhabitants of this portion of the British empire should depend almost solely on a colonial minister on the other side of the ocean, acting for the most part on incorrect data, and on an imperfect knowledge of facts, and left to act on his own responsibility. We also venture humbly to express our regret, that in the discussion of colonial questions in general it has not been thought right to attach sufficient importance to them to place them among the number of those on which the public confidence in Your Majesty's Government depends. We have suffered and still suffer from this state of things, and we believe that it would be best remedied by the action in the Province itself of a government at once popular and respected.

In the position in which we are placed, and however unjust the projects of the Colonial Office may appear, it is yet our wish to give Your Majesty a proof of our desire for conciliation and peace. We have expressed our regret that, according to the extracts from despatches above cited, even the temporary arrangement alluded to by Your Majesty's representative cannot take place unless this House virtually admits the control of the Executive over funds which we believe to belong to us, nor unless these funds remain hereafter as they have done heretofore, and for a term of which it is impossible to ascertain the extent, subject to charges created by the mere authority of the Executive, and which it regards as permanent. We are however resolved to neglect nothing which can afford to Your Majesty and Your Parliament an opportunity to do us justice, and to the present administration of this Province the means of effecting such reforms as the vices of the system permit; and we have determined to provide for the expenses of the Provincial Government for a limited time, regard being had to the circumstances attending the several items, and the resources of the country. We pray that Your Majesty will attribute the manner in which we shall endeavour to give effect to the decision we have thus come to solely to our sincere desire to obtain a better government, and not to any abandonment of the principles we have supported; and that Your Majesty will not allow it to be made a subject of reproach to us when we may again hereafter insist on these principles. It is with the view of maintaining them, and of obtaining Your Majesty's decision and that of Your Parliament on the weighty matters we have set forth, and the removal of grievances and abuses, that we have postponed the consideration of the other demands which would have necessitated a further departure from what we believe to be the constitutional rights of the people. We expect full justice from the august tribunal to which we appeal; and we trust that the Provincial Parliament will be called together for its next session so as to enable us to continue as early as possible our labours for the welfare of the country, and reassured, by the justice and liberality of the measures we expect, to consider the means of finally arranging the difficulties existing in the government of this Province, and of giving strength, stability and public confidence thereto.

Wherefore we respectfully entreat Your Majesty to listen favourably to our humble prayer, and, as well by the exercise of the august powers which belong more especially to Your Majesty, as jointly with the Parliament of the United Kingdom, to render full justice to your faithful subjects, and to deliver them from the oppressions and bad government which, through colonial ministers, have so long weighed heavily upon them. And by inclination led, as well as by duty bound, we shall ever pray for Your Majesty's sacred person.

(signed) *L. J. Papineau*,
Speaker of the House of Assembly.

House of Assembly, Quebec,
26 February 1836.

— No. 3. —

No. 3.

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

Castle of St. Lewis, Quebec,
12 March 1836.

My Lord,

It becomes my duty to inform your Lordship that the Provincial Executive has again, for the fourth year, been left destitute of the usual legal provision necessary for carrying on the civil government, and paying the large arrears now due for past services; and thus, at the end of a session of more than ordinary length, a satisfactory adjustment of the financial difficulties of the colony appears to be as distant and more hopeless than ever. I shall in this despatch, while giving your Lordship an outline of the proceedings of the two Houses on this subject, briefly touch upon what I conceive to have been the causes and reasons that led to this disastrous result.

On the 9th of November last the accounts showing the arrears due for salaries to the public officers, and for the other ordinary expenditure of the Government, including

including the advance made from the military chest, was transmitted to the Assembly, with a message inviting their immediate attention to the subject. These were at once referred to the standing committee on public accounts, as were also the estimates for the current year, transmitted in like manner on the 20th of the same month. But nothing further in the matter appears upon the proceedings of the House until the 5th of January, when the committee presented their third report. The subsequent steps of the Assembly up to the 19th of February, having already been detailed to your Lordship need not be here repeated. On the 20th the House went into committee on the several reports on public accounts, on the state of the Province, and on the published extracts from the instructions to the Canada Commissioners. These questions formed the subject of prolonged debates until the 26th, when the committee reported an Address to the King (forwarded by this opportunity, with a separate despatch), and two resolutions, a copy of which is herewith transmitted. In these resolutions, the Assembly, entirely passing by the question of arrears, determined to vote supplies for six months only, from the 15th January to the 15th July next, and to abstain under existing circumstances from specifying in the Supply Bill the particular funds appropriated, under a protest, however, that this course should not in future be invoked as a precedent in opposition to the resolutions of the House of the 16th March 1833 and 21st February 1834. The question of concurrence being put on the resolutions, Mr. Vanfelson moved an amendment, a copy of which is enclosed, to the effect that it would be expedient to vote as well the arrears due, as the supplies required to meet the expenses of the current year. This motion was objected to by the Speaker as unparliamentary, because it was not offered in the shape of a motion, proposing some subject for deliberation and decision, but in the shape of a protest, tending to censure a decision of a committee of the whole House, and further, because in matters of supply, when the decision of a committee of the whole has been in favour of a smaller sum, or a shorter period of time, it is not afterwards allowable to make any motion in the House tending to grant a larger sum, or to extend the period.

An appeal was made to the House from this decision, but it was supported on a division of 40 to 27. The resolutions were then passed, and on the 29th a Bill was introduced in accordance with their principles, passed on the 3d instant, sent up to the Legislative Council on the 5th, and after a first and second reading lost on the 9th in a committee of that body, by the committee rising without reporting.

I expressed to your Lordship my conviction, before the result was known, that the partial publication in Upper Canada of the instructions to the Canada Commissioners was likely to prove a serious obstacle to the successful arrangement of the financial difficulties of the Province; this conviction, I regret to say, has been more than realized; and I can only repeat my belief, that but for that publication the arrears and full supplies would have been granted. As it is, the House of Assembly have assumed a new position, and, not complaining of the existing local administration, have made the granting of the arrears dependent on a full compliance with all the demands contained in their address to His Majesty.

In passing a Bill of Supply for six months only, it would seem that they wished to affix a limit of less than three months to the period within which His Majesty, to entitle the Provincial Executive to a further supply, must favourably decide on demands involving fundamental changes in the constitution, and the consideration of questions of a most grave and complicated description.

On examination of the lost Bill I perceive that the Assembly did not, as in 1833, attach any conditions to objectionable items, but adopted another plan for effecting their wishes for the abolition of pluralities. Where any officer held two situations, the salary of one only was voted, and the other entirely omitted, thus avoiding one of the objections made to the Bill of 1833. In other respects however they appear to have adopted that Bill as their guide in framing the one for the present year, omitting and reducing the same items in both. Among the principal omissions not founded on the objection to pluralities are the postage account of the Civil Secretary's Office, the salaries of all the executive councillors, of their assistant clerk, of Mr. Justice Gale, and of one of the provincial aides-de-camp. But to bring the whole matter under your Lordship's view I enclose a comparative statement of the estimates and votes for 1833 and those for 1836, and a list of the different items omitted and of those reduced in the last Bill.

It was, I understand, chiefly in consequence of these omissions that the Legislative Council declined to proceed with the bill.

No. 3.

It may not be irrelevant here to inform your Lordship that the public chest will contain, on the 1st of May next, about 130,000 *l.* sterling. This sum includes upwards of 45,000 *l.* sterling arising from the Crown revenues, which, as the Assembly have not accepted the offer, conditionally made to them in my opening speech, by providing for the payment of the arrears and maintenance of the public servants pending the inquiry under the Royal Commission, may now be considered as at the unfettered disposal of the Crown. On the other hand, the liabilities of the Government at that date on account of arrears and current expenses, exclusive of the contingencies of the two Houses of Parliament, and of the sums payable under the authority of Local Acts passed and about to be passed, will amount to about 142,000 *l.* sterling, including the 31,000 *l.* advanced from the military chest in 1834, thus showing a deficit of about 12,000 *l.* But it must be observed, that the chief part of the revenue is collected from the custom duties, which flow in only during the summer months, whilst the expenditure continues equal throughout the year, so that, although the amount at present in the chest would have been insufficient to liquidate the demands against it, had the Legislature sanctioned such a measure, yet it by no means follows that, at the end of the financial year in October next, the public Treasury will be unequal to the liabilities to which it may be then subject.

I have, &c.
(signed) Gosford.

Enclosure 1, in No. 3.

House of Assembly, Friday, 26 February 1836.

Enclosure 1,
in No. 3.

Resolved, THAT this House having resolved to address His Majesty and the Parliament of the United Kingdom for the purpose of representing to them the state of the Province, and more particularly the opinions of the representatives of the people on divers views and determinations of His Majesty's Ministers which have lately become known to us, and to solicit the accomplishment of the reforms which have been asked for by this House and the people, and the removal of grievances and abuses, has determined to grant His Majesty the supplies requisite for the interval between the 15th of January last and the 15th of July next, regard being had to the circumstances attending each item asked for, and to the resources of the country.

Resolved, That to ensure the effect of the votes of this House founded on the preceding resolutions, this House will, under existing circumstances, abstain from specifying in the Bill the particular funds appropriated; but that this House declares, in the most solemn manner, that this Act, on its part, shall not be appealed to or invoked as a precedent, in opposition to the resolutions of this House of the 16th March 1833 and 21st February 1834, or against the constitutional rights of this House and the liberties of the people of this Province.

(Attest.)
(signed) W. B. Lindsay, Clerk of Assembly.

Enclosure 2, in No. 3.

EXTRACT from the JOURNALS of the House of Assembly, dated Friday, 26th Feb. 1836.

Enclosure 2,
in No. 3.

THE Resolutions, Address to the King, and Petitions to the Lords and Commons, passed in committee of the whole House on the several Reports of the Standing Committee of Public Accounts, on the State of the Province, and on certain parts of the Instructions to the King's Commissioners in Lower Canada, were reported.

Mr. Dewitt moved, That the question of concurrence be now separately put upon each of the said resolutions. Mr. Vanfelson moved, in amendment to the said motion, that all the words after "That," be struck out, and the following substituted: "This House wishing to give proof of its confidence in the principles of order and justice announced by his Excellency the Governor-in-Chief of this Province, in his speech at the opening of the present session of the Provincial Parliament, and cherishing the firm hope that the efforts of His Majesty's Government, to do full justice to the inhabitants of the country, will be continued without relaxation in a spirit of enlightened liberality, and speedily followed by a successful issue, it would have been expedient to vote as well the arrears of the expenses of the Civil Government as the supplies required to meet the expenses of the current year, regard being had in all cases to the real exigencies of the public service, and to the resources of the country; but that this House should have proceeded under the most solemn protest that this proceeding shall not hereafter be appealed to or invoked as a precedent against the constitutional rights of this House, and the liberties of the people of this Province."

Mr. Speaker said, That the motion offered to the House was unparliamentary, because it was not offered in the shape of a motion proposing some subject for deliberation and decision, but in the shape of a protest, tending to censure a decision of a committee of the whole House; and further, because in matters of supply, when the decision of a committee of the whole has been in favour of a smaller sum, or a shorter period of time, it is not afterwards

wards allowable to make any motion in the House tending to grant a larger sum, or to extend the period.

Enclosure 2,
in No. 3.

An appeal being made to the House from Mr. Speaker's decision,
The House divided thereon.

For Mr. Speaker's decision 40; against it 27.

Mr. Dewitt's motion was then agreed to; and the question of concurrence being put on the said Resolutions, they were also agreed to.

The Address to the King and the Petitions to the Lords and Commons, were then concurred in upon a division; yeas 55, and nays 7, and ordered to be engrossed.

Enclosure 3, in No. 3.

COMPARATIVE STATEMENT showing the Amount estimated for the several ITEMS of the CIVIL EXPENDITURE of the GOVERNMENT of Lower Canada, for the Years 1833 and 1836, and the Amount voted by the House of Assembly for each Item in those Years.

SERVICE.	Amount Estimated for 1833. Sterling.		Explanations.	Amount Estimated for 1836, Sterling.		Amount Voted for Six months, Sterling.		Explanations.
	£.	s. d.		£.	s. d.	£.	s. d.	
Salaries of the Officers of Government, and Contingencies:			Salary of the Governor-in-chief.	4,500	- -	2,250	- -	} Estimated for in 1836, but not in 1833.
			Salary of the Civil Secretary.	500	- -	250	- -	
Salary of the assistant civil secretary	200	- -	- - - - -	200	- -	100	- -	
Ditto of the assistants in the office of civil secretary.	365	- -	- - - - -	365	- -	182	10 -	
Salary of the keeper of the offices of civil secretary.	45	- -	- - - - -	45	- -	22	10 -	
Salary of the messenger in ditto	45	- -	- - - - -	45	- -	22	10 -	
Ditto of the extra messenger in ditto	41	1 3	- - - - -	41	1 3	22	10 7 $\frac{1}{2}$	
Contingencies of stationery, printing, and extra writing in ditto.	400	- -	- - - - -	600	- -	200	- -	- - Reduced to the same as in 1833.
Contingencies of postages in ditto	1,300	- -	- - - - -	1,300	- -	- -	- -	- - Omitted, as in 1833.
Ditto - for translating public documents into French.	50	- -	- - - - -	50	- -	25	- -	
Salary of the auditor of land patents	200	- -	Voted, provided he keeps a public office, to be open during the usual hours of business, and that he hold no other office or place connected with the granting of land patents	200	- -	100	- -	- - No condition in the Bill of 1836.
Rent of the office for registering grants of the Crown lands.	54	- -	- - - - -	54	- -	- -	- -	Omitted.
Contingencies of the provincial secretary's office.	300	- -	- - - - -	300	- -	{ 22 10 - 150 - - }	- -	Increased.
Allowance for a messenger for ditto	30	- -	- - - - -	45	- -	22	10 -	
For three residents on the Island of Anticosti and one at the River St. Anne, as keepers of depôts of provisions for the relief of shipwrecked persons.	175	- -	- - - - -	175	- -	- -	- -	- - Provided for in another Act.
Rent of the building used as public offices.	500	- -	- - - - -	500	- -	250	- -	
Allowance for a keeper of the building.	40	- -	- - - - -	40	- -	20	- -	
Contingent expenses of fuel for ditto	100	- -	- - - - -	100	- -	37	10 -	- - Reduced as in 1833.
Ditto - attending the care of ditto	25	- -	- - - - -	25	- -	- -	- -	Omitted.
Receiver-General's Office:								
Salary of the receiver-general	1,000	- -	- - - - -	1,000	- -	500	- -	
Allowance to ditto for a clerk	100	- -	- - - - -	100	- -	50	- -	
Contingent expenses attending the counting and depositing money in the vault, with three keys.	25	- -	- - - - -	25	- -	15	10 -	Increased.
			Allowance for an office servant.	25	- -	- -	- -	- - Omitted; estimated for in 1836, but not in 1833.
Inspector of Public Account's Office:								
Salary of the inspector-general of public accounts.	300	- -	- - - - -	400	- -	150	- -	- - Reduced to same as in 1833.
Allowance to ditto for a clerk	100	- -	{ Allowance for two clerks, and contingencies	200	- -	50	- -	- - ditto; two clerks estimated for in 1836, but only one in 1833.

SERVICE.	Amount Estimated for 1833, Sterling.	Amount Voted for 1833, Sterling.	Explanations.	Amount Estimated for 1836, Sterling.	Amount Voted for Six months, Sterling.	Explanations.
Executive Council:						
Salary of nine members, at 100 <i>l.</i> each.	£. s. d. 900 - -	£. s. d. 500 - -	- - - - -	£. s. d. 900 - -	£. s. d. - - -	Omitted.
Salary of the clerk and registrar	500 - -	500 - -	Voted, provided that he be not a member of the Legislative Council, and not otherwise	500 - -	250 - -	
Ditto of the assistant ditto	182 10 -	- - -		182 10 -	- - -	Omitted.
Allowance for stationery, printing, &c.	50 - -	50 - -		50 - -	25 - -	
Salary of the messenger and keeper of the apartments.	50 - -	50 - -		50 - -	25 - -	
Salary of the doorkeeper and office servant.	50 - -	50 - -	- - - - -	50 - -	25 - -	
Legislative Council:						
Salary of the speaker	900 - -	900 - -	Voted, provided that he has not at the same time an equal or larger sum as a salary attached to any other public situation	900 - -	- - -	Omitted.
Salary of the clerk	450 - -	450 - -		450 - -	225 - -	
Ditto of the assistant clerk	360 - -	360 - -	Provided such clerk be not a member of the Executive Council	360 - -	180 - -	
Ditto of the writing clerk-assistant and French translator.	225 - -	225 - -		ditto	225 - -	112 10 -
Salary of the law clerk	180 - -	180 - -	Provided he be not a member of the Executive Council and do not hold any judicial situation.	180 - -	- - -	Omitted.
Ditto of the master in Chancery	81 - -	81 - -	Provided he be not a member of the Executive Council	81 - -	- - -	Omitted.
Ditto of the gentleman usher of black rod.	135 - -	135 - -	- - - - -	135 - -	67 10 -	
Salary of the serjeant-at-arms	90 - -	90 - -	- - - - -	90 - -	45 - -	
Ditto of the messenger	32 8 -	32 8 -	- - - - -	32 8 -	16 4 -	
Ditto of the doorkeeper	25 - -	25 - -	- - - - -	25 - -	12 10 -	
Ditto of the keeper of the apartments, &c.	49 10 -	49 10 -	- - - - -	49 10 -	24 15 -	
Contingent expenses	2,700 - -	2,475 - -	- - - - -	2,700 - -	1,350 - -	
House of Assembly:						
Salary of the speaker	900 - -	900 - -	Voted, provided he do not at the same time receive an equal or higher sum as a salary attached to any other public situation	900 - -	450 - -	
Ditto of the clerk	450 - -	450 - -		450 - -	225 - -	
Ditto of the assistant clerk	360 - -	360 - -		360 - -	180 - -	
Ditto of the English translator	180 - -	180 - -		180 - -	90 - -	
Ditto of the French ditto	180 - -	180 - -		180 - -	90 - -	
Ditto of the law clerk	180 - -	180 - -		180 - -	90 - -	
Ditto of the serjeant-at-arms	90 - -	90 - -		90 - -	45 - -	
Ditto of the keeper of the apartments, &c.	49 10 -	- - -		49 10 -	- - -	-- Omitted, as in 1833.
Salary of the clerk of the Crown in Chancery.	100 - -	100 - -	Provided he be neither a member of the Legislative nor of the Executive Councils	100 - -	50 - -	
Contingent expenses	7,200 - -	7,200 - -	- - - - -	9,000 - -	4,500 - -	
Judicial:						
Salary of the chief justice of the province.	1,500 - -	1,500 - -	- - - - -	1,500 - -	750 - -	
Salary of the chief justice of Montreal.	1,300 - -	1,300 - -	- - - - -	1,300 - -	550 - -	-- Reduced to former rate.
Salaries of six puisne judges, at 900 <i>l.</i> each.	5,400 - -	5,400 - -	Voted, provided such judge shall neither hold nor enjoy any other office of profit whatever under the Crown	5,400 - -	2,150 - -	-- No condition, but Judge Gale's salary omitted. Judge Bedard's salary commenced 25th Feb.; not quite six months.
Salary of the provincial resident judge at Three Rivers.	900 - -	900 - -	ditto	900 - -	450 - -	
Salaries of two provincial judges, at 500 <i>l.</i> each.	1,000 - -	1,000 - -	ditto	1,000 - -	500 - -	

SERVICE.	Amount Estimated for 1833, Sterling.	Amount Voted for 1833, Sterling.	Explanations.	Amount Estimated for 1836, Sterling.	Amount Voted for Six Months, Sterling.	Explanations.	
	£ s. d.	£ s. d.		£ s. d.	£ s. d.		
Judicial—continued.							
Allowance for circuits, 19 in the year, including four for Gaspé.	475 - -	375 - -	- - - - -	475 - -	187 10 -	-- Reduced, as in 1833.	
Salary of the judge of the Court of Vice-admiralty.	200 - -	200 - -	Voted, provided that he do not exact, take or receive any fees, and do not hold or enjoy any other place of profit whatever under the Crown -	200 - -	- - - -	Omitted.	
Salary of the sheriff of the district of Quebec.	100 - -	100 - -		Voted, provided he be neither a legislative nor executive councillor -	100 - -	50 - -	
Salary of the sheriff of Montreal -	100 - -	100 - -			ditto - -	100 - -	50 - -
Ditto of the sheriff of Three Rivers -	75 - -	75 - -	ditto - -		75 - -	37 10 -	
Allowance to ditto for additional duties imposed by Act 9 Geo. 4, c. 6.	4 10 -	4 10 -					
			Salary of the attorney-general.	300 - -	150 - -	Estimated for in 1836, but not in 1833.	
			Salary of the solicitor-general.	200 - -	100 - -		
Salary of the sheriff of the district of Gaspé.	70 - -	70 - -	- - - - -	70 - -	35 - -		
Ditto - - ditto - of St. Francis	50 - -	50 - -	- - - - -	50 - -	25 - -		
Allowance to the sheriffs of the districts of Quebec, Montreal and Three Rivers, for executions, at 27 l. sterling each.	81 - -	81 - -	- - - - -	81 - -	40 10 -		
Allowance to the sheriff of Gaspé for travelling expenses.	10 - -	10 - -	- - - - -	10 - -	5 - -		
Salary of the coroner at Quebec -	100 - -	100 - -	- - - - -	100 - -	50 - -		
Ditto - ditto - at Montreal -	100 - -	100 - -	- - - - -	100 - -	50 - -		
Ditto - ditto - at Three Rivers	50 - -	50 - -	- - - - -	50 - -	25 - -		
Salary of the coroner at Gaspé -	50 - -	50 - -	- - - - -	50 - -	25 - -		
Ditto - ditto - at St. Francis -	50 - -	50 - -	- - - - -	50 - -	- - - -	-- Omitted; has never been voted.	
Ditto of the clerk of the court and clerk of the peace at Gaspé, and allowance for travelling expenses.	60 - -	60 - -	- - - - -	60 - -	30 - -		
Salary of the clerks of the Crown at Quebec, 40 l.; at Montreal, 40 l.; and at Three Rivers, 20 l.	100 - -	100 - -	- - - - -	100 - -	50 - -		
Salary of the clerk of the court of appeals.	120 - -	- - - -	- - - - -	120 - -	- - - -	-- Omitted, as in 1833.	
Allowance to ditto for stationery for the court.	6 - -	6 - -	- - - - -	6 - -	3 - -		
Salary of the usher of the court of appeals.	27 - -	27 - -	- - - - -	27 - -	13 10 -		
Salary of the interpreter to the courts at Quebec.	40 - -	40 - -	- - - - -	40 - -	20 - -		
Salary of ditto at Montreal - -	40 - -	40 - -	- - - - -	40 - -	20 - -		
Ditto - ditto at Three Rivers	25 - -	25 - -	- - - - -	25 - -	12 10 -		
Salary of the high constable at Quebec	36 - -	36 - -	- - - - -	36 - -	18 - -		
Ditto - - ditto - at Montreal -	36 - -	36 - -	- - - - -	36 - -	18 - -		
Ditto - - ditto - at Three Rivers	27 - -	27 - -	- - - - -	27 - -	13 10 -		
Ditto of the crier of the courts at Quebec.	20 - -	20 - -	- - - - -	20 - -	10 - -		
Salary of the tipstaff to ditto at ditto	18 - -	18 - -	- - - - -	18 - -	9 - -		
Ditto - - crier of the courts at Montreal.	20 - -	- - - -	- - - - -	20 - -	- - - -	-- Omitted, as in 1833.	
Salary of the tipstaff of ditto at ditto	18 - -	- - - -	- - - - -	18 - -	- - - -	- ditto.	
Ditto of the crier and tipstaff of ditto at Three Rivers.	25 - -	25 - -	- - - - -	25 - -	12 10 -		
Salary of the crier of the courts in the district of St. Francis.	12 10 -	- - - -	- - - - -	12 10 -	- - - -	-- Omitted; has never been voted.	
Salary of the keeper of the courthouse at Quebec.	54 - -	54 - -	- - - - -	54 - -	27 - -		
Salary of the ditto at Montreal -	72 - -	72 - -	- - - - -	72 - -	36 - -		
Ditto of the ditto at Three Rivers -	36 - -	36 - -	- - - - -	36 - -	18 - -		
Ditto of the keeper of the gaol and court-hall at New Carlisle.	36 - -	36 - -	- - - - -	36 - -	18 - -		
Salary of the keeper of the ditto and ditto at Percé.	36 - -	36 - -	- - - - -	36 - -	13 - -		
Salary of the keeper of the court-hall at Sherbrooke.	18 - -	18 - -	- - - - -	18 - -	9 - -		
Salary of the keeper of the gaol at Quebec.	125 - -	125 - -	- - - - -	125 - -	62 10 -		
Allowance to the keeper of the gaol at Quebec for two turnkeys.	72 - -	72 - -	- - - - -	72 - -	36 - -		
Salary of the keeper of the gaol at Montreal.	125 - -	125 - -	- - - - -	125 - -	62 10 -		
Allowance to ditto for two turnkeys -	72 - -	72 - -	- - - - -	72 - -	36 - -		

PAPERS RELATING TO LOWER CANADA.

SERVICE.	Amount Estimated for 1833, Sterling.	Amount Voted for 1833, Sterling.	Explanations.	Amount Estimated for 1836, Sterling.	Amount Voted for Six Months, Sterling.	Explanations.
	£. s. d.	£. s. d.		£. s. d.	£. s. d.	
<i>Judicial—continued:</i>						
Salary of the keeper of the gaol at Three Rivers.	55 - -	55 - -	- - - -	55 - -	27 10 -	
Allowance to ditto for turnkeys -	72 - -	72 - -	- - - -	72 - -	36 - -	
Salary of the keeper of the gaol at Sherbrooke.	25 - -	25 - -	- - - -	25 - -	12 10 -	
Salary of the physician attending the gaol at Quebec.	200 - -	100 - -	- - - -	200 - -	50 - -	-- Reduced, as in 1833.
Salary of the ditto at Montreal -	200 - -	100 - -	- - - -	200 - -	50 - -	- ditto.
Ditto of the ditto at Three Rivers -	80 - -	50 - -	- - - -	80 - -	25 - -	- ditto.
<i>Contingent Expenses of the Administration of Justice:</i>						
<i>Contingent Bills of the Crown law officers - - - -</i>						
Sheriff of Quebec - - - -	2,200 - -	1,200 - -	- - - -	2,200 - -	600 - -	-- Reduced, as in 1833.
Ditto of Montreal - - - -	1,400 - -	1,200 - -	- - - -	1,600 - -	800 - -	
Ditto of Three Rivers - - - -	1,400 - -	1,200 - -	- - - -	1,900 - -	950 - -	
Ditto of Gaspé - - - -	480 - -	350 - -	- - - -	650 - -	325 - -	
Ditto of St. Francis - - - -	100 - -	100 - -	- - - -	150 - -	75 - -	
Coroner of Quebec - - - -	100 - -	75 - -	- - - -	120 - -	60 - -	
Ditto of Montreal - - - -	360 - -	350 - -	- - - -	350 - -	175 - -	
Ditto of Three Rivers - - - -	150 - -	125 - -	- - - -	170 - -	85 - -	
Ditto of Gaspé - - - -	35 - -	35 - -	- - - -	75 - -	37 10 -	
Ditto of St. Francis - - - -	10 - -	10 - -	- - - -	10 - -	5 - -	
			Contingent bills of the coroner of St. Francis	25 - -	- - - -	-- Omitted; not estimated for in 1833.
Clerk of the Crown at Quebec - -	75 - -	75 - -	- - - -	90 - -	45 - -	
Ditto - - at Montreal - - - -	140 - -	140 - -	- - - -	125 - -	60 - -	
Ditto - - at Three Rivers - - -	45 - -	45 - -	- - - -	40 - -	22 10 -	
Prothonotaries at Quebec - - -	280 - -	270 - -	- - - -	380 - -	190 - -	
Ditto - at Montreal - - - -	400 - -	380 - -	- - - -	450 - -	225 - -	
Ditto - at Three Rivers - - -	100 - -	75 - -	- - - -	100 - -	50 - -	
Ditto - at St. Francis - - - -	50 - -	50 - -	- - - -	50 - -	25 - -	
Clerks of the peace at Quebec, and for police purposes.	400 - -	300 - -	- - - -	740 - -	200 - -	-- Reduced, as in 1833.
Clerks of the peace at Montreal, and for police purposes.	420 - -	225 - -	- - - -	680 - -	150 - -	- ditto.
Contingent Bills of the Clerks of the peace at Three Rivers, and for police purposes.	250 - -	125 - -	- - - -	400 - -	100 - -	-- Reduced, as in 1833.
Clerks of the courts at Gaspé, and for police purposes.	50 - -	50 - -	- - - -	140 - -	50 - -	- ditto.
Clerks of the courts at St. Francis, and for police purposes.	50 - -	50 - -	- - - -	50 - -	25 - -	
For the service of subpoenas at Montreal, and for care of Crown witnesses.	250 - -	250 - -	- - - -	250 - -	125 - -	
For the service of subpoenas at Quebec	100 - -	100 - -	- - - -	100 - -	50 - -	
For ditto - - at Three Rivers - -	60 - -	60 - -	- - - -	70 - -	30 - -	-- Reduced to same as in 1833.
For attendance of needy Crown witnesses at Montreal.	400 - -	400 - -	- - - -	- - - -	- - - -	Included under the head of "Contingent Bills" of the sheriffs.
For attendance of needy Crown witnesses at Quebec.	100 - -	100 - -	- - - -	- - - -	- - - -	
For attendance of needy Crown witnesses at Three Rivers.	60 - -	60 - -	- - - -	- - - -	- - - -	
<i>Pensions:</i>						
Mrs. Dunn - - - - -	250 - -	250 - -	- - - -	250 - -	125 - -	
Mrs. Baby - - - - -	150 - -	150 - -	- - - -	150 - -	75 - -	
H. W. Ryland - - - - -	300 - -	300 - -	- - - -	300 - -	150 - -	
Sir George Pownal, knight	300 - -	300 - -	- - - -	- - - -	- - - -	Dead.
Mrs. Elmsley - - - - -	200 - -	200 - -	- - - -	200 - -	100 - -	
Mrs. Taylor - - - - -	50 - -	50 - -	- - - -	- - - -	- - - -	Dead.
Mrs. Le Maistre - - - - -	50 - -	50 - -	- - - -	50 - -	25 - -	
Miss De Louviere - - - - -	21 12 -	21 12 -	- - - -	21 12 -	10 16 -	
Mrs. Rottot - - - - -	36 - -	36 - -	- - - -	36 - -	18 - -	
Henry Harwood - - - - -	30 - -	30 - -	- - - -	30 - -	15 - -	
Miss Finlay - - - - -	20 - -	20 - -	- - - -	20 - -	10 - -	
Miss Mackay - - - - -	18 - -	18 - -	- - - -	18 - -	9 - -	
Miss Desbarats - - - - -	18 - -	18 - -	- - - -	18 - -	9 - -	
Widow Savagenu - - - - -	12 - -	12 - -	- - - -	12 - -	6 - -	
Two Misses Montizambert, at 10 <i>l.</i> each.	20 - -	20 - -	- - - -	20 - -	10 - -	
Three Misses Launier, at 10 <i>l.</i> each -	30 - -	30 - -	- - - -	30 - -	15 - -	
Miss Schindler - - - - -	5 - -	5 - -	- - - -	5 - -	2 10 -	
<i>Surveyor-General's Office:</i>						
Salary of the surveyor-general - -	450 - -	450 - -	- - - -	450 - -	225 - -	
Ditto of the first clerk - - - -	182 10 -	182 10 -	- - - -	182 10 -	91 5 -	

SERVICE.	Amount Estimated for 1833, Sterling.	Amount Voted for 1833, Sterling.	Explanations.	Amount Estimated for 1836, Sterling.	Amount Voted for Six Months, Sterling.	Explanations.
Surveyor-General's Office— <i>continued.</i>	£. s. d.	£. s. d.		£. s. d.	£. s. d.	
Salary of the second clerk - -	150 - -	150 - -	- - - -	150 - -	75 - -	
Allowance for stationery, 20 <i>L.</i> , and office servant, 40 <i>L.</i>	60 - -	60 - -	- - - -	70 - -	30 - -	-- Reduced to same as in 1833.
Expenses of Postages - - -	10 - -	- - -	- - - -	10 - -	- - -	-- Omitted, as in 1833.
Ditto of surveys - - -	200 - -	- - -	- - - -	50 - -	- - -	- ditto.
Militia Staff and Contingencies:						
Salary of the adjutant-general - -	450 - -	450 - -	- - - -	450 - -	225 - -	
Ditto of the deputy adjutant-general	270 - -	270 - -	- - - -	270 - -	135 - -	
Ditto of two provincial aides-de-camp	360 - -	180 - -	- - - -	360 - -	90 - -	-- Salary of one aide-de-camp only voted, as in 1833.
Ditto of a clerk in the office - -	123 3 9	123 3 9	- - - -	123 3 9	61 11 10}	
Ditto of a messenger in the office -	60 4 6	60 4 6	- - - -	60 4 6	30 2 3	
Expenses of stationery, printing and postages.	250 - -	250 - -	- - - -	200 - -	100 - -	
Miscellaneous Expenses:						
Salary of the grand voyer of the district of Quebec.	150 - -	150 - -	- - - -	150 - -	75 - -	
Salary of the grand voyer of the district of Montreal.	150 - -	150 - -	- - - -	150 - -	75 - -	
Salary of the grand voyer of the district of Three Rivers.	90 - -	90 - -	- - - -	90 - -	45 - -	
Salary of the surveyor of highways at Gaspé.	50 - -	50 - -	- - - -	50 - -	25 - -	
Salary of the inspector of chimnies at Three Rivers.	25 - -	25 - -	{ Salary of inspector of chimnies at Quebec }	60 - -	- - -	Refused.
Expenses of printing the laws - -	1,300 - -	1,100 - -	- - - -	1,000 - -	500 - -	
Ditto of repair and care of public buildings, keeping up winter roads, &c.	1,250 - -	900 - -	- - - -	1,000 - -	500 - -	
To be applied in payment of such necessary, unavoidable and unforeseen expenses as may be required for furthering the public business of Government during the year.	1,000 - -	- - -	- - - -	1,000 - -	- - -	-- Omitted, as in 1833.
Expenses of collecting the Casual and Territorial Revenue:						
Salary of the clerk of the terriers of the King's domain.	90 - -	90 - -	- - - -	90 - -	45 - -	
Commission to the inspector-general of the domain, on the accounts of quints and lods et ventes.	300 - -	300 - -	- - - -	300 - -	150 - -	
Expenses hitherto paid out of the Funds arising from the Estates of the late Order of Jesuits:						
Salary of the commissioner for managing the estates.	180 - -	180 - -	{ Voted, provided he be not a member of the Legislative, nor Executive Council. }	180 - -	- - -	Omitted.
Allowance to ditto for a clerk -	90 - -	90 - -	- - - -	90 - -	- - -	ditto.
Contingent expenses of the office of ditto.	80 - -	80 - -	- - - -	80 - -	- - -	ditto.
Retiring allowance of H. W. Ryland, esq., late treasurer.	67 10 -	- - -	- - - -	67 10 -	- - -	-- Omitted, as in 1833.
Retiring allowance of G. H. Ryland, esq., as late secretary to the Board.	45 - -	- - -	- - - -	45 - -	- - -	- ditto.
Salary of the master of the grammar-school at Quebec.	200 - -	100 - -	{ Voted; provided he do teach gratuitously at least 20 children belonging to destitute persons. }	200 - -	50 - -	-- Reduced, as in 1833.
Allowance for rent of a house for that school.	90 - -	90 - -	- - - -	90 - -	45 - -	-- Reduced, as in 1833.
Salary of the master of the grammar-school at Montreal.	200 - -	100 - -	- - ditto - -	200 - -	50 - -	
Allowance for a rent of a house for that school.	54 - -	54 - -	- - - -	54 - -	27 - -	
Allowance to the secretary of the Royal Institution, for a clerk and contingencies.	36 - -	36 - -	- - - -	36 - -	18 - -	
			{ Salary to the secretary of the Royal Institution }	90 - -	- - -	Omitted.
			{ Ditto to a messenger to ditto }	25 - -	- - -	ditto.
Allowance to ditto, for ditto, for the period between 18th June 1830 and 30th Sept. 1831, at 36 <i>L.</i> sterl. per ann., which has not been paid.	46 17 -	- - -	- - - -	- - -	- - -	
TOTAL AMOUNT, Sterling - - £.	54,604 16 6	47,253 19 6				

N. B.—There were several other small sums contained in the Bill for 1836, which had not been estimated for.

Enclosure 4,
in No. 3.

Enclosure 4, in No. 3.

MEMORANDUM of Items omitted by the House of Assembly in the Six Months' Supply Bill for 1836, though inserted in the Estimates for that Year.

ITEMS ESTIMATED FOR.	AMOUNT in Sterling.		
	£.	s.	d.
Civil secretary's postage	1,300	-	-
Contingent expenses attending the care of the building	25	-	-
Nine executive councillors (being the whole council) at 100 l. each	900	-	-
Assistant clerk to the council	182	10	-
Speaker of the Legislative Council	900	-	-
Law clerk to ditto	180	-	-
Master in Chancery to ditto	81	-	-
Keeper of the apartments of the House of Assembly	49	10	-
Mr. Justice Gale	900	-	-
Judge of Vice-Admiralty	200	-	-
Coroner of St. Francis	50	-	-
Clerk of the Court of Appeals	120	-	-
Crier of the court at Montreal	20	-	-
Tipstaff at ditto	18	-	-
Crier of the court at St. Francis	12	10	-
Contingent bill of the coroner of St. Francis	25	-	-
Postage of surveyor-general's department	10	-	-
Contingent expenses of surveys	50	-	-
Inspector of chimnies, Quebec	60	-	-
Unavoidable and unforeseen expenses in furthering public business during the year	1,000	-	-
Jesuits' Estates :			
The commissioner	180	-	-
Allowance for clerk for ditto	90	-	-
Contingent expenses of the department	80	-	-
Retired allowance to the Hon. H. W. Ryland, as late treasurer	67	10	-
Retired allowance to G. H. Ryland, as late secretary to the board of commissioners	45	-	-
Secretary to the Royal Institution	90	-	-
Messenger to ditto	25	-	-

MEMORANDUM of Items Reduced by the House of Assembly in the Six Months' Supply Bill for 1836.

ITEMS ESTIMATED FOR.	AMOUNT in Sterling.			REDUCED TO, in Sterling.		
	£.	s.	d.	£.	s.	d.
Stationery, printing, &c. in the Civil Secretary's Office	600	-	-	400	-	-
Rent of the Office for registering Grants of Crown Lands	54	-	-	45	-	-
Contingent expenses of fuel in public offices	100	-	-	75	-	-
Allowance for two clerks and contingencies for the inspector-general of public accounts	200	-	-	100	-	-
Allowance for judges' circuits	475	-	-	375	-	-
Contingent bills of Crown law officers	2,200	-	-	1,200	-	-
Clerks of the peace, Quebec, and for police purposes	740	-	-	400	-	-
Ditto - - - - Montreal - - ditto	630	-	-	300	-	-
Ditto - - - - Three Rivers - ditto	400	-	-	200	-	-
Clerks of the courts at Gaspé	140	-	-	100	-	-
For subpoenas, care of Crown witnesses for the criminal terms of Three Rivers	70	-	-	60	-	-
Allowance for stationery and office servant for the surveyor-general's department	70	-	-	60	-	-
Provincial aides-de-camp	360	-	-	180	-	-
Master of the grammar school at Quebec	200	-	-	100	-	-
Ditto - - - - - at Montreal	200	-	-	100	-	-
Physician to the gaol, Quebec	200	-	-	100	-	-
Ditto - - - - - Montreal	200	-	-	100	-	-
Ditto - - - - - Three Rivers	80	-	-	50	-	-

Copy of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 7 June 1836.

His Majesty having had under his consideration the address of the House of General Assembly of Lower Canada, on the state of public affairs in that province, has commanded me to convey to the House, through your Lordship, the following answer.

The King contemplates with deep regret the ill success of His Majesty's efforts to remove from the minds of the representatives of the people of Lower Canada those distrusts and jealousies with which they appear unfortunately to have been affected. Conscious however that his measures have been dictated by an earnest solicitude for the welfare of all classes of his Canadian subjects, unmixed with any motive of a less just and liberal character, His Majesty awaits with tranquillity the result of this long and painful discussion, assured that when the misconceptions of the moment shall have passed away, his labours for the prosperity of Lower Canada will be repaid by the confidence of the inhabitants of that province, of whatever class or national origin.

His Majesty is sustained and encouraged in these hopes by observing that the House of Assembly were led to grant the supplies only for six months, and to prefer their present complaints, apparently in consequence of the publication of some detached passages from my despatch of the 17th of last July, on which passages the House have founded the remark, "that the researches authorized by His Majesty for the purpose of ascertaining the means of doing justice to his Canadian subjects were on several of the most essential points, limited by preconceived opinions and anticipated decisions."

This supposition even if it had received any countenance from the insulated extracts from my instructions to you and your colleagues in the Canada Commission, which were brought under the notice of the House of Assembly, would have been entirely removed if the House had been in possession of the whole of those instructions. They would have found not only that the general tenor of those instructions favoured an entire freedom of inquiry and judgment by the Commissioners, but that the most unequivocal language had been studiously employed for the express purpose of counteracting the opposite opinion. I know not how it would have been possible to have expressed His Majesty's gracious intentions in terms stronger or more unambiguous. In my despatch of the 17th July last, I stated that "although your duty as Commissioners would be exclusively to inquire, to deliberate and to report, yet within the sphere of that duty you were placed under no restrictions, excepting such as the necessity of the case or your own judgments might prescribe."

I concluded my instructions by "disclaiming the remotest intention of fettering your discretion, or of restricting in any degree the exercise of your own judgments, either as to the subjects of inquiry, or the opinions at which you might arrive." I observed that "in the course of your investigation new topics would occur to you, and new views of topics already familiar would present themselves." "You will not" I added, "on any occasion or for any reason shrink from the explicit declaration of your sentiments. You will not decline any inquiry, the prosecution of which may promise benefit to the colony or to the mother country."

If the whole of my despatch of the 17th of July had been before the House of Assembly, they would have found in these and in other passages a sufficient disproof of the supposition that your inquiry was limited by any preconceived opinions or anticipated decisions.

It is indeed true that in approaching this subject, I recorded reasons which strongly enforce the closest possible adherence to the existing constitution of Provincial Government. In every part of his extensive dominions it has been the constant object of His Majesty to correct real abuses, and to introduce such improvements as the existing state of society and the deliberate voice of public opinion, have appeared to demand. But to reconcile necessary changes with the stability of political and social institutions has been no less an object with His Majesty. At once to reform in the spirit of the constitution, and to oppose changes conceived in a contrary spirit, is a duty which the King will never shrink from avowing his intention to fulfil.

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In conformity with this rule you were directed to "apply yourselves to the investigation of this part of the general subject, endeavouring to ascertain how far the Legislative Council has really answered the original objects of its institution, and considering of what amendments it may be susceptible." You were also informed that "when your Report should have been received, His Majesty would take into his most serious consideration the questions whether there are any amendments in the law on this subject, which it would be fit to propose for the consideration of the Imperial Legislature; and which, being founded on the principles and conceived in the spirit of the Act of 1791, may be calculated to render the practical operation of that statute more conformable to the wishes and intentions of its framers."

If it be inquired what definite meaning is to be attached to the terms which I have thus employed, I answer that the principle of the Constitution of 1791 is, that there shall be two distinct and independent Houses of Legislature. Adhering to this general principle, it remains for your Lordship and your colleagues, acting on the instructions addressed to you as Commissioners, to inquire how the most effectual means can be taken for securing such a Legislative Council as shall enjoy at once a due share of public confidence, and a full exercise of an enlightened and independent judgment on all matters submitted for its consideration.

The fears of some and the hopes of others, have placed a more narrow construction on the extracts from my despatch of the 17th July. In disavowing that meaning, I make no new concession, but simply adhere to the views which I was honoured by His Majesty's commands to express before. Such as the intentions of His Majesty's confidential advisers were on this subject in July last, such they still continue.

The address further advances a complaint connected with the Executive Government of Lower Canada; a complaint which does not find a place either in the 92 resolutions of 1834, or in any of the earlier addresses or votes of the House of Assembly. The House now, however, state the necessity of establishing in the province what is termed "a responsible and popular government." Understanding these expressions in their obvious sense, His Majesty is happy to declare that they do not advance beyond the principles by which it is his pleasure and command that the Executive Government of Lower Canada should be administered. It is His Majesty's desire and injunction that full and early explanations should be afforded to the representatives of the people of all important measures adopted by the Government; that the Assembly should enjoy the most ample opportunity of explaining, both to the King himself and to His Majesty's representative in the province, their opinions and their wishes respecting every such measure; that the imputed misconduct of any public officer, with the exception of course of His Majesty's representative, the Governor, who must be responsible directly to the King and the Imperial Parliament, should be closely and impartially investigated; that means should be devised for bringing to trial and punishment within the province itself every such officer to whose charge any malversation in office may be laid; and that effectual security should be taken for the zealous co-operation of all subordinate officers in every measure advised by the Legislature, and sanctioned by the King, for the general welfare of His Majesty's subjects.

The address of the Assembly calls upon His Majesty to recommend to Parliament the repeal of the British Statute respecting the tenures of land in Lower Canada. If the House had been in possession of my despatch of the 17th of July, they would have probably waived this application. They would have been aware that the reluctance of the King to recommend to Parliament any measure which could be plausibly represented as an unnecessary interference with the internal affairs of the province is the single obstacle to the introduction of a Bill on that subject.

The address proceeds to demand the repeal of the Act, and the revocation of the charter under which the British North American Land Company is incorporated, and the resumption of the lands which have been sold to them. I shall not, I trust, be thought forgetful of what is due to the privileges and dignity of the House, if I do not shrink from the avowal of any opinion deliberately entertained by the Ministers of the Crown, though it be not in accordance with the sentiments of the representatives of the Canadian people. I must, therefore, state that His Majesty's Government cannot proceed to the consideration of the questions raised by the Assembly respecting the British North American Land Company, unless it can first be established, in due course of law, that the claim of the

the company to their corporate character, and to their lands, is invalid. No considerations, however urgent, of temporary or apparent expediency, not even the desire to conciliate the goodwill of the Assembly of Lower Canada, than which no motive can be of greater weight, could reconcile His Majesty to a measure the principle of which would endanger the foundation of all proprietary titles and all social rights.

The remaining topics embraced in the address require, on the present occasion, no very lengthened notice, because, when attentively considered, that document does not appear to advance any principle respecting them essentially different from those which are admitted or maintained in my despatch of the 17th of July.

Respecting judicial independence, the Assembly frankly admit the entire coincidence between the opinions of His Majesty's Ministers and their own.

With regard to the settlement and management of the uncleared lands, and to all questions of finance, I trust that I am not mistaken in supposing that no essential difference in principle exists between the sentiments contained in the address and those expressed in my despatch of the 17th July.

And now, referring to the preceding remarks, I conceive myself entitled to state, that there did not exist during the last session any real or substantial difference of opinion between the Ministers of the Crown and the House of Assembly on any question regarding which His Majesty's Government felt at liberty to take any immediate proceeding. No single complaint had been alleged which had not been either promptly removed or made the subject of impartial inquiry. No maladministration of the affairs of the province was imputed to your Lordship. Without any actual controversy with the Executive Government, the House however declined a compliance with the proposition to provide for the arrears and for the supplies pending the inquiry. His Majesty does not deny that this is a power which the law has entrusted to the representatives of the people; but he cannot admit that on the present occasion the recourse to the exercise of that power can be attributed to any indisposition on the part of His Majesty to accord the fullest measure of justice to His Canadian subjects. On a review of all the circumstances of the case, His Majesty's Government are led to the conclusion that the course pursued by the House is to be ascribed to the misapprehension of the tenor of your Lordship's Instructions, induced by the publication of a few detached passages from them. Your Lordship will therefore communicate to the House a complete copy of those Instructions, and will renew your application for the arrears now due to the public officers, and for the funds necessary to carry on His Majesty's service.

I have, &c.
(signed) *Glenelg.*

— No. 5. —

EXTRACT of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated Downing-street, 8th June 1836.

My Lord,

I HAVE to acknowledge the receipt of your Lordship's despatches of the 10th and 12th March.

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It can scarcely be necessary for me to assure you that none but motives of the most urgent nature would have induced me to postpone, till the present time, the answer to those communications. I abstain from entering into an explanation of the causes of that delay, except to observe that the consideration of the posture of affairs in Upper Canada has not failed to enter largely into the deliberations of His Majesty's Government on this occasion.

* * * * *

In my despatches of July last, the general principles by which you are to be guided have been fully laid down, and the communications which I have since received from your Lordship, prove that you have clearly understood those principles, and are prepared to act firmly and consistently upon them. The confidence which His Majesty's Government have placed in your zeal and sound judgment has been confirmed by every report which they have received of your proceedings. They feel therefore that in referring to your discretion the measures now to be taken, they not only secure the great object of consistency in the proceedings of the

No. 5.

respective Governments of the Canadian provinces, but are best consulting for His Majesty's service, and for the welfare of his subjects at large.

You will not, I am persuaded, suppose that in adopting this course, the Ministers of the Crown are seeking to shrink from the responsibility which justly attaches to them, or to impose on you an undue share of it. You will, with your wonted candour, feel that we are actuated by no other motives than the apprehension of impeding measures which it is scarcely possible that we should safely direct, and you will undertake the duty thus committed to you with that fearless and single-minded determination to promote the welfare of the important province under your government, by which your administration of its affairs has hitherto been characterized.

In order that you may be able to act with the requisite freedom, it is however necessary that I should shortly explain the motives which have induced the Government to decline a compliance with the recommendation made in the Report of the 13th March, of your Lordship and your colleagues in the Canada Commission.

That Report proceeds upon a supposition, that a crisis had arrived requiring an extreme remedy; and if His Majesty's Government were satisfied that this is really the case, they would be ready to consider what would be the proper measures to be adopted in such an emergency. At present, however, they do not feel themselves called upon to give any opinion on that subject, because it does not appear to them that the extremity assumed in the Report actually exists. It is true that the House of Assembly have refused the supplies for more than six months, and have presented complaints to the Throne, calling at the same time for an early reply. But on a review of all that has passed, the conclusion seems to be warranted, that the House have so acted under a misconception of the instructions issued to your Lordship and your colleagues, as Commissioners of Inquiry.

I have already signified to your Lordship His Majesty's approbation of the speech with which you opened the late Session of the Assembly. The peculiar circumstances under which you assumed the Government of Lower Canada required a full exposition of the views and policy of His Majesty's Government, with reference to that country, and such an exposition was given by that speech. At the same time, in communicating to the Assembly of the Province, the substance and not the copies of your instructions, you adopted a course which was in conformity with that usually followed by the representatives of His Majesty on opening the session of Provincial Legislatures. Feeling himself called on to adopt a different course, Sir F. Head unconsciously conveyed to the public in both provinces an impression of the nature of the instructions under which your Lordship and your colleagues were acting, not merely imperfect, but materially inaccurate. The portions of those instructions quoted in my despatch to Sir F. Head, were detached from the context by which they were explained and illustrated, the object with which I wrote to Sir F. Head not demanding such illustration and explanation. When the comparatively brief epitome of them contained in your speech at the commencement of the session, came to be collated with those detached passages from the original, I do not think it a just matter of surprise that the comparison should have occasioned considerable perplexity. Unworthy and incredible as were the suspicions thus originating, it is yet a subject rather of regret than of astonishment, that in the excited state of the public mind, and in the strife of contending parties, means should have been found to propagate distrust, and to have induced a belief that the real intentions of His Majesty's Government were less just and liberal than the Assembly, judging from your Lordship's speech, had inferred them to be.

In my despatch of the 7th instant, I have pointed out what I conceive to have been the misapprehension under which the House of Assembly laboured, as to the terms and meaning of the instructions respecting the constitution of the Legislative Council. If the view taken in that despatch be correct, it is clearly just that the House should not be held to be committed to a course adopted under a misconception, but should have an opportunity of reconsidering the subject with the full information as to the views and intentions of His Majesty's Government, which they will have derived from the perusal of the whole of the instructions addressed to your Lordship and your colleagues.

The most obvious course of proceeding is, therefore, that of convening an immediate Session of the Legislature of Lower Canada, to afford them the opportunity for such re-consideration, and, with that view, I have addressed to your Lordship my accompanying despatch, of the 7th instant. In pursuance of the principle already mentioned,

mentioned, His Majesty's Government, however, refer exclusively to your Lordship's decision the propriety of holding such a session, and the time at which it should be convened. If you should decide on taking that step, it would be premature, until the result of it should be known, to consider any other expedients, whatever might be their character.

If your Lordship should see fit to hold a session for the purpose I have mentioned, you will act according to your own judgment upon the various questions which will then arise; such, for example, as the granting or withholding any funds which the Assembly may require to meet their contingent expenses, the prorogation of the session, and even the dissolution of the Assembly, if, on mature reflection, that course should seem to you expedient. In the same manner it will be for your Lordship to decide whether sound policy will require the dissolution of the House before another meeting shall take place.

It is in the same manner referred to your own judgment to consider what may be the most judicious mode of applying to the public service in Lower Canada the future receipt from the hereditary and territorial revenue.

So long as you shall adhere to the general principles of the instructions which you have already received, it is His Majesty's pleasure and command that you should act according to your own judgment in whatever manner you may think best adapted to meet the exigencies, not of Lower Canada only, but generally of His Majesty's British North American Provinces.

An attempt has indeed been recently made to urge His Majesty to an instant decision upon some of the most important subjects committed to your Lordship and your colleagues for your and their investigation and report; the attempt has been resisted, and for the best reasons.

When, in the summer of 1835, His Majesty's Ministers advised the King to institute the inquiries with which your Lordship and your colleagues are charged, and declared the Report of the Commissioners must precede any decision on the main questions in debate, they acted under the influence of reasons, in the force and justice of which they then placed, and still continue to place, confidence. Unexpected occurrences, indeed, have subsequently affected the grounds of their anticipations as to the probable results of that mission. But although obliged to shape their course in some degree according to the pressure of circumstances, yet His Majesty's Ministers will not be diverted by the events to which I refer, from a prosecution of the general plan of conduct which they had prescribed to themselves. Adhering to the opinion that on the main questions in debate, they require for their assistance the information and suggestions to be supplied by the Reports of the Commissioners, they intend still to await the arrival of those reports, and will not consent to be hurried into premature and precipitate conclusions.

I must here observe, that the Report of the Commissioners of the 13th March cannot be taken as conveying a final and deliberate judgment formed in reference to general and permanent considerations, rather than to passing circumstances and agitations. It has, on the contrary, a direct relation to the immediate condition of the province at that moment. The Commissioners expressly state, that under other circumstances they would probably have thought it proper to defer their Report on one important subject until they had made more detailed inquiries; but that if their opinion be now required, at once and without further consideration, they must give it as there recorded.

On the topic which is immediately referred to in the foregoing remarks, and on the other main subjects of your inquiries, His Majesty's Government will expect the Report of the Commissioners, after the fullest research and deliberation, by the close of the present summer. Twelve months will then have elapsed from your arrival in Canada, a period sufficiently long for coming to a mature judgment on all the principal questions in debate; to delay your final Reports to a later period might occasion, and perhaps justify, complaint.

In my despatch of the 17th July 1835, I have stated that your Lordship would be at liberty to apprise the public officers of the province that the Ministers of the Crown unreservedly acknowledge it to be their duty to employ all constitutional means for the protection of the public servants against the loss of emoluments earned in His Majesty's service. This communication, therefore, has probably been made to them; you will now state to them that, although circumstances prevent the immediate liquidation of their demands in full, yet His Majesty's Ministers do not the less admit the obligation of the pledge already given for their ultimate satisfaction.

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If your Lordship should, on the receipt of this despatch see fit, in the exercise of your discretion, to hold a session of the Assembly, and to communicate to them the accompanying answer from His Majesty to the last Address of the House, I would yet indulge the hope that on the receipt of that communication the House of Assembly may see reason to lay aside that mistrust and jealousy of His Majesty's Government which they have hitherto entertained, and to make provision for defraying the arrears, and for providing for the public service of the province; but even if this hope should be disappointed, I shall not regret that the opportunity of reconsidering their decision has been offered to the Assembly. Whatever course may then become necessary will at least have this vindication, that it was not taken until every other resource had been exhausted; the representatives of the people deliberately adhering to the extreme exercise of their powers, without any complaint, either just or plausible, against the Executive Government.

If we may judge from what has passed in Parliament, it would seem that the appropriation under my instructions of the territorial and hereditary revenue will be complained of as an infringement of the rights of the Assembly, and an unlawful use of money of which they alone had the right to dispose.

The title, however, of the Crown to the funds in question, rests on the clearest grounds of usage; of the practice of all other colonies, of legal authority, and of constitutional principle. The use made by the Crown of that right on this occasion is vindicated on considerations, not merely of policy, but of justice and public duty.

As the House of Assembly, in their address to His Majesty, have expressed their hope that the Provincial Parliament will be called together for its next session at an early period, it seems scarcely necessary to suppose the case that the House may refuse to meet at all in sufficient numbers for the transaction of business; nor should I have adverted to a contingency so improbable, had it not been rumoured in this country that this is the course actually contemplated by the members of the Assembly. If such an event should occur, or if the House should meet and refuse supplies, it will be for you to consider whether an immediate dissolution would be advisable. And if, in reference to the state of public feeling in the province, and the probable result of such a measure, such should be your opinion, you will proceed to act accordingly. This matter is, however, in pursuance of the principle already so often noticed, left entirely to your discretion.

It appears to me indispensable to the right conduct of these affairs, that your Lordship and Sir F. Head should maintain the most constant and unreserved intercourse with each other, on every question in which the two provinces are jointly interested; and that you should, to the utmost possible extent, act in concert and harmony with each other. I shall immediately address corresponding instructions to that officer.

I cannot conclude this despatch, without expressing to your Lordship how deeply, in common with my colleagues, I feel for the situation in which you are placed. You are called to exercise duties highly honourable indeed but painful and ungracious. That you will be sustained in the discharge of them by your zeal for His Majesty's service, and by the conscious sense of the upright and benevolent motives by which you are animated, His Majesty's Government entertain the fullest confidence; but they do not the less regret that the strength and soundness of your public principles should be subjected to so severe a test.

I have, &c.
(signed) *Glenelg.*

— No. 6. —

No. 6.

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

My Lord,

Castle of St. Lewis, Quebec, 28th Sept. 1836.

I HAVE the honour herewith to transmit a copy of the speech with which I opened the session of the Provincial Parliament on the 22d instant, together with copies of the Addresses of the Legislative Council and House of Assembly, in answer to it, and my replies to each.

I have, &c. &c.
(signed) *Gosford.*

No. 1.

No. 2.

No. 3.

No. 4.

No. 5.

Enclosure 1, in No. 6.

Enclosure 1,
in No. 6.

Gentlemen of the Legislative Council, Gentlemen of the House of Assembly,

THE events which marked the close of last session of the Provincial Parliament have occasioned your being convened at this unusual season of the year.

The Address on the state of the province then voted to His Majesty by the House of Assembly having been laid at the foot of the Throne, I feel it my duty to avail myself of the earliest opportunity of communicating the answer which His Majesty has been graciously pleased to return thereto. I shall therefore transmit a copy of it, in the usual way, to the House of Assembly; and shall, at the same time, in obedience to the King's express commands, place before both Houses the instructions under which I assumed the government of this province, as well as those addressed to myself and my colleagues in the Royal Commission.

Gentlemen of the House of Assembly,

In compliance with the injunctions of His Majesty, I have again to recommend to your attention the estimates for the current year, and also the accounts, showing the arrears due in respect for the civil government, which were laid before you during the last session. The King has observed that you were induced, in that session, to grant the supplies only for six months, and to prefer the complaints contained in your Address, apparently in consequence of the publication of a few detached passages from the instructions to which I have alluded, and of inferences drawn from them, which a knowledge of their entire contents must be expected to remove. His Majesty thinks it therefore but just that you should not be held to be committed to a course adopted under a misconception, but should have an opportunity of reconsidering your conclusions with the full information as to the views and intentions of His Government, which you will derive from the perusal of the whole of the documents to be laid before you; and he trusts that upon your becoming acquainted with their general tenor and spirit you will accede to the application which I made to you at the commencement of the last session, and which I am commanded now to renew, for payment of the arrears due on account of the public service, and for the funds necessary to carry on the civil government of the province.

That the business of government cannot be carried on successfully whilst the salaries of the public servants remain unpaid, is too obvious, I hope, to leave room for a suspicion on the mind of any one that, in making this renewed demand for the liquidation of these just claims, either His Majesty's Ministers in England, or I, who bear his delegated authority in this province, can have any object in view separate from the public good.

Gentlemen of the Legislative Council, Gentlemen of the House of Assembly,

As this meeting of the Legislature has been convened for the purposes I have already mentioned, and as a prolonged absence from your homes at this particular season of the year may be attended with inconvenience to you, it is not my present intention to recommend any other matters to your consideration. I cannot, however, refrain from congratulating you on the summer having passed away without any signs of epidemical disease, for which we ought to feel deeply thankful, nor from publicly expressing my gratification at the reception I everywhere met with in my recent visits to different parts of the province.

It is to me matter of the highest satisfaction to know that the exposition which I made to you at our first meeting of the views and policy of His Majesty's Ministers towards this country, and of the principles which should guide me in the administration of its affairs, is fully borne out by the documents I shall lay before you, and has met with the approbation of my Sovereign. From the day I entered on my arduous duties, I have, to the very utmost of my ability, acted up to the principles I professed; nor have I ever ceased to remember that the two first objects of my government were, the removal of abuses, and the reconciliation of opposing parties. By caution, by forbearance, and by the exercise of what I believe to be a liberal policy, I have sought to promote the welfare of the country, and to gain your confidence. If I succeed in this latter object, I shall rejoice at it, principally because it will afford me the means of doing the greater good; and if I fail of success, I shall always be consoled by the consciousness of having laboured earnestly to deserve it.

Castle of St. Lewis, Quebec, 22 Sept. 1836.

Enclosure 2, in No. 6.

To His Excellency the Right Honourable *Archibald* Earl of *Gosford*, Baron Worlingham of Beccles, &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Legislative Council of Lower Canada, in Provincial Parliament assembled, beg leave to return our humble thanks for your speech from the throne, and we conceive that the present state of the province and the events which marked the close of the last session of the Provincial Parliament, fully justify your Excellency in having called us together at this unusual season of the year.

We participate in the general interest which must be produced by the answer of His Majesty to the Address of the House of Assembly on the state of the province; and we shall

Enclosure 2,
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Enclosure 2,
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shall receive with the attention due to the importance of the subject the communication of the instructions under which your Excellency assumed the administration of the Government, as well as those addressed to your Excellency and to your colleagues in the Royal Commission, which the King has been pleased to command to be laid before the two branches of the Provincial Legislature.

We agree with your Excellency that it is a principle too obvious to be denied that the administration of the government cannot be satisfactorily carried on whilst the salaries of the public servants remain unpaid.

We duly appreciate your Excellency's consideration for our personal convenience in not wishing to cause a prolonged absence from our homes at this particular season of the year by the recommendation of any other matters to our attention than those which your Excellency has specially mentioned in your Speech. We humbly join with your Excellency in the expression of our thankfulness to Divine Providence that the summer has passed away without any appearance of epidemical disease, and we are pleased to learn that your Excellency was gratified at the reception which you everywhere met with in your recent visit to the different parts of the province.

It must be a matter of the highest satisfaction to your Excellency to know that the exposition which you were pleased to make to us at our first meeting of the views and policy of His Majesty's Ministers towards this country, and of the principles which should guide your Excellency in the administration of its affairs, is fully borne out by the documents your Excellency will lay before us, and which you acquaint us has met with the approbation of our Sovereign, and we concur with your Excellency in believing that caution, forbearance and the exercise of a just and liberal policy are the true means of promoting the welfare of the country.

Legislative Council, Monday, 26 September 1836.

Enclosure 3, in No. 6.

To His Excellency the Right Honourable *Archibald* Earl of *Gosford*, Baron *Worlingham*, of *Beccles*, in the County of *Suffolk*, Captain-General and Governor-in-Chief and over the Provinces of *Lower and Upper Canada*, &c. &c. &c.

Enclosure 3,
in No. 6.

May it please your Excellency,

We, His Majesty's faithful and loyal subjects, the Commons of Lower Canada, in Provincial Parliament assembled, humbly thank your Excellency for the speech delivered from the throne at the opening of the present session. We in like manner express our thanks for the promptitude with which his Majesty's Government has, as your Excellency has been pleased to inform us, in compliance with the desire expressed by us in the last session, sent so early an answer to the Address then voted by us, after mature deliberation, upon the state of the province. We beg your Excellency to be assured that that Address contained the faithful and sincere expression of our wishes, opinions and wants, at the same time that it was calculated to remove every doubt respecting the spirit of liberality in which this House would receive the necessary reforms in the institutions and administration of the government of this province, so long prayed for by this branch of the Legislature and by the body of the people. We therefore trust that the answer will be explicit and satisfactory, and tend speedily to remove the obstacles which have hitherto prevented the correction of abuses, the redress of grievances and the prosperity of the province.

With this hope, whatever inconvenience we may suffer from the particular season of the year in which the Legislature has been assembled, any personal sacrifice will be deemed of little moment; and we beg to assure your Excellency, that on every occasion in which we are called upon to exercise the powers entrusted to us, we shall consider it one of the highest and most imperative of our duties to devote our attention to the removal of evils under which the people of this province have laboured and still continue to labour, and to protect them from the effects of a system which has corrupted the Provincial Government and which has even driven the highest authorities in the empire to acts and measures injurious to the liberties of His Majesty's faithful Canadian subjects.

We have not deemed it necessary to enter in detail upon the consideration of the various subjects adverted to by your Excellency, until such time as, according to promise, your Excellency shall have more fully communicated to us the reasons which have caused the convocation of the Provincial Parliament. Your Excellency, in limiting the subjects to which you have called our attention under the present circumstances, has, no doubt, been actuated not only by the motives expressed by your Excellency, but moreover by the consideration, that although this House has, during the great length of the last session, zealously laboured for the welfare of the province, and with that view adopted many measures which we deemed to be in accordance with the intentions of His Majesty's Government, our labours have been rendered abortive in consequence of the systematic rejection by the Legislative Council of all the projects of law calculated to remedy the past, to protect the people for the future, to enlighten them and advance their moral welfare, to improve their social and physical condition, and to entrust them with those powers and influence in the constitution, the administration of laws, and the management of their local affairs, to which they are entitled and which are guaranteed to them by the very principles of government.

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The circumstance of that body having continued unchanged, must necessarily preclude the idea that His Majesty intended to harass the country by the repetition during the present session of scenes so discreditable to the vicious constitution, which it is notwithstanding attempted to uphold. Your Excellency, as well as the authorities of the mother country, must now be convinced that the best intentions of the head of the Provincial Government, and partial reforms in the details of the administration, must constantly prove abortive, when opposed to a system convulsed by elements essentially adverse, and in which we behold, on the one hand, the people in conjunction with this House, demanding the unrestrained exercise of the powers and rights of British subjects, with a government established upon a just basis applicable to the condition of the province, together with the maintenance of guaranteed and endeared institutions; and on the other hand, a branch over which the country has no control, which has invariably shown itself hostile to its institutions and its inhabitants, and which has not ceased to excite and to foster attempts at disorganization, oppression, divisions and hatred, political ascendancy and exclusive rights for one portion of the people, and degradation for the mass of Canadians of every origin, the most attached to the permanent interests of the country and the best adapted to strengthen the Government. It is between these two irreconcilable systems that we trust His Majesty's Government have come to a determination in accordance with our humble prayers. If our hopes be realized, we feel certain that the rules which your Excellency declares to have guided you in the discharge of your arduous duties, caution, forbearance and the exercise of a liberal policy, cannot fail of success.

We are convinced of the sincerity of your Excellency when you declare that you will rejoice in having sought to promote the welfare of the country and to gain its confidence, and that one of the first objects which your Excellency has endeavoured not to lose sight of has been the removal of abuses. We entreat your Excellency to fulfil, as far as it lies in your Excellency's power, the arduous task which has been assigned to you, and above all, we beseech your Excellency, in pursuance of the attachment which your Excellency declares that you feel towards Canada, to be pleased not to rest satisfied with partial and ineffectual reforms, but to ascend to the source of the evils under which we suffer, and to become the lasting benefactor of the country, by helping to secure to the people and to this House the exercise of all their rights, to procure the repeal of such legislative enactments as have encroached thereon, and the removal of the abuses which have fettered the exercise thereof, and to introduce in our institutions, particularly in the constitution of the Legislative Council, those changes confidently demanded by this House and by the people, in such a manner as to fix the Provincial Government upon a firm and liberal basis, and thereby to afford us a pledge of future prosperity, and, conformably to our expressed conviction, many years of security, peace and happiness.

(signed) *L. J. Papineau,*
Speaker of the House of Assembly.

House of Assembly,
Quebec, Saturday, 24th September, 1836.

Enclosure 3,
in No. 6.

Enclosure 4, in No. 6.

Mr. Speaker, and Gentlemen of the Legislative Council,
I THANK you for this Address, and, in pursuance of my promise at the opening of the session, I shall cause to be laid before you without delay a copy of my instructions as Governor-in-Chief, and of those addressed to myself and my colleagues in the Royal Commission.

Castle of St. Lewis, Quebec, 28th September, 1836.

Enclosure 4,
in No. 6.

Enclosure 5, in No. 6.

Mr. Speaker, and Gentlemen of the House of Assembly,
I thank you for this Address, and I shall take care that, in pursuance of the promise made in my speech from the throne, no time shall be lost in laying before you the answers of our most gracious Sovereign to your Address of last session on the state of the Province. I shall at the same time cause to be communicated the other documents which His Majesty has commanded to be presented to you.

Castle of St. Lewis, Quebec, 27th September, 1836.

Enclosure 5,
in No. 6.

— No. 7. —

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

My Lord,

Castle St. Lewis, Quebec, 1st October, 1836.

In pursuance of the intention expressed in the speech with which I opened the present session, I transmitted, on Monday the 26th ultimo, a copy of His Majesty's answer to the Address voted to him by the House of Assembly on the state of the Province towards the close of the last session. This was referred to a Committee

No. 7.

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Vide p. 28.

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a Committee of the whole House, who have reported an Address, adopted by the House on the 30th, and which is to be presented to me on the 3d instant. By this Address, a printed copy of which is enclosed, your Lordship will perceive that the House adhere to the sentiments and conclusions contained in their Address to His Majesty, and declare that they will grant no supplies until their demands are first conceded. They add that it is incumbent on them, in the present conjuncture, to adjourn their deliberations until His Majesty's Government shall by its acts, especially by the introduction of the elective principle into the Legislative Council, have complied with what they consider the wishes and wants of the people.

Many of the members will leave Quebec this day, and a sufficient number will not remain, it is supposed, to make a quorum for the dispatch of business after the 3d instant. In these circumstances it is useless to continue the session; I shall therefore prorogue the Parliament on that day, after receiving the Address. Time will not permit me now to dwell on the peculiar situation in which the affairs of this province are thus placed. His Majesty's Government must at once see the pressing necessity of taking into their serious and immediate consideration what course must now be pursued to meet the exigencies of the present crisis.

I have, &c.

(signed) *Gosford.*

No. 8.

— No. 8. —

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

My Lord,

Castle of St. Lewis, Quebec, 3d October 1836.

I HAVE the honour to transmit herewith a printed copy of an Address, which I have this day received from the House of Assembly, in reply to His Majesty's answer to their Address of last Session on the state of the Province. I also enclose a copy of my reply to the House.

I have, &c.

(signed) *Gosford.*

Enclosure 1, in No. 8.

Enclosure 1,
in No. 8.

To his Excellency the Right Honourable *Archibald* Earl of *Gosford*, Baron Worlingham of Beccles, in the County of Suffolk, Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Vice-Admiral of the same, and one of His Majesty's Most Honourable Privy Council, &c. &c. &c.

May it please your Excellency,

Wz, His Majesty's faithful and loyal subjects, the Commons of Lower Canada, in Provincial Parliament assembled, respectfully approach your Excellency for the purpose of further replying to certain parts of the speech which it pleased your Excellency to deliver at the opening of the present session; also to a despatch from His Majesty's Principal Secretary of State for the Colonies, dated Downing-street, 7th June 1836, which, with various documents, you were pleased to cause to be laid, according to promise, before us.

Referring to our Address to His Majesty on the state of the province, dated 26th February 1836, we assure your Excellency, as we have already done on a recent occasion, that it contained the faithful expression of the views, opinions and wants of this House, as well as of the people whom it represents. We have not as yet been able to discover any misconceptions or any misunderstanding on our part of a nature to change the views which we then entertained on the divers subjects treated therein, or suggest other means for their accomplishment. We still believe it to be our duty, as well as for the advantage of the people, to persist in the same demands, in the same declarations, and particularly in the demand of an Elective Legislative Council. Our opinion on the position of the country at the present epoch, as expressed in our answer to your Excellency, dated the 24th of this month, will show how ill justified we should have been in departing therefrom. We trust that His Majesty's Government will not, after mature deliberation, entertain any doubt as to the correctness of our statements and assertions, particularly of the necessity of changing, conformably to the prayers of this House and of the people, a branch of the legislature which has, with narrow and self-interested views, and moved by party spirit, interposed itself, of late more than ever, between the country and metropolitan state, and destroyed all our attempts to aid in the reparation of abuses, and by causing the result of our labours to reach the foot of the throne, to enable his Majesty's

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Government to confirm us in the belief of the sincerity of its intentions and promises. We respectfully submit, that although the evils and grievances which oppress the country have not been caused by us, we have spared no pains to terminate the same: those efforts have all failed in that branch, and we are firmly convinced that all measures of a just and liberal nature will hereafter constantly fail therein. The remedy is within the reach of His Majesty's Government. We shall see it applied with the most lively satisfaction; and however sincere may be His Majesty's desire to witness the entire removal of the grievances of the country, we can furnish in proof of a desire equally sincere on our part, the manner in which we promised, in our Address above mentioned, to welcome the reforms which we still expect, and the spirit of liberality and concession which accompanied that expression of our hopes.

There is, in the more recent dispositions of the Government in reference to the full and unrestrained exercise of the rights of this Legislature, a point which bears essentially on the character of the present Legislative Council, which we pray His Majesty not to lose sight of; that is, that although in principle His Majesty's intention of leaving to the Provincial Legislature the repeal of certain injurious laws, and the adoption of new provisions favourable to the institutions and to the liberties of this province, in whatever concerns its particular interests, be constitutional in its nature, and a wise acknowledgment even of the principle of our position, the effect thereof has been and will be practically impossible in consequence of the anomaly which the existence of the said Legislative Council has created in the Legislature of this province. And we express our constant and unalterable conviction, guided by the principles of the constitution itself and a long and sorrowful experience, that this state of violent opposition cannot be changed until the principle of popular election shall be introduced into the constitution of the said Council, so as to have a second distinct branch, agreeably to what the existing state of society and the deliberate voice of public opinion require, and which shall enjoy at once a due share of public confidence and a full exercise of an enlightened and independent judgment; a result so much to be desired, that, in the said despatch, the Ministers of the Crown have found therein one of the essential principles of the Act of 1791. We therefore dare to flatter ourselves that the pretensions and errors of the past will be forgotten, and that this great question will be considered in its full extent, in its connexion as well with the principles as with the practice of the constitution, and not as regards peculiar reluctances or preconceived opinions, respecting which it has pleased His Majesty, in the said despatch, to remove our fears concerning the future.

What we have stated above relative to the operation in the province itself of a Legislature free to watch over its interests, induces us to hope that until there be an essential change in the Legislative Council, His Majesty whilst desirous of adhering to his benevolent inclination of abstaining from every act which could be represented as an unnecessary intervention in the internal affairs of the province, and thereby even oppose himself to every legislative act on the part of the metropolitan state tending to destroy that large basis, would be pleased to take into his consideration the pure and simple repeal by the Parliament of the United Kingdom of the Act commonly called the Tenures' Act, and of that passed in favour of the Land Company, as not being opposed thereto, inasmuch as the Canadian Legislature never participated in the passing of these two Acts, against which this House and the people have, from the commencement, universally protested, and as their opposition to the rights, laws and institutions of this province is now scarcely a subject of controversy. We therefore persist in praying that until the Bill passed on several occasions by this House for the abrogation of the said Tenures' Act be favourably received in a Legislative Council disposed to give effect to the Royal intentions, His Majesty's Government would be pleased to assist in otherwise accomplishing the repeal demanded, which would enable us to re-establish order in the important question of lands and of proprietary law, and to accomplish, for the advantage and happiness of the inhabitants of the country, and of the other of His Majesty's subjects, the views expressed in our said Address.

It is for the same reasons that we persist in demanding likewise the repeal of the Act passed in favour of the Land Company, and of the privileges which that Act pretended to confirm. The considerations of public and private law which cause us to take a view of this subject different from that taken by His Majesty's Ministers in the said despatch, are too numerous and too palpable to be detailed at this moment. We shall pass over, also, in silence, the rights peculiar to the people of this province, and the circumstances, painful to us, under which that Act was passed and those privileges granted; and we shall abstain from pointing out the means at the disposal of the Government to settle this question with justice to all parties. We shall merely add, that every day convinces us the more that the principal tendency of that Company is to maintain that division of people against people, amongst the different classes of His Majesty's subjects, which has, in common with all the evils resulting therefrom, been fostered in times past, with too much success, by corrupt administrations.

Neither can we forbear from here pointing out what we conceive to be, independent of its constant connexion with the system of metropolitan ascendancy and colonial degradation, a grand error in the disposal of the public domain of this province. That is, that in granting the lands nominally under the tenure of free and common soccage, which, based upon views of free and prosperous colonization, and with a due respect for the laws of the country, would, in fact, be a desirable tenure, the advantages thereof have, in reality, only been accorded to the original grantees, rendered absolute masters of immense extent

Enclosure 1,
in No. 8.

of land, without any reserve having been made for the future rights and interests of the mass of actual settlers who would improve the soil, who, although his Majesty's free-born subjects, find themselves fettered in the extent of all those great concessions, by onerous and even servile tenures. It is, nevertheless, after this system has been tardily repudiated, that nearly a million of acres of the lands of the country have been improvidently, and without any greater control, granted to the said Company, with the further privilege of augmenting that quantity by unlimited acquisitions dangerous to the liberties of the people. Independent of this anomaly, and numerous other vices with which the said grant is tainted, the King's Ministers cannot be so unacquainted with the subject as to consider it a question merely of private law, or to believe that in any new country the disposal and settlement of an immense extent of the public lands can be withdrawn from the control of the Legislature, and abandoned to the unrestrained direction of individuals.

The presence in the province of certain pretended authorities, whose powers and attributes are not to be found either in the constitution or in any law, has so often been alleged by your Excellency and by the executive authorities in the metropolitan state as being of a nature to retard till a future period the restoration of order and the introduction of those improvements demanded by the people, that we cannot refrain from here making a few general observations which must have attracted the attention of every public man. We believe that this House is the legitimate and authorized organ of all classes of inhabitants in the country, and that its representations are the constitutional expressions of their wishes and of their wants. We believe that the impartial use we have made of the powers vested in us, for the protection and the happiness of all our fellow-subjects, ought to have secured to us due confidence, when we solemnly exercised those high privileges. It must, however, have been the result of an unjust distrust of this House and the people of this province, that His Majesty's Government has rejected our prayers to defer to the opinions of a few individuals, strangers to the country, the fate of which was thereby committed to men whose vague and subordinate mission could not be acknowledged by any independent authority recognised by the constitution, the spirit of which His Majesty is particularly desirous to maintain. Thus it is that a power acting without law and against law, could not form any other connexion but with those who entertained the same erroneous views, and who, long since the avowed enemies of this House and of the people, profit by the system of dishonest policy which has been, up to this moment, the bane of the country, and which has, nevertheless, been maintained by many acts and declarations of the Crown and of Parliament. We believe, therefore, that the restoration of order and of the mutual respect which those whose duty it is to maintain it owe to each other, is one of the measures the most conducive to promote the establishment of a government as responsible and as popular as that which His Majesty, in enumerating in the said despatch his dispositions on several important points, declares he is entirely disposed to admit. We must equally declare that any departure from those intentions, based upon inquiries emanating from a vitiated source, could not be sanctioned by any portion of the people sufficiently strong to lend its aid to a good government.

We shall pass over in silence the judicial independence and the establishment in the province of a high tribunal of public impeachments. It is too evident that the sole obstacle which now exists depends upon the solution of the question which we look upon as of the utmost importance.

Neither shall we discuss the demand made by this House of the free exercise of its parliamentary and constitutional authority over the settlement and management of the lands of the province, and its control over all the branches of the Executive Government; we shall also omit whatever appertains to the settlement of the financial question, whereby the executive authority would no longer impede the rightful control of this House over the public revenue. Our views and offers on these two subjects have, without doubt, been considered liberal by His Majesty's Government; we are at least inclined so to believe, in consequence of the opinion expressed in the said despatch on this part of our Address; moreover, if we understand, in its true meaning, that part of the said despatch which approves of our opinions on divers other points, without discussing any of them in particular, we should be induced to believe that His Majesty's Government, convinced of the justice of our demands on these points, and of their accordant with the good government of the country, has now acceded thereto without requiring any further useless delay, and without further investigation of rights and principles so clear and so essential.

If our hope of happy days for our country do not lead us to interpret too liberally general expressions, and if that hope be founded on something more than generous inferences, we cannot sufficiently express to your Excellency how much we rejoice at having, by our perseverance, contributed to the substitution of an unjust and partial system, by an order of things conformable to the rights and demands of the people. Nevertheless, we cannot but feel deep regret and profound grief, when we consider that these declarations, as well as those which preceded them on several occasions, have as yet availed nothing; that the vices of our political institutions remain unaltered; that the Provincial Legislature continues to be paralyzed in its functions, by the support given to the Legislative Council; that no essential reform has been introduced as yet into the Administration, or for the removal of abuses; that the executive and judicial authorities have preserved and manifested the same character of a faction combined against the liberties of the country, and its public property; when we perceive that prejudicial inquiries in opposition to the above-mentioned declaration have not as yet been abandoned; when, in fine the Executive
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Government of the province, doubtless in obedience to the special order of the authority which appointed it, has had recourse, since the last session, to the practice of disposing of the public treasure of the province, without the consent of this House. Thus the state of the country having therefore remained the same, we believe it to be our imperative duty to adhere unalterably to the contents of our said Address of the 26th February last, as well as to our previous declarations; and to them do we adhere.

In reference now to the demand which your Excellency has renewed under existing circumstances for a supply, relying on the salutary maxim, that the correction of abuses and the redress of grievances ought to precede the grant thereof, we have been of opinion that there is nothing to authorize us to alter our resolution of the last session. Your Excellency will bear in mind that our determination to obtain justice by means warranted by the best approved precedents and by the spirit of the constitution itself, was taken at a more distant epoch, and that, as a mark of our confidence in you, we temporarily departed from that determination by voting a supply for six months. We assure your Excellency, as well as His Majesty's Government, that in that Act, which we look upon as a mark of our liberality, we were prompted by no minor consideration, nor by any unjust or incorrect interpretation of the intentions of His Majesty's Ministers. The conclusion of our said Address contains an explanation of our motives, and of the difficulties which it was not in our power to ward off; the same circumstances, as well as the previous consideration of the salutary principle above referred to, render it incumbent on us, in the present conjuncture, to adjourn our deliberations until His Majesty's Government shall by its acts, especially by rendering the second branch of the Legislature conformable to the wishes and wants of the people, have commenced the great work of justice and reform, and created a confidence which alone can crown it with success.

Amidst the closing events of the last session, there is one circumstance in particular which we respectfully believe has not been sufficiently noticed by His Majesty's Government. That is: it was not this House, but the Legislative Council which deprived the Provincial Administration of the resources which would have been at its disposal, and which placing itself between the Crown and the people in a matter specially appertaining to the representatives of the latter, has prevented the free gift of the Commons to reach the Throne.

In concluding this Address, we shall again express our belief in your Excellency's sincerity and intentions, and we flatter ourselves that under different circumstances and with more direct powers, your Excellency would have sooner helped to obtain the change which we await. If such a change had taken place, the good understanding which has hitherto existed between this House and your Excellency, notwithstanding the difficulties of our respective positions, would lead us to expect the most happy results from your Excellency's desire to advance the prosperity of the country.

Enclosure 2, in No. 8.

Mr. Speaker, and Gentlemen of the House of Assembly,

FOR the portions of this Address which are directed to me personally, I cannot but thank you. At the same time, my sense of public duty and the warm interest I take in the welfare of the province compel me frankly to express to you my deep regret at the conclusions you have come to.

The determination you express never to resume your functions under the existing constitution, naturally deprives the country of a domestic legislature, and places it in a situation in which the greatest embarrassments must be felt until a remedy can be applied by the supreme authorities of the empire.

Gentlemen,

Your Address shall be transmitted to England with the least possible delay.

Castle of St. Lewis, Quebec, 3d October 1836.

— No. 9. —

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

My Lord,

Castle of St. Lewis, Quebec, 4th October 1836:

I HAVE the honour to transmit herewith a copy of the Speech with which I have this day prorogued the Provincial Parliament of Lower Canada.

I have, &c.

(signed)

Gosford.

Enclosure in No. 9.

Enclosure in
No. 9.

Gentlemen of the Legislative Council, Gentlemen of the House of Assembly,

THERE being no longer any prospect of a good result from the Message which, by the commands of our most gracious Sovereign, I communicated, a few days ago, to the House of Assembly, I hasten to put an end to this session, and to enable you to return to your homes.

The object of convoking the present Parliament was to make a renewed effort on the part of His Majesty to restore some interval of repose to his Canadian people. I lament, however, that instead of awaiting the development of those measures which are in preparation, but which, to be effectual, must be matured with time and attention, a more hasty decision continues to be insisted upon; and the province is even threatened with the abandonment, by one branch of the Legislature, of the duties confided to it by the constitution. Without dwelling on this inauspicious project, I will merely observe, that if it be persisted in, the number of temporary acts in Lower Canada, and the importance of some, which are not long hence to expire, must give peculiar effect in this province to a decision which, in no country endowed with powers of domestic legislation, could be otherwise than a severe privation and source of public suffering.

Gentlemen,

In taking leave of you, I will only express the hope I am unwilling to forego, that however the political embarrassments of the country may appear to multiply around us, the inherent elements of prosperity and contentment which it contains may triumph over all adventitious causes of difficulty.

Castle of St. Lewis, Quebec, 4th October 1836.

— No. 10. —

No. 10.

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 20th November 1836.

I HAVE received and laid before the King your Lordship's despatches of the 28th of September, and of the 1st, 3d and 4th October, announcing the meeting of the Legislature of Lower Canada, transmitting copies of the communications which took place on that occasion between your Lordship and the Legislative Council and Assembly, and reporting the prorogation by which the session was closed.

I am commanded by the King to signify to your Lordship his Majesty's approbation of your proceedings on this occasion. You rightly judged that to prolong the session after the Address which you had received, and the departure of so large a body of the members from the seat of government, would on every account have been inexpedient and indecorous.

It must be superfluous to assure your Lordship that these communications have engaged the most serious attention of His Majesty's Government. I shall very shortly have to address you fully in explanation of the course of proceeding which it will be necessary to adopt in order to arrest the progress of these controversies.

In the meantime your Lordship will discharge the arduous duty of watching over the public tranquillity in Lower Canada with your accustomed zeal for His Majesty's service, and in the spirit of the general instructions which I have already had the honour to address to you.

I cannot close this despatch without observing that recent occurrences do but confirm the opinion, which I have already announced to you, that the commission, of which your Lordship is the head, should be brought to its close with the utmost possible promptitude.

I have, &c.

(signed)

Glenelg.

