

Colonial.

PROVINCIAL PARLIAMENT

OF
LOWER-CANADA.

HOUSE OF ASSEMBLY,

TUESDAY, 25th November, 1828.

REPLY OF THE ASSEMBLY TO THE SPEECH
FROM THE THRONE.

To His Excellency Sir JAMES KEMPT, K. C. B.
Administrator of the Government of the Province
of Lower-Canada, Lieutenant-General and Com-
mander-in-Chief of all His Majesty's Forces in
Lower and Upper-Canada, &c. &c.

May it please Your Excellency,

We, His Majesty's dutiful and loyal subjects, the Assembly of the Province of Lower-Canada in Provincial Parliament assembled, humbly thank Your Excellency for the Speech which you have been pleased to address from the Throne to both Houses of the Legislature at the opening of the present Session of the Provincial Parliament.

Your Excellency's presence amongst us, in the elevated character of the representative of a Beloved Sovereign, gives us high satisfaction. We acknowledge with pleasure that in confiding to Your Excellency the Government of this important Colony, His Majesty has given a fresh proof of his paternal solicitude and of his royal benevolence towards his dutiful Canadian subjects. And, as, in placing you in a situation of such high importance at a time peculiarly difficult, His Majesty has, in a striking manner, signalized the high confidence which he reposes in Your Excellency, so will we second the wishes of our Gracious Sovereign by a cordial and confiding co-operation with Your Excellency in your Administration of the Government. However arduous may be the duties imposed upon you, we have no doubt whatever that Your Excellency will discharge them to the satisfaction of His Majesty, and His faithful subjects the inhabitants of this Province.

The experience of several years, and the present situation of this Province, unhappily prove too clearly, that without a good understanding among the several branches of the Legislature, it is impossible that the Colony should prosper; alike impossible to remedy the evils now experienced, and to provide for the prosperity and welfare of His Majesty's Canadian subjects. And Your Excellency may be assured that we shall hail with pleasure and eagerly second Your Excellency's endeavours to establish conciliation, by measures in which the undoubted prerogatives of the Crown and the constitutional privileges of the people of this Province will be equally respected.

We learn with the liveliest interest that His Majesty's Government has occupied itself with our financial difficulties, so as to relieve Your Excellency from all responsibility attendant upon any measures to be adopted for their adjustment. We have no doubt whatever that those measures have been dictated by the same spirit of justice and greatness which characterizes His Majesty's Imperial Government in its conduct towards this country. And Your Excellency may rest assured that we shall give our respectful consideration to the communication from His Majesty, which Your Excellency intends to convey to us upon the subject of the appropriation of the provincial revenue.

We are persuaded that good roads and other means of internal communication—a general system of education established on sound principles—an efficient Militia, legally organized and sufficiently protected from the abuse of arbitrary authority—essentially contribute to the prosperity, welfare and security of a country. We shall not fail to deliberate maturely upon matters of such high importance. And the sentiments expressed by Your Excellency lead us to hope that we shall apply to them with effect. We shall pay respectful attention to such recommendations as Your Excellency may hereafter make to us upon other measures of public improvement, and we feel assured that they will ever be founded on the high interests of the Province and the wants of the inhabitants.

We have ever been convinced of the justice and liberality of His Majesty's Government, and we believe it earnestly intends to remedy, as far as possible, the grievances of which we have to complain, of which we find a striking, and to us a very consolatory proof in the results of the petitions recently

laid before His Majesty's Imperial Government by a very large majority of our Constituents, against the multiplied and deeply-rooted grievances, which have long retarded the progress and prolonged the infancy and weakness of this colony. As soon as the inhabitants of Lower-Canada made known to the King the sufferings of the country, and suggested a remedy for those evils,—as soon as their humble petitions were laid at the foot of the Throne, the Sovereign, ever just towards his faithful subjects, expressly ordered that their petitions should be submitted to the supreme tribunal of the empire. The charges and well founded complaints of the Canadians before that august Senate, were referred to a Committee of the House of Commons indicated by the Colonial Minister. That Committee exhibiting a striking combination of talent and patriotism, uniting a general knowledge of public and constitutional law to a particular acquaintance with the state of both the Canadas, formally applauded almost all the reforms which the Canadian people and their representatives demanded, and still fervently demand. After a solemn investigation, after deep and prolonged deliberation, the committee made a Report, an imperishable monument of their justice and profound wisdom, an authentic testimonial of the reality of our grievances and the justice of our complaints, faithfully interpreting our wishes and our wants.—Through this Report, so honorable to its authors, His Majesty's Government has become better than ever acquainted with the true situation of the Province, and can, better than ever, remedy existing grievances and obviate difficulties for the future. We feel assured that Your Excellency has it personally at heart to provide for the contentment and welfare of the inhabitants of this Province, and we cannot doubt of the weight which the recommendations and testimony of a distinguished officer, whose public career has merited and obtained success by rendering important services to the country, must have with His Majesty. By the concurrence of all those circumstances, we perceive in Your Excellency a combination of means and facilities for effecting good, such as none of your predecessors has possessed. We shall receive with respectful confidence, the views of His Majesty's Government upon the several topics connected with the Government of this Province, to which the attention of His Majesty's Ministers has been called. We consider these topics as of the highest importance to the tranquillity and welfare of the inhabitants of this Province, and we humbly thank Your Excellency for the assistance which you are pleased to offer towards the elucidation of any questions which may arise for discussion in the course of our proceedings.

We are sincerely grieved at the arbitrary and manifestly illegal acts, which by depriving the Province of the aid of its Legislature during the whole last year, have occasioned very grievous evils, and put Your Excellency under the necessity of laying before us the Accounts of the Provincial Revenue and Expenditure for two years instead of one.—We nevertheless assure Your Excellency, that we shall apply the most scrupulous attention to those accounts when Your Excellency shall have laid them before us, and that we shall gratefully avail ourselves of any explanations which Your Excellency may be pleased to communicate to us respecting them.

We respectfully assure Your Excellency that the sole but infallible remedy for the jealousies and dissensions of which an oblivion is assuredly the first step towards improvement of any kind, is a conciliatory, impartial and constitutional Administration, such as we confidently expect from Your Excellency; and in that conciliatory hope we shall make every endeavour in order that the Executive Government and the Legislature may apply their undivided attention to the advancement of the general interests in a spirit of cordial co-operation.—And we doubt not that with such advantages, Lower-Canada will rapidly advance towards prosperity, and emulate, ere long, the most opulent and flourishing portions of the North American Continent.

ANSWER.

Gentlemen,

"I sincerely thank you for this Address, which I receive with feelings of high satisfaction.

"It is very gratifying to me to learn that your sentiments so entirely accord with my own, upon the points to which I adverted on opening the Session; and to receive the assurance, which you are now pleased to give me, of your zealous co-operation in my Administration of the Government.

"You do His Majesty but justice in believing, that he has never ceased to feel an affectionate regard and paternal solicitude for the welfare of his faithful Canadian subjects, and you may be assured that I have nothing so earnestly at heart as to promote their happiness and prosperity by every means in my power."

Friday, December 5.

The House formed itself into a Committee of the whole on the Message of His Excellency of the 28th ult. when Mr. NEILSON read the following resolutions of which the first passed unanimously, and the consideration of the others was, on the motion of Mr. Ogden, postponed till this evening.

RESOLUTIONS.

1. That this House has derived the greatest satisfaction from the gracious expressions of His Majesty's beneficent views towards this Province, and from the earnest desire of His Excellency, the Administrator of the Government, to promote the peace, welfare, and good government of the Province, as evinced in His Excellency's Message of Friday last.
2. That this House has, nevertheless, observed with great concern, that it may be inferred from the expression of that part of the said Message which relates to the appropriation of the Revenue, that the pretension put forth at the commencement of the late Administration, to the disposal of a large proportion of the Revenue of this Province, may be persisted in.
3. That under no circumstances, and upon no considerations whatever, ought this House to abandon, or in any way compromise, its inherent and constitutional right, as a branch of the Provincial Parliament representing His Majesty's subjects in this Colony, to superintend and controul the receipt and expenditure of the whole public revenue arising within this Province.
4. That any Legislative enactments in this matter by the Parliament of the United Kingdom, in which His Majesty's subjects in this Province are not and cannot be represented, unless it were for the repeal of such British statutes or any part of British statutes, as may be held by His Majesty's Government to militate against the constitutional rights of the subjects in this Colony, could in no way tend to a settlement of the affairs of this Province.
5. That no interference of the British Legislature with the established Constitution and Laws of this Province, excepting on such points as from the relation between the Mother Country and the Canadas can only be disposed of by the paramount authority of the British Parliament, can in any way tend to the final adjustment of any difficulties or misunderstandings which may exist in this Province, but rather to aggravate and perpetuate them.
6. That in order to meet the difficulties of the ensuing year, and to second the gracious intentions of His Majesty for the permanent settlement of the Financial concerns of the Province with due regard to the interests and efficiency of his Government, this House will most respectfully consider any estimate for the necessary expences of the Civil Government for the ensuing year, which may be laid before it, confidently trusting, that in any such estimate a due regard will be had to that economy which the present circumstances of the country and its other wants require.
7. That on the permanent settlement before mentioned being effected with the consent of this House, it will be expedient to render the Governor, Lieutenant-Governor, or any person Administering the Government, for the time being, the Judges and Executive Counsellors independent of the annual vote of this House, to the extent of their present salaries.
8. That although this House feels most grateful for the increased security against the illegal application of the public money which must result from His Majesty's Government referring all persons who may have been concerned in such application to an Act of indemnity to be consented to by this House, it will be inexpedient to consent to any such enactment, till the full extent and character of such illegal application may have been fully enquired into and considered.
9. That this House feels the most sincere gratitude for His Majesty's solicitude to effect the most perfect security against the recurrence of abuses on the part of persons entrusted with public monies in this Province.