

PROVINCIAL PARLIAMENT.
LEGISLATIVE COUNCIL CHAMBER.
QUEBEC, 27th October.

This day, at one o'clock, His Excellency the Governor in Chief came down in state to the Legislative Council Chamber, and being seated on the throne the Gentleman Usher of the Black Rod was sent down to the House of Assembly to command their attendance before His Excellency, and the House being come up, His Excellency was pleased to open the Second Session of the Fifteenth Provincial Parliament with the following Speech:—

*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 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 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 Government 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 will 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 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 good will 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 constitu-

tion recognizes nothing, as a mark for disfavor, 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 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 person. 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 the 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 enquiries, and that the Executive has not in all cases, communicated when requested, the dispatches 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 inconveniences 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, of special 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 those 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 signature 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 Provinces 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 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 this displeasure of His Majesty, and because I rely upon your giving me so much of your confidence as not to suppose before hand 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 this 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 enquiry 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 Enquiry 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 authori-

ty 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 Enquiry, 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 dispatches 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 this Province, whether arising from taxes or from any other Canadian source, but that this session cannot be made except on conditions which must be most 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 enquiries 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 held 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 shew 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 your power to afford, shall be furnished without reserve. The accounts shew 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 Public Servants, pending the enquiry 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' enquiry 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 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 a 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 4th year of the Reign of His present Majesty, entitled "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 apportionment 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 enquiry. 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 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 the 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 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