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JOURNALS

OF THE

LEGISLATIVE COUNCIL,

VOL. XXIV.

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JOURNALS  
OF THE  
LEGISLATIVE COUNCIL,  
OF THE  
PROVINCE OF CANADA.



HIS EXCELLENCY THE RIGHT HONORABLE CHARLES STANLEY,  
VISCOUNT MONCK, GOVERNOR GENERAL, &c., &c., &c.

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BEING THE THIRD SESSION  
OF THE  
EIGHTH PROVINCIAL PARLIAMENT.  
1865.

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VOLUME XXIV.

# JOURNALS

## OF THE

# LEGISLATIVE COUNCIL.

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**THURSDAY**, the Nineteenth day of the month of January, in the Twenty-eighth year of the Reign of Our Sovereign Lady *Victoria*, by the Grace of God, of the United Kingdom of *Great Britain and Ireland*, Queen, Defender of the Faith, being the Third Session of the Eighth Provincial Parliament of *Canada*, as continued by several Prorogations to this day:

The Members in attendance in the Building prepared for the accommodation of the Legislative Council, in the City of *Quebec*, were:—

The Honorable **ULRIC JOSEPH TESSIER**, Speaker.

The Honorable Messieurs

<i>Alexander,</i>	<i>Burnham,</i>	<i>Matheson,</i>	<i>Ross,</i>
<i>Allan,</i>	<i>Campbell,</i>	<i>Mills,</i>	<i>Ryan,</i>
<i>Belleau, Sir N. F.</i>	<i>Foster,</i>	<i>Olivier,</i>	<i>Seymour,</i>
<i>Bennett,</i>	<i>Hamilton (Kingston),</i>	<i>Panet,</i>	<i>Shaw,</i>
<i>Blake,</i>	<i>Leslie,</i>	<i>Perry,</i>	<i>Taché, Sir E. P.,</i>
<i>Bossé,</i>	<i>Letellier de St. Just,</i>	<i>Prud'homme,</i>	<i>Vidal.</i>
<i>Boulton,</i>			

His Excellency the Right Honorable **CHARLES STANLEY**, Viscount **MONCK**, Baron **MONCK** of *Ballytramon*, in the County of *Wexford*, Governor General of *British North America*, and Captain General and Governor-in-Chief in and over the Provinces of *Canada, Nova Scotia, New Brunswick*, and the Island of *Prince Edward*, and Vice-Admiral of the same, &c., &c., &c., being seated in the Chair on the Throne, the Honorable the Speaker commanded the Gentlemen Usher of the Black Rod to let the Assembly know "It is His Excellency's pleasure they attend him immediately in this House;"

Who being come with their Speaker, His Excellency the Governor General was pleased to open the Session by a gracious Speech to both Houses:

*Honorable Gentlemen of the Legislative Council :*  
*Gentlemen of the Legislative Assembly :*

In calling you together to resume the performance of your constitutional duties, I desire to express my thankfulness to a beneficent Providence that I am enabled to congratulate you on the general prosperity and contentment of the people of this Province, and the continuance to us of the inestimable blessing of peace.

Outrages have been committed on the commerce and territory of the *United States of America* by persons who, after the perpetration of these acts, have sought refuge on Canadian soil.

In order to prevent the organization of any such enterprises within this Province, and also to enable me to discharge in an effective manner my duties towards a neighbouring power on terms of friendship with Her Majesty, I have seen fit to organize a system of detective Police on the frontier line of the *United States*, and with the same design I have called out for permanent duty a portion of the Volunteer Force of the Province.

Similar considerations have suggested the propriety of arming the Executive Government with stronger powers than it now possesses for dealing with persons, who, while availing themselves of the right of asylum which has always been allowed on British soil to political refugees from all foreign countries, may be unmindful of the implied obligations which, by their residence amongst us, they contract to obey our laws and to respect the declared policy of our Sovereign.

A Bill framed for this purpose will be laid before you, and I ask for it your early consideration.

I am happy to be able to inform you of the zeal and alacrity displayed by the members of the Volunteer Force when called upon to turn out for active service.

Their conduct shows that the present population of *Canada* has not degenerated from the manly virtues which characterise the races from which it derives its origin, and that it may be relied on, under all circumstances, to respond to the call of duty, either for the maintenance of internal order, or to repel foreign aggression.

The Commissioners appointed under the provisions of the second chapter of the Consolidated Statutes for *Lower Canada* to frame a Civil Code, and also a Code of Civil Procedure for *Lower Canada*, have completed the former part of their duty; the results of their labours shall be laid before you, and I am informed that the Code of Civil Procedure is in a very advanced state.

The completion of the Codification of the Civil Law, in both French and English, cannot fail to be of great benefit to the inhabitants of *Lower Canada*, by enabling the people of all origins to read, in their own languages, the Civil Law under which they live, and which hitherto has only been accessible in a language which is not the mother tongue of a portion of the people whose civil rights are regulated by it.

#### *Gentlemen of the Legislative Assembly :*

The expenditure rendered necessary by calling out the Volunteers for active service, and which was unforeseen when the Estimates of the current year were agreed to, will necessitate a supplementary vote for that service.

I have desired that an estimate for this purpose shall be laid before you.

I am happy to be in a position to inform you that the financial legislation of last Session has been attended with beneficial results.

The Revenue has largely increased, and there has been a contemporaneous extension of the trade of the Province.

I have directed the Estimates for the next financial year to be laid before you, and you will find that they have been framed with a due attention to economy combined with efficiency.

#### *Honorable Gentlemen and Gentlemen :*

At the close of the last session of Parliament I informed you that it was my intention, in conjunction with my Ministers, to prepare and submit to you a measure for the solution of the constitutional problem, the discussion of which has for some years agitated this Province.

A careful consideration of the general position of *British North America* induced the conviction that the circumstances of the times afforded the opportunity not merely for the settlement of a question of Provincial politics, but also for the simultaneous creation of a new Nationality.

Preliminary negotiations were opened by me with the Lieutenant Governors of the other Provinces of *British North America*, and the result was that a meeting was held at *Quebec*, in the month of October last, composed of delegates from those Colonies, representing all shades of political party in their several communities, nominated by the Lieu-

tenant Governors of their respective Provinces, who assembled here, with the sanction of the Crown and at my invitation, to confer with the members of the Canadian Ministry on the possibility of effecting a Union of all the Provinces of *British North America*.

This Conference, after lengthened deliberations, arrived at the conclusion that a Federal Union of these Provinces was feasible and desirable, and the result of its labors is a plan of Constitution for the proposed Union, embodied in a series of resolutions, which, with other papers relating to the subject, I have directed to be laid before you.

The general design of a Union, and the particular plan by which it is proposed to carry that intention into effect, have both received the cordial approbation of the Imperial Government.

An Imperial Act of Parliament will be necessary in order to give effect to the contemplated Union of the Colonies, and I have been officially informed by the Secretary of State that Her Majesty's Ministers will be prepared to introduce a Bill for that purpose into the Imperial Parliament, so soon as they shall have been notified that the proposal has received the sanction of the Legislatures representing the several Provinces affected by it.

In commending to your attention this subject, the importance of which to yourselves and to your descendants it is impossible to exaggerate, I would claim for it your calm, earnest, and impartial consideration.

With the public men of *British North America* it now rests to decide whether the vast tract of country which they inhabit shall be consolidated into a State, combining within its area all the elements of national greatness, providing for the security of its component parts and contributing to the strength and stability of the Empire; or whether the several Provinces of which it is constituted shall remain in their present fragmentary and isolated condition, comparatively powerless for mutual aid, and incapable of undertaking their proper share of Imperial responsibility.

In the discussion of an issue of such moment, I fervently pray that your minds may be guided to conclusions which shall redound to the honour of our Sovereign, to the welfare of Her subjects, and to your own reputation as Patriots and Statesmen.

His Excellency the Governor General was pleased to retire, and the Legislative Assembly withdrew.

#### PRAYERS.

The Honorable the Speaker acquainted the House that Returns had been received from the Clerk of the Crown in Chancery.

The said Returns were then read by the Clerk, and are as follow :

PROVINCE OF CANADA, }  
TO WIT :

This is to certify that in virtue of a Writ of Election, dated the thirtieth day of August last past, issued by His Excellency the Governor General, and addressed to the Sheriff of the District of *Quebec* (*William Smith Sewell*, Esquire), *ex officio* Returning Officer for the Electoral Division of *Stadacona*, for the Election of a Member to represent the said Electoral Division in the Legislative Council of this Province, in the room and place of the late Honorable *Francois Baby, Jean Elie Gingras*, Esquire, has been returned as duly elected accordingly, as appears by the Return of the said Writ of Election, dated the nineteenth day of September instant, which is now lodged of record in my office.

OFFICE OF THE CLERK OF THE CROWN IN CHANCERY,  
*Quebec*, 20th September, 1864.

L. R. FORTIER,  
Clerk of the Crown in Chancery.

To *John F. Taylor*, Esquire,  
Clerk, Legislative Council,  
*Quebec*.