

L E T T E R,

&c.

LETTER

FROM

J. L. PAPINEAU AND J. NEILSON, Esqs.,

ADDRESSED TO

HIS MAJESTY'S UNDER SECRETARY
OF STATE

ON THE SUBJECT OF

THE PROPOSED UNION

OF THE PROVINCES OF

UPPER AND LOWER CANADA.

LONDON

PRINTED BY W. CLOWES, NORTHUMBERLAND-COURT.

MDCCCXXIV.

LONDON,
PRINTED BY WILLIAM CLOWES,
Northumberland-court.

LETTER.

London, May 10, 1823.

SIR,

WE have now the honour, conformably to your desire, to submit for your consideration our observations on the proposed measure of uniting the Legislatures of the Provinces of Upper and Lower Canada; and on the clauses of the Bill for that purpose, as amended by a Committee of the Honourable the House of Commons, and printed by order of that House on the 31st of July last.

For the facility of reference we have annexed to these observations a copy of the Bill, as reprinted in the French and English languages in Lower Canada, and circulated throughout that province, previous to the subscribing the petitions against it.

Before entering into the subject, we have to

apologize to you for the delay which has occurred, and for not transmitting these observations till after your reiterated recommendation to that effect.

His Majesty's Government having, at the last session of Parliament, consented to postpone the proposed measure for a time, sufficient to enable His Majesty's subjects in the Canadas to make known their sentiments thereupon; and these, together with the heads of their objections to this measure, being expressed in the following documents, now in the possession of His Majesty's Government, *viz.*,

1. The Petition of the Inhabitants of Lower Canada.

2. The Petition of the House of Assembly of Lower Canada.

3. The Petition of the Legislative Council of Lower Canada.

We flattered ourselves that it would not be necessary to trouble His Majesty's Government with our observations on a measure, which nine-tenths of the inhabitants, and all the Constitutional Authorities of the Colony to which we belong, so earnestly pray His Majesty to avert, "as fraught with so much evil." Copies of the aforementioned documents are annexed in an Appendix under the letter A.

We have also the honour to inform you, that we have been intrusted with Petitions against

the said measure from three entire districts of Upper Canada, *viz.*,

The Home District,
The District of Newcastle,
The London District,

And also ten other Petitions from Counties situated in almost every other District of the said Province ; subscribed in the whole by eight thousand and ninety-seven persons, chiefly freeholders and qualified voters.

We also beg leave to observe that, although the Legislature of Upper Canada has been moved to give its approbation to the said measure, it has refused so to do ; referring to the Petitions of the People, the majority of which are decidedly against the proposed Union. Copies of five of these Petitions, *viz.*,

The Home District,
The County of Kent, in the Western District,
The County of Wentworth, in the District of Gore, and
The Counties of Stormont and Glengarry, in the Eastern District,

Together with the Resolutions of the Assembly and Legislative Council of that Province, are annexed under the letter B.

From these documents it will appear that no Bill introduced in Parliament relating to the Colonies ever met with a more general opposi-

tion, on the part of those immediately concerned in its enactments, than the present. The population of Lower Canada is estimated at 500,000; that of Upper Canada at 120,000. The number of men from sixteen to sixty, in both Provinces, is about 100,000; and of these about 70,000 have actually petitioned against the measure in any shape. If a few individuals have petitioned in its favour, it must be recollected, that no person in either colony ever publicly proposed or supported such a measure, or even perceived the evils which they now pretend to exist, and render this measure necessary, till such time as they had notice of the present Bill being before Parliament. If it has received any countenance from unprejudiced and disinterested persons, permanently connected with the Colonies, it is more owing to its being supposed a Government measure, than from their opinion of its merits. The examination of the signatures to the Petitions of both Provinces will show, that the opposition to the measure is not confined to any one description of subjects, but that it extends to all; and we have the honour to assure you, from our own knowledge and certain information, that by far the greater portion of these Petitioners are independent proprietors of the soil, and that they amount to a great majority of the Electors duly qualified by law in the two Provinces,

Every person in the Canadas readily acknow

ledges, that it is essential to the connexion and welfare of the British Dominions, that the supreme Legislative Authority should exist at the seat of empire, subject to the restrictions which it has itself imposed; the inhabitants of Lower Canada have supported this authority when every other British Colony in North America was in successful rebellion against it. The distance at which the Colonies are placed deprives them of all direct participation in the representative branch of the supreme Legislature, and the differences between the state of property, of society, and local circumstances, in Great Britain and the Colonies, render it very difficult for a Legislature, solely constituted in the Mother Country three thousand miles distant, to legislate for the internal affairs of the Colonies with advantage. In cases where changes of their established constitutions are contemplated, it surely cannot be expedient to proceed against the almost unanimous and humble Petitions of all ranks and descriptions of men in an avowedly loyal colony.

But in such a case it would at least be necessary for those who propose such changes, to show to the Government and Parliament some very strong grounds for interference, founded on actual evils resulting from the existing Constitutions; instead of alleging contemplated advantages, which woeful experience has proved to be seldom realized. It ought, it is presumed, never to be

forgotten that the security of the person and property of the subject depends on the established Constitution of a country, and that the very existence of ideas of sudden and important constitutional changes, particularly without the participation, consent, or even knowledge, of those who are to be chiefly affected thereby, is destructive of their quiet and of the general welfare.

The measure proposed by the Bill is nothing less than the annihilation of two local incorporations, established by Act of Parliament, with authority to make by-laws within the limits assigned to them; for the purpose of forming one similar incorporation, the sphere of whose legislation is to extend throughout the whole limits, at present assigned to the two, while for every other purpose of Government the former limits and distinct interests are to remain.

It is obvious that it is essential to the utility of local and subordinate Legislatures, that their limits be not too extensive; the necessity of their establishment, indeed, arises solely from the local circumstances and wants of the place for which they are constituted. Local knowledge is an indispensable qualification of the members of such bodies. The Aldermen and Common Councilmen of London, it is presumed, would form but a very indifferent local Legislature for Dublin, and *vice versá*; the members of the two corpora-

tions, consolidated into one, sometimes assembled in London, sometimes in Dublin, or at any intermediate place, could hardly be expected to do any thing but mischief in their legislative capacity; unless, indeed, they should agree to render their new Act of Incorporation nugatory, by legislating separately for their respective localities.

The settled parts of Upper Canada and Lower Canada, from Chaleurs Bay and Gaspé, to Soult St. Marie, situated between Lakes Superior and Huron, already extend from north-east to south-west upwards of fifteen hundred miles; throughout which the communications are partly by land, partly by water; in boats or upon the ice; on the ground or on the snow, according to the seasons, the time of the commencement of which varies between the two extremes fully four months in the year. The communication between Lower Canada and the London and western districts of Upper Canada, is in fact more difficult and uncertain at some seasons, than between Montreal and London.

The Members of the Assemblies generally in the Colonies, can derive no individual advantage from their trust. It is an onerous public duty; and it is well known that there is scarcely an individual to be found in any of the North American Colonies, who is not forced to engage in some industrious pursuit for the support of himself

and his family; the Members of the Legislature can, therefore, only attend to their legislative duties, in the winter season, when they have some relaxation from their private occupations. In Upper Canada the winter sets in, and the winter travelling is practicable, a month and a half later than in Lower Canada; and there is the same difference in the commencement of the spring or summer. At the time of the falling of the first snows, and the freezing of the rivers in the autumn, and the melting of the snows and breaking up of the ice in the spring, there is in both Provinces a period of near a month when travelling is nearly impracticable. The difference of the seasons, the distance, the difficulties, dangers, and expenses of travelling to the site of the joint Legislature, at the only season when the people or their representatives can attend to their public concerns, would be such as to leave them only a mockery of that system of government which has hitherto prevailed in the British Colonies; which was solemnly promised to British subjects settling in Canada by His Majesty's Proclamation of the 7th October, 1763; and which they have hitherto thought was inviolably guaranteed to them by a solemn act of the British Parliament. Their situation would be the more severely felt, as amidst their sufferings under the evils resulting from such a state of things, they could not fail to observe on their southern fron-

tier, the United States of America, divided in the same extent, into no less than seven states and territories, for the facility of the local legislation and government.

It is not, however, on account of the distance and difference of climate and seasons, that the proposed measure would be destructive of the rights and interests of the subject in the Canadas. It is well known that the laws which regulate property and civil rights, the customs, manners, religion, and even prejudices prevailing in the two Provinces, are essentially different. The inhabitants of each are strongly attached to all these, and enjoy them under the most solemn guarantees on the part of Great Britain: their respective codes of law could hardly be amalgamated by the wisest, most unprejudiced and enlightened Legislator, without endangering the security of the property which has been acquired under them. Every new law, every amendment of the old, has reference to the existing laws; and would be met as they bore upon either with suspicion and prejudice even in the Legislature, and be decided upon by at least one part of the members, without sufficient knowledge. The members of the two Provinces would in the end probably be compelled to legislate separately, on nearly all matters relating to their respective Provinces. The government and interests of the two Provinces remaining separate, and the colo-

nial expenditure being chiefly for local purposes, it is not likely that the votes of the members of the joint Legislature, whether in levying or appropriating the supplies, would always be governed by fairness or justice, the population of the two Provinces have unfortunately, in these matters, opposite interests. The inhabitants of Upper Canada, from their distance from the sea, and the want of an external market for their agricultural produce, have, in a great measure, ceased to be consumers of the description of goods upon which duties are raised at the port of Quebec: for rum, they have substituted whiskey of their own manufacture; for salt by the St. Lawrence, salt from the United States or from their own salt-works; for teas from England, teas from the United States; and the settlements in Upper Canada, being separated from the American territory only by a navigable river and lakes, smuggling cannot be sufficiently checked. Upper Canada has, therefore, an interest in continuing to raise the supplies upon such articles as are still consumed in Lower Canada, and it is natural that each should wish to have as large a proportion of them appropriated to its own local uses, as can be procured. The distribution of a colonial revenue for local objects, within a very limited extent of territory, is always difficult in a colonial legislature: between two distinct provinces, differing in almost every thing, excepting their com-

mon quality of British subjects, justice in this distribution could hardly be expected.

These, Sir, are general objections to the measure proposed. We shall now proceed to consider the enactments, which are intended to give effect to that measure, referring to the copy of the Bill which is annexed.

Clauses 1, 2, 3, 4, 5, and 6.

To the two first our general observations apply. We shall merely remark that the Bill by permitting the Provinces to remain separate as to government and limits, as divided by Act 31 Geo. III., there can be no diminution of the necessary expenses of the Government; the real expenses would be increased by the additional cost of travelling and correspondence, and the expenses of transmitting laws, documents, evidence, &c. The duties of the local Executives and of the Departments in England corresponding with them, could not be diminished by a mere legislative union.

If local circumstances and institutions permitted a complete re-union of the Provinces, it could only be rendered useful by the seats in the Legislative Council and in the Assembly becoming vacant, and by appointing Legislative Councillors, who would generally attend in their places, who would not be composed almost exclusively of executive Officers, and particularly of the Judges, whose

duties, as such, are sufficient in Canada to occupy the whole of their time ; by these means the composition of the Legislative Council might be made more corresponding with that of the House of Lords in England, and it would thus be more likely to be on a footing of better understanding with the Elective Body. The continuing the Members of the Assembly for one year beyond the time for which they were elected by the people, must be an error : for it is not to be supposed, that it was intended to constitute the Representatives of the people of Canada by an Act of the Imperial Parliament of the United Kingdom.

Clauses 7, 8, 9, 10, 11, and 12.

These clauses provide for the representation of the people in the proposed Legislature of the Canadas.

When the existing constitution of these Provinces was established by the Act 31 Geo. III. cap. 31., Fifty Members of Assembly were allowed to Lower Canada, and fifteen to Upper Canada. The former then contained about 200,000 souls ; the latter about 25,000, or one-eighth of the former. This was also the proportion of duties which the first agreement between the two Provinces allowed to Upper Canada. The representation of Upper Canada was then double that of the lower Province, in proportion

to its population ; by the operation of the Upper Canada Act, 60 Geo. III., which is confirmed by the 7th clause, the representation of that Province has been increased to Forty, while that of Lower Canada has remained at Fifty, and every attempt to increase it, has been frustrated in the Lower Province. By the operation of the same Upper Canada Act, continued by the said clause, a regular increase of the representation of that Province, proportionate to the population, is provided for, which would soon carry it to an amount equal to that of Lower Canada, unless the Governor chooses to increase the latter to 60 ; and even with that increase, the representation of Upper Canada would soon be equal to that of Lower Canada, and it is provided by the 9th Clause, that the number of Representatives shall not be altered, should a minority of one-third of the Members present refuse their assent at either the second or third reading of the Bill.

At the time of the Union between Scotland and England, or Great Britain and Ireland, had the population of England been told that Scotland or Ireland, or both together, were to have a number of Members in the House of Commons equal to that of England, and with such a restriction, it is probable that an alarm fully as great as that which this Bill has excited in Lower Canada, would have prevailed in England.

The present population of Upper Canada has

been admitted on the part of Upper Canada, and by the late Canada Trade Act, to be only one fifth of that of Lower Canada ; the proportion which the number of qualified Electors in each Province bears to the whole population is about the same ; almost every father of a family in both Provinces being a freeholder ; and the relative wealth in each Province, compared with the population, is in favour of Lower Canada. By the scheme of this Bill, a distinct Province, in reality possessed of distinct interests, of only one-fifth the population of the other (certainly only one-fifth of the qualified Electors,) and of less than one-fifth of the wealth, is to have an equal power in levying the taxes, and in appropriating the proceeds to the local expenditures. This is what appears on the face of the Bill, and by the Canada Trade Act passed last Session. But, in reality, the situation of Lower Canada, under this Bill, would be worse than appears even by these documents. The ten Members, which the Governor is empowered by the 8th clause to add to the representation of Lower Canada, may, or may not, be added at his pleasure ; if he does so add them, it seems to be intended that they should be given exclusively to the townships erected in continuation of the American settlements in Lower Canada along the frontiers of the United States. These settlements still continue, in part, to be separated by a

wilderness, from the old settlements in Lower Canada along the St. Lawrence : they have very little intercourse or community of interest with the body of His Majesty's subjects in Lower Canada ; as is the case in Upper Canada, their supplies of articles, of the nature of those which are dutiable on importation at Quebec, are either manufactured in these townships, or brought across the American line ; their interests and feelings correspond more with the population of Upper Canada, than with that of the Lower Province. Thus, if ten Members were given to these townships, and as it only requires that there should be six Townships to form a County, whatever may be the population to give one Member in that quarter of the Province, the representation of the two Provinces might, in reality, be considered as about equal immediately. A few votes would put it into the power of the Representation of Upper Canada to impose all new duties, so that they would fall almost exclusively on Lower Canada ; or to dispose of the proceeds of all duties, to the exclusive advantage of Upper Canada and the aforementioned Townships. It is probable, indeed, that the spirit of liberality and justice, which, it is well known, distinguishes the majority of the people of Upper Canada, and the common feeling which prevails between them and Lower Canada, in opposition to this Bill, would find means of preventing the

excess of injustice which might result from its provisions; but the possibility of such a result, can never justify such an enactment.

It is not, however, in respect to their property only that the inhabitants of Lower Canada have reason to be alarmed by the enactment of these clauses. By the capitulations of Canada; by the Treaty of Cession in 1763; by the acts of the 14th and 31st of Geo. III.; the inhabitants of Lower Canada became entitled to property, civil laws, religious liberties and rights, in many respects different from, and in some instances at variance with, those that have prevailed or do prevail in the other British Colonies. The existing constitution ensures them the full enjoyment of all these, without alteration, unless the majority of the qualified electors throughout the Province should consent to change them, by Representatives chosen by themselves. The proposed Bill, by calling into the Legislature the representatives of a country accustomed to a different order of things, perhaps, prejudiced against that which prevails in Lower Canada, and by giving to that population, consisting of a fourth or fifth of their numbers, property and qualified Electors, a majority, or at least an equality of votes, in the only branch of the Colonial Legislature, in which the people of Lower Canada have a direct share, puts all the property, laws, and peculiar privileges of the nature aforementioned, to great

hazard: for although restrictions, in certain cases, are imposed upon the infringement of these guaranteed rights, they are not all protected in the same way. They would find it very difficult to vindicate those peculiar privileges, if they were once invaded by an Act of the Colonial Legislature; their property and their persons might for a time be at the disposal of a prejudiced or self-interested minority of the population, having the power of a majority of the representative Assembly, and the support of the whole Legislative, Executive, and Judiciary Authority.

Clauses 13, 14, 15.

These are chiefly remarkable for the qualification, to the value of 500*l.* sterling in real estate, required of the Members of the Assembly, none being necessary by the existing constitutional act. This qualification has been objected to, both by the petitioners for and against the bill, in Upper Canada, as too high. In Lower Canada, where no qualification in property ever existed, it has not been mentioned in the petitions against the bill: in truth, there has hardly ever been a Member in the Assembly of Lower Canada who was not much more than qualified, according to these clauses. The Members having no pay, and disbursing upon an average from 30*l.* to 50*l.* each Session, generally without the most distant pro-

spect of any private advantage, no person who is not possessed of much more than 500*l.* real estate would accept of the situation ; or if he were so disposed would find electors to appoint him. The clause, if it does not convey an unjust censure on the electors, is indifferent ; such details ought however, as in the 31st Geo. III. to be left to the Colonial Legislature.

Clause 16.

This clause authorizing the Governor to appoint executive councillors to sit and debate, but not vote in the Assembly, has excited much reclamation from all parties in Upper Canada. In Lower Canada it has been considered only as a singular deviation from the principles and practice of the British Constitution, and as conveying a very unjust opinion of the people, or a censure upon the Colonial Government and its officers. There is nothing to prevent executive councillors from being elected into the Assembly of either province, unless that the measures of the Colonial Administration, or the conduct of its officers, should be such, as to render them peculiarly obnoxious to the Electors.

Clause 17 & 18.

Some have contended that the seat of the Le-

gislature should be fixed, and that the *due and sufficient notice* should be better defined. The Governor, seeing the extent of the provinces, and difficulty of travelling, might certainly abuse this prerogative which is allowed him conformably to the practice in England, by assembling the Legislature where few of the Members could attend ; but it is not the abuse of power in acts emanating immediately from the Governor that is the most to be apprehended in the Colonies. The 18th clause prolonging the duration of Parliament for one year more than at present established by law, has been reprobated by all parties as a violation of the existing Constitution of the Canadas, and an attempt upon the established liberties of the people.

Clause 19, 20, 21 & 22.

These clauses seem to be altogether of form, and conformable to the present Constitution.

Clause 23.

This clause is a direct attempt to destroy one of the most essential privileges claimed and exercised by every Colonial Assembly, and constantly allowed by the Crown. The power of imprisonment for contempt has ever been held by these bodies, as well as by the Courts and Magistrates,

as indispensable to the exercise of their functions, and cannot become the subject of Legislative enactments, among co-ordinate bodies, as provided by this clause.

Clauses 24 & 25.

These two clauses have excited much animadversion in Lower Canada. Two languages in common use, is an incumbrance; in many instances it is unavoidable; it was so in England after the Norman Conquest; and the ill-advised measure of those barbarous times proscribing the Saxon tongue met with the fate which it deserved; the language of the majority among a people having intercourse with each other always prevails. The English language will unavoidably become the prevailing language of North America, with or without positive enactments. There are probably not ten Members of the present House of Assembly of Lower Canada, who do not understand English; several of them speak English fluently; there is no person of any wealth or station in the Colony who does not cause his children to learn English. It is thus people vary with time, and yield to circumstances; but the language of a mother, of a father, of family and friends, and early associations, is dear to every one; and this unnecessary interference with the language of the people

of Canada, has been severely felt in a country in which that language unquestionably was mainly instrumental in preserving the Colony to Great Britain at the period of the American rebellion.

The 25th clause, when taken in connexion with the preceding one, has perhaps been misunderstood. It has been considered as a covert attack on the liberties which the Roman Catholic's have hitherto enjoyed under the British Government in Canada; and which are secured to them by the capitulations, the Treaty of Cessions, Acts of Parliament, and the liberal practice of the British Government. The Roman Catholic Church in Canada has at its head a Bishop, approved of by the Crown, previous to his canonical institution by the Pope; the state is thus secured against the danger, could any possibility exist in the present age, which might be apprehended from an improper person being placed at the head of that Church in the Colony. With no further control the Government has, in every instance, found the Roman Catholic Clergy devoted to the connexion of the Province with the British Empire, and exercising all their influence to maintain that connexion. The Bishop and all his predecessors have uniformly appointed to, and removed from, the Cures. The King of France, by an order in Council, dated the 27th of May, 1699, declared the Bishops of Quebec to be pos-

sessed of this right, emphatically, stating it to be their *natural right*. The general rule, says Blackstone, is ;—

“ That it is the business of a Bishop to institute and direct induction to all ecclesiastical livings in his diocese.”

“ *Il faut toujours observer comme une règle constante, que l'Evêque est le collateur ordinaire de tous les bénéfices de son diocèse, à moins qu'on établisse le contraire, ou par des titres précis, ou par une possession constante, qui fait présumer ce titre.*”—D'Heri-court Loix Ecclesiastiques, 2 Part, Ch. 5.

By the present clause it would seem, that what has existed and been enjoyed in Canada to the present day, is no longer to be held valid ; but that instead of leaving, as before, the collation to the benefices to the Ordinary, the consent of the Governor in writing must be first obtained. The inference is, that the Curates appointed by the concurrent authority of the Governor and Bishop, could no longer be removable by the separate authority of the latter, as has been hitherto practised ; thus taking away the control which the Bishop (himself approved and paid by the Crown) has over his Clergy. Such a proceeding, so contrary to what has existed in the Colony from the commencement, could hardly fail to bring disorders into the discipline of the Roman Catholic Church in Canada, and in the case of a difference of opinion between the Governor and

the Bishop, it might have the effect of enabling a Roman Catholic Curate to recover tithes from his Roman Catholic parishioners, after, on their complaint, he had been interdicted by the Bishop, and no longer in a condition to perform for them those religious services for which the tithe is the consideration. A clause supposed to have such a tendency could hardly fail to excite alarm in Canada; and if ever it were to be acted upon, it would unavoidably give rise to those unhappy feelings between Catholic and Protestant, which have tormented other countries, and from which Canada has been so fortunately exempt under the beneficent and enlightened Government of His Majesty. If the practice hitherto peaceably and beneficially exercised by the Roman Catholic Bishop under His Majesty's Government were pretended to be unfounded in law, it is by the decisions of Courts of Justice that such pretensions ought to be established, and not by parliamentary interference.

Clauses 26, 27, 28.

Only the last of these clauses requires any remark. The provision which it contains for continuing the salaries of the officers of the Legislatures, to be paid no doubt out of the colonial funds, although it may be just in regard to these officers, ought to have been left to the Colonial Legislature. It has the appearance of an appropriation by the

Parliament of the United Kingdom, of monies raised on the subject in the Colonies, contrary to the Declaratory Act 18 George III., confirmed by the existing Constitution of the Canadas; and it is because the aforementioned declaration is considered as the palladium of the security of the property of the subject in the Colonies, and of all his other rights, that reclamations against this Clause have been made by all parties.

The general objections to the measure, as stated by us, may be reduced to the following heads, *viz.*,

1st. The satisfaction of both Provinces with the existing Constitution, as incontestibly proved by the absence of all public complaints against it, or alleged evils resulting therefrom, previous to the arrival of the intelligence in the Colonies of the introduction of the present Bill into Parliament.

2nd. The non-existence of any evils actually proved to result from the established Constitution.

3rd. The general inexpediency of changes in established Constitutions, particularly when the Legislature must unavoidably be unacquainted with the local circumstances of the countries which these changes are to effect.

4th. The expressed repugnance of the inhabitants of both Provinces of Canada to the proposed measure.

5th. The impracticability of obtaining the ends of the establishment of a subordinate and local

Legislature, throughout so great an extent of new country, with such varieties of climate, wants, and circumstances,

6th. The differences of the long-established Codes of Law, Local Regulations, and Customs, in the two Provinces, and the opposition of their local interests.

The enacting Clauses of the Bill, according to our view of them, are liable to the following objections:

1st. They do not tend to diminish the expenses of the Colonies, remedy abuses, or render their Government less complicated and difficult.

2nd. They endanger or destroy the just right which His Majesty's subjects in Lower Canada enjoy by the existing Constitution, of not being taxed, or not having the proceeds of the taxes levied on them, disposed of, without their consent through their own Representatives.

3rd. They endanger the right which they now enjoy, and which is guaranteed to them in the most solemn manner, of preserving their existing laws and institutions, unless they consent by their Representatives to alterations.

4th. They impose unnecessary qualifications on persons who may be elected to serve in the Assemblies, and lengthen the duration of the Colonial Legislatures beyond the terms now established by law.

5th. They introduce, among the Representa-

tives of the people, independently of the votes of the Electors, executive officers, contrary to all precedent within the British dominions.

6th. They destroy an acknowledged privilege of all the Colonial Assemblies, without which they could have no existence, independent of the other authorities.

7th. They proscribe the language of the great majority of the people in the Assembly of their own Representatives, and question a privilege connected with religion, uninterruptedly, peaceably, and usefully, exercised under His Majesty's Government for more than half a century.

8th. They finally countenance an appropriation of the money levied on the subjects in the Colonies, without the consent of their Local Representatives.

On referring to the debates during the progress of this Bill and the Canada Trade Act in the House of Commons, we find no motives alleged for the introduction of the present Bill, after the passing of the latter, which contains the arrangements relating to the misunderstandings which had subsisted between the Upper and the Lower Province. The existence of the present Constitutions of the two Provinces for nearly thirty years without any misunderstanding with regard to trade and revenue, is the best proof that these differences were not a *necessary* consequence of the division of the late Province of Quebec. It

is neither necessary nor practicable that the inhabitants of countries lying on the same extensive rivers, forming their natural outlet to the sea, should be under the same Government. Europe shews many countries so situated, even under independent Governments, where a good understanding on matters of trade and revenue has never been interrupted. The United States of America exhibit a great number of Local Governments, having no communication with the sea but through other states. If it were indispensable that countries on the waters of the same river should be under one Local Legislature, the United States of America would have the best possible argument for uniting the Canadas to these states, which have now on the waters of the St. Lawrence a greater population than that of all British America. The present Constitution of the Canadas has, however, provided for the settlement of any differences which accidentally might arise between the two Provinces respecting trade or revenue. It is perhaps to be regretted by both Provinces, that the recent complaints of Upper Canada were not laid before the Legislature of Lower Canada, and that the latter Province had not, as well as the Upper Province, a Commissioner in England to support its interests, before any decision was had on these complaints. The decision is, however, made, and the law is now in operation; and we

have not as yet heard of any representation from the Constitutional Authorities of either Province on this subject. The whole matter relating to revenue between the two Provinces now lies between the Colonial Executives and His Majesty's Government in England; and it must, at least, be a matter of mutual congratulation to the inhabitants of both Provinces, that it is in the hands of those who can have no interest in an unfair division of the proceeds of the taxes, and that a potent engine for exciting misunderstanding among those whose dearest interests lie in friendly union, no longer exists.

We have heard, indeed, in the Colonies, motives alleged for changes in the Constitution of Lower Canada; but as they bear the character of party, of prejudice, and even hatred, of the inhabitants of that Province, they never can be supposed to influence the British Government. There appeals have been made to the right of conquest against people who have been for two generations native born British subjects; foreign attachments and feelings have been ascribed to those, who have twice voluntarily hazarded their lives and fortunes to preserve their allegiance to the British Crown. No calumny, no misrepresentation, has been spared against those who have uniformly walked in the path of honour and of duty, and who, if they were unfortunately torn from that allegiance, which connects them with

the British Empire, could not fail to perceive, that as natives and inhabitants of North America, they would partake in its fortunes.

We very much regret that we should have trespassed so much upon your indulgence by the length of this letter. We entered into the subject with reluctance ; but having done so, it became our duty to comply with your recommendation of expressing ourselves fully and freely.

We have no doubt but that His Majesty's Government will give the fullest consideration to a subject of so much moment to the interest, quiet, and future well-being of more than a million of natural born British subjects, inhabiting the North American Colonies. It does not become us to weigh and speak of the interests of this great and glorious Empire. It has hitherto been the happiness of Canada to find in her own case, that, amongst those interests, the most highly prized has always been the established rights and happiness of every portion of His Majesty's subjects.

Should His Majesty's Government at any future period judge it expedient to countenance this Bill, we most respectfully solicit :—

1st. That the Governors of Lower Canada and of Upper Canada be instructed to recommend to their Legislatures respectively, and to sanction a law, whereby a true enumeration of the population of the respective cities, towns, villages, townships, parishes, counties, ridings, and districts of

each Province, may be made upon oath, for the purpose of being transmitted to England, previous to the measure being again proceeded upon.

2nd. That the Governor of Lower Canada be instructed to recommend to the Legislature, and to sanction a law, for appointing a Commissioner or Commissioners to proceed to England, to be heard in support of the existing Constitution of the Province.

We humbly suggest that instructions to the above effect are indispensable to the ends of justice, as Bills for similar purposes have been constantly opposed by the Provincial Advisers of the Crown for several years past.

We have the honour to be,

SIR,

Your very humble
and obedient Servants,

J. L. PAPINEAU.

J. NEILSON.

R. WILMOT, Esq., M. P.,
Under Secretary of State
for the Colonial Department.

BILL

(AS AMENDED BY THE COMMITTEE.)

FOR

UNITING THE LEGISLATURES OF THE PROVINCES

OF

LOWER AND UPPER CANADA.

WHEREAS in the present situation of Preamble.
the Provinces of *Lower* and *Upper Ca-*
nada, as such with relation to *Great Bri-*
tain as to each other, a joint Legislature
for both the said Provinces would be
more likely to promote their general
security and prosperity than a separate
Legislature for each of the said Pro-
vinces, as at present by law established;
Be it therefore enacted by the King's
most Excellent Majesty, by and with
the advice and consent of the Lords
Spiritual and Temporal, and Commons,
in this present Parliament assembled,
and by the authority of the same, That So much of
so much of an Act passed in the thirty- 31 Geo. III.
c. 31, as pro-

provides a Legislature for each of the Provinces of Lower and Upper Canada, repealed.

first year of the Reign of His late Majesty King George the third, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of *Quebec* in *North America*,' and to make further provision for the Government of the said Province," as provides for the composing and constituting within each of the said Provinces respectively, a Legislative Council and Assembly, and for the passing of laws by the Legislative Council and Assembly of each Province, shall be and the same is hereby repealed, except in so far as the same or any of the provisions thereof, may by this present Act be continued or applied to the purposes of the joint Legislature, to be constituted in manner hereinafter mentioned: Provided also, that so much of an Act passed in the fourteenth year of the reign of his said late Majesty, intituled, "An Act for making more effectual provision for the Government of the Province of *Quebec* in *North America*," as is repealed by the said Act passed in the thirty-first year afore-

said, shall be deemed and taken to be, and shall remain repealed.

II. And be it further enacted, That from and after the passing of this Act, there shall be within the said two Provinces, and for the same jointly, one Legislative Council and one Assembly, to be composed and constituted in manner hereafter described, and which shall be called "The Legislative Council and Assembly of the *Canadas*;" and that within the said Provinces, or either of them, His Majesty, His Heirs or Successors, shall have power, during the continuance of this Act, by and with the advice and consent of the said Legislative Council and Assembly of the *Canadas*, to make laws for the peace, welfare, and good government of the said Provinces, or either of them, such laws not being repugnant to this Act, nor to such parts of the said Act passed in the thirty-first year aforesaid, as are not hereby repealed; and that all such laws being passed by the said Legislative Council and Assembly, and assented to by His Majesty, His Heirs or Successors, re-assented to in His Majesty's name by the Governor-in-Chief

Henceforth
to be one joint
Legislative
Council, and
one joint As-
sembly for
both Pro-
vinces.

in and over the said Provinces of *Lower* and *Upper Canada*, or in case of the death or absence of such Governor-in-Chief, by the Lieutenant-Governor, of the Province of *Upper Canada*, for the time being, or in case of the death or absence of such Lieutenant-Governor, then by the Lieutenant-Governor of *Lower Canada*, for the time being; or in case there should be no Lieutenant-Governor at such time resident in the Province of *Lower Canada*, then by the person administering the government thereof for the time being, shall be, and the same are hereby declared to be, by virtue of and under the authority of this Act, valid and binding to all intents and purposes whatever within the said two Provinces.

Joint Legis-
lative Council
to consist of
the present
Members of
both Councils.

III. And be it further enacted, That the present Members of the Legislative Councils of *Lower* and *Upper Canada* shall by virtue of this Act, and without any new or other commissions for that purpose, constitute together the Legislative Council of the *Canadas*, which said Members shall take precedence in the joint Legislative Council according to the date of the instruments by which

they were originally summoned to the Legislative Councils of the two Provinces respectively; and that it shall also be lawful for His Majesty, His Heirs or Successors, from time to time, by an instrument under his or their sign manual, to authorize and direct the said Governor-in-Chief, or, in case of his death or absence, such other person, and in such order respectively as is hereinbefore directed, to summon to the said Legislative Council, by an instrument, under a seal to be transmitted by His Majesty to the Governor-in-Chief, or under any other seal which the said Governor-in-Chief shall be by His Majesty directed to use for the purposes of this Act, and which shall be called the Great Seal of the *Canadas*, and shall be applied only to the purposes directed by this Act, such other person or persons as His Majesty, His Heirs or Successors, shall think fit; and that every person who shall be so summoned to the said Legislative Council, shall thereby become a Member thereof.

IV. And it is further enacted, That such persons only shall be summoned to the said Legislative Council, as by the

Other Persons may be summoned.

Such Persons only shall be summoned as directed by 31 G. 3.

said above-mentioned Act, passed in the thirty-first year aforesaid, are directed to be summoned to the Legislative Council of the said two Provinces respectively; and that every Member of the said Legislative Council shall hold his seat for the same term, and with the same rights, titles, honours, ranks, dignities, privileges, and immunities, and subject to the same provisions, conditions, restrictions, limitations, and forfeitures, and to the same mode of proceeding, for hearing and determining by the said Legislative Council all questions which shall arise touching the same, as are in the said Act, passed in the thirty-first year aforesaid, mentioned, and contained, with respect to the Members thereby directed to be summoned to the Legislative Council of the two Provinces respectively.

Governor to
appoint and
remove the
Speaker of the
Legislative
Council.

V. And be it further enacted, That the Governor-in-Chief, or, in case of his death or absence, such other person, and in such order respectively as is hereinbefore directed, shall have power and authority from time to time, by an instrument under the Great Seal of the *Canadas*, to constitute, appoint, and re-

move, the Speaker of the said Legislative Council.

VI. And be it further enacted, That the Members at present composing the Assemblies of the said two Provinces shall, together with such new Members as shall or may be returned for either of the said Provinces respectively, in manner hereinafter mentioned, form and constitute the Assembly of the *Canadas*, and shall be and continue until the first day of July, one thousand eight hundred and twenty-five, unless sooner dissolved; and that in case of a dissolution of the said Assembly, or of vacancies occurring therein, Members shall be returned for the same counties and places, and in the same manner, and in the same numbers, except as hereinafter otherwise provided, as now by law they are returned within the two Provinces respectively.

VII. And whereas an Act was passed by the Provincial Legislature of *Upper Canada*, in the sixtieth year of the reign of his said late Majesty, intituled, “ An Act “ for increasing the Representation of “ the Commons of this Province in the

Joint Assembly to consist of the present Members of both, and to continue until 1 July, 1825, unless sooner dissolved.

Act of Upper Canada, 60 Geo. 3, to continue in force.

“ House of Assembly ;” be it therefore further enacted, that the said Act, and all the provisions therein contained, except as hereinafter otherwise provided, shall remain in full force and effect, and shall be applied to the representation of the said Province of *Upper Canada* in the joint Assembly, in like manner as the same were applicable to the representation thereof in the Assembly of the said Province of *Upper Canada* before this Act was passed.

Governor of
Lower Canada
may erect new
Counties out
of the Town-
ships to be re-
presented in
the Assembly.

VIII. And be it further enacted, That it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the Government of the said Province of *Lower Canada* for the time being, from time to time as he shall judge expedient, from and out of that part of the said Province of *Lower Canada* which has been erected into Townships since the number of representatives for the said Province was settled by Proclamation, to form and erect new Counties, by instrument or instruments under the Great Seal of the said Province, each such new County to consist of not less than six Townships; and that when and so often as any such new

County shall be formed and erected as aforesaid, the Governor, Lieutenant-Governor or person administering the Government of the said Province of *Lower Canada*, shall issue a writ for the election of one Member to serve for the same in the Assembly; and that whenever the said Governor, Lieutenant-Governor, or person administering the Government as aforesaid, shall deem it expedient that any such new County, or any County heretofore erected within the said Province of *Lower Canada*, and at present represented by only one Member, shall be represented by two Members, he shall in like manner issue writs for that purpose: Provided always, that no subdivision of any Counties now erected or to be hereafter erected within either of the said Provinces, except as hereinbefore provided with respect to the said Townships, shall extend or be construed to extend to increase the number of representatives for such Counties: Provided also, that the number of representatives for each Province shall not exceed sixty.

IX. And be it further enacted, That No Act to alter the number of Repre-
no Act by which the number of repre-

sentatives to be passed unless by Two-thirds of both Houses.

sentatives of either Province shall be altered, shall hereafter be passed by His Majesty, by and with the advice and consent of the said Legislative Council and Assembly, unless the same shall have been passed by two-thirds at least of the Members present at the question for the second and third reading of the same in the said Legislative Council and Assembly respectively.

Provisions of 31 G. 3. respecting Elections, to remain in force.

X. And be it further enacted, That all and every the provisions and regulations respecting the appointment and nomination, duties, privileges and liabilities of returning officers for either of the said Provinces respectively, and respecting the eligibility, qualification and disability of persons to sit as Members in the said Assembly, or to vote on the election of such Members, and respecting any oath to be taken by candidates or voters at such elections, and respecting all other proceedings at such elections, and respecting the times and places of holding such elections, as are contained in the said above-mentioned Act, passed in the thirty-first year aforesaid, except in so far as the said provisions and regulations are hereby in any-

wise altered, shall remain and continue in force in both of the said Provinces: and that all and every the provisions and regulations respecting the objects above enumerated, or any of them, which are contained in any Act or Acts of the Provincial Legislatures, which are now in force in either of the said Provinces respectively, shall remain and continue in force within such Province, except as the same are hereby in anywise altered, until otherwise provided for by the joint Legislature.

XI. And be it further enacted, That ^{Governor may summon a new Assembly,} when and so often hereafter as it may be necessary to summon and call together a new Assembly for the said two Provinces, it shall and may be lawful for the said Governor-in-Chief, or in case of his death or absence, then for such other person, and in such order respectively as is hereinbefore directed, by an instrument under the said Great Seal of the *Canadas*, to summon and call together the said Assembly as hereinafter expressed and provided.

XII. And be it further enacted, That ^{And shall issue Writs for the Election of} Writs for the election of Members to

Members, as
directed by
31 Geo. 3.

serve in the said Assembly, shall be issued by the Governor, Lieutenant-Governor, or person administering the government of the Province within which such Members shall be chosen respectively, in the same manner and directed to the same officers, and returnable within the same period, as in and by the said Act made and passed in the thirty-first year aforesaid, is directed and provided.

Qualification
in future to be
real property,
to the value of
500*l.* sterling.

XIII. And be it further enacted, That on the first general election of Members for the said Assembly, which shall take place from and after the passing of this Act, and on all subsequent elections, whether general or for particular places, in cases of vacancy, which shall be holden in either of the said Provinces, no person shall be capable of being elected, who shall not be legally possessed to his own use and benefit, of lands and tenements within one or other of the said Provinces, of the value of Five Hundred Pounds sterling over and above all rents, charges, and incumbrances which may affect the same, such lands and tenements being by him held in freehold, in fief or in roture; and

that every candidate at such election, before he shall be capable of being elected, shall, if required by any other candidate, or by the returning officer, take an Oath in the following form, or to the following effect :

“ I, *A. B.* do swear, that I am legally ^{Oath to that effect.} possessed to my own use
 “ and *bona fide* possessed to my own use
 “ and benefit, of lands and tenements
 “ within the Province of
 “ *Canada*, of the value of
 “ sterling, over and above all
 “ rents, charges, and incumbrances
 “ which may affect the same ; and that
 “ the said lands and tenements are by
 “ me held in freehold, in fief, or in ro-
 “ ture [*as the case may be*]; and that I
 “ have not obtained the same fraudu-
 “ lently, for the purpose of enabling me
 “ to be returned Member to the Assem-
 “ bly of the *Canadas*; and also that I
 “ am otherwise qualified, according to
 “ the provisions of law, to be elected
 “ and returned to serve as a Member
 “ thereof.”

Provided always, that nothing in this Act contained shall be construed to affect any Act now in force in either of the said Provinces respectively, relating

to the qualification (other than as respects property) of any candidate or voter at elections.

Persons swear-
ing falsely
guilty of per-
jury.

XIV. And be it further enacted, That if any person shall knowingly and wilfully take a false oath respecting his qualification, either as candidate or voter at any election as aforesaid, and shall thereof be lawfully convicted, such person shall be liable to the pains and penalties by law inflicted on persons guilty of wilful and corrupt perjury in that Province in which such false oath shall have been taken.

Trials of con-
tested Elec-
tions.

XV. And be it further enacted, That whenever hereafter any question shall arise touching the validity of the election or return of any person in either Province to serve in the Assembly, such question shall be tried in the Joint Assembly, according to the mode of proceeding now established by law in that Province in which the disputed election or return shall have been made, until a uniform course of proceeding shall be duly established for both Provinces.

XVI. And be it further enacted, That

it shall and may be lawful for the said Governor-in-Chief, or in case of his death or absence, than for such other person, and in such order respectively as is hereinbefore directed, if at any time he shall deem it expedient, to summon and authorize, by an instrument under his hand and seal, two Members of the Executive Council of each Province, to sit in every Assembly, with power of debating therein, and with all other powers, privileges and immunities of the Members thereof, except that of voting.

Governor may summon Two Members of the Executive Council of each Province to the Assembly.

XVII. And be it further enacted, That the said Legislative Council and Assembly shall be called together for the first time at some period not later than the first day of September, one thousand eight hundred and twenty-four, and once afterwards in every twelve calendar months, and that the said Governor-in-Chief, or in case of his death or absence, such other person, and in such order respectively as is hereinbefore directed, shall and may convene the first and every other session of the said Legislative Council and Assembly, at such places within either

Joint Legislature to be summoned not later than 1st September, 1824, and once every twelve months afterwards.

Province, and at such times, under the restrictions aforesaid, as he shall judge most conducive to the general convenience, giving due and sufficient notice thereof, and shall have power to prorogue the same from time to time, and to dissolve the same by proclamation or otherwise whenever he shall deem it necessary or expedient.

Every future
Assembly to
continue five
years.

XVIII. And be it further enacted, That every Assembly hereafter to be summoned and chosen, shall continue for five years, from the day of the return of the writs for choosing the same, and no longer; subject nevertheless to be sooner prorogued or dissolved by the said Governor-in-Chief, or in case of his death or absence, by such other person, and in such order respectively as is hereinbefore directed.

Majority of
votes to de-
cide.

XIX. And be it further enacted, That all questions which shall arise in the said Legislative Council or Assembly, except in the cases herein otherwise provided, shall be decided by the majority of voices of such Members as shall be present; and that in all cases where the voices shall be equal, the Speaker of

such Council or Assembly shall have a casting voice.

XX. Provided always, and be it further enacted, That no Member either of the Legislative Council or Assembly shall be permitted to sit or vote therein, until he shall have taken and subscribed the oath prescribed for that purpose by the said Act passed in the thirty-first year aforesaid, before a person duly authorized to administer the same, as in and by the said Act is directed,

Oath prescribed by 31 G. 3. to be taken.

XXI. And be it further enacted, That any Bill which shall be passed by the Legislative Council and Assembly shall be presented for His Majesty's assent to the said Governor-in-Chief, or in case of his death or absence, to such other person, and in such order respectively, as is hereinbefore directed, who shall, according to his discretion, declare or withhold His Majesty's assent to such Bill, or reserve such Bill for the signification of His Majesty's pleasure thereon, subject always to the same provisions and regulations with respect to Bills which may either be assented to, or from which His Majesty's assent

Royal Assent to be declared or withheld, as prescribed by 31 G. 3.

may be withholden, or which may be reserved as aforesaid, as the case may be, as in and by the said Act, passed in the thirty-first year aforesaid, are contained and enacted with regard to such Bills respectively.

All Laws now in force to continue, except as hereby repealed or altered.

XXII. And be it further enacted, That all laws, statutes, or ordinances which are in force at the time of passing of this Act, within the said Provinces, or either of them, or in any part thereof respectively, shall remain and continue to be of the same force, authority and effect in each of the said Provinces respectively as if this Act had not been made, except in as far as the same are repealed or varied by this Act, or in so far as the same shall or may be hereafter by virtue of and under the authority of this Act repealed or varied by His Majesty, His Heirs, or Successors, by and with the advice and consent of the said Legislative Council and Assembly.

Privileges of Members to continue.

XXIII. And be it further enacted, That all rights, privileges, immunities and advantages which are at present legally exercised and enjoyed by the Members of the Assemblies of *Lower*

and *Upper Canada* respectively, shall continue to be exercised and enjoyed by them as Members of the said Assembly of the *Canadas*, in as full and as ample a manner as heretofore: Provided always, that no privilege of the said Legislative Council or of the said Assembly, shall extend or be construed to extend to authorize the imprisonment of any of His Majesty's subjects not being Members of the said Legislative Council or of the said Assembly, or officers or servants of the said bodies respectively, until an Act be passed declaratory of the rights and privileges of the said bodies in this respect.

XXIV. And be it further enacted, That from and after the passing of this Act, all written proceedings of what nature soever of the said Legislative Council and Assembly, or either of them, shall be in the *English* language and none other; and that at the end of the space of fifteen years from and after the passing of this Act, all debates in the said Legislative Council or in the said Assembly, shall be carried on in the *English* language and none other.

Henceforth all written Proceedings, and after 15 years, all Debates, to be in English alone.

Persons professing the Religion of the Church of Rome, not to be affected.

XXV. And whereas by the said Act of the Imperial Parliament of *Great Britain*, made and passed in the fourteenth year aforesaid, intituled, “ An Act for making more effectual provision for the Government of the Province of *Quebec*, in *North America*,” it was, amongst other things, declared, that His Majesty’s subjects, professing the religion of the church of *Rome* of and in the said Province of *Quebec*, might have, hold and enjoy the free exercise of the said religion, subject to the King’s supremacy as in the said Act mentioned, and that the clergy of the said church might hold, receive and enjoy their accustomed dues and rights with respect to such persons only as should profess the said religion ;—Be it therefore further enacted and declared, that nothing in this Act contained, nor any Act to be passed by the said joint Legislature, nor any resolution or other proceeding of the said Legislative Council or Assembly, shall in any wise affect or be construed to affect the free exercise of the religion of the Church of *Rome*, by His Majesty’s subjects professing the same, within either of the

said Provinces, but the same may continue to be exercised, and the clergy of the said church and the several curates of each respective parish of the said Province of *Lower Canada*, now performing the clerical duties thereof, or who shall hereafter, with the approbation and consent of His Majesty, expressed in writing by the Governor or Lieutenant-Governor, or person administering the Government of the said Province of *Lower Canada* for the time being, being thereto duly collated, appointed or inducted, may continue to hold, receive and enjoy their accustomed dues and rights in as full and ample manner, to all intents and purposes, as heretofore, and as is provided and declared by the said last-mentioned Act.

XXVI. And be it further enacted, That all the provisions, regulations and restrictions made and imposed in and by the said Act, passed in the thirty-first year aforesaid, with respect to any Act or Acts containing any provisions of the nature therein particularly mentioned and specified, shall, and the same are hereby declared to extend and apply to each and every Act which shall be pass-

Certain provisions of 31 G. 3, to extend to Acts to be passed by the joint Legislature.

ed by the said Legislative Council and Assembly, and which shall contain any provisions of the nature in and by the said last-mentioned Act set forth and specified.

Accounts, &c. to be laid before the Legislature. **XXVII.** And be it further enacted, That all and every the accounts, returns, papers, and documents, which by any Act now in force in either Province, are directed to be laid before the Legislature thereof respectively, shall under the penalties therein provided, be in like manner transmitted and laid before the Legislature of the *Canadas*, during the continuance of such Acts.

Salaries of Officers of the Legislature to continue till otherwise provided for. **XXVIII.** And be it further enacted, That the officers and other persons receiving salaries or allowances in respect of services rendered by them in the Legislatures of their respective Provinces, shall continue to receive such salaries and allowances as heretofore, until otherwise provided for by any Act which shall be passed by His Majesty, His Heirs or Successors, with the advice and consent of the Legislative Council and Assembly of the *Canadas*.

APPENDIX.

APPENDIX.

A.

PETITIONS from Upper and Lower Canada against the Bill for uniting the Legislatures, forwarded by the Honourable L. J. PAPINEAU and JOHN NEILSON, Esquires, Agents for the Petitioners.

LOWER CANADA.

	Signatures.
District of Quebec	19,700
of Three Rivers	5,963
of Montreal	34,979
	<hr/>
	60,642

UPPER CANADA.

County of Kent, Western District	360
Ditto of Hastings, Midland ditto	220
Ditto of Leeds	660
Ditto of Stormont, Eastern District	206
Ditto of Glengary, ditto	388
London District	1,576
Home District	736
Kingston, Lennox, and Addington, and District of Newcastle	2,600
County of Augusta	343
Amelia'sburg	255
Prince Edward County	753
	<hr/>
	8,097
	<hr/>
	68,739

The Petition of the Inhabitants of Lower Canada.

TO THE KING'S MOST EXCELLENT MAJESTY,

THE Petition of the undersigned Seigneurs, Magistrates, Members of the Clergy, Officers of Militia, Merchants, Landholders, and others, Inhabitants of the Province of Lower Canada,

Humbly Sheweth,

That your Petitioners have learnt, with the most profound grief and the greatest alarm, that a Bill was introduced, with the sanction of your Majesty's servants in the Honourable the House of Commons, at the last Session of the Parliament of the United Kingdoms, for making changes in the Constitution of the Government of this Province, as by the Statute 31st Geo. III., chapter 31st, happily established therein.

That inasmuch as by reason of the near approach of the time when Parliament may be assembled, the Legislature of this Province may be deprived of the opportunity which the Commons, in their wisdom and justice, proposed to afford to the People of this Province, of submitting to your Majesty and to the two Houses of Parliament their sentiments on this momentous subject; your Petitioners conceive it to be their duty to your Majesty and to themselves, most humbly and with the least possible delay, to lay their representations on the subject of the Bill at the foot of your Majesty's throne.

That no alteration in the aforesaid Statute had, at any time, been publicly prayed for, by any of the Authorities constituted under it, or by any portion of your Majesty's subjects residing in this Province; but, on the contrary, all classes and descriptions of people therein, have uniformly expressed their inviolable attachment to the said Constitution, and have, but recently, cheerfully hazarded their lives and fortunes in defence of your Majesty's Government, as established by the said statute in this Province.

That the said statute was granted to your Majesty's subjects in this Province, conformable to the Royal promise contained in the Proclamation of the 7th of October, 1763, after various Petitions for and against the proposed measure from the different descriptions of persons whose interests were to be affected thereby, after a Royal message to Parliament, recommending the division of the Province; and after hearing at the Bar of the Honourable House of Commons, whereby the said Act was received and justly regarded by all your Majesty's subjects in these parts of your dominions, as a solemn compact, forming by the highest authority in the British empire, the legal and permanent guarantee of their liberty, their property, and dearest rights.

That the said statute, modelled upon the Constitution of the parent state, by some of the best and wisest of her statesmen, provides sufficient powers for the remedying of abuses, redressing of grievances, allaying discontents, and promoting the general welfare of the Province, without the necessity of those legislative interferences on the part of the supreme Government, which, in similar cases, have been found so pernicious by transforming discontents, purely local and temporary, into dangerous misunderstandings between the Colonies and the Mother Country.

That notwithstanding various obstacles and difficulties which the powers and operation of the Constitution, established by the said statute, are gradually removing, the population of the Province has been progressive, in a ratio fully equal to that of the United States of America, without a proportionate increase from emigration; the public revenue has proved nearly sufficient to cover all the necessary Colonial expenditure, and Trade and Agriculture, notwithstanding the extraordinary pressure of the present times, have, in the aggregate, greatly improved.

That your Petitioners, under the foregoing circumstances, cannot but feel, that, if the said Bill, which was introduced without the knowledge of the inhabitants of this Province, and is in direct opposition to their wishes, were to pass into a law,

besides the mischiefs which they have to apprehend from its provisions, it would leave them and their posterity without any sufficient guarantee for their remaining rights and liberties ; all of which might, upon the same precedent, be at any time endangered by secret and partial representations, or placed at the disposal of a Colonial Legislature, unequally constituted, and unacquainted with the interests, the feelings, and happiness, of the great body of your Majesty's subjects in this Colony.

That the differences which have recently existed between this Province and that of Upper Canada, relative to revenue, and which have been publicly alleged as the principal motive for introducing the said Bill, have not been a natural consequence of the division of the two Provinces, but have arisen solely from temporary causes, which might, at any time, have been removed by Legislative enactments on the part of these Colonies respectively, whereby each Province would have confined itself to the natural course of collecting its own revenue, giving free passage and every facility to the trade of the other ; or, finally, by regulations of the Parliament of the United Kingdoms, after hearing both parties, made in conformity to the 46th section of the aforesaid statute 31st Geo. III., chap. 31.

That a just and effectual termination of the said differences cannot be hoped for, from the proposed Union of the Legislatures of the said Provinces, which would leave the contending parties finally to decide upon their own claims, and whatever party might, in the end, prevail, would give rise to injustice and discord, fatal to the interests of both Provinces, and injurious to those of the Mother Country.

That such Union would have the effect of renewing the disputes arising from language, laws, religion, and local interests, by which the said Provinces were distracted whilst united under one government, and which had so happily been set at rest by the division of the said Provinces ; and that a Legislature so constituted, would be inadequate to the purposes of enlightened and beneficial legislation, and could only produce enactments

founded on sufficient information, and injurious to the rights, interests, feelings, and circumstances of those for whom they might be made.

That the geographical situation and difference of climate and the extent of the two Provinces, some of the settled parts of which are 1500 miles apart, as well as the difficulties of the communications in new countries, form insuperable obstacles to the proposed Legislative Union, and would, by the sacrifices required of the members for the purpose of attending in their places, and of their constituents to communicate on their local wants with the seat of the Legislature, effectually deprive a very great portion of your Majesty's subjects, in both Provinces, of their just rights, and their due share in the Legislation.

That your Petitioners, with the most unfeigned grief, have been unable to disguise from themselves the general tendency of the said Bill to affect injuriously the dearest interests of one description of your Majesty's subjects, forming nine-tenths of the whole population of this Province; and your Petitioners particularly lament that clauses should have been introduced therein, relating to the language and religious establishments of so great a proportion of the inhabitants of this part of your Majesty's dominions, which have a direct tendency to create jealousies and prejudices equally fatal to the happiness and quiet of the subject, and adverse to the dignity, wisdom, and justice, of your Majesty's Government.

That the clause of the said Bill which prohibits, in the proceedings and debates of the proposed Assembly, the use of the French language, the only spoken and understood by a great majority of the inhabitants of this Province, would indirectly disqualify them from being elected to that Assembly, and would amount, in some degree, to a positive deprivation, in respect to them, of that distinguished advantage of your Majesty's subjects; would embarrass and confine the elective franchise, by diminishing the number of persons fitted to represent the people, and would form, of the qualified persons, a privileged class in a British Colony.

That the said Bill by allowing to Upper Canada, which contains only about one-fifth of the population of Lower Canada, a representation equal to that of the latter Province, would thereby establish, in favour of a minority, a preference deeply humiliating to the inhabitants of this Province, contrary to their rights as British subjects, and dangerous to their interests; that however anxious your Petitioners may be to preserve that portion of constitutional power in the passing of laws regarding them, which is secured to them by the division of the two Provinces, they are desirous that their fellow subjects in Upper Canada, may continue to enjoy a similar advantage in common with all your Majesty's other Colonies.

That the said Bill, besides the fatal sources of discord, injustice, and confusion, heretofore mentioned, contains various provisions relating to the disposal of monies raised on the subject in this Province, and other matters, which are contrary to the birthrights of your Petitioners, as British subjects, and the express declaration of Parliament.

May it therefore graciously please your Majesty, that the said Bill do not pass into law, and that the Constitution and form of Government of this Province, as by the aforesaid mentioned statute happily established, may be preserved inviolate to your Petitioners and their posterity.

And your Majesty's Petitioners, as in duty bound, will ever pray.

Lower Canada, 1822.

Address of the Legislative Council of Lower Canada.

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please your Majesty,

We your Majesty's most faithful and loyal subjects, the Legislative Council in Provincial Parliament assembled, beg leave most humbly to approach the Throne with sentiments of the most profound gratitude for your Majesty's paternal solicitude and condescension, in the information which his Excellency the Governor-in-Chief was commanded to give us, at the opening of the present Session, "That your Majesty's Ministers had proposed to Parliament certain alterations in the Act of the 31st of his Majesty George the Third, of glorious memory, cap. 31, principally with a view to unite the two Legislatures of Upper and Lower Canada; and that this measure was withdrawn and postponed to the next Session, in order to afford an opportunity of ascertaining the sentiments of the people of these Provinces upon it."

Encouraged by the innumerable benefits which your Majesty has been pleased to confer upon this Colony, and by this new proof of your Majesty's benevolence, and called upon thus solemnly to submit our humble opinion, we should be wanting in our duty to your Majesty, to this Province, and to ourselves, if we did not, with due submission, and most respectful freedom, represent to your Majesty that, "Our Constitution, as happily established by the 31st of his late Majesty George the Third, of glorious memory, has eminently promoted the welfare and prosperity of this Province, secured the peace and happiness of all classes of his Majesty's subjects, and has strengthened the bond of union with the Mother Country."

That on the contrary, the Union of the two Legislatures of Upper and Lower Canada will, in our opinion, be attended with inevitable evils, will be productive of fears and apprehensions, arising from the discussion and strife incident to the diversity of municipal regulations, language, laws, religion, institutions,

and local interests, consolidated in both Provinces, by provincial enactments, and now rendered necessary to the happiness of each; and that it will excite jealousies and discontent in a people warmly attached to their present Constitution.

As Councillors, chosen by your Majesty, in this Province, we should feel ourselves guilty of a dereliction of our duty, did we not most humbly submit to your Majesty our opinion, that the Union of the two Legislatures will also have a direct tendency to weaken and embarrass the Administration of your Majesty's Government, and ultimately to create discontents in the minds of your Majesty's faithful subjects in this Colony.

We, therefore, earnestly implore your Majesty to be graciously pleased to avert from this Province, a measure which has excited general alarm, and appears to us to be fraught with so much evil.

Address of the Assembly of Lower Canada.

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please your Majesty,

We your Majesty's dutiful and loyal subjects, the Assembly of the Province of Lower Canada, in Provincial Parliament assembled, respectfully entreat your Majesty to accept our humble thanks for the communication to us, according to your Majesty's order, by his Excellency the Right Honourable the Earl of Dalhousie, your Governor-in-Chief in this Province, in his speech at the opening of the present Session, of information that your Majesty's Ministers having proposed to Parliament certain alterations in the Act of the Thirty-first year of the reign of his late Majesty King George the Third, chapter thirty-first, chiefly with a view of uniting the two Legislatures of Upper and Lower Canada, the plan had been withdrawn and postponed to the next Session,

to give an opportunity of making known the sentiments of the people of these Provinces, on this subject.

Sincerely attached to the form of Government under which we have the happiness to live, we consider the postponement of that measure, and the opportunity afforded to the people of these Provinces of manifesting their sentiments on a subject of such great importance, as a fresh proof of your Majesty's paternal solicitude for the welfare of all your subjects, and of that justice of the British Government, on which the inhabitants of this Province have learned to rely with the firmest confidence, and with feelings of the most lively gratitude; and with a view of fulfilling a sacred duty towards your Majesty, the Assembly of this Province take respectful leave to lay at the foot of your Majesty's throne, the expression of their feelings on this important matter.

The Assembly participated in the surprise and grief experienced by a very large majority of your Majesty's subjects in this Province, on learning that your Majesty's Ministers had proposed those alterations in the Act which has established our Constitution, and especially the Union of the Legislatures of Upper and Lower Canada.

The Assembly are fully assured that the Constitution conferred on this Province by the said statute, and the separation of this Province from Upper Canada, were, on the part of the Imperial Parliament, an act of justice, as well as of beneficence, towards the inhabitants of both Provinces, by giving to both the means of maintaining entire the rights and privileges which were guaranteed and secured to them by the faith of Government.

The passing of the said Act hath been one of the most effectual methods of making known to the inhabitants of this Province the justice and magnanimity of the British character, and hath for ever secured to your Majesty's Government the inviolable confidence, affection, and fidelity, of all classes of your Majesty's subjects in this colony.

The said Act, modelled on the Constitution of the Mother Country, by some of its greatest and wisest statesmen, esta-

blishes powers sufficient to remedy abuses, redress injuries, allay discontents, and provide for the general welfare of the Province.

Not only do the reasons which occasioned the passing of the said Act still exist in full force, but they have even gained additional strength from the happy experience thereof, acquired by the inhabitants of this Province, and from their regarding the same, with reason, as the unchangeable foundation of their laws, their institutions, and most dearly-cherished rights.

Were the proposed alterations adopted by Parliament, the result would be that two Provinces having laws, civil and religious institutions, and usages essentially different, would be subjected to one and the same Legislature, whose decisions would alternately endanger the laws and institutions of either Province. That there would thence result well-founded apprehensions respecting the stability of those laws and institutions, fatal doubts of the future lot of these Colonies, and a relaxation of the energy and confidence of the people, and of the bonds which so strongly attach them to the Mother Country.

In fine, a sense of imperious duty must lead us humbly to represent to your Majesty, that were this measure to take place, it would tend to weaken that deep feeling of interest which so powerfully enforces that of gratitude and fidelity with which the people of this Province are impressed towards your Majesty's Government and sacred person.

Wherefore, we your Majesty's faithful and loyal subjects the Assembly of the Province of Lower Canada, most humbly entreat your Majesty, to receive with favour this humble expression of our sentiments, and to be pleased to avert from this Province a measure which has excited among us such strong alarm, and which appears to us adverse to the inseparable interests of your Majesty's Government, and of the people of this Province.

And on the question being put upon each paragraph, they were agreed to with the following division :

Yeas	31
Nays	3.

B.

Petition of the Home District of Upper Canada.

WE His Majesty's faithful subjects, the undersigned Gentlemen and Freeholders of the Home District of Upper Canada, most humbly beg leave to represent to your Honourable House, the serious alarm given us by the reports, through the medium of the public prints, of recent measures introduced to your Honourable House relative to the Government and Trade of the Canadas, and proposing, as one of those measures, a Union of the two Provinces; an alarm, excited not only by the reported terms whereupon this Union was to have been declared, but by the very mode of its introduction, so highly unconstitutional, as regards the liberty of the people of this Province, and so fatal to its interests and welfare, that we should be very deficient in our duty to ourselves, and the community of which we form so great a part, if we did not, without loss of time, make this our humble but earnest and just petition and remonstrance to your Honourable House against this measure, so rashly proposed for your adoption, and for reasons that cannot fail to awake your parental attention to this Colony; and

First, because the project, as announced to us by those public prints, if consummated, would have been to us the unmerited privation of our Constitution, as the same is defined by the Act of the British Parliament, passed in the Thirty-first year of his late Majesty's reign, entitled, "An Act for more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of

the same;" a Constitution endeared to us by many warmly-cherished considerations; that Statute was given and received as the declaration of British liberty, made to British-born subjects, having, by birth, an indefeasible right to such liberty: that Statute is the mode and the form prescribed by the parental solicitude of his late gracious Majesty, and his Parliament, by which we are to use this liberty in which we are born, a mode and a form guaranteed by the solemn enactment of a British Parliament, and which will not, we trust, be taken from us without our consent.

Secondly, Because it was given as the well-earned reward of fidelity to brave and devoted subjects and soldiers, who sacrificed their property, and shed their blood in defence of their King and Country.

Thirdly, Because many of us, not originally born subjects, in confidence of protection to our persons and property under British institutions, have not only made permanent settlement in this Province, under this Constitution, but have actually fought and bled in its defence successfully, and with credit, universally acknowledged by His Majesty's generals and officers having the conduct of the late war in this Province.

We, therefore, gravely, respectfully, and earnestly remonstrate to your Honourable House, against all innovations in this our Constitution, without our consent, expressed by legislative act of the Province, passed in due Session by the King, the Council, and the Assembly thereof; and

First, Because this is the only legal course to effect any change in the Act, except in as far as the said Act, in express terms, reserves to His Majesty, his Heirs, and Successors, and the Parliament of Great Britain, certain power of future legislation on particular matters in the said Act also expressed.

Secondly, Because that Statute, the pledge of security to Canadian rights and liberties, the very branch which identifies us with our parent stock, is about to be torn from us against our will, and substituted by a hasty, ill-digested project, subversive of all that is valuable in that Statute, a catastrophe that we,

your Petitioners, could never apprehend, if your Honourable House be only apprized of the true state of the Colony.

Thirdly, Because the project, as appears by those public prints, contemplates the transformation of our House of Assembly into a mixed Chamber of Executive Councillors, and of the people's representatives; a violation of British principle, alarming and distressful to us in the highest degree.

Because this project would give an invidious, and, in our minds, an unconstitutional control to us over the equal rights of our fellow-subjects in Lower Canada; whose rights being as dear to them, as our rights are to us, we should grieve to see impaired against their wishes and consent.

Because, by this project is proposed the removal of our Legislation without the bounds of the Province, which must, in effect, deprive us of the benefits of a Legislature altogether, in the present state of the Province, as few representatives could be found able to afford the time and expense of attending their duty at such a distance, of consequence, candidates would be few, and our elective choice would be injuriously abridged; at such a distance, we should be wholly estranged from our representatives, and they from us; no interchange of sentiment to any useful extent; little communication of our wants or wishes.—Petition would be almost impracticable, inquiry impossible; no documents within reach, no records for reference; questions asked, but no one to give an answer; the executive officers at York, and the legislature at Quebec.—All must end in confusion, disgust, and fatigue. Need we add as further causes of alarm, the extension of Parliament to quinquennial, the extension of qualification of our representatives, measures solely calculated to abridge our right, and add to the means of executive influence, of which, Petitioners can assure your Honourable House there is no deficiency in this Province.

All which is, with great deference, humbly submitted, and Petitioners, as in duty bound, will ever pray.

York, Upper Canada,
10th October, 1822.

County of Kent, Western District, Upper Canada.

To the Honourable the House of Commons, of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The Petition of the Inhabitants of the County of Kent, in the Western District and Province of Upper Canada.

Humbly Sheweth,

That your Petitioners have been informed that a Bill was introduced into your Honourable House during the late Sessions of the Imperial Parliament, which had for its object the Union of the Legislatures of the two Provinces of Canada, and that it is again to be brought before your Honourable House at the ensuing Sessions.

That your Petitioners are fully sensible of, and truly grateful for the happiness and privileges they have enjoyed for a period of thirty years, under the just and liberal Constitution granted them in the Thirty-first year of the reign of his late most gracious Majesty King George the Third, of blessed memory.

That your Petitioners, therefore, view with equal alarm and anxiety the proposed Union of the Canadas, as by such a measure they have much to lose but nothing to gain.

That your Petitioners have reviewed with the utmost satisfaction, the Bill passed on the Fifth day of August last, in the Imperial Parliament, for regulating the trade between the Lower and Upper Provinces of Canada, and for other purposes relating to the said Provinces, as in the opinion of your Petitioners, the said Bill does fully and effectually redress all the grievances your Petitioners found cause to complain of in their intercourse with Lower Canada.

May it therefore please your Honours, that the said Bill may not pass into a law.

And your Petitioners will ever pray.

Chatham, the 6th day of January, 1823.

Petition of the County of Wentworth, Upper Canada.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Imperial Parliament assembled.

The Petition of the Inhabitants of the County of Wentworth, in the District of Gore, Province of Upper Canada.

Most Humbly Sheweth,

That when your Petitioners, His Majesty's dutiful and loyal subjects, emigrated to this Province (many of whom did so) at an early period, for the purpose of enjoying the blessings of British Government, they immediately drew forth the paternal care and solicitude of his late Majesty, who, in the Thirty-first year of his reign, by and with the advice and consent of the British Parliament, gave to Canada a Constitution, the transcript of their own; and at the same time, for good and sufficient reasons, divided Canada into two Provinces; the Upper Province being principally settled with subjects of His Majesty, who were accustomed to British laws, and using the English language. Every circumstance that has arisen during the period elapsed, has tended to unfold its benefits, by bringing its enactments into practical operation, raising our admiration of, and attachment to, a Constitution so well adapted to our feelings, and contributing so largely to our happiness.

That Petitioners, conscious that their gratitude and attachment to His Majesty's Government have been manifested on every proper occasion, it was with the deepest regret, and utmost astonishment, that they received the heads of a Bill brought before your Honourable House during its last Session, for altering the said Act of 31st Geo. III., chapter 31, altering, so as to destroy Petitioners' liberty altogether, without their knowledge, without their consent, and without any misconduct on their part, amounting to a forfeiture! That Petitioners beg to assure your Honourable House, that the proposed alterations could only

have originated in misrepresentations of the grossest nature, in utter ignorance of the localities of the country, and of the wants, circumstances, and feelings of the people.

Petitioners beg leave also to state, that it was thought proper, in the present Constitution, to leave the quantum of property possessed by Representatives, to be fixed by the Provincial Legislature, which has been so done as to secure the respectability of the Assembly, without circumscribing too far the choice of the Electors ; but raising the qualification of members to 500*l.* sterling, agreeable to the Bill before your Honourable House, at its last Session, would have the effect of disfranchising the Electors altogether, as some counties would not be able to select qualified persons out of their whole population ; and landed property being made answerable for demands against the owners in cases where chattels only would be liable in England, by consolidating real estate, tends greatly to increase the evil. Petitioners, therefore, would rather resign the representative right altogether, than have the House of Assembly established on such principles, and be told of every Act which we could not accord, that it was their own, through our Representatives, when they might, and frequently would be, under the necessity of choosing persons no other way qualified but that of holding large tracts of wild land, which is itself one of the greatest nuisances in the Province. That the lengthening the duration of Parliament to Five years is particularly objectionable, as extending too far the period before which Representatives could again meet their constituents, and the vesting of the Executive Government of each Province, with power to introduce two members into the Assembly without the exercise of the elective franchise is, in Petitioners' opinion, without precedent, and would give an undue influence to an Executive, already possessing enough for all the purposes of salutary Government : for in this country, officers under the Government, are not excluded from the Legislature (as in England,) by whom every wish of the Government may be made known, and ably supported, as has invariably been the case.

That the requisition likewise made upon the Legislature to make permanent provision for the administration of justice and support of the civil government, would at once render the Legislature a nominal and unsubstantial body, and deprive the House of Assembly of the only proper and effectual check necessary to balance the otherwise overwhelming force of the executive power; for Petitioners' short history has taught them that times of plenty are times of profusion; and by granting a permanent supply the House of Assembly would part with the power to accommodate the expenditure to the means their resources may enable them to grant, to curtail enormous contingencies, or to afford compensation to services that may imperatively call for reward. The propriety of this observation has become more evident by the experience of a few years, for from 1812 to 1816 an unusual quantity of money was in circulation in this Province, and, as might be expected, abundance in receipt produced extravagance in expenditure both public and private. The reverse has been great and sudden, for Petitioners have experienced, and do still experience, a period of depression beyond parallel, when all the usual means of the country have scarcely been equal to the net supply of an increased expenditure in the Government.

That your Petitioners respectfully state their objections to a union of the Legislatures of the two Canadas on any terms. The population of this Province is chiefly composed of subjects who have emigrated from Great Britain and Ireland, and from His Majesty's late American Colonies, and their descendants, who from sameness of original language, customs, and government, easily unite, commix, and become one people. While His Majesty's subjects, their brethren of Lower Canada, sprang from a distinct origin, speak a different language, profess a different form of religion, and are wedded to their own peculiar manners and customs. Each Legislature likewise has enacted, adopted, and retained, laws suitable to their own usage, customs, and local wants. These two Provinces having been separated into different governments for more than thirty years. Pe-

tioners do not believe that two bodies so heterogeneous and discordant in all their parts, as the Legislatures of Upper and Lower Canada, must necessarily be, can unite, cement, and become one, so as to render equal advantage to both Provinces, which each has a right to expect from its own separate Legislature; and if any ascendancy should be given to the representation of this Province over Lower Canada, Petitioners do not feel entitled to it from their population; and it would be offering injustice to their brethren of the Lower Province, with whom they have neither any desire to quarrel nor to break in upon their rights and peace; and should the advantage be on the part of Lower Canada, this Province must be at their mercy, and cannot expect from them that attention to its own interests, which Petitioners' wants and circumstances may require.

That the only ground of difference heretofore existing between the Provinces being on account of our quota of the revenue, which having been put in an amicable train of adjustment by the prompt and timely interference of the British Parliament and His Majesty's Government, at once does away with every semblance of reasonable argument that might be offered by those anxious for a re-union. The extent of territory, likewise, would be so great, that, were it inhabited by the same people throughout, it must necessarily present such varied local interests, that some parts of so extensive a colony would be more liable to suffer from neglect, from ignorance, or from clashing interests, than a less extent of country would be.

To sum up all, your Petitioners are of opinion, that the different origin of the population of the two Provinces, the difference of their language, habits, manners, customs, and religion, together with their varied interest, will necessarily produce efforts for ascendancy, create jealousies, strifes, animosities, and contentions, which may break out in consequence, of an alarming nature, and all without answering one desirable object which Petitioners can foresee, or that may balance against the least of the evils that to Petitioners appear so obvious. Petitioners, therefore, most earnestly beseech your Honourable House to

abstain from placing Petitioners in a situation so perilous, so contrary to their wishes, and (as they fear) so destructive of their best interest; and that your Honourable House would forbear passing the said or any other Bill of a like nature into a law for uniting the Legislatures of Upper and Lower Canada, at any future Session of the Imperial Parliament.

And your Petitioners as in duty bound will ever pray.

*County of Stormont, in the Eastern District, Upper
Canada.*

To the Honourable the Commons of the United Kingdom of
Great Britain and Ireland in Parliament assembled.

The Petition of the undersigned Inhabitants of the County of
Stormont, in the Eastern District of the Province of Upper
Canada,

Most respectfully sheweth,

That your Petitioners have observed, through the medium of the public prints, with feelings of deep interest not unmingled with anxious concern, that a Bill was introduced into your Honourable House during the last Session of Parliament, having for its object the Union of the Provinces of Lower and Upper Canada, and they have felt some degree of surprise that it should have been unhesitatingly stated in support of that measure, that it would meet with the unqualified approbation of His Majesty's subjects in these Provinces. Your Petitioners are well aware that such an assertion was not hazarded without strong reasons for supposing it well founded; they deem it, however, their duty to undeceive your Honourable House in this respect, and to state the unquestionable fact,

that a great majority of the inhabitants of both Provinces are decidedly opposed to it.

Your Petitioners consider it unnecessary to remark upon the various motives which led to a division of the Provinces; on this subject they will only observe that the division was hailed by the inhabitants of each as a special mark of consideration on the part of His Majesty's Government; and the people of Upper Canada, who had been long accustomed to the blessings of the British Constitution and Laws, were more especially delighted, inasmuch as it relieved them from all apprehension of an interest which, being of French origin, was at variance with their views and expectations.

That since the division of the Provinces the population of Upper Canada has increased much more rapidly than that of the Sister Province, a circumstance not less to be ascribed to the prevalence and influence of British Laws than to its superior climate and soil.

That your Petitioners, sensible that the prosperity of Upper Canada is daily increasing, view with alarm any chance or prospect of a change by which that prosperity may be checked or diminished, and they cannot but consider the proposed Union of the Provinces as a measure which must have such a tendency.

That during a period of upwards of thirty years, which have elapsed since the Division of the Province of Quebec, the public affairs of the Provinces of Canada, in which their joint interests were concerned, have been carried on without interruption, or any want of cordiality and good understanding, excepting only the difficulties which have occurred recently respecting the payment of revenue due to, and claimed by the Upper from the Lower Province. That these difficulties were of so formidable a nature, and so embarrassing to Upper Canada, that a Union of the Provinces appeared desirable for their adjustment, and to prevent their recurrence, but being happily removed by the gracious consideration of Parliament during its last Session and ample provision being made for the prevention of like diffi-

culties in future, the reasons which then seemed to present themselves in favour of a Union, no longer exist.

That your Petitioners are well aware that every exertion will be made on the part of the English inhabitants of Lower Canada to promote a Union, by which the influence of that part of the population of French extraction may be diminished, and their own increased in proportion, and they have ample opportunity of observing these exertions extended to Upper Canada. Your Petitioners are, however, fully persuaded that no consideration but the general good of the two Provinces will influence your Honourable House in a matter of such serious importance to them respectively; and they cannot persuade themselves that your Honourable House will consider the majority of the inhabitants of these Provinces so blind to their own interests as to render their representations of no avail. It has been currently reported amongst your Petitioners that it has been decided by Parliament that the Union of these Provinces must be carried into effect, and that it has merely been postponed till a more convenient period, the principle of the measure being already sufficiently discussed. But your Petitioners are disposed to view its postponement in a more favourable light, and to consider it as affording the most convincing proof of the desire of your Honourable House to consult the wishes and inclinations, as well as the good of the inhabitants of these Provinces. Under these impressions your Petitioners most respectfully beg leave to submit the following objections to the proposed Union of the Provinces of Lower and Upper Canada.

The great extent of the Provinces of Canada (upwards of fifteen hundred miles, being already settled) appears to your Petitioners to render two distinct Legislatures necessary for the transaction of the public business; and it must be evident, from the extent and nature of the country, should a Legislative Union take place, that the attendance of Members at so very great a distance from their places of residence will be almost impracticable, and at all events attended with immense inconvenience and difficulty. That but few persons can be found whose cir-

cumstances will admit of their accepting a situation which, however honourable, is attended with such serious inconvenience and injury to their private concerns, and that consequently the choice of the inhabitants of persons to represent them in Parliament must be thereby greatly abridged, and their interests seriously affected.

That the legislative business of Upper Canada cannot, without great and unavoidable delays, difficulties, and embarrassments, be carried on at the distance of several hundred miles (where the Legislature, if united, must probably meet, from the public records, and the sources of information relative to many of the public affairs of the Province, on which they may be called upon to decide.

That to withdraw the public records from Upper Canada, or to remove her executive Government, would be attended with the most injurious consequences to the Province in general, and more particularly to the western part of it, inasmuch as emigrants and settlers would be discouraged from proceeding to that part of the Province, and the inhabitants must, should such a change take place, sustain great injury and inconvenience from the very great distance they must necessarily travel to transact their public business.

That not only the extent of territory, but also the differences of language, laws, institutions, and manners, which prevail in Upper and Lower Canada, appear to your Petitioners to render it proper and necessary that each Province should have a distinct Legislature for the management of its internal affairs, by which means all party spirit and animosity arising from difference of political feelings and views will be avoided, and each Province having its due share of revenue secured to it, and its intercourse with foreign countries regulated by the wisdom of the Imperial Parliament, will be at liberty to adopt such measures for its prosperity as may seem proper, without the interference or control of the other.

That your Petitioners are aware that the political differences existing between the different branches of the Legislature of

Lower Canada have been principally instrumental in calling the attention of His Majesty's Government to the proposed Union of the Provinces as a measure calculated to overcome these difficulties ; but your Petitioners are far from entertaining the smallest expectation that it would have any so desirable effect. Indeed they cannot but seriously apprehend that, should it take place, it may prove the means of embroiling both Provinces, and create a ferment which cannot fail to be prejudicial to their interests, and which it may be difficult to control.

That should your Honourable House deem these reasons insufficient to prevent the passing of the Bill to unite the Provinces, your Petitioners humbly and earnestly beg leave to protest against certain parts of the Bill introduced and published during the last Session of Parliament for effecting that object. They deem it their imperative duty to object to the clause establishing the qualification necessary to be possessed by persons to become eligible as Members of the House of Assembly at five hundred pounds sterling, in lands clear of debts and incumbrances, inasmuch as a qualification for that purpose has already been established by a provincial statute suited to the circumstances of the Province, and the proposed change must, particularly in the present depressed state of the value of real property, tend injuriously to abridge the choice of the people of persons whom they may consider otherwise well qualified to represent them in the House of Assembly.

Your Petitioners cannot forbear most strenuously to object to the clause in the said Bill authorizing the person at the head of the Executive Government to appoint two of his Council to sit in the House of Assembly, with all the rights and privileges of Members, voting excepted ; because, it is a measure, as they believe, unprecedented in British Legislation, an innovation in their Constitution as established by the Act of 31 Geo. III., and not called for by any political necessity of which they are aware. And because it gives to persons who act under no responsibility to the People, and over whom the House of Assembly cannot, it is presumed, exercise the same control as over its own Mem-

bers, an importance and influence in the deliberations of that Body which must to a certain extent restrain the freedom of debate, create jealousies and distrusts in the minds of Members and their constituents, and lead to consequences highly prejudicial to the public interest and destructive to the harmony which for the necessary despatch of public business ought always to subsist between the Government and the House of Assembly.

Your Petitioners having thus discharged what they consider a duty to themselves and to the Province by declaring their objections to the proposed Union, humbly pray Your Honourable House, that should a Bill for uniting the Legislatures of the Provinces of Upper and Lower Canada be again introduced it may not be passed. But should Your Honourable House in your wisdom consider it necessary that it should be passed, that the clauses particularly pointed out as objectionable may first be expunged.

And your Petitioners as in duty bound will ever pray.

*Cornwall, Upper Canada,
December 4th, 1822.*

*County of Glengarry, in the Eastern District, Upper
Canada.*

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The Petition of the undersigned Inhabitants of the County of Glengarry, in the Eastern District of the Province of Upper Canada,

Most respectfully sheweth,

That your Petitioners having observed, through the medium of the public prints, that a Bill was introduced into Your Honourable House, during the last Session of Parliament,

for the purpose of uniting the Legislatures of the Provinces of Upper and Lower Canada, are impelled (from the assertion which has been so unwarrantably hazarded by a Member of Your Honourable House, *viz.*, that such a Union would meet with the decided approbation of His Majesty's subjects in these Provinces) to express their objections to the said Bill.

That your Petitioners deem it unnecessary to detail to Your Honourable House the evil tendency in their opinions likely to result from many of the clauses of the said Bill, and which they are aware will be fully and ably demonstrated by others of their fellow subjects, in these Provinces; but they cannot refrain from expressing their unqualified disapprobation of those clauses by which the qualification of Members of the House of Assembly is increased to 500*l.* clear of debt and incumbrances, as it greatly and injuriously abridges the choice of the people, in electing proper persons to represent them in the House of Assembly, and by which power is given to the person at the head of the Executive Government to appoint two of his Council from each Province to sit in the House of Assembly, which they consider as an innovation in their Constitution as established by 31 Geo.III., and a gross infringement on their privileges as British subjects.

That your Petitioners, in common with their fellow subjects in this Province, had, for several years past, just cause of complaint against the sister Province of Lower Canada, for unjustly detaining from Upper Canada her share of the revenue arising from imports at the Port of Quebec: but by the parental mediation of the Imperial Parliament in passing the late Act devising proper means for ascertaining the proportion of revenue due to us, and to which we shall in future be entitled, as well as for regulating our trade, your Petitioners consider their grievances as fully redressed; and are not therefore desirous of a change which in their opinions could no wise prove beneficial to the interests of both Provinces.

Therefore your Petitioners most earnestly hope that the said

Union Bill in its present shape will not pass your Honourable House, and as in duty bound will ever pray.

Glengarry,
December 24th, 1822.

Address of the Legislative Council of Upper Canada.

The Legislative Council have agreed on a dutiful and humble Address to His Most Gracious Majesty the King on the proposed change of the Constitution given to the Inhabitants of this Province, at this time under the consideration of the Imperial Parliament.

Enjoying every blessing which can be expected from the active operation of this free and happy Constitution, Your Excellency will perceive that the Legislative Council do not feel themselves called upon to pronounce any opinion on the contemplated change, concerning the general policy of which they are unable to decide.

They have seen the Province gradually changing from a dreary wilderness to a fruitful and populous country under former Administrations; but since Your Excellency's appointment to the Government, the progress of improvement has been vastly more rapid. The settlements have widely extended on every side, and in the short space of four years the organized parts of the Province have been nearly doubled, and the population greatly increased.

With such facts before them, the Legislative Council, as becomes faithful and loyal subjects, content themselves with expressing, in their dutiful and humble address to His Majesty which they most respectfully entreat Your Excellency to transmit to be laid at the foot of the throne, their perfect reliance on the wisdom and justice of the Imperial Parliament.

(Signed)

WM. DUMMER POWELL,

Speaker.

Legislative Council Chamber,
March 1st, 1823.

Resolves of the Assembly of Upper Canada on the Union.

The following were the Resolutions entered into:

Resolved, That it is the opinion of this House, that the consideration of the Union Bill in the Imperial Parliament, was postponed for the purpose of ascertaining the sense of His Majesty's Canadian subjects on the great and important change.

Contents. Messrs. A. M'Clean, Gordon, Clark, John Wilson, Peterson, G. Hamilton, Wilmot, Baldwin, James Wilson, White, Baby, Walsh Ruttan, Casey, Hornor, Rogers, Hagerman, Jones of Grenville and Bostwick—19.

Non-Contents. Messrs. C. Jones, Nichol, Pattie, Randall, Gates, Crooks, Burwell, Chisholm, Kerr, Morris, Vankongnelt, M'Donell, Shaner, and Hamilton of Lincoln.—14.

Resolved, That the present Representatives of the people do not feel themselves justified in expressing the opinion of their constituents on a matter so materially affecting the constitution of the country, having been elected previous to the contemplation of so great a change; and do not feel themselves called upon in their representative capacity to express any opinion, the great body of the people having themselves made known their sense thereon by petitions and remonstrances direct to the foot of the throne, and the Two Houses of the Imperial Parliament.

Contents. The same with the exception of Mr Bostwick.—18.

Non-Contents. The same with the addition of Mr. Bostwick.—15.

THE END.

LONDON :
Printed by W. CLOWES, Northumberland-Court.

