

REPORT,
OF A
SELECT COMMITTEE,
OF THE
HOUSE OF ASSEMBLY,
ON THE
POLITICAL STATE OF THE PROVINCES
OF
UPPER AND LOWER CANADA.

H. SHERWOOD, Esq. M.P.P. CHAIRMAN.

Printed by order of the Commons House of Assembly.

R. STANTON, Printer to the QUEEN'S Most Excellent Majesty.

1838.

REPORT, &c.

YOUR COMMITTEE have entered upon the duty assigned to them, fully convinced that at no time have the affairs of these Provinces been placed in a condition demanding a more calm and deliberate consideration at the hands of the Representatives of the people, than at this moment; and that a period has arrived when it is especially incumbent on them to address our Gracious Sovereign in terms of the most dutiful, yet earnest entreaty; to consider the causes which have led to the recent unnatural revolt in this portion of Her Majesty's Dominions; the evils that have resulted from it; and the measures necessary to guard and protect us from the recurrence of a like calamity.

Before entering upon an investigation of these deeply important questions, it may be of advantage, and assist in elucidating the inquiry, to take a short review of the political history of these Provinces since they became a part of the Dominions of the British Crown.

At the time of the Conquest of Canada, in 1758, the population of the whole Territory, now constituting the Provinces of Upper and Lower Canada, was estimated at about 65,000 souls. These were governed by an antiquated and almost unintelligible system of laws, administered by a Governor, unrestrained by any authority within the Province; and they might, therefore, be regarded as being completely dependent, for the possession of their Civil liberty, upon the caprice or dictatorship of a Military despot.

The cession of the country to the British Crown, was followed by an immediate amelioration of the political condition of the people, and the improvement of their laws and Government: they were rescued,

with the least possible delay, from that state of vassalage in which they lived, while under the dominion of France, and were secured gradually, but effectually, in all the privileges and immunities of British Subjects. The uninterrupted exercise of their religion had been confirmed to them by the terms of the Capitulation; and in the Royal Proclamation issued on the 7th October, 1763, power was given to the Governor, with the advice of a Council appointed by the Crown, “to erect
 “and constitute Courts of Judicature and Public Justice within the Colony, for the hearing and determining of causes, as well Criminal as Civil, according to law and equity, and as near as may be agreeable to the laws of England: with liberty to all
 “persons who might think themselves aggrieved by the sentence of such Courts, in all Civil causes, to appeal under the usual limitations and restrictions, to the King in his Privy Council.” The authority thus given to the Governor was to cease, so soon as the circumstances of the Colony would admit of a General Assembly being called and constituted, as in other Colonies.

The authority thus placed in the hands of British Governors, was exercised by a succession of the most able and upright men, from the time the Proclamation was promulgated, until the year 1774, when it was deemed advisable more nearly to ~~resemble~~ the system of Legislation in the Colony to that of the Mother Country; and accordingly an Act was passed, which after, among other things, confirming to the inhabitants professing the religion of the Church of Rome, the free exercise of their religion, and continuing the Criminal law of England, provided for the appointment of a Council, to be composed of not more than twenty-three, nor less than seventeen, of the residents of the Province, who were authorised (under certain restrictions relating to the levying of

taxes and religious questions,) to legislate for the peace, welfare and good government of the Colony.

This Act was avowedly passed, as a preliminary measure, to the introduction of the representative form of Government, promised by the Proclamation of 1763; and accordingly, in the year 1791, the Act which divided the then Province of Quebec, into the Provinces of Upper and Lower Canada, and conferred on each the Constitution under which they have since been governed, was passed.

This Constitution, modelled on that of Great Britain, and containing all the elements necessary for the most perfect security and enjoyment of Civil and Religious Liberty, has enabled these Provinces to advance in wealth and general prosperity, to an extent almost without example in any other country; and from the time of its adoption *until within the last few years*, was regarded in Lower Canada, as it has *always been* in the Upper Province, as the noblest monument of love of liberty, and generous policy, ever exhibited by a nation towards any of its Colonies.

The propriety of the division of the Province, was much questioned at the time it was made; and is even now thought by many, to have been one of the causes of the evils under which the country is suffering. It is but justice however to state, that in this Act, as in every other, the British Government was influenced by a desire to consult and advance the social and domestic happiness of the people, as well as to promote their general prosperity. Upper Canada was settled by U. E. Loyalists, who were of the Protestant religion, and were accustomed to be governed according to the laws of England. Lower Canada, on the contrary, was chiefly peopled by Roman Catholics, who preferred continuing under the Legal Tribunals that existed at the time of the Conquest; and the line of division was so drawn, as to separate these two

classes of people, and leave them unembarrassed by conflicts arising from difference in their Civil and Religious institutions. At the time the Act last referred to was past (1791,) the population of Lower Canada did not exceed 150,000: it cannot now be estimated at less than 600,000. Upper Canada contained little more than 10,000 souls: they may now be numbered at 450,000. The commerce and agriculture of both Provinces have kept pace with this vast increase in their population; and the British Nation has extended protection to them with that liberal and generous spirit, for which our Parent State has ever been distinguished—added to which, we are blessed with a fertile soil and healthy climate, and a country abounding generally in natural advantages, not excelled by any other portion of the globe. And all these blessings are enjoyed without taxation—that deserves the name of a burthen—and which, trifling as it is, is applied exclusively to the necessary support of the Government, and the improvement of internal communication: and lastly, we are protected from foreign invasion, without cost, by the fleets and armies of the United Kingdom.

Amidst these blessings, visible as they are to all the world, the Canadas have recently exhibited the degrading and guilty spectacle, of being in open rebellion against the noble and generous power to which they are indebted for the enjoyment of them. Your Committee will enter into no discussion of the possible circumstances, arising from a long course of injustice or tyranny, that may excuse or justify a people in throwing off their allegiance to their Sovereign; they think this the less necessary, because they at once assert, that the condition of the Canadas presents no single point on which to build an argument favourable to such a position. They were as exempt from tyranny, and as free from oppression on the part of

their Government, as it is possible to suppose any people to be, who are subject to the salutary control of laws of their own choice, and administered in their utmost purity by Judges, above the suspicion of unfair or improper bias.

Neither can your Committee ascribe the conduct of the disaffected to that impatience natural to man, to be freed even from nominal dependence on an higher power, although that dependence be evidently to his advantage. Your Committee have no hesitation in stating, that in Lower Canada the rebellion proceeded from an inveterate hatred of British rule and British connection, on the part of the Canadians of French origin, to which class disaffection is, in that Province, exclusively confined.

In Upper Canada the riot or insurrection, (it deserves not the name of rebellion,) confined to less than 1,000, out of 450,000 inhabitants, proceeded from a heedless preference to the democratic institutions of the neighbouring Republic, on the part of a small number of worthless men, chiefly of broken fortune, who had contrived by the most gross and detestable system of falsehood and misrepresentation, to delude a few hundreds of the most ignorant and credulous of the people, to unite with them in the criminal attempt to seize upon the Seat of Government and the Public Offices, and to subvert the Constitution.

Your Committee will now direct the attention of your Honorable House to the gradual development of the feeling of hatred towards the British Nation, on the part of the Lower Canadians of French descent—the measures of the leaders of the disaffected party, having in view the destruction of the Constitutional power of the Crown, and separation from Great Britain—and the encouragement they received from the mistaken policy of the British Ministry.

At the conclusion of the late war with the United States of America, these Provinces began to attract a larger share of the attention of the people of the United Kingdom than they had previously enjoyed, and many persons of wealth, as well as great numbers of Agriculturists and Mechanics resorted to it, as a country affording favorable opportunities of investing their capital, and establishing their families in independence and comfort; and from emigration alone, the Canadas have more than doubled their population since the year 1820.

This influx of our fellow Subjects was in the highest degree satisfactory to the inhabitants of British origin, but most distasteful and repugnant to the wishes and views of those of French descent. The former saw in it the most certain security for the maintenance of the connection with the Mother Country, while they experienced in common with all others the immense advantages arising from increased commerce and general wealth, as well as improvement in the condition of society, and social comfort and happiness. The latter at once discovered that unless they could check immigration from the British Isles, or at all events obtain such an ascendancy over the Government as would place it in a state of dependence upon the House of Assembly, before they were outnumbered by the "Foreigners," as they termed the English, Irish and Scotch settlers, their hopes of independence would be frustrated.

With this view the leading Members of the Assembly of French descent, (those of English origin who at the time united with them did not probably understand their true motives) demanded the surrender on the part of the Crown, of the revenues raised under the British Act 14 Geo. 3. chap. 88. and which by the terms of that law were to be applied to the support of the Civil Government of both Provinces, under the

direction of the Lords of the Treasury, and which, though inadequate to the purpose at the time, it was probably foreseen, when added to other sources of revenue at the disposal of the Crown, would in the course of a few years amount to a sum equal to the payment of the salaries of the Governor, Judges and other Public Officers, and thus render the Government independent of any vote of supply.

The contest began by representations to the Home Government on the unconstitutionality of any portion of the public revenues being disposed of by any other authority, than the Representatives of the people; ~~next,~~ ~~to~~ reductions in the estimates for the support of the Civil Government, by sending the supply bills to the other branches of the Legislature, drawn in such form as to prevent their adoption; and finally, by refusing to grant a supply on any terms.

This course of conduct pursued by the House of Assembly, as might be expected, led to disagreement with the other branches of the Government; and without entering into any detail of the various acts manifesting a total disregard of the ordinary rules of courtesy and decorum, exhibited by the Assembly and their Speaker, in their intercourse with the Earl Dalhousie, then Governor General of British North America, your Committee will proceed at once to the consideration of petitions purporting to be signed by about 87,000 of the inhabitants of Lower Canada, addressed to the King, in the year 1828, and purporting to contain all the grounds of complaint on the part of the Province, and the measures contingent upon them.

Upon a reference to these petitions it will be apparent, that their object and design was to gain concessions by which the constitutional authority of the Crown would be weakened, and the democratic power strengthened.

Your Committee will not prolong their report by the examination of the particular points which, in their opinion, justify this assertion, as the remarks they have to offer on the report of the Select Committee of the House of Commons, to whom those petitions were referred, and upon which the subsequent policy of the Home Government appears to have been based, will sufficiently prove its correctness.

Before proceeding with their remarks, however, your Committee cannot withhold the expression of their regret, even at this distant day, that the Colonial Minister should have felt it necessary to appeal to the House of Commons, for a Committee to inquire into the subjects complained of. It has been justly remarked, that there are few occasions where those who administer public affairs, are justified in delegating to others the duties that belong peculiarly to themselves, and this was a case of all others unfitted for such delegation. The points in dispute were such as involved the great principles of Colonial Government, and the remedy for the abuses complained of, if they really existed, were mostly within the power of the Crown, and in no respect requiring the interference of Parliament, and those that demanded such interference should have proceeded at once from the Minister, and upon his responsibility.

The evil of the course pursued is apparent from the fact, that a report was drawn up upon ex-parte statements, (and in some instances) gross misrepresentations, and contains recommendations and opinions destructive of the just and constitutional authority of the Crown, and the maintenance of an efficient administration of the Government.

The consequence, as might have been foreseen, has been to cripple such of our Colonial Ministers as have, since that day, been desirous of maintaining a firm and consistent course of policy, and to afford a

pretext for others to pursue a system which has almost annihilated the Government, and which has encouraged the enemies of British supremacy to demand concession after concession, with greater rapidity than it seems to have been practicable, or with a due regard to appearances, proper to grant, until at length, unable any longer to restrain their impatience, they have risen and attempted to gain their object by open rebellion.

The most important recommendation of the Committee of the House of Commons was, that the receipt and expenditure of the whole revenues of the Province, including of course those derivable from the 14 Geo. 3. chap. 88. and by that Act applicable to the support of the Civil Government of the Colony, should be placed under the superintendence and control of the House of Assembly, at the same time declaring that “they (the Committee) were strongly impressed with the advantage of rendering the Governor, the Members of the Executive Council, and the Judges, independent of the annual votes of the House of Assembly, for their respective salaries.” The Committee proceed to recommend that a more independent character should be given to the Legislative Councils in both the Canadas—that the Judges, with the exception of the Chief Justice, should be excluded from them, and that all the Judges should be excluded from the Executive Council—they recommend that the Jesuits’ estates should be appropriated to purposes of education—they charge the Government with having expended £140,000, without the consent of the Representatives of the people, and conclude their report with a censure upon Lord Dalhousie, the Governor General, which censure is evidently founded on *ex parte*, and ~~is~~ in other instances, most inaccurate information.

Without discussing the propriety of some of the recommendations of this celebrated document, or

even denying that if carried into effect in particular instances, they ~~would not~~ have been attended with beneficial effects, it is nevertheless apparent, that every one of them has a strong tendency to strengthen and encourage a democratic policy, and in no single instance can it be discovered, that the Committee felt the least solicitude for the preservation of those Monarchical principles which constitute so important a feature in the British Constitution. Indeed, when your Committee refers to the names of the Members of the House of Commons from whom this report emanated, and the majority of whom concurred in it, (a bare majority as it is generally believed,) they cannot but feel surprise that it did not occur to them, that unless the Crown retained within its hands the means of sustaining the Government of a Colony, independently of the annual vote of the local Legislature, ~~that~~ such Colony became virtually independent; and the surprise is not a little increased, when this salutary power of the Crown was to be surrendered to the Assembly of a conquered Colony, inhabited by people, a great majority of whom were of French descent, speaking a foreign language, and governed by laws differing from those of Great Britain.

Whatever opinions may be entertained on these points, it is perfectly certain, that with the report in question commenced that course of policy, which has in no small degree tended to bring about that lamentable state of internal dissention and revolt, which the loyal Subjects of Her Majesty now so deeply deplore.

As was to be expected, the recommendations of the Committee of the House of Commons, were hailed as a triumph by that party in Lower Canada, who have since too plainly proved their traitorous and disloyal principles; and by them the report was declared "an imperishable monument of human wisdom and national justice."

The British Parliament and His Majesty's Ministers were led to suppose, that if the concessions recommended were made, peace and contentment would prevail throughout the country, and ~~the~~ Representatives of the people, gratified to the fullest extent of their wishes, would cheerfully concur in all such measures as were necessary to maintain the Government of the Colony, and perpetuate the connection with the Mother Country.

Confiding in these delusive promises, the Colonial Minister began by surrendering up to the control of the House of Assembly, the funds out of which the King had hitherto been enabled to pay the Governor, the Judges and other Officers, without whose services the Government of the Country could not be conducted; and this measure was sanctioned by Parliament, under the vain expectation, that the Assembly would honorably redeem the implied pledge, that they would themselves make the necessary provision. Such, however, was not, and probably never had been, the intention of the majority of the Assembly: the moment they had attained so important a concession, which rendered the Sovereign a supplicant to the Legislature of one His Colonies, and that a conquered Colony, for the means of carrying on His Government within its limits, they felt the advantage they had gained, and they resolved to avail themselves of it.

Uninfluenced by the noble and prompt example of the Representatives of the loyal people of Upper Canada, who patriotically and wisely secured the independence of the Judges, and the upright discharge of the duties of the Governor, Executive Councilors and other high Officers of the Government, by voting them reasonable and permanent salaries, the Assembly of Lower Canada refused to vote a shilling as a supply for these objects, and the Judges and other public functionaries have in consequence for

years past, exhibited the degrading spectacle of being compelled to borrow, and incur debts for the ordinary and necessary support of their families.

Notwithstanding this vicious and ungenerous course of conduct, the recommendations of the Committee of the House of Commons continued to be acted upon: The Chief Justice was removed from the Executive Councils in both Provinces—the Judges, by a questionable exercise of the Royal influence, were induced to absent themselves from the Legislative Council in Lower Canada—the Jesuits' Estates, the property of the Crown, were generally given up—new Members were added to the Legislative Council to render it *more independent*, chiefly taken from among that class of persons most distinguished for their opposition to the Government while Members of the lower House—and the noble minded and patriotic Earl of Dalhousie, was recalled.

Having thus gained all the advantages promised by the report of the Committee of the House of Commons, the Assembly turned their attention to new subjects of complaint, and increased efforts to annihilate British influence—they erected themselves into an inquisitorial tribunal for the trial of such Officers of the Government as they desired to deprive of their situations, and succeeded, by a system of attack unheard of in any other British Colony, to induce the King's Government to dismiss from office, and remove from various situations, several of the oldest, most faithful, and most respectable servants of the Crown—and to render their eagerness to retard and discountenance the encrease of population from the British Isles more apparent and effectual, a capitation tax was imposed on all emigrants from Great Britain and Ireland, and from thence only, on landing at Quebec—and strong efforts were made (hitherto unsuccessful,) to induce the Home Government to annul the agreement with the

British America Land Company, which had been established for the settlement of emigrants from the United Kingdom, on lands lying waste and useless in the most fertile part of the Province—they exerted themselves to procure the repeal of the Act passed by the Imperial Parliament, authorising persons holding lands under the ancient Feudal Tenure, to change their titles to the British Tenure of Free and Common Soccage—and in the most arbitrary and unconstitutional manner, they from time to time expelled Members of British descent from their body, and maintained in their seats, those of French origin, who had been elected in the most palpably illegal manner—and lastly : the Assembly demanded that the Constitution of the Province should be so altered, as to admit of the election of the Members of the Legislative Council by the people : and ultimately declared their determination no longer to act in concert with the other branches of the Government, unless this demand was complied with.

Had this point been conceded,—and from the facility with which their previous demands had been granted, the Assembly had reasonable grounds to suppose it would be yielded to them,—the last vestige of British Supremacy would as a matter of course have been annihilated.

Happily however the British Minister did not possess the power of making this concession without the authority of Parliament, and in that august assembly it was not likely to meet with much countenance.

The time however had arrived when it was indispensably necessary, either to abandon the Colony to a state of anarchy, or adopt measures to prevent the Government from falling to pieces : and accordingly, certain resolutions were proposed by one of the King's Ministers, and adopted by the Lords and Commons of the United Kingdom, containing a timid pledge

not to extend the elective principle to the Legislative Council, and proposing the payment of the Judges and other public functionaries, the arrears of their unjustly and long-withheld salaries—they further proposed certain changes in the system of administering the Government in both Provinces, which the authors doubtless believed would be productive of salutary effects.

The leaders of the revolutionary faction having thus for the first time met an apparently decided refusal of their demands, determined, in an evil hour to themselves, but as every loyal man hopes and believes, auspicious to the future welfare of these Provinces, on revolt—they carried their design into execution—were overthrown—and, as we earnestly pray, for ever crushed.

Your Committee believe, that the history they have thus given will sufficiently prove, that the impelling motive to rebellion on the part of the Lower Canadians, as they (the Committee) have asserted in a previous part of this Report, was 'Hatred to British Rule.' They were not oppressed—they had never been oppressed, or denied a single right that British Subjects could justly claim—they were prosperous, and they might have been happy; it is due to truth further to remark, that disaffection was confined, with exceptions so few as not to deserve notice, to Canadians of French descent—and that it was put down by soldiers and citizens of British and Irish origin, and by them only.

Your Committee would here gladly close their observations on the revolt in Lower Canada, and the causes which led to it, but the due performance of a solemn duty requires that they should not omit notice of the unwise measures that, for a series of years, marked the policy of the British Ministry towards that Colony; and which, in the opinion of almost every

honest and intelligent man in these Provinces, greatly encouraged the disaffected in their hope of throwing off British connection.

The concessions made in pursuance of the recommendations of the Committee of the House of Commons, have been noticed ; and the dismissals from office of persons accused by the popular branch of the Legislature, and against whom the Executive of the Province had preferred no charge—and whose impeachment was known to be in opposition to its wishes—have been already adverted to.

In consequence of the first, the power and efficiency of the Government was destroyed ; and the effect of the second, was to alarm every public servant, and to cause him to fear that he might be dismissed and dishonoured, through the false representations of malignant and irresponsible accusers. But this was not all : it seemed to be considered necessary, upon almost all occasions, to shew a deference to the wishes of the disloyal faction, and a total disregard to the claims and representations of the well-affected.

The Earl of Dalhousie, a Nobleman peculiarly suited by his talents and firmness of character, to administer the Government, and endeared to the British portion of the community by his many generous acts, and estimable qualities, was recalled at a moment when he was resolutely upholding the constitutional prerogatives of the Crown, and vigorously maintaining the authority of the laws.

His successor, Sir James Kempt, was the first Governor General who was directed to fall in with the views of the dominant faction, and endeavour to conciliate the disaffected. He commenced his Government by thanking the Assembly for, and declaring his high satisfaction at receiving an Address from them, which contained an ungenerous and unjust

attack upon his noble Predecessor. His administration was, nevertheless, an entire failure ; and he had sagacity enough to resign the Government at the moment when men of all parties were ready to condemn his measures.

Lord Aylmer followed, and never did a Governor more assiduously labour to gain the applause of the anti-British party than his Lordship did, for the first two years of his administration. No single request was made of him by the Assembly, that he did not grant, and in not a few instances he yielded to demands that deeply compromised the constitutional rights of the Crown, and the justice due to individuals: He suspended from office the able and efficient Attorney General of the Province, upon charges, the truth of which had never been established (although his dismissal was afterwards confirmed by Lord Goderich)—he rendered the Legislative Council “more independent,” by placing in it some of the most violent and ungenerous opponents of the Government—and at the very time when the Assembly were factiously withholding from the Judges and other public Officers of the Crown, the salaries and allowances to which they were justly and constitutionally entitled, and for want of which some of them had been reduced to poverty and want, His Lordship advanced them money without legal authority, from the public funds, to enable them to pension Members of the British Parliament, to use their influence in obtaining concessions from the Imperial Government, that would when granted, assist them in accomplishing their revolutionary designs. At a subsequent Session, His Lordship had the temerity to ask the Assembly for a bill indemnifying him for having advanced money in compliance with their Address only, and to protect him from the personal liability he had in consequence incurred: and he declined making

any further advance until an Act was passed to that effect. This was deemed a violent breach of the constitutional rights and privileges of the House, and forthwith NINETY-TWO Resolutions were fulminated—impeaching His Lordship of high crimes and misdemeanours—denouncing the British Government as arbitrary and oppressive—threatening rebellion—and containing matter altogether so grossly treasonable and seditious, that every Subject of the Crown, who respected the ancient institutions of the Realm, and desired to see the Constitution of the Country maintained, was led to expect, that if the authors were not otherwise punished, a dissolution of the Assembly would take place, if for no other reason than to prove, that the King's Government was sensible of the indignity that had been offered it. Far different however was the result. His Lordship was recalled from his Government, and the author of the resolutions referred to, was elevated by his Successor to a seat on the Bench of the Superior Court of the Province.

Lord Gosford's administration now commenced: and with him ~~was~~^{he} associated two gentlemen as Commissioners, appointed to inquire into, and report upon, the state of the Province, and the grievances under which its inhabitants were reputed to be suffering. His Lordship's instructions were, to adopt the most conciliatory policy towards the people of the Country; this was done by shewing open favor and partiality to the known leaders of disaffection, such as the promotion of Mr. Bedard (above alluded to) to the Bench, and of Mr. Debartchz to the Executive Council, and manifesting a distrust and want of confidence in those, who in the day of peril, have cast aside the recollection of their wrongs—have rushed to the support of their Sovereign—and have proved, that in the hour of need, to *them* only can Her Majesty look for the preservation of this portion of Her Dominions, as an appendage of Her Crown.

The first act of the Assembly upon being called together by Lord Gosford, was to offer an insult to our late Gracious and good King, by denying His right to appoint Commissioners to inquire into the state of affairs in the Province, (one of His conquered Colonies) and contemptuously rejecting an Act, which was designed and intended for its especial benefit. Notwithstanding this, (and without requiring any bill of indemnity for Lord Aylmer) the new Governor General in obedience to his instructions, and in pursuance of his conciliatory policy, "*cheerfully*" advanced upwards of £20,000 of the public revenues, on the sole Address of the Assembly, and in defiance of the solemn protest of the Legislative Council, to enable the former body to pay the arrears of salary due to Mr. Roebuck of the Imperial Parliament, and to continue his allowance as an Agent, and to reward his exertions in forwarding their revolutionary designs.

Having been thus far triumphant in all their conflicts with the Governors of the Colony, and having been led to believe, that they would ultimately succeed in their attempt to coerce the Home Government into granting the next great object for which they were contending, viz.: the subjection of the Legislative Council to the popular will, controlled as the latter was, by the same influence that had rendered the Assembly a mere revolutionary club, they declared, as has been already stated, that they would proceed no further with public business until this demand was complied with.

Your Committee will here close their observations on the political history of Lower Canada, as distinct from that of the Upper Province, and will now offer some few remarks on the progress of the latter to that state of prosperity and contentment in which it was peacefully reposing, and which it would have continued to enjoy, but for the unnatural and wicked

revolt that broke out in Lower Canada—proceeding as it did, from causes that your Committee have detailed.

The advancement of Upper Canada in population and wealth, from the time of the division of the Province of Quebec into Upper and Lower Canada, in 1791, has already been alluded to; and it is perhaps not too much to say, that from that time to the present, no Country in the world has presented a more industriously disposed or devotedly loyal people, than were to be found within its limits.

It is of course true, that in the excitement incident to all conflicts of domestic political parties, disagreements have occurred in the House of Assembly, and among the electors and people generally, that have led to references to the Home Government for the redress of alledged wrongs, and which have been seized upon by the adverse parties, as grounds for imputing to the people, general discontent and dissatisfaction with their Government. It would probably be sufficient evidence of the want of just grounds for any such statement, to refer to the history of past Houses of Assembly, and the result of the different appeals that have been made to the people at General Elections. This would shew, that since the time our first Governor—General Simcoe—entered upon the administration of the Government of the Province, in 1792, to the present time, a period of 45 years, there have been but two Houses of Assembly returned, who can be said to have taken a course hostile to the views of the Government, each of which was succeeded by the election of a large majority of representatives of a different political character, and on only one occasion has there been a dissolution on account of differences with the local administration. In truth, the people are intelligent as well as patriotic, and when left to themselves in the free exercise of

their constitutional rights, they have ever proved themselves able to apply the necessary remedy to any attempt to oppress or mislead them.

With respect to the loyalty of the Inhabitants of Upper Canada, your Committee will not insult the noble pride and exalted patriotism of their fellow-subjects, by any sentence or word, that could imply in the most distant degree, that there was a necessity for defending it: they point to their descent—they point to their deeds in a former war—and they point to their attitude and bearing at this moment of threatened invasion and revolt,—and they bid their calumniators, be they in the British Senate or elsewhere, to point out the stain or reproach that rests upon their fair fame, as “loyal men and true” to their Sovereign and their Country. If in truth they desired to release themselves from their allegiance, by traitorously conspiring against the authority of their Queen, what prevents their accomplishing their wishes? It is not many days since there were not fifty Soldiers of the regular Army in the Province, and even now, when the usual Military force has returned to our garrisons, there is no man who will not admit, that the question of remaining a dependency of the British Crown rests entirely with ourselves. That question has been answered: and the sincerity of the reply has been proved by more than 20,000 men, eagerly striving who should be foremost in taking up arms, and hazarding their lives and fortunes to maintain and perpetuate our connection with our Glorious Parent State.

It however must not be supposed, that Upper Canadians are without their causes of complaint against the Imperial Government. The fact, your Committee lament to say, is far otherwise. They have felt, in common with their fellow Subjects of British origin in Lower Canada, the blighting effect of the erroneous policy pursued with respect to the latter

Colony. The consequences of it have been to render nugatory some of the great enterprises this Province has engaged in, to improve its navigation, (especially that of the St. Lawrence,) to extend its commerce and increase its revenue; the dissensions that have so long existed there, have alarmed and prevented thousands of our fellow Subjects in Great Britain and Ireland from coming and settling among us: and our intercourse with the Mother Country has been interrupted and obstructed by oppressive and unjust Legislation, countenanced in some instances by Ministers of the Crown. These evils have been frequently and earnestly represented, but although the remedy has always been in the hands of the British Government, it has never been applied, and we are now left to suffer under them with accumulated force.

In our own more immediate and local concerns, we have at times been alarmed and embarrassed at the apparent influence gained by the enemies of British connection, with the Colonial Secretary of State, and the interference which followed in matters of a purely local character:—among the number of these, may be mentioned—the threatened disallowance of our Bank Charters, after those institutions had been for some time in full operation—interference in legislative proceedings, relating exclusively to questions of privilege—and frequent collisions with our Governors the moment they manifested a preference for that class of persons they had learned to regard as best entitled to the confidence and protection of their Sovereign. To this last ground of complaint, your Committee feel it a painful duty to draw the particular attention of your Honorable House, and with their remarks upon it, to close this part of their Report.

The appointment of Sir John Colborne to the Government of this Province, as the successor of Sir Peregrine Maitland, was simultaneous, or nearly so,

with the appointment of Sir James Kempt to the Government of Lower Canada : and there is no doubt, that the design of the British Ministry was, to infuse a larger share of "*liberal policy*" and "*conciliatory measures*" into the administration of public affairs, than it was *supposed* previously existed.— Sir John, accordingly, kept aloof for a time, from the old and tried servants of the Crown in the Colony, and manifested a disposition to conciliate the goodwill and support of those, who were understood to be opposed to the past administration of Sir Peregrine Maitland. In this, His Excellency met with no embarrassment from any one ;—the Officers of Government did their duty cheerfully and steadily—they never intruded themselves upon his notice, or sought to embarrass him in the attempt he was making to reclaim the disaffected, or to strengthen the loyalty of the wavering ; he conferred offices in a few instances without sufficient assurance that they were deservedly bestowed, and to a more serious extent he deprived some of the best men of the Colony of emoluments and appointments they had long enjoyed, and to the continuance of which their merits and long services amply entitled them.

His Excellency, however, soon found that measures of this kind were not the most judicious ; he discovered that he might make enemies, but that he was not likely to gain friends ; he was speedily convinced that the designs of the majority of the turbulent and noisy politicians, self-styled reformers, who sought his confidence, aimed at revolution, not reform—and he was therefore compelled to withhold from them any further marks of his favour.

Owing to causes of an accidental and local character, a House of Assembly was returned, containing a majority of eleven opposed to his administration. The leaders of this majority industriously applied them-

selves to the investigation of supposed grievances, and the promulgation of reports from Select Committees, calculated to inflame the public mind against the Lieutenant Governor and other Officers of the local Government, and by false representations, to render the people discontented ;—these were in some instances sent to Downing-street, by order of the House—at other times by individual Members, without the sanction of the Assembly.

The consequence, as is now generally understood, was, that an ungracious correspondence sprung up between His Excellency and the Colonial Secretary of State, so offensive to Sir John, that he was induced to tender his resignation, which however did not reach England before his recall had been determined upon, and in the depth of a Canadian Winter, this venerable and gallant Soldier, with a constitution impaired in the service of his Country, and a body mutilated by wounds received in many a victorious field of battle, whose name is identified with the glory of his Country, felt himself obliged to leave the Seat of Government, and repair to the Lower Province, exposed to the inclemency of the weather, accompanied by his numerous and amiable family.

This was a scene that awakened the sympathy, and aroused the indignation of the generous and loyal people of the Province. At every Town and Village on his route of 300 miles, he was met by Addresses expressive of the respect and regard in which he was held as a man and as a Governor, and throughout his whole journey, the people turned out in their sleighs and carriages, and with acclamations, accompanied and cheered him on his way.

The departure of Sir John Colborne infused new life and vigor into the faction that had accidentally acquired a temporary ascendancy in the Assembly—always ignorant of the true feelings and character of the

great body of the people, the leaders of this party determined on making a display of their fancied political power, and if possible, establish their ascendancy in the Councils of the Province; and this they believed they could the more easily accomplish, as it was reported, that the new Governor was a "*tried Reformer.*"

Upon assuming the administration, it was generally understood, that Sir Francis Head was instructed to pursue a policy far *more liberal* than that of his predecessor, and the apprehensions entertained, that measures might be too hastily taken, by which the Country would be involved in lasting dissensions, were greatly increased by the appointment of Dr. Rolph, and Mr. Robert Baldwin, to be Members of the Executive Council; and to prove how well-founded were those fears, it is sufficient to state, that the first named individual has since fled the Country to escape the penalties of Treason, and the latter, long his most intimate political associate, has professedly withdrawn himself from all interference in public affairs.

Rumors of other appointments, equally distasteful to the loyal Subjects of His Majesty, were at the same time in circulation. Happily, however, before they could be made, if they were ever intended, events occurred, that saved this Province from evils that must inevitably have led, and that within a short period, to the entire destruction of the authority of the Crown, and a speedy separation from the Parent State.

No sooner had Mr. Rolph and Mr. Baldwin, (with whom also was associated Mr. Dunn, the Receiver General,) taken their seats at the Council Board, than they proposed, and had sufficient influence to induce the other Members to agree to the proposal, that they should henceforth, in effect, be accountable to the people, and not to the Crown, for their acts; that is, that

they should remain in office so long as a majority of the Assembly approved of their conduct, and no longer; and that when the Lieutenant Governor acted in opposition to their advice, they should be at liberty to make the circumstance publicly known. This proposition, so contrary to all Colonial usage, and destructive of the Constitutional authority of the Sovereign, by rendering every department of the Government dependent on the Democratic branch of the Legislature, at once convinced the Lieutenant Governor of the real character of the men he had, with an honest desire to reconcile conflicting parties, admitted to his confidence, and the extremely delicate and somewhat dangerous position in which he stood. Happily for this Province, His Excellency possessed a vigorous, active and intelligent mind, and was prompt and resolute in acting upon its suggestions. He addressed the Council in terms of mild but firm remonstrance; he pointed out, with ability and clearness, the error of their opinions, and the danger that would result from their adoption—and in conclusion, candidly stated that unless they were abandoned, his confidence in them must cease: the Council adhered to their opinions, and resigned their office.

As was to be expected, the party in the House of Assembly, whose hopes of establishing their political power were thus suddenly frustrated, became in the highest degree exasperated; and after adopting several resolutions and addresses, in the hope of regaining the power which the unwise and hasty conduct of their leaders had lost to them, they appointed a Select Committee, composed exclusively of Members of their own political opinions, with authority to send for persons and papers, and to report the result of their inquiries.

The Report made by this Committee was brought up towards the close of the Session: it is a document too voluminous to admit of a detailed examination in

this place, even if it were desirable to do so ; it is enough to say, that in addition to its containing the most offensive and insulting language towards the Representative of their Sovereign, who had been but a very few weeks in the Province, and of whose general character and sentiments they could scarcely have any knowledge, its authors contemptuously rejected the offer that had been made, to submit the question in dispute to the King. They, in effect, insisted that the construction of the Constitution rested exclusively with them, and that whatever might be the decision of the House of Assembly, all other branches of the Government must be bound by it ; and they demanded adherence to a course of policy on the part of the Executive, which, if granted, it was manifest to every reflecting man, would utterly destroy the authority of the Crown, and would subject the people to the government of the capricious and ever-varying opinions of the party that might chance to have the ascendancy in the House of Assembly ; and lastly, it recommended, and the House resolved, that until the concessions demanded were made to them, they would grant no Supply for the support of the Government : and the Session accordingly closed without any provision having been made for the Public Service.

At no period since the formation of the Government of the Province, had so distinct and open a disagreement occurred between the Executive and the House of Assembly. The questions involved were of vital consequence to the future peace, welfare and good government of the country—and at the same time they were capable of being plainly stated, and clearly understood. They were argued and discussed at public meetings, and in private circles. Misrepresentation and abuse of the public authorities, and of the Lieutenant Governor in particular, were the weapons used by the advocates of the majority of the House of

Assembly—truth and reason were opposed to them—the latter were listened to and fully comprehended by a loyal and intelligent people, and the result was an almost universal demand for the dismissal of men who had betrayed their confidence, and under the veil of patriotism, had endeavoured to destroy the Constitution they so highly prized. They became convinced that if those persons succeeded in their political views, the country would soon be subject to the tyranny of an irresponsible faction—and that the cherished connection with the Parent State must, ere long, be dissolved.

The petitions that were addressed to the Lieutenant Governor, condemnatory of the proceedings of the House of Assembly, and demanding its dissolution, and in the strongest terms approving of the firm and uncompromising course pursued by the Lieutenant Governor, evinced the most unequivocal attachment to the Constitution, as by law established—the determination of the people to maintain it inviolate—and their gratitude to Sir Francis Head, for his resistance of the attempts that had been made to subvert it. The dissolution of the Assembly, and the General Election that followed it, resulted in the rejection of every prominent Member of the majority of the last House, and the return of an overwhelming preponderance of those of an opposite political character.

The overthrow of the party, instead of being silently and respectfully submitted to, as the Constitutional decision of the Electors, served but to exasperate them—and to lead them gradually to the open avowal of their traitorous designs. It was asserted, that the elections were decided by bribery, corruption, intimidation and riot: and by the unconstitutional interference of the Governor, in creating a vast number of votes, by the unlawful issue of Patents for lands to persons who were not entitled to them; and a Dr. Charles Duncombe, one of the persons who belonged

to the party composing the majority of the last House, and who had been re-elected to the present, had the singular audacity to embody these utterly false assertions in a petition addressed to the House of Commons—which petition was presented by Mr. Joseph Hume, then one of the Members for Middlesex, and the (upon all occasions) chosen mouth-piece of the Traitors of this Province.

A copy of this petition, as an act of justice, was transmitted by the Secretary of State for the Colonies, to the Lieutenant Governor, for his remarks. His Excellency, before noticing it himself, transmitted it to the House of Assembly, as the body best qualified to investigate the charges contained in it. The Select Committee to whom it was referred, composed of the most independent Members of all parties, entered upon the inquiry, and as soon as the petitioner, Dr. Duncombe, took his seat, he was called upon to establish his charges, and was informed of the readiness of the Committee to hear any evidence he might have to offer in their support. So far from doing this, and well knowing the untruth of his statements, he left the House on some idle pretence, and never made the least attempt to establish any one of his assertions.

The Committee, however, were not content to leave the matter there:—they called before them all the leading members of the party to which the petitioner belonged, and questioned them as to their knowledge of the truth of the charges made by him. Most of these persons disclaimed all connection with Dr. Duncombe, and not one of them offered the slightest evidence, or intimated that he could give any, in support of his allegations.

The Committee then proceeded to a more conclusive step, and calling before them persons of the highest character for truth and honor, and requiring

the production of documentary evidence, the most conclusive in its nature, every statement contained in the document referred to them, was to the entire satisfaction of every honorable man in the Province, completely disproved. Their Report, drawn up at the conclusion of their labours, vindicates the conduct of the Lieutenant Governor in the most ample and satisfactory manner, and rescues the loyal electors of the Province, from the calumny of having been influenced in the exercise of their elective franchise, by bribery, corruption, intimidation, or any other improper means.

This additional defeat of the revolutionary faction had the effect of urging them forward, to attempt the attainment of their traitorous designs by violence, earlier than otherwise, in all probability, would have been the case. They saw that the great majority of the people were of stern and incorruptible loyalty—their hopes of countenance from their representatives had vanished—their attempts to mislead the British Parliament had resulted in their own disgrace—and the Province was governed by a man, who guided by the principles of the Constitution, firmly resolved to do his duty—and they saw, that all their efforts to intimidate him or to draw him aside from the resolution he had formed, to concede nothing to faction, would be fruitless. Meetings were consequently called by the chief agitator, Mr. Mackenzie, and were attended by some few scores of deluded men, at which the treason in progress in Lower Canada was applauded, and secret measures were taken to assist them in their attempt at revolution.

During these proceedings, Sir Francis Head reposed in perfect confidence in the tried loyalty of the great body of the people, whose Governor he was, to check and overthrow any attempt that might be made to subvert the Government, and when the

Commander of the Forces, Lieutenant General Sir John Colborne, desired to be informed what number of the Troops could be spared from Upper Canada, to assist in putting down rebellion in the Lower Province—Sir Francis Head promptly and unhesitatingly replied, “ALL.” They were accordingly marched to Montreal, and soon after, the revolt broke out in the vicinity of that place, and for a time fears were entertained, that the struggle would be of long duration. The number of Troops in the Country, it was apprehended, was too small to afford adequate protection to all parts of the Province, and Sir John Colborne in consequence applied for additional assistance from the Militia of Upper Canada.

It is now well known, that a correspondence was kept up between the leaders of rebellion in both Provinces, and it is not improbable, that those in Upper Canada were induced to hasten their meditated revolt, with a view of preventing any of the gallant Highlanders and other Militia of the Eastern Districts, being sent to the assistance of their loyal fellow Subjects in Lower Canada.

It was supposed by the traitors, that nothing could withstand the rebels there, and if they were successful, it was assumed, that as a matter of course, Upper Canada must yield also. Far otherwise, we are now warranted in saying, would have been the fact.

Our patriotic Lieutenant Governor had not miscalculated the loyal feeling of the inhabitants of Upper Canada. His administration had confirmed them in the belief, that they would be protected by the British Government—he had, by a generous and well-placed confidence, awakened their pride, and excited the noble feeling of devoted patriotism—at his call, they thronged in thousands to the Seat of Government, to repel the attack of rebellious and

unnatural traitors, and tens of thousands would in like manner have marched at his command, to protect and maintain the authority of their Sovereign in the Lower Province—to his policy and adherence to the principles of the Constitution in the administration of the Government, this deeply affecting and gratifying exhibition of enthusiastic loyalty is to be ascribed—no other policy than his, and few other men than Sir Francis Head, could have called it forth.

The rebellion in Lower Canada, was put down by the gallant soldiers and loyal British Subjects of Her Majesty—not, however, without a fearful sacrifice of human life, and vast destruction of property. In Upper Canada, it may be said to have been put an end to, by the indignant frown of an insulted people. Hundreds of the repentant offenders have been forgiven by the man who, in the exercise of the Royal clemency with which he was intrusted, was empowered to extend pardon to them: thus proving, in a manner the most grateful to his own generous nature, that he was not the tyrant they had been induced to believe him to be. Others more guilty, await that justice which the laws they would have overthrown may award them; and the leaders, including Rolph, Duncombe and Mackenzie, the lauded and cherished patriots of Mr. Joseph Hume, have fled their Country, and have found an asylum in the United States, among the robbers, murderers, pirates and traitors who, in that Republic, bid open defiance to law, and are avowedly protected in their crimes by the Sovereign Will of the People.

This short and necessarily condensed view of the causes and termination of the recent insurrection in Upper Canada, has been introduced by your Committee for the purpose of shewing by incontrovertible facts, the estimation in which His Excellency

the Lieutenant Governor is held by the people, and the confidence entertained in his administration of the Government. Notwithstanding this however, it appears that His Excellency's policy has not harmonized with that of his official superiors, and, as in the case of his predecessor, he has resigned his office. In replying to the announcement of this most unexpected event, your Honorable House truly stated, "that this House, and "the people of the Province, will regard Your Excellency's relinquishment of its Government as a calamity of "the most serious nature, and which may result in difficulties and dissensions that cannot be easily repaired "or reconciled. We however are fully persuaded, that "the blame cannot rest with Your Excellency; and "while we sincerely and most willingly acknowledge "the zeal, ability, justice and honorable disinterestedness, with which you have conducted the Government of this Province, during your short but eventful "and arduous administration of its affairs, we beg "respectfully and affectionately to express, on behalf "of this Province, our earnest hope, that Your Excellency's prosperity in future life may be commensurate "with the claims, deep and lasting as they are, upon "our gratitude—the approbation of our Gracious "Queen—and the applause and acknowledgment of "the British Nation."

His Excellency, it appears, does not feel himself at liberty to disclose the causes which have led to his resignation of the Government, and therefore your Committee is precluded from making distinct remark upon them, but if it be true, as has been rumoured, that those differences of opinion consist in an unwillingness or refusal on his part, to employ the patronage of the Crown, in the vain attempt to conciliate the disaffected, and thus to outrage the feelings of the unquestionably faithful Subjects of Her Majesty, his conduct vastly increases his claims upon the gratitude

of the people of this Province, and renders it a solemn duty on their part, as far as they have the power, to vindicate and uphold him in the good opinion of our Sovereign, and our fellow Subjects of the United Kingdom.

Your Committee feel that your Honorable House would not advance the interests of our Country, or act in accordance with the opinions and wishes of the loyal Inhabitants of this Province, were you to adopt a factious opposition, or manifest an unbecoming distrust in the justice of the Councils by which the interests of the great Nation to which we belong is governed—but it would not be in accordance with the dictates of truth or patriotism, were your Honorable House to forbear honestly and firmly, but most humbly and respectfully, to declare to our revered Sovereign, that Her Majesty's devoted Subjects here, look for some better proof that their allegiance is desired, and that their just claims for protection are respected, than is evinced by, at any time, or under any circumstances, yielding to the enemies of our peace, countenance or support. Such a course of policy, too long pursued in the Sister Province, has been productive of the most baneful effects, in encouraging the mercenary demagogue to pursue his noisy and dishonest course of sedition, in the hope of being bribed to silence,—and by disheartening the loyal and the honorable, who cannot help feeling, that they have been ungenerously treated, when they see the power of a party increased, whose ultimate aim they have the best assurance for believing, is their destruction.

In advancing these opinions, your Committee are far from desiring to be understood that they are opposed to a course of policy founded on "*conciliation*," provided it have for its object the dispensing of *equal justice* to all classes of Her Majesty's Subjects.—Guided by such motives, those entrusted with the

administration of public affairs, having first determined to adhere with unwavering resolution to the plain terms of the Constitution, will take care never to do wrong for the mere purpose of appeasing clamour, or in the hope that a party factiously bent on obtaining unreasonable and unjust concessions, may be appeased by granting that, to which neither reason nor justice give them any claim. Your Committee believe, that the history of every country and nation whose Government has for any length of time proceeded on such a system has in the end fallen into anarchy and ruin.

Your Committee have nothing to add to what they have already set forth in this report, to prove the application of the opinions just expressed, to the policy pursued in these Provinces.

In Lower Canada, a people nurtured in hostility to British laws, have long been indulged in their unreasonable, and not unfrequently unconstitutional demands, to the great and manifest injustice of a numerous and loyal class of their fellow Subjects; and in the vain hope of "*conciliating*" them, concessions have been made from time to time, alike unwise in policy and unjust in principle. And what has been the result? General disaffection, insurrection and rebellion against their benefactor.

On the other hand, look to Upper Canada:—in two years from the time that the people were told that the Constitution was to be the sole rule of Government, and that undoubted loyalty and general merit was to be the only passport to the favor and patronage of the Crown, the whole country became united, and as one man the inhabitants declared their determination to uphold their Institutions, and prove their devotion to their Sovereign.

Your Committee can only join with their fellow Subjects in the expression of their earnest hope, that this noble feeling may never be damped or destroyed,

by want of wisdom or firmness on the part of those who may be henceforth appointed to rule over them.

Proceeding now to the second point of their inquiry, namely, "the evils that have resulted from the recent rebellion," your Committee will limit their observations to as small a compass as the painful nature of the subject will admit.

Of all the calamities which can visit man, a civil war is assuredly the most to be deplored, and the horrors that usually attend it are most repulsive to a humane mind; and it may be even said with much appearance of truth, that little value can be attached to human existence in a country visited by such a calamity. That this greatest of miseries has fallen upon these Provinces through the wickedness of its own inhabitants, it would be criminal as well as vain to deny. Living in the positive and undeniable enjoyment of every blessing that reasonable men could desire, they have appeared in arms against the lawful authority of their Sovereign, and have endeavoured to attain their evil purposes by the destruction of the lives and properties of their peaceable and unoffending neighbours. The injury which this unnatural state of things attaches to the character of those who were engaged in it, in a moral point of view, is most afflictive; it marks them as a people not only forgetful of their duty to their Queen, but ungrateful to Providence for the innumerable blessings extended to them by Divine favour, nor can these Provinces hope to escape from the fatal consequences of the offences of its people but through His Almighty protection and merciful forgiveness.

In a more worldly point of view, we see the tide of prosperity upon which the country was borne, and rapidly advancing to wealth and power, suddenly and fatally checked, and made to flow back from us. Our fellow Subjects in the United Kingdom, who have

hitherto directed their attention to the Canadas as to a country in which, retaining their allegiance and living under the protection of their natural Sovereign, they might establish themselves and their families in security and peace, it is to be feared will now look to other countries, as offering a more fit residence for loyal British Subjects. Our trade and commerce heretofore encreasing and affording channels for the accumulation of wealth and independence, will without doubt decrease, and for a time at least, be left to languish and decay. Our revenues, the source of our means (especially in this Province) for proceeding with those vast improvements which, in a few years more of uninterrupted prosperity, would have connected the seaports in every quarter of the globe with Lake Superior, by a canal capable of floating vessels that navigate the Atlantic, will be reduced and rendered altogether inadequate to the great purposes for which they are required; and in short, a country marked by the hand of nature with the means of advancing in wealth and power beyond any other on earth, is in danger of being stayed in its career of greatness, until the stain that now rests upon its character is effaced, and a remedy is found for the evils under which it ~~labours~~. In what manner this all important object can be best accomplished, and the prosperity of these noble Provinces be once more restored to its wonted channels, is the next great object of inquiry to which your Committee will direct their attention.

It is believed that it will be admitted by all dispassionate observers, that the Representative form of Government, as established in Lower Canada, has proved utterly unsuited to the majority of its inhabitants, and that without some change in the existing Constitution it will be impossible to conduct the Government there, with efficiency or satisfaction to any

party. They are further of opinion, that the interests of Upper Canada imperatively require that an efficient Government should be established in Lower Canada; and that it is indispensable to the prosecution of the trade and the general advancement of the prosperity of this Province, that under any circumstances it should have the independent control of one of the seaports on the Saint Lawrence, and that this control cannot be refused without the denial of a manifest natural right.

Of the numerous projects that have been from time to time suggested for the better Government of these Colonies, your Committee will now proceed to notice the most prominent, and such as seem deserving of serious consideration; premising that they pass over any critical examination of the resolutions adopted by the British Parliament during its last Session, as not likely to be again seriously entertained. They are clearly liable to two decided objections—1st. They contain a violent infringement of the existing Constitution, for the attainment of a present purpose only; and 2nd. They are without the merit of containing any final settlement of existing difficulties, or protection from the evil consequences of future dissensions and disagreements.

1st.—The first project deserving of notice, is the repeal of the Constitutional Act 31, Geo. 3rd, so far as the same relates to Lower Canada, and (with some slight variation as regards the imposition of duties and intercourse with Upper Canada,) a return to the provisions of the Act 14th, Geo. 3rd, chap. 83.

The objections that the inhabitants of Lower Canada, of *French origin*, might raise to this change in their form of Government, ought not to be considered of very great weight. In the first place, it is well known, that they violently opposed the introduction of the representative system at the time it was adopted, as being unsuited to their habits and opini-

ons ; in the same manner, and probaby for the same reasons, that they now oppose the introduction of Free and Common Soccage, instead of the Feudal Tenure ; and secondly, because they have abused this invaluable privilege of British Subjects, and have employed the power it gave them, to bring about revolt, and the entire overthrow of the Government. If however our fellow Subjects of British descent, should seriously oppose themselves to this change, the question would then be, whether such modifications might not be introduced into the measure, as would gain their acquiescence. Your Committee venture to suggest the following :—Let the number of Legislative Councillors be considerably increased beyond the number authorised by the 14th Geo. 3rd : let these be taken in equal numbers from the inhabitants of British, and Irish, and French descent : and let the English language be the only language used in legal and legislative proceedings.

In connection with this measure, let the boundary line between Upper and Lower Canada be so altered, as to give to the Upper Province all the territory lying on the south-west side of the River Ottawa, and of the Chambly Canal, including the Island of Montreal ; all of which, should be governed according to the Constitution now existing.

2nd.—The next project deserving notice, is one of a more important and complex character, viz :—a legislative union of all the North American Colonies. Your Committee see much in this measure to recommend it to favorable notice, and as one of the most important advantages that would immediately result from it, is the establishment of “**BRITISH ASCENDENCY,**” without any change in the principles of the existing Constitution.

There can be no reason now for feeling any delicacy or hesitation in speaking of visible and ad-

mitted facts, however ungracious or impolitic it might be to do so, under different circumstances. The Canadians of French descent in Lower Canada, are not loyal. The inhabitants of all the other North American Colonies, are loyal: as are also those of British descent in Lower Canada;—and they are so, not merely from the abstract sentiment of loyalty, or from interest, but because they glory in being British Subjects; they feel that the safety and security of their lives and liberties depend on their repelling the encroachments of Democracy, which they detest; and because they see and feel the superiority they have over the neighbouring Republic in being governed by British laws; and they are convinced, that the stability of their institutions can be best secured, by maintaining the connection with the Mother Country.

If, then, the whole of these Colonies were so far united as to be represented in one Legislature, they would be enabled so to encrease and distribute their resources for the benefit of all, that the abundance and facilities of national wealth would lead to and advance their common interest, and place them at once on a level with many powerful nations; their attitude also would be such as to constitute a salutary check on that system of self-government which placed in the hands of an irresponsible multitude, who disclaim obedience to any law that opposes their will, is now threatening in this western hemisphere to overthrow all those barriers that have hitherto been regarded as necessary to the security of life, property, and that freedom which can only be called “glorious, when restrained by law.”

If this measure should be considered as the one to be preferred for a final settlement of the Government of these extensive Colonies, the Imperial Parliament (through whose interposition alone it can be effected,) should have its attention drawn to the necessity of con-

sidering, whether it would not be desirable to continue the Provincial Assemblies with powers limited to the adoption of laws for their local and domestic government, separate from questions of Trade and Commerce, and such matters as must necessarily affect the interest of all the Colonies. Your Committee can only say, that they entertain a decided feeling in favor of retaining local Assemblies, and they urgently recommend the expression of a similar opinion on the part of your Honorable House.

In connection with this point of inquiry, your Committee are strongly impressed with the conviction, that no act of our beloved Queen would give to her loyal and devoted Subjects in this remote part of her Dominions, more grateful evidence of Her Majesty's desire to perpetuate their allegiance, than incorporating in her Royal title, the distinct claim of Sovereignty over these Her Majesty's extensive and valuable possessions. Such an Act would, your Committee firmly believe, have a powerful moral effect throughout this Continent, and serve more plainly and distinctly to draw the line between those sound, substantial, and we trust, enduring principles of Monarchy which may well boast their pre-eminence over the hollow and ever-varying fancies, that spring from a Democracy that is controlled by the un-English, unmanly, immoral and degrading system of vote by ballot, and the pernicious influence of Universal Suffrage.

Your Committee will dismiss this part of the subject, with this one other recommendation, viz: that the title of the person who may henceforth be appointed to the Government of these Colonies, should be that of "VICE-ROY"—and that combined with integrity and talent, such as will at once command confidence and respect, he should always be possessed of high rank and distinction, as a public man. There was a time when the Royal Dukes of

the Kingdom did not consider the appointment of Captain General of British North America unworthy their acceptance ; it should be made the object of their ambition now.

3rd.—Your Committee next proceed to the question of a union of the Provinces of Upper and Lower Canada. Were it not that the inhabitants of Lower Canada of British origin regard this project with much favor, and appear to consider it as the best measure for relieving them from the oppression under which they have long suffered from the conduct of the dominant faction in their House of Assembly, your Committee would at once declare their unqualified dissent ; but we feel bound not to overlook or treat lightly any suggestion that offers a reasonable hope of relieving our loyal fellow Subjects from their political embarrassments, which now, more than ever, claim our sympathy and consideration. Indeed we feel that unless a change takes place in the Constitution and system of Government in Lower Canada, it is next to impossible that either that Province or this can advance one step in improvement, and that those who desire to continue to live under the British Crown, will be driven to seek some other place of residence.

If however the union should be that measure which the Imperial Parliament may ultimately determine upon, care must be taken that British ascendancy is securely established in both branches of the Legislature : upon no other terms can the measure be sanctioned by this Province ; and this should be most clearly and positively stated to Her Majesty.

In what manner this ascendancy can be secured, your Committee abstain from offering any positive opinion. A variety of modes, however, may be suggested, founded on a division of territory, and the tenure by which lands are held in the two Provinces, and by restraining Freeholders in Lower Canada,

holding lands by conveyance, from voting, until their titles are registered, as in the Upper Province. The introduction of the laws of England, and the use of the English language in all Legislative and Judicial proceedings should also be insisted upon; and lastly, it should be stipulated as a *sine qua non* on the part of this Province, that the place selected for the Seat of Government should be within its limits.

Your Committee are sensible that there are many serious difficulties in the way of carrying the measure of the union into effect, in a satisfactory manner, arising from difference of religion, laws, language and general habits, in the two Provinces, but they believe these may be overcome, and general satisfaction in the end attained, by rendering them truly British Colonies, by the gradual influence of the changes necessary in the Institutions of Lower Canada, and the more general diffusion of education among the inhabitants.

Your Committee in justice to their fellow Subjects in the Lower Province, who advocate the union, annex their petition, addressed to your Honorable House, on the subject, together with some other documents proceeding from a body of individuals of great respectability and intelligence, which they deem worthy of attentive consideration, and which will be found to supply various arguments in favor of the measure.

4th.—The next measure which your Committee consider it necessary to remark upon, is the annexation of the Island of Montreal to Upper Canada, which though last in their enumeration, they regard as far the most to be desired for the interests of this Province, and as they believe, for the benefit of the great body of the people in both Colonies.

With respect to the claim of right on the part of Upper Canada to a Seaport, it may be fairly asserted that no single argument or just reason can be urged against it. The division of the Provinces of Upper

and Lower Canada in 1791, which left this Province without an independent outlet to the ocean, was unquestionably a great political error, and has been the cause of difficulties and dissensions between the two Colonies, that have led to much mischief and even estrangement, that would not otherwise have happened. The motive for the division, as has been stated in a preceding part of this report, was a generous regard for the feelings and prejudices of the inhabitants of Lower Canada, and it is probable that as provision had been made for the ultimate payment of the expenses of the Civil Government of both Provinces, by the duties imposed by the Act 14 Geo. 3. chap. 88. that the question of revenue (always a delicate and intricate one,) did not appear likely to create the embarrassments that have since occurred.

The period however has arrived, when the condition of both Provinces imperatively requires, that the error committed should be repaired, and with the utmost possible promptness. Upper Canada has now attained a population of 450,000 souls, and its increase within the last few years has been such as clearly to shew, that in a very short time, it will number as many inhabitants as there are now in the Lower Province: and that proceeding in a like ratio of increase, it will soon outstrip the Sister Colony as greatly in population, as it already has in commerce and general improvement. It will not be considered as an exaggerated statement to assert, that four-fifths of the exports at the Port of Quebec, are supplied by Upper Canada—that of the one thousand ships and vessels that annually enter from sea, nine hundred at least are supplied with freight from this Province—and that our products constitute the chief articles of remittance made to the United Kingdom, in payment of the goods imported—and that of British manufactures, by far the greater portion brought to these Colonies, is consumed and paid for by Upper Canada.

This statement of the comparative commerce of the two Provinces, founded on data which your Committee believe to be incontrovertible, in itself proves, that it is contrary to the plainest rules of justice, that all the sea ports through which this commerce flows, should be controlled by another Colony; but this is not the only evil of which this Province has to complain. The Legislature of Lower Canada has from time to time enacted laws and adopted regulations applying to the commerce of the Country, which have in effect greatly embarrassed the trade of this Province—such as imposing restraints in the export of its lumber, flour, potash, &c.—and in some instances, by the levying of a direct tax, as in the case of emigrants from the United Kingdom, (since expired)—and on lumber passing down the Saint Lawrence.—The assumption of these powers has been objected to, and on different occasions protested against, by the Legislature of Upper Canada, as the unconstitutional exercise of power by one Colony to tax the productions of another, especially as in the instances mentioned, where the articles were merely in transitu to and from the Mother Country; these remonstrances however have not been heeded by the Imperial Government, to whom they were addressed, and the Legislature of Lower Canada having ceased to exercise the functions for which it was created, redress from that quarter can no longer be expected.

But by far the most painful motive for respectfully but earnestly urging the immediate concession of the claim of this Province to a Seaport, independent of all other control, remains to be stated.

Upper Canada confiding in the permanency of the Institutions of both Provinces, and never supposing it possible that the state of anarchy into which Lower Canada has been thrown by the revolt of the disaffected there, and which so seriously affects every branch

of commerce, and all the sources of wealth and prosperity in both Provinces, could have occurred, did not hesitate to incur a heavy debt for the accomplishment of internal improvements of vast magnitude and corresponding value and advantage to the country generally, fully relying on the continued increase of its revenue from imports at Quebec and Montreal, as well as its own internal revenue, to discharge the interest upon the loans contracted. It is now, however, sufficiently certain from the state of affairs in Lower Canada, that revenue from that quarter must be greatly diminished; and in consequence Upper Canada finds herself reduced to the inevitable necessity of resorting to direct taxation, for the purpose of maintaining its faith with the public, unless it can obtain, without delay, the concession of a plain and undeniable right, namely, a Seaport at which, as in all other countries, the means of raising a revenue presents itself, free from the appearance of direct taxation, and where such a discrimination in the selection of articles for the imposition of duties can be made, as to cause whatever burdens may be created, to fall on parties best able to bear them.

Apart from the claim of right to a Seaport, which Upper Canada confidently and earnestly urges, your Committee conceive that in granting it, no portion of Her Majesty's Subjects will have the slightest reason to complain of injustice. It is not asked for purposes of oppression, or to despoil any party of any single right that in equity belongs to them: on the contrary, every reflecting and dispassionate man must be convinced, that by the annexation of the Island of Montreal to Upper Canada, the ship navigation of the Saint Lawrence would be immediately completed to that place—that the improvement of the Ottawa, and other great channels of commerce, would be forthwith undertaken and carried into effect; and that in short one

of the most effectual and certain measures for restoring prosperity and contentment throughout the country, would be the instant compliance with this claim.

Your Committee have no reason to doubt, indeed they have every reason to believe, that at least a large majority of the British population, which the annexation of Montreal and the country lying south west of the Ottawa and the Chambly Canal, to Upper Canada, would bring within the influence of English Laws and English Institutions, would rejoice at the change that would be effected by the measure; and it therefore remains with the Imperial Parliament to determine, whether the entreaty of 450,000 loyal Subjects in Upper Canada, to have a plain and indisputable natural right conceded to them, and the corresponding wishes of perhaps 50,000 of their fellow Subjects of like character in Lower Canada, should be refused or for a moment neglected, upon the single ground (your Committee can imagine no other) that the measure would be displeasing to a body of persons not exceeding one twentieth of the number of those who demand it—persons too, who have grossly and ungratefully forfeited all claim to indulgence, and who have proved themselves unworthy of retaining the ascendancy that has too long been intrusted to them.

Your Committee have not hesitated, in remarking upon this all important subject, to express themselves with firmness and decision:—not doubting but that our Gracious Sovereign and the Imperial Parliament will not ascribe the language they have employed to any factious or illiberal spirit, but to the single desire, with earnestness and sincerity, to point out the justice of their claim, and to prove that they are asking that which they know and feel to be their due, and which if withheld from them must be attended with the most disastrous consequences to their future peace and prosperity, and greatly diminish the value of these Provinces to the British Crown.

Having thus suggested their views upon the leading questions which they believe require consideration, in the adoption of measures for the restoration of these important Colonies, to a situation in which they may recover from the disastrous effects of recent rebellion, your Committee will advert to a very few points, not necessarily connected with either of the remedial measures remarked upon, but which, in their opinion, are of importance in themselves, as tending to the strengthening and continuing of their connection with the Parent State.

1st.—In the first place, it must now be manifest, that whatever policy may be adopted with respect to Lower Canada, whether by herself or in connection with any other Colony, an adequate Civil List must be provided, for the maintenance of the Civil Government, and the efficient administration of justice.—Your Committee indeed have little hesitation in saying, that the relinquishment by the Crown, of the power of paying its public servants, independently of an annual vote of the Assembly, is one, and probably the chief cause to which the recent rebellion in Lower Canada may be ascribed.

2nd.—The granting of large sums of money upon the address of the Assembly, at the commencement of each session of the Legislature in Lower Canada, and which were asked for under the pretence, that they were required to pay the necessary contingencies for carrying on the business of the House, when in fact it was well known that they were (at least to a large extent) to be employed in paying salaries to Members of the British Parliament, who did not hesitate to prostitute the high station they occupied to the promulgation of slander and falsehood against the local authorities, to gratify the malignant spirit of traitors—was not only illegal and unconstitutional,

but has, as is now too apparent, been productive of the most pernicious consequences, in corrupting the moral feeling of the people of that Province, and in giving encouragement to that spirit of revolt, which has at length exhibited itself in open rebellion.

The people of Upper Canada are little interested in the opinions entertained of them by such men as Hume and Roebuck, Leader and Molesworth. They place them in the same scale with Rolph, and Mackenzie, and Duncombe, in morals and in politics—and they consider themselves justified in believing, that the one party is as much disposed to destroy the Monarchy, and, so far as these Colonies are concerned, to effect by treason and rebellion, the dismemberment of the Empire, as the other;—(and to shew with what justice they make this assertion, as respects Mr. Hume and Mr. Roebuck, they refer to their public and avowed correspondence with the leading traitors of Upper and Lower Canada.) But your Committee conceive, that the Representative of the Sovereign in any British Colony, should never be permitted to advance the revenues raised under the authority of its laws for the maintenance and support of its Constitution and Government, for the purpose of being openly and avowedly employed, without the sanction of Legislative enactment, by the Democratic branch of the Assembly, in pensioning the Members of the Imperial Parliament to advocate and promote the schemes of a party, who traitorously aim at revolution.

The Representatives of the people in *this* Province, have never ventured upon so flagitious an outrage upon the feelings of their constituents; but the practice which for the last few years has prevailed in the Assembly of Lower Canada—to pay from the money advanced by the Crown to discharge the contingent expenses of the Session, a salary to Mr. Roebuck, while a Member of the Imperial Parliament,

for no other reason, and in the expectation of no other service, than to advance the revolutionary objects of the faction that employed him,—has undoubtedly had the effect of creating false impressions in the minds of many persons in the United Kingdom, of the true state of feeling in both Provinces, and of retarding emigration to them, to their serious disadvantage; and there is little reason to doubt, but that the constant and repeated advice and encouragement given by this revolutionist to his employers in Lower Canada, (and by his political associate, Mr. Joseph Hume, to the traitors of Upper Canada,) to persevere in their efforts to rid themselves of their connection with the Parent State, greatly influenced those of weak and wavering minds, to join in a rebellion, that has resulted in their individual ruin, the shedding of the blood of their fellow-beings, and the distress and misery of the Country generally.

Neither can your Committee omit observing, that with the exception of the manly and spirited speech of Mr. Spring Rice, when Secretary of State for the Colonies, delivered in the House of Commons in 1834, in allusion to the infamous letter of MR. JOSEPH HUME, to his APPROPRIATE *Correspondent*, WILLIAM LYON MACKENZIE, the FUGITIVE TRAITOR from Upper Canada—in which he openly and traitorously urged the inhabitants of this Province to imitate the example of the American Colonies in 1776, and to throw off, what he had the audacity to term, “THE BANEFUL DOMINATION OF THE MOTHER COUNTRY”—the Ministers of the Crown appear to have taken very slight interest in repelling the open and insulting attacks made upon the character of their loyal fellow Subjects in this remote portion of their Sovereign’s dominions. There was a time, when the vigorous and constitutional exercise of the laws of the British Empire would have effectually silenced the voice of treason—whether

heard in the House of Commons or elsewhere—it might be of signal benefit to the cause of humanity, if their power were sometimes let loose, even in these days.

3rd.—Your Committee now beg leave to draw the attention of your Honorable House to a subject, to which they attach very great importance, and which is suggested in some degree by the observations contained in the preceding paragraph, viz.—the representation of the North American Colonies in the House of Commons, by Members chosen by themselves.—The concession of this important point on the part of the Parent State, would, your Committee are convinced, be attended with numerous and incalculable advantages. In the first place, it would strengthen the link that now binds the loyal inhabitants of these Provinces to the Mother Country, by giving to them a share in the deliberations of the Councils of the Kingdom—by rendering more distinct and obvious the common interest that unites them—and by shewing that they are in reality a part of that Great Empire in which yet centres the hopes of mankind, for the preservation and protection of the civil and religious liberties of the world;—their patriotic and praiseworthy pride would be encouraged, and their station would be exalted in their own estimation, as well as in that of the British Nation. In the next place, it would place within the reach of the Imperial Government and Parliament, the best and most satisfactory means of obtaining information upon subjects connected with the trade and general interests of these vast, valuable, and powerful Colonies.

And among many other advantages that might be enumerated, it would supersede all pretence for continuing the baneful and unconstitutional practice, of employing agents, by whatever faction might be uppermost in the Representative branch of the Assem-

bly of the respective Colonies, and afford opportunities for repelling the false and unauthorised statements of such Members of the House of Commons, as might venture upon declaiming upon the character and feelings of a people, who abhor their political sentiments, and whose notions of Government are utterly at variance with those entertained by unauthorised and ignorant intermeddlers in their affairs.

Should this suggestion be adopted by your Honorable House, and, at your desire, by the Imperial Parliament—as your Committee earnestly hope it may—they offer it as their opinion, that the representation of the Colonies should be limited to two from each of the Provinces of Upper and Lower Canada, Nova Scotia, and New Brunswick, and one from each of the Islands of Newfoundland and Cape Breton—that they should be elected in joint assembly by the Legislative Councils and Houses of Assembly of each Colony, at the commencement of every new Assembly, and continue Members for six months after the dissolution of the Assembly of the Colony for which they were elected.

4th.—The next suggestion to which your Committee beg to draw the attention of your Honorable House, is the necessity (now too painfully obvious) of keeping up a respectable military force within both Provinces.

It must be sufficiently apparent, your Committee believe, that this desire for military protection does not proceed from any apprehension of internal revolt *in Upper Canada at least*. Recent events have proved how small the number is that aim at rebellion, and how ready, and how well able the great body of the inhabitants of this Province are, to suppress any attempt at insurrection: but the civilized nations of Europe will learn with astonishment, that it ceases to be a question whether the “Great Republic” of the

United States of America, boasting of the superiority of its Institutions over those of every other Country, has the power of controuling its citizens within limits essential to the maintenance of peace, and the honorable performance of treaties solemnly entered into by it with Foreign Powers. The occupation and conquest of Texas in the south, and the assembling of an armed force on its western frontier, openly recruited in its principal cities and towns, commanded by its citizens, and by them also supplied with arms, ammunition, cloathing, money and provisions, and transported in the presence of, and unrestrained (if not encouraged) by its Magistrates and Public Officers, in steam boats and other vessels into this Province, and landed in it for the avowed purpose of overthrowing the Government, and wresting the Colony from the Crown of Great Britain, sufficiently prove, that if the countries bordering on the United States desire to protect themselves from the inroads of freebooters, pirates and fugitive traitors, and outlaws, they must look for security to their own fleets and armies, and not to the honorable forbearance of the American people, or the efficiency or moral influence of their Government.

In making these statements, your Committee do not forget, that before preferring charges so serious in their nature against a foreign power, they should have ample proof of their truth. It would ill become your Honorable House to sanction any statement made by your Committee, that could admit of contradiction, on a question that might mislead the British Nation in a matter so delicate and important; but your Honorable House can fearlessly point to facts too plain and notorious to admit of the slightest contradiction, and which can be attested to by thousands of witnesses, if such proof were required in justification of the statement they have made; and these proofs no doubt

will, if necessary, be collected by the proper authorities, and will be taken into the calm consideration of that Nation that makes no boast of its adherence to national faith, or of its power to punish those who violate it—*She will do her duty, and require others to do theirs*, in every matter that concerns her interest or her honor. In the mean time your Committee reiterate, that because the loyal people of these Provinces have no faith either in the ability or inclination of the Government of the United States, to compel its citizens to yield obedience to the laws of nature and of nations, and for no other reason, they are driven to claim the protection of a military force, from our Gracious Queen.

5th.—Your Committee feel that the duty that has been assigned to them by your Honorable House, would be imperfectly performed if they omitted notice of the inefficiency imputed by a large class of the most intelligent of our fellow Subjects, to that department of Her Majesty's Government in England, to which the administration of the affairs of the Colonies are entrusted. In the observations your Committee may offer on this head of their inquiry, they cannot too distinctly disclaim any design to place on record a word or sentiment, that is not dictated by the single feeling of patriotism, and in that light they have no doubt your Honorable House will receive their opinions, and if adopted, transmit them to our Sovereign.

It appears to your Committee, that one of the chief causes of dissatisfaction with the administration of Colonial affairs, arises from the frequent changes in the Office of Secretary of State, to whom the Colonial Department is entrusted. Since the time the late Lord Bathurst retired from that charge, in 1827, your Committee believe there has been not less than eight Colonial Ministers, and that the policy of each successive Statesman has been more or less marked by a

difference from that of his predecessor. This frequency of change in itself, almost inevitably entails two evils. *First*—An imperfect knowledge of the affairs of the Colonies, on the part of the Chief Secretary, and the consequent necessity of submitting the direction of important details to the subordinate Officers of the Department; and *second*—The want of stability and firmness in the general policy of the Government, and which of course creates much uneasiness on the part of the Governors and other Officers of the Colonies, as to what measures may be approved.

But undoubtedly by far the greatest objection to the system is the impossibility it occasions, of any Colonial Minister, unaided by persons possessing local knowledge, becoming acquainted with the wants, wishes, feelings and prejudices, of the inhabitants of the Colonies, during his temporary continuance in office, and of deciding satisfactorily upon the conflicting statements and claims that are brought before him. A firm, unflinching resolution to adhere to the principles of the Constitution, and to maintain the just and necessary power of the Crown, would do much towards supplying the want of local information; but it would be performing more than can be reasonably expected from human sagacity, if any man or set of men, should always decide in an unexceptionable manner, on subjects that have their origin thousands of miles from the seat of the Imperial Government where they reside, and of which they have no personal knowledge whatever, and therefore wrong may be often done to individuals, or a false view taken of some important political question, that in the end, may throw a whole community into difficulty and dissention, not from the absence of the most anxious desire to do right, but from an imperfect knowledge of facts upon which to form an opinion.

To these objections it may be answered, that although the Chief Secretary of State retires with a change of Ministers, the Under Secretaries, (or at all events one of them) and the other subordinate Officers of the Department, remain and hold their offices permanently, and therefore information upon all subjects can be readily imparted to the superior by the gentlemen who are thus retained, and it may be admitted, that the knowledge of this fact ought to lessen the force of the objections that rest on other grounds; but it cannot be disguised that there is a growing impatience and unwillingness on the part of Colonists, especially in these extensive Provinces, to have the measures of Government, whether connected with their general system of Government, Legislation or patronage, controlled by persons who are utter strangers to them, not responsible in any way to themselves, or to the British Parliament, and who perhaps being advanced to their office from length of service, or other like cause, are not regarded as competent (perhaps unjustly) to manage and direct measures which they (the Colonies) deem of vital importance. Much of this feeling may be traced to pride—but it is a pride that springs from an honorable and laudable feeling, and always accompanies self-respect, true patriotism, and love of country, and it therefore ought not to be disregarded, nor should any attempt be made to lessen or control it, if it were possible to do so.— But the imperfection that exists in the system of Colonial Government that prevails in England, is rendered more apparent by the want of confidence that ought to be reposed in the distinguished Officers who from time to time are commissioned as Governors to different Colonies, than by any other fact that can be distinctly pointed out.

If the statements publicly made, and uncontradicted be true, there are few Colonies from which

Governors distinguished for eminent abilities and high character, have not been within a very short time withdrawn, or who have not been compelled to resign their office, in consequence of some disagreement with the Colonial Secretary: but as your Committee are not possessed of any official information upon which they can venture to remark, on the causes of these disagreements in other Colonies, they will confine themselves to a mere reference to the recall of Sir John Colborne, and Sir Francis Head, in this Province, and they lament that there is too much reason to adopt the sentiments expressed by the other branch of the Legislature, that the connection of each of these distinguished Officers "with the Government of this Colony has seemed incapable of being protracted, with satisfaction to themselves, beyond the period when it became evident that no submission would be made by them to a spirit of factious discontent, which nothing can appease but the destruction of British rule." But your Committee forbear adding any thing to the opinion they have already expressed in a previous part of this report, of the policy and justice of these removals, further than to declare, that the measures lately taken with respect to this Province, and which have resulted in the resignation of the Government by Sir Francis Head, have more than ever established the conviction, that to ensure confidence in the wisdom and justice of Her Majesty's Government, some change must be effected in the administration of the affairs of the Colonial Department.

Your Committee conceive that this all important object would be best attained by—first, granting representation to the more important Colonies in the British House of Commons, as has been already suggested—second, by placing the administration of the Colonial Department in the hands of a Board, to be com-

posed of a President, (who being a Cabinet Minister may be removable on a change of Administration of the Government) assisted by gentlemen of known probity and talent, selected, if not altogether, at least in part, from the Colonies, and who should retain their offices notwithstanding a change of Ministry: and—third, having selected gentlemen of undoubted ability and integrity, to fill the office of Governor, to extend to them a liberal and generous share of confidence—to rely upon their honor, and follow their suggestions, and not deprive them of office so soon as they are found to differ with, or are unreasonably complained against by the faction that happens to be in the ascendant in the Assembly, or out of it. Had this confidence been accorded from the time of Lord Dalhousie's administration to the present day, your Committee have no hesitation in declaring it to be their firm belief, that the hideous rebellion that has broken out in Lower Canada, would never have occurred.

Your Committee here close their observations on the past political history of these Colonies—"the causes which have led to the recent unnatural revolt—the evils that have resulted from it—and the measures necessary to guard and protect us from the recurrence of a like calamity." They have endeavoured to perform this important duty to the satisfaction of your Honorable House, and the benefit of their country; they have not hesitated to state their opinions fearlessly and emphatically, upon every question that appeared to them to demand investigation, and to employ language and arguments which free from all ambiguity, would best attest the sincerity of their desire to place THE TRUTH before our Gracious Sovereign, and the British Nation, and thus ensure a just and considerate attention to our representations.

Your Committee are well persuaded that the Government of the British North American Colonies

involves far less difficulty than many British Statesmen (some of them of great eminence) appear to apprehend. Recent events have proved how ardently the 600,000 inhabitants of Upper and Lower Canada, of British descent, desire to continue subject to the British Crown, neither should it be denied, that there may be many of French origin who are sincere in their wish to perpetuate the connection. This fact being established, it must, your Committee conceive, be admitted as undeniable, that nothing more is required to conduct the Government with harmony and efficiency, than adhering to established law, and administering justice in the spirit of benevolence and kindness, but with unwavering firmness and resolution.

There was a time,—your Committee trust it is now passed—when opinions were entertained by men of influence and high station in England, that separation from the Parent State, and connection with the neighbouring Republic, was desired by the people of the Canadas: and there is reason to apprehend that this opinion has had a most injurious influence among those entrusted with the affairs of these Colonies.

In the year 1828, James Stephen, Esquire, then Counsel, and since advanced to the office of Under Secretary of State to the Colonial Department, in his evidence before the Select Committee of the House of Commons, on the affairs of Canada, advanced the following opinions with reference to these Provinces:—
 “The ties by which the people are bound to their
 “Sovereign, are not of the same strong and enduring
 “character as the corresponding obligations between
 “the King and the people of the old European States.
 “It is impossible to suppose the Canadians *dread*
 “*your power*; it is not easy to believe that the abstract
 “*duty* of loyalty, as distinguished from the *sentiment*
 “of loyalty, *can be very strongly felt*. *The right of*
 “*rejecting European dominion has been so often*

“asserted in North and South America, that revolt can scarcely be esteemed in those Continents as criminal or disgraceful. Neither does it seem to me that the sense of national pride and importance is in your favour.—It cannot be regarded as an enviable distinction, to remain the only dependent portion of the new world.”

Your Committee readily imagine, that at the time Mr. Stephen hazarded the opinions contained in this extract from his evidence, he did not sufficiently advert to the vicious construction that might be placed upon them; and they have no doubt but that he will experience unmixed pain and regret, when he learns that the opinions thus incautiously advanced by him, were quoted by the leading traitor in this Province, and placed at the head of the last paper he published before he openly engaged in rebellion, as a text from which he argued, not only that “revolt in these Provinces could not be regarded as criminal or disgraceful,” but that such was the recorded and deliberate opinion of Her Majesty’s Under Secretary of State for the Colonies: and moreover, that the same distinguished gentleman had declared, that it “cannot be considered an enviable distinction, (for the N. A. Colonies) to remain the only dependent portion of the new world.”

Your Committee pretend not to say, that any individual was influenced by the use made of Mr. Stephen’s opinions—they hope otherwise; but they well know, that their promulgation has excited a deep feeling of regret in the minds of a very numerous and respectable class of the learned gentleman’s fellow-subjects in these Provinces, and has led many to consider whether past mal-administration of our affairs may not fairly be attributable to the influence, necessarily exercised by a person holding his highly responsible and confidential situation in Downing-Street,

and if so, whether that influence can be continued without danger to our future prosperity.

When Mr. Stephen expressed the opinion, that it could not be regarded as an enviable distinction, for these Provinces to remain the only dependent portion of the new world, he was essentially misinformed of the true feelings of the people of Upper Canada generally, and of those of British origin in the other Provinces — They have ever considered it as *an enviable distinction*, to be *dependent* on the mighty and enlightened Empire to which they belong.— They consider *that* dependence as their best security against infidelity, lawless outrage, and corrupt government.— They see in it the broad distinction that marks a people who submit to the salutary control of the wisest laws ever enacted by human authority for the benefit of man, and of a nation that day by day exhibit proofs of its rapid approach to a state of anarchy, arising from the weakness of its Government, and the tumult of political distraction in which its people are continually kept, by those baneful influences to which your Committee has already adverted, viz.—annual elections—universal suffrage—and vote by ballot,—and the power that these vicious elements of discord place in the hands of the least enlightened, to control the more intelligent and respectable.

Your Committee might advert to the frightful degradation exhibited by the people of the Southern States, arising from the existence of Slavery, and the utter disregard of the authority of laws continually displayed by the inhabitants of the west, in the homicides and murders committed, under circumstances the most revolting, and for the punishment of which, their so called Courts of Justice appear to be powerless.

Neither can the careful observer of passing events fail to see, that the time is approaching, when the

more sedate and wealthy inhabitants of the States lying north and east of the Alleghany mountains, would rejoice to find themselves once more under the protection of a Monarchy such as England, as their only certain security from the devastation of a revolution, which, whether accomplished by force or otherwise, they plainly see must at no very distant period overtake them.

If any thing were wanting to bring conviction to the mind of any man, of the truth of these opinions, it is presented in the recent conduct of the people of the Republic, and of the Chief Officers of their State and General Government, with respect to these Provinces, and to which your Committee have already adverted.—That conduct, ungenerous and perfidious as it is, has established in the minds of the loyal Subjects of our gracious Queen, not only a repugnance to, but an intense hatred of the institutions of a Country that either cannot or will not restrain its citizens from the most barbarous and atrocious violations of the laws of God and man.

There is but one other point to which your Committee feel it necessary to make any allusion, and it is a deeply interesting one:—they mean the opinion that has been frequently and confidently advanced in this Country and in England, that the continuance of the connection now existing between the North American Provinces and the Parent State, is not desired by the latter. It is unnecessary for your Committee to say, that the loyal Subjects of Her Majesty utterly discredit this assertion, and believe it to be altogether unfounded and untrue. When it is remembered that although Canada at the time it was surrendered to the Crown of Great Britain, (now not quite eighty years ago,) was, in a commercial point of view, of little value; that its trade was chiefly confined to an unimportant traffic in furs; and that the number of vessels that

visited its ports from Europe did not probably exceed half a dozen in the course of the year, it was, nevertheless, considered the most important conquest of the British arms during the then existing war, it cannot be believed, that after having nourished and maintained it until it has attained to the importance of an Empire—its population increased from less than 70,000 to more than one million of souls—consuming the fabrics and manufactures of the United Kingdom to the amount of millions—paying for them by the products of its fields and forests—and employing more than a thousand British Ships and vessels in its commerce, that at the very moment when the vast expenditure and generous protection that has brought it to this state of maturity is about to be repaid, by the increased value of its trade, and exhaustless fisheries—and the resource it ensures in the event of a foreign war, for the supply of timber and other indispensable materials required by the Navy of the Empire, and for other national objects, that it could enter into the imagination of any Statesman, having the slightest pretensions to the character of a Patriot, or who wished to uphold the honor of the Crown, or advance the wealth and power of the Kingdom, ~~would~~ suffer *such a measure* to receive his sanction, as the voluntary relinquishment of the Sovereignty of Canada, or any portion of British North America; and in the confidence that such must be the sentiments of the British Nation, your Committee have little doubt but the Imperial Parliament will not fail, whenever the subject shall be brought under its notice, distinctly and emphatically to respond to the feeling, that universally prevails among Her Majesty's loyal Subjects on this continent, that the connection should continue inviolate and perpetual. Great Britain never has been, and never will be the Country, that will withdraw its support from any portion of its dominions, or from

any people that can justly claim her protection ; and when it is brought to mind, that one portion of the vast increase in the population of these Provinces, is by immigration of our fellow Subjects from the United Kingdom, who have been encouraged to seek an asylum here, and invest their capital in its commerce, under the full assurance, that as British Subjects, they would be maintained in their rights and privileges as such ; and that another portion is composed of those loyal men and their descendants, who in the contest that ended in the separation of the now United States from the British Crown, adhered to their allegiance—and shed their blood—and forfeited their estates, rather than unite themselves with traitors—there can be no reason—NO ! *not the slightest*—for believing, that we shall be ungenerously discarded, as has been desired, and therefore asserted, by the enemies of our peace and the honor of England ;—and there is the less reason for apprehending this, when proof so undeniable can be pointed to, as that which has recently been given, that like their fathers, in the American Revolution, the inhabitants of Canada of British origin, are ready, at the sacrifice of every earthly possession, to maintain—“THE UNITY OF THE EMPIRE.”

All which is respectfully submitted.

HENRY SHERWOOD,

CHAIRMAN.

Committee Room, House of Assembly,
February 8th, 1838.

APPENDIX.

MONTREAL, 26th January, 1838.

DEAR SIR,

As Mr. Badgley had not time to answer your letter of the 15th instant, before his departure for London, I have now the honor of transmitting to you certain tables in illustration of the printed pamphlet.

From table A, you will see, that according to the present sub-division of the Province into Counties, constituencies decidedly English, return 15 representatives; and from table B, you may discover, that according to the proposed sub-division of the printed pamphlet, such constituencies would immediately return 25 representatives. You will also perceive, that constituencies decidedly French, or nationally doubtful, must return 75 representatives in the former case, and 61 in the latter. The nationally doubtful constituencies, which of course are daily becoming more and more Anglified, are those of the West Ward of Montreal, the Upper and Lower Town of Quebec, the County of Beauharnois, and the Town of William Henry; and it may not be amiss to mention, that there is at this moment, an English representative for each division of Quebec. You will further observe, that the gradual encrease of representation, as contemplated by the printed pamphlet, would be almost exclusively English.

I am in candour bound to admit, that the representatives of decidedly English constituencies, have not always been loyal men; but I can confidently add, that in this respect, a change has taken place for the better. To say nothing of the wall of partition, which the recent rebellion has erected between the two races, the Counties of Stanstead and Drummond, which at the last general election, were thoroughly radical, have since then returned one conservative member each.

With regard to the representation of Upper Canada in any United Assembly, the Constitutional Association of Montreal entertains no sectional jealousy. On this head I may confidently

appeal to the printed pamphlet; and I may add, that the proposition of the printed pamphlet has been embodied in the instructions of our Agents, Mr. Moffatt and Mr. Badgley. All that we ask is, that you may co-operate with us in the good cause, and demand for yourselves whatever may seem requisite to the common security of your Province, and of the Empire.

The table B, shews the number of members that will be returned according to the proposed new division of Counties in the appendix of the printed pamphlet, being :

British & French.
25 & 61

The Counties of Hull and Shefford, of this division, having a population, according to estimation in March, 1836, of 3,190 & 3,217, will probably have 4,000 each at the next election, and be entitled to another member,..... 2 & 0

27 & 61

According to the principle there laid down, each Province would have an equal representation; and the national origin of the constituencies would be as follows :

British & French.
Upper Canada,..... 86 & 0
Lower Canada,..... 25 & 61

111 & 61

British majority, 50 members.

A change is expected ere long, in the return of members from the following places, viz :

Members.
The West Ward of the City of Montreal,..... 2
Upper Town of the City of Quebec,..... 2
Lower do. do. do. 2
The County of Beauharnois, 2
The Town of William Henry, 1

9

But it is uncertain how soon; and it must be contingent on our obtaining Registry Offices, and laws for the commutation of the

Feudal Tenure. When, however, these members are returned by British majorities, there will be nine to add to the number of British, and to deduct from the French members, with the following result :

	British & French.
Upper Canada,	86 & 0
Lower Canada,	34 & 52
Do. do. expected from Hull,	1 & 0
Do. do. do. do. Shefford,	1 & 0
	122 & 52

Eventual supposed British majority, 70 members.

I am,

Dear Sir,

Your very obedient servant,

P. McGILL,

Chairman, Montreal Constitutional Association.

THOMAS MCKAY, Esquire, M. P.

Toronto.

A.

STATEMENT, shewing the number of British and French Members of the House of Assembly of Lower Canada, returnable according to the division of the Counties under the Provincial Statute of 1829—the 9th Geo. IV. chap. 73.

Number.		Square miles.	CENSUS OF 1831.		MEMBERS returnable by British & French Constituencies.	
					BRITISH.	FRENCH.
1	County of Acadie,	250	11,419			2
2	Beauharnois,	717	16,857			2
3	Berthier,	8,410	20,225			2
4	Chambly,	211	15,483			2
5	Lachanay,	299	9,461			2
6	Laprairie,	238	18,497			2
7	L'Assomption, { Besides vacant tract } in rear—4,800. }	208	12,767			2
8	Missisquoi,	360	8,801	2		
9	Montreal,	197	43,773			2
	City of Montreal—West Ward, }					2
	" East Ward, }					2
10	County of Ottawa,	31,669	4,786	2		
11	Richelieu,	373	16,149			2
	Town of William Henry,					1
12	County of Rouville,	429	18,115			2
13	St. Hyacinth,	477	15,366			2
14	Shefford,	749	5,087	2		
15	Stanstead,	632	10,306	2		
16	Terrebonne,	3,169	16,623			2
17	Two Mountains,	1,086	20,905			2
18	Veaudreuil,	330	13,111			2
19	Vercheres,	198	12,319			2
20	Champlain,	783	6,991			2
21	Drummond—(census of 1836),	1,674	4,840	2		
22	Nicolet,	487	12,504			2
23	St. Maurice,	9,810	16,909			2
	Town of Three Rivers,					2
24	County of Sherbrooke,	2,786	7,104	2		
25	Yamaska,	283	9,496			2
26	Beauce,	1,987	11,900			2
27	Bellechasse,	1,775	13,529			2
28	Dorchester,	348	11,946			2
29	Islet,	3,044	13,518			2
30	Kamouraska,	4,320	14,557			2
31	Lotbiniere,	735	9,191			2
32	Megantic,	1,465	2,283	1		
33	Montmorencie—(census of 1836),	7,396	4,137			2
34	Orleans,	69	4,349			2
35	Portneuf,	8,640	12,350			2
36	Quebec,	14,240	36,173			2
	Carried forward,			13		65

Number.		Square miles.	CENSUS OF 1831.	MEMBERS returnable by British & French Constituencies.	
				BRITISH.	FRENCH.
	Number of Members brought forward,.....			13	65
	City of Quebec, { Upper Town,.....			.....	2
	{ Lower Town,.....			.....	2
37	County of Rimouski,.....			.....	2
38	Saguenay,.....	8,840	10,061	.....	2
39	Bonaventure,.....	72,700	8,385	.....	2
40	Gaspé,.....	2,390	8,309	.....	2
40	Counties.	4,108	5,003	2	
		3,281			
				15	75

B

RETURN of Members to the House of Assembly, according to the new Division of Counties, in the Province of Lower Canada, contained in the Appendix to "A Representation on the Legislative Union of the Provinces of Upper and Lower Canada, by the Constitutional Association of the City of Montreal, published on the 23rd March, 1837."

Number.		Square miles.	POPULATION.			MEMBERS returnable by British & French Constituencies.	
			Census of 1825.	Census of 1831.	supposed in March 1836.	BRITISH.	FRENCH.
	The Counties of—						
1	Ottawa, (besides waste lands),..	635	693	1,632	.....	1	
2	Hull, do. do.	620	803	2,543	3,290	1	
3	Clarendon, do. do.	534		599	1,330	1	
4	Chatham,.....	728	3,599	6,935	.....	2	
5	Terrebonne,.....	563	28,699	29,046	.....		2
6	L'Assomption,.....	376	19,275	20,791	.....		2
7	Berthier,.....	8,348	15,935	20,225	.....		2
8	Kilkenny, (besides waste lands),	518	480	1,427	.....	1	
9	Chambly,.....	409	27,924	27,802	.....		2
10	Laprairie,.....	488	28,286	29,916	.....		2
11	Beauharnois,.....	717	.....	16,857	.....		2
12	Veaudreuil,.....	330	11,144	13,111	.....		2
13	Richelieu,.....	473	15,896	17,365	.....		2
14	Rouville,.....	683	21,010	22,905	.....		2
15	Missisquoi,.....	421	9,676	13,710	.....	2	
16	Shefford,.....	602	1,438	2,534	3,317	1	
17	Brome,.....	420	2,580	5,594	.....	2	
18	Stanstead,.....	458	5,956	8,131	.....	2	
	Carried forward,.....					13	18

Number.	Square miles.	POPULATION.			MEMBERS returnable by British & French Constituencies.	
		Census of 1825.	Census of 1831.	supposed in March 1836.	BRITISH.	FRENCH.
					13	18
						2
19	Brought forward,					2
	County of Montreal, ... }	197	37,085	43,773		2
	City of do. West Ward, ... }					2
	Do. do. East Ward, ... }					1
	Town of William Henry,					2
20	County of St Maurice, ... }	9,810	15,679	16,909		2
	Town of Three Rivers, ... }					2
	The Counties of—					
21	Champlain,	783	5,891	6,991		2
22	Yamaska,	459	16,152	17,565		2
23	Lotbiniere,	453	6,227	6,816		2
24	Drummond,	827	1,027	3,188	4,304	2
25	Blandford,	767	27	181	536	
26	Sherbrooke,	588	2,758	4,074	5,870	2
27	Enfield,	808	1,055	1,639	2,454	1
28	Middlesex,	1,041	151	242	357	
29	Worcester,	828	922	1,346	2,360	1
	Town of Sherbrooke,					2
	The Counties of—					
30	Megantic,	892	249	3,457	4,000	2
31	Devon,	799		38		
32	Dorchester,	476	13,792	16,056		2
33	Beauce,	807	8,689	12,600		2
34	Woburn,	1,478				
35	Bellechasse,	1,775	12,920	13,529		2
36	L'Islet,	3,044	13,058	13,508		2
37	Kamouraska,	4,320	13,478	14,557		2
38	Ramouski,	8,840	8,500	10,061		2
39	Portneuf,	8,640	11,169	12,350		2
40	Quebec,	14,240	31,000	36,173		2
	City of do. Upper Town,					2
	Do. do. Lower Town,					2
	7,396					
41	County of Montmorenci } including the Island of } Orleans, 69. }	7,465	7,539	8,092	8,486	2
42	Saguenay,	72,700	7,703	8,385		2
43	Bonaventure,	4,108		8,309		2
44	Gaspe,	3,281		5,003		2
44	Counties.				25	61

MONTREAL, 24th January, 1838.

PETITION,

Of the President and Secretary of the Constitutional Society of Montreal.

*To the Knights, Citizens and Burgesses, of the Province of Upper
Canada, in Provincial Parliament assembled.*

The Petition of the undersigned, for themselves, and in behalf of
the Constitutional Association of Montreal—
Respectfully represents to your Honorable House :—

That anarchy and confusion have set the laws at defiance, and destroyed the harmony and quiet of social life; that sedition and rebellion, followed by atrocious murder, robbery and rapine, have loudly proclaimed themselves in the most populous and prosperous portion of Lower Canada; and that the rights, the interests and the property, of the Provincial Inhabitants of British origin, have been jeopardized, by the designs of a revolutionary French faction, madly bent upon their destruction.

That in order to expose the real views and designs of that faction, the Constitutional Association of Montreal have undertaken the important duty of explaining to your Honorable House, as succinctly as the nature of the subject will admit, the real cause of the discontent which has called into being the active disturbances at present most unhappily, and at the same time most unjustifiably, existing in this Province, and of appealing to the sympathy of your Honorable House in behalf of the inhabitants of British origin in Lower Canada—for the protection of their rights as British Subjects—the maintenance of the Provincial connection with the Parent State—and the acquirement, from the justice of the Imperial Government, of those remedial measures which will prevent a recurrence of existing disorders, and secure the prosperity and improvement of the Colony.

At the conquest of the Province of Quebec by the British arms, the greater proportion of its inhabitants chose to remain in the Province, trusting to the generosity of their Conquerors, rather than to return to the country of their ancestors; they became British Subjects by the mere fact of their Provincial residence, and subsequent civil and political benefactions conferred upon them, demonstrated their well-placed trust in the generosity of the British Government.

The full exercise of their religious worship—the complete enjoyment of their ancient civil laws—and the undisturbed use of their native language, were among the number of civil and social privileges guaranteed to them; and political privileges of equal extent to those enjoyed by the British Provincial inhabitants, were, in addition, subsequently bestowed upon them.

The uncongeniality of the French laws, as a system of Provincial Civil Jurisprudence, with the spirit and feelings of British settlers, and their expressed desire for a change, from the petty tyranny of a Governor and Council to the freedom of a Representative Provincial Government, procured still greater advantages for the French Canadians. In the year 1791, the division of the Province of Quebec into the two separate Provinces of Lower Canada and Upper Canada, was carried into effect, and a Constitution similar to that of the Parent State was conferred upon each, whilst at the same time universal suffrage was, in effect, granted to their inhabitants.

It was conceived that this measure, by which one division should consist, as much as possible, of those who were well inclined to the English laws, and the other, of those who were attached to the French laws, was best adapted to put an end to all disputes of a legal sort—to reconcile the jarring interests and opposite views of the Provincial inhabitants—to prevent a great degree of animosity and confusion, from their rooted opposition of interests—and to obviate dissatisfaction from a great ascendancy of one party over another in a United Legislature. Two objections to the measure were, however, neglected by the Minister of the day—that it fostered a population of foreigners in a British Colony, and that it contained no provision whereby the inhabitants of the British Islands should be totally excluded from settling themselves in Lower Canada.

The experience of fifty years of separation between the Provinces, and the present insurrectionary and seditious spirit exhibited in Lower Canada, plainly show how far the advantageous results anticipated from that impolitic and undesired measure have been realized.

The possession of the right of almost universal suffrage, and of a numerical popular majority of the Provincial constituency, gave

the complete command of the Representative branch of the Legislature to the French Canadians, who soon exhibited a perfect knowledge of their advantage, and of that exclusive spirit which has since invariably actuated all their proceedings, and grown into a firm determination to accomplish their final purposes, of the destruction of the interests and rights of the Provincial inhabitants of British and Irish origin, and of the Provincial connection subsisting with the Parent State.

A cursory examination of the composition of the House of Assembly, from its establishment, will show, that with scarcely an exception, no individual of British or Irish origin has been returned to serve as a Member of that body by a French Canadian majority, unless as a pledged supporter of French Canadian principles; with scarcely an exception, no Provincial law has been passed, how much soever required for the support of the interests, or the protection of the rights of the inhabitants of British and Irish origin, and that even these legal exceptions were invariably of a temporary nature, and subject to the capricious pleasure of French Canadian majorities. The spirit of the legislation of that body will show, that its temporary character was adopted to render the Province the more completely subject to their control, or to enable them the more easily to take advantage of their expected predominance, for the abrogation of those very temporary laws which they had been constrained to pass. The political principles of that body will show a fixed opposition to British interests, not only in their aversion to or rejection of every measure which would tend to the introduction of capital and of a British population into the Province; as, for example, an effectual system for the registration of mortgages and an abrogation of the feudal tenure; but also in their positive introduction and adoption of every measure likely to tend to the privation of British and Irish rights, or to the destruction of British and Irish interests, such as the existing County division of the Province, by which the British and Irish constituency in the Seignories has been completely swamped in the greater numbers of the French Canadians, and the defeated attempt to deprive their fellow Subjects of British and Irish origin in the Cities, tenants of leasehold property in co-partnership, from a right of voting for Members of the Assem-

bly. The claim of that body for the sole management and disposal of the whole Revenue of the Province, has constantly had in view the attraction into their own hands of the entire Provincial authority, and of the subjection of the Executive Government to their arbitrary will. From their first insidious attempt in 1795, to obtain the repeal of the permanent appropriation contained in the Act of 1774, for the support of the Civil Government and the administration of Justice, thereby to subject the Executive Government to their good pleasure, for any further support than the pittance they then agreed to allow, through the whole course of the financial difficulties, which they have never allowed to slumber, by means of their annual Supply Bills—their difficulties as to the items of that supply—their representations in 1822, not to grant permanent supplies, or supplies during the Sovereign's life—their delegation to England in 1828—and the whole category of their agitation upon this subject down to the year 1831, when the full accomplishment of their long sought desires was obtained from the good faith of the British Government, by the repeal of the permanent appropriations, their first, last great object, was to obtain possession of the Provincial Revenues, well knowing that by this means the Government would be cast into their hands. Finally, the detail of the grievances of that body as representing the opinions of their constituency, the so called great mass of the population, complete the evidence of their exclusive interests; in them will be found the abrogation of the Charter granted to the British American Land Company, by means of which the Assembly sought to assume the management of the Waste Lands in the Townships, and thereby to prevent the settlement therein of a British and Irish population; the repeal of the Tenures Act, by which a commutation of Seigniorial tenure may be effected, from their apprehension of its leading to the introduction into the Province of British capital; their indisposition to encourage the settlement of the Townships of this Province, because they are principally inhabited by a British, Irish, and American population; their unwillingness to co-operate with Upper Canada in the extensive improvements in progress in that Province, by which its settlement and prosperity might be augmented, and like advantages might thereby accrue to the British and Irish inhabitants of Lower Canada; and their pertinacious endeavours to render the Legislative Council

elective, because in it alone were to be found the means of opposing the exclusive pretensions, and of protecting British interests. The history of the House of Assembly in its composition, its legislation, its spirit and political principles, fully establish the aim which its Members have constantly kept in view—the aggrandizement of the population of French, and the oppression of that of British origin.

The recorded testimony of a French Canadian leader, and one of the Delegates to England, in 1828, to represent the grievances of his fellow countrymen, and since that time their paid Agent for similar purposes, corroborate the views taken by the Constitutional Association; he declared in his examination before the Canada Committee of the House of Commons in 1828, that “the establishment of the English laws as applicable to property held in the townships on the tenure of free and common soccage, would be an infringement of the rights belonging to the French Canadians, if not done by the Legislature of Lower Canada; that the French laws should be allowed to continue all over the country—that facilities should have been given to the French Canadians to settle in the townships—that the means of going there should have been given to them—that a system of education according to the notions and ideas of the French Canadians should have been followed—that the desire of the French Canadians must necessarily be to keep up their own Institutions, and to preserve their laws in every part of the country—that the Legislative Council should be composed of men who would side with the mass of the people, and in effecting this latter arrangement, that its natural effect would be to secure the means of extending the French laws and the French Canadian system over Lower Canada.”

In the full and complete security of their persons and property, in the free and unrestricted enjoyment of their religious worship, their ancient civil laws, their native and beloved language, and of an equality of rights and privileges in the Provincial Representative Government, with their fellow Subjects of British and Irish origin, in possession, moreover, of a numerical majority, the French Canadians could have no sympathies in common with people of another race and speaking another language, no inducement to divest themselves of prejudices dear to them alike from the associa-

tions of country and the recollections of life, or to abandon habits and customs which they cherished, and to which they were firmly attached, for the questionable advantages to be obtained from assimilation with strangers, whom they were taught to disregard; and the natural consequence has been, that in proportion as the French Canadian population has increased, those evils have likewise increased, until the repugnance to British interests and British connection has finally assumed the form of open and declared rebellion.

The French Canadian population were thus not only nationally inclined to mark their active opposition to their fellow Subjects of British and Irish origin, but they have been taught to consider them as strangers and trespassers upon their soil; they have been taught to feel towards them none of those kindly sympathies which unite together subjects of the same country and possessors of the same rights; they have, in fine, been taught to believe themselves oppressed by their fellow Subjects of British and Irish origin, and to imagine that they possessed the power of expelling their oppressors. Overlooking moral feebleness in physical capability, desperate men, made an open livelihood by influencing the population of French origin to acts of violence; missionaries of insurrection by their own example, ostentatiously shewed to them the manner of setting the laws at defiance; and individuals, loaded with every species of personal contempt, aggravated a local pressure into popular tumult, or embittered an unimportant grievance into bloodshed. In all cases the object was attained,—active discontent was introduced into the passive population, and noon-day meetings gradually ripened into sedition and rebellion.

It is this exclusive French spirit alone which has given rise to all the discontent existing in this Province—it is this which has in fact made this question one of national origin, and not of political party—in it is to be discovered the source of all the disturbances which have brought sedition and rebellion in their train—and in it alone is to be found a full and complete answer to the enquiry, to what causes the present unhappy condition of this Province is to be ascribed.

This conclusion is borne out by the text-book of the complaints of the French Canadian Representatives, adopted in 1834,

the famous ninety-two resolutions of the House of Assembly, in which will be found a detail of grievances and abuses which that body knew to be either altogether redressed, or in active course of being so; reference is therein principally had to those which have already been adverted to, the introduction of the elective principle into the composition of the Legislative Council, the abrogation of the Tenures Act, and the disposal of the whole revenue of the Province; the two former have been most wisely refused, the latter as unwisely granted—while by their own admission, no real oppression exists in the Province, and no real grievance consistent with the preservation of British supremacy remains unredressed.

The French Canadian leaders have endeavoured to excite the sympathy of the citizens of the United States, and of the professed Republicans in Upper Canada, in behalf of themselves and their fellow-countrymen, by constantly appealing to their assistance for the support of popular institutions and popular rights, as if their real views were Republican, and as if that form of government were favored by the French Canadian population. It is sufficient to meet this fallacious inference with a direct denial as being contrary to the fact, and to the habits, feelings and customs, of that population, and as being altogether disproved by the evident principle of all the measures which have been proposed or approved by the French Canadian population, or its Representatives in Provincial Parliament assembled, which plainly show that their views did not extend beyond the means of securing their own exclusive designs and intentions.

Your petitioners submit—that the Provincial inhabitants of British origin have real and substantial grounds of complaint,—they have been compelled to submit to a system of Jurisprudence foreign to their habits and injurious to their interests, to a feudal law which to the disgrace of the Provincial Legislature finds a home in Lower Canada alone, to a denial of those Legislative improvements which would have introduced British capital and enterprise into the Province and increased therein a British population, and to their privation of their dearest rights as British subjects, in their virtual exclusion from a just participation in the Provincial Representation.

Although their supplications and petitions for relief have been unheeded, amidst the clamours of an insurrectionary faction, these loyal subjects still confidently trust in the magnanimity of the Mother Country, and still anticipate from her justice an entire redress of their unmerited and patiently endured grievances.

At the same time your petitioners conceive that, without a total abandonment of the policy now adopted towards this Province, and its Anglification in fact as well as in appearance, by means principally of its re-union with Upper Canada, the same evils will exist, the same causes of disorder will continue, and the same attempts at sedition and rebellion will again occur.

Your Petitioners are firmly convinced that, the re-union of the Canadas is not only the most effectual means of preventing a recurrence of the disasters which have already occurred, but that it will produce to Upper Canada advantages which cannot be anticipated from any other measure,—a more equal proportion of the General Revenue, a free outlet to the Ocean, and a practical utility for the magnificent improvements in progress at her expense within her own limits,—and that it will at the same time promote the prosperity of both the Provinces—secure their just dependance upon the British Government, and prevent a dismemberment of the Empire.

Your Petitioners most respectfully entreat your Honorable House, to take the situation of the British inhabitants of Lower Canada into your serious consideration, and to advise such measures as will promote the objects which your Petitioners have in view—the complete Anglification of this Province, and its re-union with Upper Canada.

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

PETER MCGILL,

President, Constitutional Association of Montreal.

W. BADGLEY,

Secretary, Constitutional Association of Montreal.

MONTREAL, 13th December, 1837.

