

EXISTING DIFFICULTIES

IN THE

GOVERNMENT

OF

THE CANADAS.

BY

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LONDON:

PRINTED BY C. AND W. REYNELL, LITTLE PULTENEY STREET,
GOLDEN SQUARE.

1836.

ADVERTISEMENT.

IN order to lay before the public and the Members of the House of Commons what I conceive to be a fair statement of the difficulties now existing in the Government of Canada, I have here reprinted an article published some time since in the second number of the *London Review*. That article carries the history of those difficulties up to the period of Lord Gosford's departure from this country. I have added a *supplement*, containing an account of what has happened subsequent to his arrival in Canada. In both papers I have studied to be brief, and as the subject is exceedingly extensive, have been able to do little more than indicate the questions in dispute, and the arguments in favour of that change in their political constitution which the people of Canada now so strenuously desire and demand. In order to show somewhat more in detail what those demands are, I have also printed the Petition of the House of Assembly to his Majesty, passed on the 26th of February, by a majority of 55 to 7.

The Appendix contains part of a correspondence that took place on this subject between Lord Glenelg and myself, acting as Agent for the House of Assembly of Lower Canada.

J. A. ROEBUCK.

THE CANADAS

AND THEIR GRIEVANCES.

THE present condition of the Canadas, viewed solely with reference to the interests of the inhabitants of that country, must, in the eyes of all who sympathize with a people struggling for good government, appear an interesting and important subject of consideration. If, however, we inquire into this condition as an illustration of the English system of colonial government, the matter becomes of a yet more extensive interest, and of a more peculiar import to ourselves as a nation. From our endeavours to govern the Canadas after the approved model of colonial administration, we may, if we be prudent, gather a salutary experience; for we may not merely learn the vices of the plans hitherto adopted, but may also acquire a knowledge of the system which true wisdom would devise for the government of distant possessions.

At this moment Lower Canada is virtually without a government. The public officers have for three years been unpaid; all communication between the various parts of the legislature has ceased; and the House of Assembly has passed resolutions impeaching the Governor. An immense number of temporary acts, absolutely needed for the very existence of society, have this year expired, and have not been renewed; and the last session of the colonial legislature has been brought to a sudden termination, through disputes between the Governor and the House of Assembly: so that the administration of justice is unprovided for; the maintenance of the gaols is not voted, and all the civil functionaries are still unpaid. Such is the state of Lower Canada—Upper Canada is fast verging to the same condition, and will inevitably arrive at it, unless a wise policy be adopted, and good government introduced into these unfortunate colonies.

We shall, in the present paper, attempt to describe the circumstances which have led to this disturbed and dangerous condition of the Canadas—(confiding our illustrations chiefly to the lower province, however, in order to avoid confusion *)—and shall endeavour

* In the progress of our remarks, the perfect coincidence of evils in both provinces will, we feel assured, be made apparent to every one.

to make this single, though not singular case, illustrate the principle which ought to guide a mother country while administering the affairs of her colonies, in their various states of advancement.

In the year 1763, the province of Quebec was ceded by France to England. Two matters of great importance to the present subject were agreed upon in this treaty. The King of England bound himself to allow to the people of the ceded country the free exercise of their religion, and the full and undisturbed enjoyment of their private property.

In the liberal spirit of this treaty, the Act of 14 Geo. III, c. 83, was passed, more effectually to regulate the state of the laws in Canada. By this act the criminal law of England was introduced, with the jury system; and the customs of Paris, in civil matters, were declared the law of the land.

The two Canadas were at this time known by the name of the province of Quebec. By 31 Geo. III, c. 31, however, this large province was separated into two parts; that portion lying on the upper part of the river St Lawrence was called Upper Canada—that on the part nearer the sea was called Lower Canada.

As the upper province contained, with few exceptions, none but English settlers—that is, persons speaking the English language—the laws of England, both in civil and criminal affairs, were introduced into that colony without admixture of any other code. But in the lower province, as the inhabitants were chiefly of French extraction, the law was regulated according to the provisions of the above-mentioned enactment, 14 Geo. III, c. 83.

When the province of Quebec was thus divided, a new system of government was introduced. The arbitrary dominion of the king was given up, and the regulation of their internal affairs was confided to the inhabitants of the colonies. A Legislature was created for each province, composed, in both cases—1st, of a Governor to be chosen by the King; 2nd, of a Legislative Council, the members of which were to be chosen by the King, and for life; and, 3rd, of a House of Assembly, elected by the people.

By the 18th Geo. III, c. 12, all power of taxing the colonies, for the benefit of the mother country, had been solemnly given up. This salutary enactment was wrung from the fears of the British parliament, by the disastrous events of the struggle with our colonies, now composing the United States of America.

For some years after the establishment of these legislatures, the affairs of both provinces proceeded smoothly and without interruption. Upper Canada was struggling into existence. A very few inhabitants composed its whole population, and these few had all those difficulties to encounter which beset new settlers in a new country, and were too much occupied with the pressing exigencies of their condition to have time or attention for aught else. The inhabitants of Upper Canada were at that time chiefly loyalist emigrants from the revolted colonies. The chief men among them

composed the local government, which for a time, in this position of affairs, had no directly evil influence on the mass of the inhabitants. In Lower Canada there was the same quiet, but arising from different reasons. The French had been wholly unaccustomed to self-government—had been so long under the dominion of an absolute governor, that the milder sway of England, even when exercised by a single person, was considered as an amelioration of their condition. For the good thus conferred on them the French Canadians were intensely grateful. Their love for England was enthusiastic; and so strong has been that feeling, that years of subsequent oppression have not yet effaced it. The strength of their affection for the mother country was strikingly evinced during both the wars waged with the United States. The Canadas remained faithful to England in spite of the pressing solicitations of the Americans during their struggle for freedom, and still continued subject to our dominion when the thirteen provinces vindicated to themselves a glorious independence. Again, during the last war, the Canadians, unassisted by our armies, repulsed an invasion of the Americans, and gallantly turned out their militia to a man, when inaction alone would have been sufficient to set them free from England. When the Peninsular war ceased, troops were poured into Canada, and the country became one large garrison. The colony was found a profitable possession, containing the means of feeding many of our illustrious poor. The soldiery, too, now formed a society apart. They condescended only to mix with the richer merchants and official persons, who could supply them with the expensive pleasures of exalted society. Contempt for the mass of the people became fashionable; and the bitter seeds of animosity were profusely scattered from one end of the country to the other.

We shall now describe the course of events in Lower Canada.

The people at length became accustomed to the government which England had conferred on them; and learned to appreciate the power put into their hands. The House of Assembly requested to be permitted to pay their own functionaries.* To this demand the official people made a furious opposition. In time, however, it was complied with. The result intended followed. The official persons became amenable to the House of Assembly—the House

* This request was first made in 1810. The mode in which this request was met vividly illustrates the spirit of the official party. We quote, from a work by Mr Andrew Stuart, now one of the chiefs of the Anti-Canadian junta,—time was when he figured as a Canadian patriot:—“The official men, who in colonies constitute a peculiar class, having been entirely uncontrolled, had obtained a degree of power which overshadowed all other classes in society; and the main object of the highly patriotic individual who introduced this measure originally in 1810, the late Honourable Mr Justice Bedard, then advocate at the bar of Quebec, was to obtain a check upon the official class. As a reward for this patriotic effort, this man, distinguished as he was for ability, for singleness of heart, and for a devoted attachment to constitutional principles, was, with some of his supporters, *lodged in the common gaol for the district of Quebec.*”

of Assembly was but the expression of the people's wishes—and that people these official persons had hitherto delighted in describing as exceedingly contemptible. They now began to reap their reward. It was a galling and humiliating thing to owe your daily bread to persons whom you despised. You had been accustomed to exclude this *vulgar herd* from your society, and now they suddenly became your masters. The thing being intolerable, means were sought to resist it. Means were at hand; the evil composition of the government allowing functionaries desirous of escaping from responsibility to fight a harassing and mischievous fight with the people whom they served.

Besides the legislative body above described, for the purpose of carrying on the government, a council existed called the executive council. This body is compared with the privy council in England, but in reality bears no analogy to it; being, in fact, the actual administrative government of the province. The governor sent from England, is always ignorant of the country, and usually knows little of the business of government, being chosen, not because he is fit for the office, but because he wants a lucrative situation. To enlighten his ignorance, and prevent the evil effects that might result therefrom, he is surrounded with a council to advise him. This council is permanent; he is but a bird of passage. The moment he lands, the first persons he sees are those of the council. They describe to him the state of the country after their own opinions; he naturally listens and believes. Besides, he dines and lives with the council. They flatter him; they relieve him from the difficulties of his position; and if any body says any ill of him while he is their tool, they are vehement in his defence, and describe the offenders as disloyal and impious. Should, however, a governor be strong-minded enough to resist these arts, they of the council quickly relieve themselves of his dominion through the influence of the Colonial Office. Thus, in fact, they rule the country.

At the time of which we are now speaking, the executive council was not only identical in feeling with the legislative council—one branch of the legislature—but identical in persons. Thus the executive council not merely directed the administration of the country, but really interfered with the whole business of the legislature.

Various were the schemes for avoiding responsibility; and it will be found that all the disturbances which have arisen in Canada have had this wish to escape from responsibility for their cause; and that the persons who have entertained and acted on it have, solely through the interference of the Colonial Office, been enabled to stir up a commotion that threatens the loss of these important possessions. The Colonial Office, no matter who has happened to be at its head, has invariably sympathized with the officials hating control, and not with the people seeking to make them useful and responsible servants. This sympathy has guided the Colonial

Office in most of their proceedings; but where by chance they felt right, and wished to act so, the gross ignorance which prevailed within that Augean precinct has always paralyzed their efforts, and made them go wrong, spite of their passing desire to go right.

Various, we say, were the schemes adopted to free the official gentry from a disagreeable responsibility to the people: a few of these notable plans deserve to be recorded.

The first of these specimens of official ingenuity was the demand, on the part of the colonial government, that all the civil expenses should be voted in one sum—*en bloc*, as it was termed; the next, that the Civil list should be permanent. The House of Assembly, after the fashion of plain men of business, carefully inquired into each individual office, asked why it was needed, and who filled it—and having learned what was the service, determined what it was worth, by apportioning to it a salary. This evidently was disagreeable—it was, in colonial language, exceedingly pitiful—it was anti-monarchical—it was republican—none but traitors would have conceived so despicable a method; therefore the colonial government desired of the House that they would not trouble themselves about items, but give them a round sum, and promised that they, the government, would see to its proper distribution. This preposterous proposal was very properly refused. The refusal raised an amazing outcry, and England was persuaded that the colony was in an exceedingly bad way, and that a strong handed governor was needed. The late Duke of Richmond was therefore dispatched to keep in order the unruly province. Hardly a person in the province had ever seen a duke—the first and last that had appeared among them was the Duke of Kent—and this apparition, from having been short and frequently talked of, rather enhanced the worth of a duke in the abstract. It was no unwise policy, on the whole, therefore, to send a person possessing so sounding a title as duke. The Duke of Richmond came—he was supposed to have extraordinary powers—he was to dazzle the Assembly into compliance. With great pomp, and with the firing of many guns, which broke many windows, he opened the session of the provincial parliament. He was surrounded by his sons and daughters, and they were lords and ladies, by courtesy at least. He had a gay and brilliant procession, and the plain and simple burghers of Canada looked on, wondered, and quietly asked who was to pay for the show. The theatrical pageant failed—the House of Assembly refused, even to a duke, the demand of the official servants, who were employing him as their tool. The wonder and the outcry were immense. This surpassed all former atrocity. So great a man to have so small an influence! a great man bearing not merely the king's commission but the king's arms, and that, by some manœuvre, without the bend sinister! The whole matter was dreadful, and exceedingly puzzled the persons who had contrived the pageant

and the plot. Still they hoped much from the powerful duke. These hopes were disappointed by the unexpected death of the Governor-General.

The Colonial Office sent out in his place Lord Dalhousie. Now Lord Dalhousie was a soldier—he was the friend of the Duke of Wellington, he was poor, and had to be provided for, therefore he was a fit man to be the governor of a province placed in exceedingly difficult and delicate circumstances. He came, made the same demand as his predecessor, and got the same answer.

Then came the other notable scheme: one that is still pressed, and which has been the immediate cause of the distractions now existing. On the accession of George IV, a new demand was made, viz., that the Assembly, after the fashion of the House of Commons, should grant a civil list for the life of the king. This, and wisely too, the House refused, there being no analogy between the two cases. In England a *quid pro quo* is given—a revenue is granted to the king, because he gives up certain hereditary revenues. This plan has never been tried with the Canadians. The whole revenue has never yet been given up to the province, nor the House of Assembly made the paramount purse-holder of the country. Again, it should be observed that the civil list in England forms but a small item of the whole expenses of government; so that by granting it no real control is given up by the people. This is not the case in Canada—by giving a permanent civil list, the House of Assembly would be rendered nearly powerless. It should be remembered also, that in Canada the soldiery is beyond the control of the House. There is no Mutiny Bill to be passed annually; the House of Assembly, therefore, has not the peculiar power possessed by the House of Commons, a power which of itself renders that House necessarily predominant in the state, and which makes it incumbent on the ministry to call them together every year, however painful it may be to meet the representatives of the people. This demand of a permanent civil list was also refused.*

While these disputes were going on between the official tribe and the House of Assembly, political knowledge and foresight were gradually being acquired by the representatives of the people. The persecutions in Ireland have produced O'Connell, the misgovernment of Canada (which, as will quickly appear, bears a strong resemblance to the fate of that unfortunate country) has produced its O'Connell also in the person of M. Papineau. For nearly twenty years he has directed the proceedings of the House of Assembly, and for the greater part of that time has been its speaker. As he has steadily adhered to the cause of his countrymen, and has manifested great talent in the direction of their political efforts, he has been furiously assailed by the loyal persons in

* The subsequent proceedings respecting the civil list will be described in a later portion of this paper.

Canada, and by the hireling press which is at their command. If any of our readers, therefore, who interest themselves in colonial politics, should find one M. Papineau constantly spoken of, and often vehemently abused, and should desire to know who and what M. Papineau may be, we would say to him, that M. Papineau has steadily, warmly, successfully, and with great ability fought the fight of the people of his native country; that by that people he is beloved as their benefactor; that by their enemies he is hated, feared, and consequently abused. Through his endeavours, the effectual stand has been made against the faction who have endeavoured to farm out the province to their own benefit; by him the efficient opposition to their attempts, which we are now about to describe, has been organised, sustained, and rendered ultimately successful. We need no further explanation of the bitter hatred which is manifested towards him, or of the virulent abuse by which he has been and continues to be assailed.

The House of Assembly was, at the period of Lord Dalhousie's government, a body possessing feelings very different from those entertained by their early predecessors. The leading men in it thoroughly understood the value of the political instrument placed in their hands by the government of England; they perceived moreover the many mischiefs which were produced by the actual government of the province, and they determined to use the constitutional powers of the House of Assembly as instruments to eradicate the evils that still existed in their political system. The use of these powers to this end has raised the furious outcry that is now being made by the official tribe—and we shall now proceed to show the nature of the evils complained of, and the method pursued by the House to root them out.

1. The first class of evils related to finance. The representatives of the people complained, that the resources of their country were employed by persons not responsible to the people; that the money of the people was therefore squandered; that they, the representatives, were unable to obtain accurate accounts either of the receipts or the expenditure of the government; and that the people were taxed without the consent of their representatives.

2. The second class of evils related to the administration of justice. The representatives of the people complained of the perfect irresponsibility of the judges to any one except the English Colonial-office. They asserted, moreover, that this responsibility was in fact a farce, as the Colonial-office placed implicit confidence in the Executive Council, and this Executive Council was composed in a large part by the judges, and had interests and sympathies identical with theirs. Many and flagrant instances of injustice were specified and complained of.

Moreover it was stated, that suspicion must ever attach to political judges; that the judges of Lower Canada, by being members of the Legislative and Executive Councils, were of necessity

political judges, and were, in fact, supposed by the people to be improperly biassed by their political opinions.

It was also asserted that justice was too dear—that, especially in a poor and new country, struggling with the great difficulties which attend necessarily upon a people in the situation of the Canadians, justice should not only be cheap, but at every body's door. The representatives complained, that many salutary laws passed by them, who knew the wants and wishes of the people, had been rejected by the Legislative Council, which was ignorant of the wants of the people, and careless respecting their wishes.

It was further urged as matter of complaint, that, under the then jury system, the sheriffs were able to compose a panel as they desired; that these sheriffs, being salaried officers, depending for their possession of office on the mere will of the executive, were, in fact, subservient tools to the executive; and being suspected, and that often but too justly, they poisoned justice at the fountain, and spread dismay throughout the country.*

3: The next class of evils related to education. The representatives of the people complained, that among the revenues which the Crown had possessed itself of, were certain large and growing estates belonging to the late order of Jesuits; that these estates had, before they came into the possession of the Crown, been dedicated to the instruction of youth; but that the Crown had taken the whole of the estates and applied them to other purposes, and, furthermore, had converted the College of the Jesuits at Quebec into a soldiers' barrack.

They also complained that no attempts had been made by government to spread education among the mass of the people; but that, on the contrary, the Legislative Council, which was wholly under the control of the executive, constantly rejected many salutary bills passed by the House of Assembly to further the education of the people in the rural districts.

Connected with this subject was the complaint respecting the provision made for the clergy of the Church of England. Among a population four-fifths of whom were Catholic, one-seventh of the whole lands of the country was set apart for the clergy of the Church of England. This appropriation was bitterly complained of, first, as an attempt to introduce a church establishment in opposition to the opinion and feelings of the people; and, secondly, as a direct robbery of a fund which ought to be applied

* This jury system has since been changed, but much of the evil complained of remains. The art of *packing* juries is not peculiar to England. We have taught it to our colonial subjects. The sheriffs of Canada are still officers dependent immediately on the executive, and when ordered, have not scrupled to act in direct opposition to the new jury law. Witness the conduct of the sheriff of Montreal, in packing the jury which had to determine on the bills of indictment preferred against the parties concerned in the too notorious massacre of May, 1833.

to the education of the whole people, without reference to sect or origin.

4. The next class of evils complained of related to attempts made by the English Parliament to alter the laws regulating the internal affairs of the colony.

5. The last class of evils to which we shall allude, as complained of by the Canadian representatives, related to the general administration of the government. They complained that the whole administration was a scheme of favouritism; that, in order to secure the lucrative offices in the hands of a small set of families, attempts were constantly made to sow dissensions among the different classes of the people; that merit, if evinced by one not of the family party ruling in Quebec and Montreal, was wholly neglected; that, by this means, constant heartburnings were raised among the educated classes, and great evil done to the community by the employment of comparatively inefficient and useless functionaries.

From this catalogue of grievances, it will at once be evident, that the sum of the complaints was, that the people had not themselves the control of their own government. Whether the representatives then saw that this was the real grievance, we cannot pretend to determine. It is certain, however, that they then proposed no plan of more effectually placing the control over the government in their own hands, but merely confined their demands to matters which could only temporarily alleviate the evil. In other words, they then sought only for the removal of obnoxious officers, and not for arganic changes in their government.

When the House of Assembly, in addition to its sturdy refusal to grant a permanent civil-list, as well as to vote the whole in one sum, continued loudly to complain respecting the list of grievances above-mentioned, the case began to appear desperate in the eyes of the official party. A remedy was therefore sought equal to the occasion. Hitherto Upper Canada had showed no symptoms of complaint. A majority of the House of Assembly in the province voted with the executive government, and all was apparently peace and comfort among the official party there. The official party in Lower Canada, seeing two countries, in situations apparently so similar, pursuing courses so opposed, were perplexed, and sought a solution of the difficulty. They fancied they had discovered it in the difference of origin. It was believed that the Lower Canadians were turbulent, because they were French; and that the Upper Canadians were quiet because descended from Americans, English, Scotch, and Irish. This explanation of the phenomenon suggested a remedy for the evil which afflicted the Lower Canadian executive. They fancied that if these two bodies of people could be united, and placed under one government, in which care was to be taken to secure a majority of votes in the

House of Assembly to the quiet, viz., Upper Canadian portion, all their distresses would immediately be relieved. In this notable opinion originated the plan of uniting the two provinces. The Colonial-office, as usual, was ready to act as the Executive Government desired; and a bill was brought into Parliament to effect a junction of the two provinces. This was done without the slightest appeal to the people of either colony; and the proposers of it hoped that it might be smuggled through the House. Unfortunately for them, it was opposed by Mr Hume and others. Time was given to the colonists to express their feelings respecting it, when so unanimous were both provinces against the union, that the plan was necessarily abandoned.

During the disputes which were carried on respecting the grievances complained of on the part of the House of Assembly, and the demand for a permanent civil-list on the part of the Executive Government, the various officers of the country were in danger of being unpaid. The House of Assembly was induced to refuse the supplies from a variety of causes; the most immediate and pressing, however, was the state of the treasury of the province. As the circumstances connected with this subject illustrate, in a remarkable manner, the general system of our colonial policy, and as the matter is one of the most crying cases of abuse complained of by the Canadian people, we shall relate the history of the whole affair somewhat at length.

The receiver-general of the province is an officer appointed by the Crown; he is responsible also to the Crown, giving security in case of default to the executive alone, that is, to the government of England. This receiver-general receives all the revenues of Canada, as well that portion over which the House of Assembly is allowed to have control, as that which the Executive Government claims to have solely within its own power.

The late receiver-general, Sir John Caldwell, succeeded his father in this situation. Both the one and the other were vehemently suspected of having appropriated the monies of the province to their own private use. In order to ascertain whether these suspicions were well founded, and also in the pursuance of their ordinary duty, the House demanded of the receiver-general an account of their money in his hands. Will it be believed that Sir John Caldwell not only refused to render such an account, but that the Executive Government of Canada supported him in his contumacy? Further yet than this, the Colonial-office, the ever-ready and powerful engine of the colonial executive, looked on calmly while such a flagrant act of disobedience and dishonesty was performing. Lord Dalhousie, who was asking in a haughty manner of the House that they would confide in his honesty and prudence, and relieve him and his government from responsibility, was the protector of this public officer while refusing what every honest man would have voluntarily offered. The House, indignant at such conduct, were

determined to settle the matter between themselves and this rebellious servant. They appropriated no monies to the public service, leaving the governor to get what he could out of the chest of the receiver-general. Thus driven, the governor, who, while it suited his purpose, shielded the receiver-general, drew bills on him now that he could get nothing from the House. The result justified the suspicion and the conduct of the House. The receiver-general was found to be a defaulter to the amount of 100,000*l.* It appeared that his father before him had employed the money of the people, and had bequeathed the debts and the situation to the son. The son, well knowing his father's insolvency, nevertheless took the office, and, instead of diminishing, greatly increased the debt due to the state. He lived in a sumptuous style, such as was befitting a person in Quebec; he bought estates, and foreseeing that some day his bankruptcy must be known, he craftily had all his father's estates entailed upon his son. The government, under the pressure of the House of Assembly, sued him for the money, and got judgment against him. And now was seen the exquisite machinery by which justice is administered in Canada. The son of the defaulter claimed the estates of his grandfather under the entail. He lost his suit, but he has been able, by appeals from one court to another, and at last to the privy council in England, to stave off the evil hour of restitution. To this moment the debt remains unpaid.*

The governor was now driven into great straits. He had no chest to draw from, and he had a clamorous set of officials. They and he devised a plan (these people are famous for their plans.) He divided the various officers into two classes, the necessary, and the urgently necessary, and proposed to pay the latter out of the funds supposed to be under the control of the executive.

The revenues of Lower Canada arise from the following sources—

1. The Jesuits' and other estates.
2. The land and timber fund.
3. Fines and dues resulting from seigneuries.
4. Certain duties imposed by the imperial legislature;
5. And duties imposed by the provincial legislature.

The money accruing from the first four sources was at that time deemed under the control of the executive. But as this sum was not sufficient to pay the whole expenses of the government; and as the Assembly was called upon to furnish the remainder, they

* We may relate the remainder of this affair in a note. Sir John Caldwell is still a legislative councillor. He pays the government 2000*l.* a year out of an estate worth 5000*l.* a year; thus depriving the people every year of some 3000*l.* His debt and interest now amount to 150,000*l.*, and no means have been taken by the government to pay Canada one farthing. A judgment has lately been obtained in the Privy Council against the son; that is, some fifteen years after the acknowledgment of the default; but the debt is still unpaid.

thus virtually became supervisors of the whole. This is now always admitted. At that time a different doctrine was promulgated: it was then attempted to confine the power and the inspection of the House to the sum which the House itself specifically afforded.

Having divided the civil-list as above stated, the governor determined, without the permission of the House, to pay the *urgently necessary* officers out of the funds supposed to be under the control of the executive. The Assembly, justly indignant at such a proceeding, determined to complain to the general government: the governor, on his part, commenced a system of pitiful vexations. He put affronts on the Canadians, that is, the French Canadians, as distinguished from persons speaking English. He dismissed certain officers of militia, for having voted in a manner contrary to his Lordship's desire. He induced the government of England to interfere with the internal legislation of the country; and by an ordinary, but by no means honest proceeding, he and his party smuggled into a bill for the regulation of the trade with America, a provision for a change of the law relating to the tenure of lands in Canada. His offences towards the people amounted now to a formidable and intolerable sum. He had throughout his government vexed and insulted the people personally: he had endeavoured to unite the two provinces, in the hope of crushing the liberal party in Lower Canada: he had illegally seized upon and appropriated the monies of the people: he had endeavoured to screen a great public defaulter: he had unjustly treated a large body of the militia—had surreptitiously endeavoured to meddle with the laws of the people, thus eventually leading to the introduction and enactment of the Canada Tenures Act, in 1826*—and, finally, had fought a disgraceful fight with the House of Assembly, for a permanent civil-list, in order to ensure the irresponsibility of the official persons by whom he was surrounded, and by whom he was made a subservient tool. By thus linking himself with this official party, he plainly showed the people that his sympathies were with their oppressors, and they therefore determined to be rid of his dominion. The whole people were roused, and petitioned the Parliament of England to remove him. They also set forth a detailed account of their grievances, and prayed that they might be effectually remedied.

The consequence of these petitions was the appointment of a committee by the House of Commons, to inquire into the grievances alleged. This committee allowed that all the more important assertions of the petitions were proved: they allowed also, that the system of government was a bad one; and they thereupon made certain suggestions—all mere palliatives, which served in the end to increase instead of alleviating the mischief. Lord Dalhousie was

* This subject will be more fully treated hereafter. We shall have to speak of the disputes respecting the *tenure of land*, and the reader will then see why the Canadian people were indignant at this proceeding on the part of the government.

recalled; and a system of conciliation was attempted. Sir James Kempt, by behaving with common civility, gained the good-will of the people. He saw, however, that the causes of evil were beyond his power, and he wisely, after a short experience, retired from the government.

It was at this period that the home government made certain modified proposals to the House of Assembly respecting a permanent civil-list. The original demand was, that the whole of the civil servants should be permanently provided for; now, however, the home government having taken up the matter, far less was required. It was proposed that the governor, or person acting in the place of governor, his secretary, and the judges,* should alone be included in the permanent civil-list; and in order to induce the House to grant this, the government promised to fulfil an engagement made on the part of the British government some time previous to the end of the last century, and still left unperformed. They agreed to pass an act of Parliament, placing at the disposal of the House of Assembly certain duties levied under acts of the Imperial Parliament. The House of Assembly agreed to this arrangement.

At this time Lord Aylmer was appointed governor. The promised act of Parliament was passed, and the House of Assembly passed the permanent civil-list. The bill passed the legislative council, was sanctioned by the governor, *and its confirmation was refused by the home government*, upon a point of form which many have attempted to explain, but as yet the world cannot understand it.

Shortly after this Mr Stanley succeeded to the seals of the Colonial-office, and all hope of amicable arrangement quickly disappeared. The governor got into disputes and quarrels with the House of Assembly; the Legislative Council, taking advantage of the confusion, exercised its privilege of rejecting bills passed in the Assembly far more freely than was consistent with the welfare of the people, and also quarrelled with the House of Assembly.

At this period, also, arose the demand of the people for an elective council, in place of the present legislative council appointed for life by the Crown. The House of Assembly addressed the Crown on the subject. They stated the grievance, and proposed the remedy; but suggested that, with regard to so great an alteration of the constitution, the wishes of the people should first be carefully inquired into. They therefore proposed that a *convention* should be called to ascertain the feelings of the

* There is a curious fatality, it would seem, in these matters. In our disputes with our old American colonies, this precise demand was made and indignantly refused—the colonists assigning, as the reason of their refusal, that they liked to have their own servants under their own control. In one case a judge, who on the stoppage of supplies received his salary from the executive, was impeached by the colonial legislature for so doing. The precedent is not a bad one, and might upon occasion be usefully followed.

people; and that this convention should decide in favour of an elective council, an act of parliament should be passed to alter the present form of their government. Lord Stanley, in answer to this address, read the Assembly a lecture, and put a false construction on their demands, calling the convention proposed a *national* convention, thus conveying unjust insinuations by means of an unpopular phrase with which were associated ideas of revolution and massacre. This conduct raised a flame that still burns, and which will continue to burn, until every evil be redressed by England, or the Canadas withdrawn from our dominion. The House of Assembly passed, on the receipt of his dispatch, their famous ninety-two resolutions; they expunged the despatch from their journals; they formally declared the Governor guilty of crimes deserving of impeachment, and they petitioned the Imperial Parliament to grant them redress. Mr Roebuck presented their petition, and moved for a committee to inquire into the defects existing in the form of the Canadian governments. Lord Stanley opposed this motion, on the ground that Upper Canada had nothing to complain of, and that she did not complain; and moved as an amendment, that a committee should be appointed to inquire whether the recommendations of the committee of 1828 had been carried into execution. This was granted.

In the midst of this committee's labours Lord Stanley left office, and Mr Spring Rice succeeded him. The new Secretary entered into negotiations with Mr Roebuck and the Canadian agents, holding out fair promises, in order that he might begin his government undisturbed by the inquiries of the committee. Previous to the appointment of this committee, Lord Stanley had given notice that he would bring in a bill to repeal the late act of the Imperial Legislature, passed according to the arrangement made with the House of Assembly. He did this, in reality, because the House had stopped the supplies, and thus had driven the government to extremities.* He wished to get back into his power some portion of the revenue, so that he might not be dependent on the House of Assembly for the means of carrying on the government. The reason, however, which he assigned for this proceeding was that the House of Assembly had not performed their portion of the engagement. Lord Dalhousie, when in the same position, had actually taken the money out of the provincial treasury and applied it as he liked. Lord Stanley had too often, and too publicly, inveighed against this proceeding, to be able to follow the example. He endeavoured to gain the same end by different means; viz., by the assistance of Parliament. Mr

* Lord Stanley found fault with the House for following this course, though he himself had recommended such a course to the House of Assembly of Upper Canada. This recommendation certainly was made while the noble lord was out of office.

Spring Rice made a voluntary offer to desist from this plan of Lord Stanley, and solemnly condemned the conduct of Lord Dalhousie. This offer to the agents, and to Mr Roebuck, was the basis of the negotiation which followed. It was acknowledged that the constitutional mode for the Assembly to attain its end was stopping the supplies. In his constitutional ardour, Mr Spring Rice further said, that he would be no party to any attempt to deprive the House of this proper and constitutional check upon its servants. He therefore declared that he would do nothing to pay the public servants; he would not pursue either of the only two modes open to him; viz., would neither seize the money after the fashion of Lord Dalhousie, nor apply for an Act of Parliament after the mode intended by Lord Stanley. He would, he said, trust to the Assembly. He knew nothing of the question as yet; he was young in office, and sought time to learn his duty, and hoped the House would grant him the opportunity. They could do so only in one way: they could grant supplies, as during Sir James Kempt's administration, under protest. They would thus still retain their constitutional power over their servants, and yet give him a fair opportunity of amicably settling the matters complained of. He asked further, that the agents and Mr Roebuck would agree to close the committee. This was agreed to, upon the understanding that nobody should be inculpated, and a mere *formal* report agreed upon. The committee closed its labours by making such a report, and the agents returned to Canada with the impression that Mr Rice was about immediately to recall Lord Aylmer; to call together the provincial parliament early in November, in order that the servants of the public might *then* be paid; and that he was about to adopt a liberal and enlightened policy as respected their country. Mr Roebuck also wrote to the leaders of the popular party to the same effect, and advised, that they should forbear for the present, and give the minister an opportunity of voluntarily doing justice to Canada. The leaders acquiesced, and all was now apparent harmony, and men looked forward to a change of measures and men. What, then, was the surprise and indignation of the Canadians, when they found that the whole proceeding, on the part of Mr S. Rice, was a manœuvre to gain time, and to get rid of an immediate and pressing difficulty! It was evident that he never had an intention of satisfying the expectations he had designedly raised. Lord Aylmer was not recalled; the servants of the public were paid by the authority of the colonial minister,* and a furious partisan of

* The House of Assembly of Lower Canada, by a petition to the Imperial Parliament, agreed to February 28, 1835, and presented this session, has thus expressed its opinion of this proceeding: 'The continued dilapidations of the revenues of the province, in direct violation of the constitution, are another source of blame to his Majesty's Canadian subjects. After the abandonment of the late colonial secretary's project to seize upon the said revenues, by suspend-

the official party was raised to the bench. Nothing, in short, was changed; Mr S. Rice, after all his fair promises and fine words, following in the footsteps of his predecessors. Fortunately, Mr Rice was somewhat too hasty in evincing the spirit which was to govern his councils. His proceedings were discovered before the general election, and mainly served to fill the Assembly with members pledged to the principle of an elective council.

Mr Spring Rice had, among other things, promised to call the provincial parliament together early in November; but before he could perform this promise, Lord Melbourne's ministry was dismissed. Mr Rice declares, that on the very day on which this occurred, he was to have submitted his matured plans for the future government of Canada to the cabinet. It was unfortunate for Mr Rice that his good intentions were so long delayed. Judging from what he had already done, the public were not inclined to augur well of his future acts. Of the benefits that he desired to confer on Canada we have no evidence but his own declarations,—and as these are in direct opposition to his former conduct, they do not carry with them that confidence which should at all times attach to the statements of persons in powerful and exalted stations.

When Lord Aberdeen succeeded Mr Rice, he found everything in confusion, and the difficulties of the question far greater than when it was first submitted to Mr Rice. On the 9th of March Mr Roebuck presented a petition from members of both houses of the provincial legislature, praying for redress of grievances. Sir Robert Peel then declared, that it was the intention of his government to send out a commission to Canada, to see what could be done, and to do it.* Shortly after his ministry left office, and the Whigs returned. They took advantage of Sir Robert Peel's plan, and determined also to send a commission. Their commission, it appears, is only instructed to inquire. If this be so, it is only a pretence, as the evidence needed is already before the government;

ing an act which did no more than confirm to the Commons of Lower Canada a right previously recognised, without conferring any new privileges, his Majesty's Canadian subjects did not expect to be so soon called upon to resist similar unconstitutional encroachments and dilapidations; yet very recently the indisputable privileges of the Assembly have been again violated by the payment of the public servants without the sanction or cognizance of the only body authorized to give such sanction. That the people of the old colonies, now the United States of North America, however much they were aggravated by attempts at unconstitutional taxation, had much less to complain of on the score of executive usurpation than the people of this province—the Assembly having repeatedly declared its fixed determination not to sanction that which it must ever consider a tyrannical violation of its rights, and which the people of this province regard as a virtual dissolution of the constitution, and for the consequences of which your petitioners cannot answer.'

* Sir Robert Peel said, that advices of this intention had been sent out to Canada six weeks before that day. From the despatches, however, it appears that it was three, and not six weeks.

and all that they have now to do is, to declare explicitly the concessions they have determined to make.

The present demands of the House of Assembly include one item not mentioned in the year 1828. At that time they sought to palliate evils, not to eradicate them. Finding that even these moderate demands were not acceded to, they have wisely proceeded further; and now seek a radical reform in their constitution. They see whence all the mischief arises, and direct their chief attention to that point; they see that the official party have been able to resist the wishes of the people by means of the Legislative Council. This Legislative Council they therefore seek to change, and now demand of the Home Government to constitute it in such a manner as to make it express the feelings of the great body of the population. They very properly declare, that the only mode of making it such an expression of the popular voice is to render it elective. This now forms the first and chief of the demands of the House of Assembly. In other respects the complaints now made are the same as those which the Assembly made in the year 1828. The grievances which then existed are still unredressed; and little, perhaps we might more correctly say, no advance has been made towards relieving the people from the burthen under which they labour.*

It thus becomes necessary that we should briefly refer to the conduct of the Committee of the House of Commons appointed in 1828, and remark upon some of their recommendations. In the true spirit of English legislation, that committee temporized with the evil; they treated the symptoms of the disease as if it were the disease itself, and thus left the cause untouched, while they were trying to administer remedies to some of the more glaring effects of an evil deeply seated. They saw, for example, that a pernicious distinction had been made by the executive government between the Canadians and the English of Quebec and Montreal; and they fancied that they themselves had done their part as legislators, when they recommended that this evil proceeding should be dropped. That assuredly was not the right remedy; neither was the

* It is asserted, indeed, by the opponents of the House of Assembly, that the grievances originally complained of have been redressed; and we are told that French Canadians have been admitted into the Legislative Council, and some further portions of the revenues placed under the control of the House of Assembly. As to the first assertion, it need only be said, that the Canadians who have been admitted are still in a powerless minority; and that many of them, before they were made councillors, had given unequivocal proofs of subserviency to the executive, and were looked upon by the people as renegades. As to the second statement, the answer is, that the principle of the right of the House of Assembly to supervise all the funds is still denied, and to this hour is still acted on; while one of the most important funds, viz. the land and timber funds, together with parts of the Jesuits' estates, and the dues of the crown, are still wholly within the power of the executive. While things remain thus, it is idle to speak of grievances redressed.

attempt made in the right place. They perceived that the people were discontented ; they perceived that this discontent arose in consequence of the conduct of a small party who had got possession of power in the colony ; they saw, or ought to have seen, that this party were endeavouring—first, to enjoy exclusively the good things which this power placed within their reach ; and, secondly, to make themselves completely irresponsible. In the furtherance of the first object, they necessarily excluded the people at large ; viz. the Canadian people, from all places of power and profit : in furtherance of the second, they used the *legislative* as well as *administrative* authority they possessed, to prevent the people's representatives, viz. the Assembly, from prying into their proceedings, or in any way controlling them. The cause, then, of the evil, that is, such cause as a legislature could deal with, was the power, the irresponsible power they possessed. The exclusion of the Canadians from office, the peculation of the public money, the rejection of useful measures, and the refusal to give accounts of monies received and expended, were all results of the same system, symptoms or effects of the same disease, viz. irresponsible power. The committee appear to have had a glimmering of this fact, and therefore recommended that the legislative council, which gave this pernicious power to the executive government, should be liberalized ; that is, that a certain number of Canadians should be admitted into it. A more futile scheme could not have been devised. How easy to obey the letter of this law, and completely avoid its spirit!—in other words, to change some of the persons of the council, and yet leave the composition of the council in reality the same. I go out of the council myself, but place in my stead a friend, having precisely the same feelings and the same interests as myself. I put in a very small minority of persons opposed to me and my friends ; as all our decisions are by majorities, what is this liberal infusion but a mere mockery ? The acts of the council will be the same, spite of the apparent change in its composition. To any one at all conversant with the state of Canada,—to any one instructed in the ways of men who would look at the case with an impartial eye, it must have been evident that these recommendations of the committee would raise expectations only to have them disappointed ; and that the discontent which it was intended to allay would be greatly and justly increased. Such has been the result. Lord Stanley pretended that the council had been thus changed. What is really the fact ? A few Canadians are now in the legislative council ; but so convinced are they of their utter uselessness, because they are only a small minority, that they have of late abstained even from appearing at Quebec.

But what could have been the cause which induced the committee to deal thus gently with so glaring an evil ? The cause was partly their peculiar leanings and opinions respecting government in general, and partly their ignorance respecting the situation of

Canada. The House of Commons is essentially an aristocratic assembly; its committee, in this case, represented fairly its general character. The House of Assembly was believed by them, and correctly, to be a democratic body—a body fairly representing the wishes and feelings of the whole people. Its complaints were therefore looked upon with suspicion, and all its recommendations distrusted, as supposed to tend to the direct increase of popular power. On the other hand, the legislative council and the official party were supposed to constitute an aristocracy; and the fight that was going on in Canada was supposed to be the same as that which was at that time, and is now also, so furiously raging between the aristocratic and democratic principles in England. It was thought then, and is thought now, that this supposed aristocracy is the link which binds Canada to the mother country. The official party have been extremely anxious to create and maintain this opinion, well knowing that powerful and steady would then be the support they would receive from England. Nothing, however, could be more incorrect than this conception of the nature and utility of this Legislative Council and Company. They are not an aristocracy like that of England, powerful by its wealth and its large landed possessions. This supposed aristocracy of Canada are a set of hungry officials, poor and rapacious, and possessed of no landed property, but such wild lands as they have granted to themselves, and which generations yet unborn may see as wild as at present.* They therefore cannot pretend to any of that species of influence which an aristocracy like that of England is, by its admirers, supposed to exercise. They are not the lords of the soil—they have no tenantry—they have no influence over the House of Assembly,—here, in truth, in one view, we have in practice something like the *theory* of the English constitution. The House of Assembly, and Legislative Councils, are two completely separate, equal, and checking bodies: and the result of this exquisite machinery is, what philosophers have predicted would be the fate of the constitution of England, if its practice were made to conform to its theory; viz. both parties have so effectually checked each other, that the government is at a stand-still, and nought remains but to destroy one body or the other. But this independence of the House of Assembly must make it apparent to every one, that a comparison between what is called the Upper House in Canada, and the Upper House in England, is simply ridiculous. The official party in Canada are actually, as far as regards some of their interests, in opposition to the aristocracy of England; but they have, not unskillfully, kept this view of the subject from the governing powers in England. The official party have not more

* It is true that Sir John Caldwell, or, perhaps we ought to say, his son, has or had a seigneurie, bought with the spoils of the people, and which, it is hoped, will be soon sold for the people's benefit.

places in Canada than are sufficient for themselves: they not only exclude the Canadians, therefore, but strive their utmost to exclude the retainers of the English aristocracy. Canada, however rich in places, is but a poor field for the place-hunters of England, and must become less and less so daily, if the present order of things be permitted to exist. Every lucrative office is now filled up by some expectant of the official party; whereas, if this party no longer existed, a much larger share of the good things would fall directly to the Governor, who would make them available to the friends of himself and of the Colonial Office.

The idea that the Legislative Council forms the connecting link between England and Canada is equally erroneous. A colony is retained by her interests. The interests of Canada, as connected with her relation to England, relate to the government and the commerce of the province. If the people, through the intervention of England, obtained an equitable, wise, and cheap government, then feelings of gratitude and kindness would be entertained towards the mother country, and a desire to maintain connexion with her kept fresh and strong. This feeling would be common to the mass of the population, would be transmitted from one generation to another, and inculcated much in the same way as the religion of the community. It is evident that, at the present moment, the reverse of this has taken place, precisely by the deeds of the Legislative Council and their party. The people see that the evils of their government spring directly from the Legislative Council, and that this council is maintained solely by the influence of England. The connexion with England is therefore looked upon as an evil—and every day is strengthening the desire of the people to be completely relieved from it. If this party be allowed to exist but a few years longer, all attachment to England will be utterly destroyed, and a separation will immediately follow.

It is equally clear, that any commercial advantage derived by the colony from England cannot result from the Legislative Council and party. Mercantile intercourse subsists, because it is for the interest of the individuals between whom it exists. This interest is in no way dependent upon this supposed link between England and her colony. Abolish the council tomorrow, and the Canadian merchant will require the same shipments from England. The people will still demand her cheap fabrics, and if England be wise she would buy the cheap corn of Canada—if she be foolish she may continue to buy her dear and inferior timber—but neither the one demand nor the other depends upon the Legislative Council and the hungry tribe of official hirelings by whom it is surrounded. In what way, then, does this council maintain the connexion between England and Canada?

It may indeed be said, that the council serves as a counterpoise to the democratic opinions prevalent in America, and may thus be supposed to favour the dominion of England. On the con-

trary, however, by confounding the small official body with aristocracy generally, the ill-feelings which arise against the one are extended to the other. At a distance, and exercising but a small and unimportant influence, the English aristocracy might have been held in honour, and viewed with respect and deference—but the petty, paltry, and mischievous aristocracy (so called) which rules Canada is so near to the people, and so evil in its influence, and, at the same time derives so much of its power from England, that it strengthens, in place of weakening, the democratic feeling, and has created a sharp and virulent hatred of all aristocracy. In this way, therefore, the council cannot be the connecting link so much talked of.

There was, however, still another argument in favour of this body, which had a powerful influence with the Committee, and induced it to palter with the evil rather than manfully grapple with it. It is generally supposed by those who know little of Canada, that the whole population is separated into the two classes of *English* and *French*. The English party, allowed to be a small minority, are supposed to be represented and protected by the Legislative Council; and the French party, the immense majority of the people, to be represented by the House of Assembly. The persons who have made this division, proceed further, and attribute certain designs and wishes to the French party—the most formidable of which is, an intention to obtain supreme power, and then to use it in oppressing and harassing the English minority; the next is, a determination to maintain in predominance French customs and laws, and the Catholic religion, and carefully to prevent any innovation which savours of English habits, manners, or feelings. The immediate carrying into effect of these dreadful designs is supposed to be prevented solely by the conservative protection of the Legislative Council.

The alarmists, who have conjured up this direful chimera, go yet further in their anticipation of coming evils. They say, that if the Canadian majority were permitted to have their way, and were to attempt this oppression of the English, these latter, possessing, as these alarmists assert, the wealth, intelligence, and energy of the country, would fly to America for relief; that thereupon the United States would grant them assistance, and Canada would incontinently become a member of the great federal union. Such is the picture which the terror of these persons has conjured up, and which we know had a powerful influence upon the Committee of 1828.

We are, however, prepared to prove that the whole of this series of assertions results from the grossest ignorance of the present condition of Canada—that, from beginning to the end, it depends upon a most extraordinary delusion—that a more wild and erroneous conception of the present and the future never entered the brain of any one speculating upon the condition and destinies of a nation.

We are prepared, in answer to these assertions, to prove the following propositions :

1. That no such division, as that supposed, exists, of the people into an English and a French party.

2. That the large majority of the people represented by the House have no such designs as those attributed to them ; that is, that they do not wish to oppress any party—that they have no blind and prejudiced admiration of their own laws and customs—that they do not desire to retain such parts of them as are opposed to the improvement of the country—nor do they desire so to maintain their religion as to make it galling or oppressive to others.

3. And lastly,—That the Legislative Council is not the representative of any party in the country but the official party—and that its conservative efforts are wholly confined to the maintenance of a corrupt, ignorant, and mischievous government.

Lower Canada is, at the present time, divided into *seigneuries* and *townships*. The seigneuries are inhabited, almost exclusively, by French Canadians—the townships, almost exclusively, by persons speaking English.* It is asserted that politics completely divide these two sections of the population, and, supposing the House of Assembly were paramount, that they would stand in the relation of oppressor and oppressed—the French being the oppressors the English the oppressed.

It so happens, however, that the interests of the inhabitants of the townships and of the seigneuries are, in fact, identical ; and that any general law which should oppress the one would necessarily oppress the other. Both portions of the population are purely agricultural, and the circumstances affecting their welfare, as members of the said community, are common to both. It might so happen, however, that notwithstanding this identity of interests, they might, in consequence of their ignorance, be ranged in hostility to each other. Attempts have, we know, been made to place them in this position. Appeals have been made to fanaticism, to prejudices of country, in order to rouse a feeling of hatred in the minds of the persons dwelling in the townships against their French brethren. But these attempts have signally failed. A general election took place last year ; the liberal party and the anti-liberals

* The seigneurie of Beauharnois, belonging to Mr Edward Ellice, is, we believe, for the most part inhabited by English. Now one of the charges brought against the Canadians generally is, that they are so enamoured of their mischievous seignorial tenure, that nothing can induce them to change it. We should like to know, as a matter of curiosity, how many of Mr Ellice's English tenants have changed their tenure for that of free and common soccage under the Canada Tenure Act. We are pretty certain that none has—the reason being, that an immediate outlay would be required exceeding their powers. The same reasons acts with the French Canadians.

were in violent opposition to each other. The principle on which the elections turned was adherence or opposition to certain resolutions of the House of Assembly. It was attempted by the anti-liberals to make the division an English and French one, and it was hoped that the townships would second their attempts. The result we appeal to with perfect confidence, as decisive of the question respecting an English and a French party. It is clear, if there were such a division, that the townships would have returned members inimical to the resolutions of the House of Assembly. The anti-liberals, who called themselves English, were furiously opposed to these resolutions, and called upon the English to join in their opposition. Did they so? Did not a large portion of the townships return firm adherents to the Assembly and its resolutions? Did not Stanstead, the largest of the townships, not merely return two such members, but also invite M. Papineau to a public dinner amongst them, at which they avowedly disclaimed the attempted division of the people into English and French? Moreover, did not the immense majority of the Irish of Montreal vote for M. Papineau? Are not these things sufficient to show that the supposed division is altogether a pure invention? There is another curious circumstance connected with this assertion. It is said that the majority of the inhabitants of Quebec and Montreal are English, and that almost all the wealth and intelligence of those towns belong to them. If these assertions be true—and if it be true that the English are wholly opposed to the House of Assembly—how has it happened, that, in the strong-holds of this pseudo-English party, the members returned have been warmly attached to the cause of the Assembly? The truth is, that the division of the people is not into English and French, but into friends of popular government, and friends of government by a small body of place-holders. This last party is contemptible as to numbers, and power over the people; their sole strength lies in the mischievous support of an ill-informed Colonial-office situated in Downing street. The former party comprehends almost all the French Canadians, and all such of the English as are unconnected with the official tribe. The richer merchants of Quebec and Montreal have joined the official party. The dinner giving and dinner-receiving gentry herd together; and as the official party have made an exclusive society, and have graciously admitted the rich merchants within the magic circle, the heads of these foolish traders have thereby been turned. They fancied that they had suddenly become exalted mortals, and, like all such great men, they quickly learned to despise the *vulgar* people. All this is very natural and was to be expected—but the folly of these merchants must not be supposed to be common to the yeomanry of the townships. They (the yeomen) do not dine at the chateau, and walk arm-in-arm with a chief-

justice,* but are hard-working farmers, desirous of having a hard-working and useful government. They side naturally with the people, without asking whether they be French or English. So much, then, as to this division of the people into English and French parties.

We now proceed to disprove the assertions respecting the oppressive designs of the Assembly. These assertions, when explained, mean a very different thing from that which people would commonly suppose them to mean. The petitions of the Canadian people complain of the unjust exclusion of persons of French Canadian extraction from all offices of honour and profit. This complaint was, and is still, well-founded, and it is supposed that if the Canadians were once in power they would practise the same exclusion. We have no positive evidence of what their conduct in this case would be, but we may draw conclusions, perhaps not altogether unfounded, from their conduct at present. The Canadian leaders and people do not at this time herd together in the same exclusive style as the English party. They associate freely with the English, and quickly give them their confidence and respect. One of the great leaders of the Canadian liberal party, up to the present year, was a Scotsman. It is true that, having ratted, he was at the last election, after more than twenty years of confidence, ignominiously expelled from the representation of the county of Quebec. His history proves the willing and steady confidence, as well as the ready justice, of the people. At the present time, many of the members of the Assembly chosen by the French Canadians, are Englishmen, and these Englishmen enjoy quite as much of the confidence and respect of the people as the French Canadians. These facts, we think, plainly show that this dread of exclusion at the hands of the French Canadians is unfounded. The truth is, that a popular government would quickly make, as in the United States, a complete fusion of the people. There French, English, Dutch, Germans, Spaniards, have all become one people, and Louisiana is as free from divisions arising from origin as Pennsylvania. Such would quickly be the case in Canada, if this division were not sought to be perpetuated by the mischievous intrigues and supercilious bearing of the official faction. They, in their pride and glory, separate themselves from the people, and style them-

* The effect of this sort of proceeding can easily be estimated by any one conversant with England and English society. A merchant's clerk goes out to Canada as a merchant. In England this merchant's clerk might as soon think of walking with the Grand Turk as with a Chief-justice—or of dining with his Majesty as with a member of the Upper House. With the immense distance between him and the leading men of his own country fresh in his mind, he suddenly is transported to Quebec, and actually finds himself on speaking and dining terms with Chief-justices, Attorney-Generals, and perhaps the Governor himself. Who, in his senses, would expect this merchant's clerk not to be overwhelmed by such a contact? How could he resist being the devoted adherent of the ruling powers?

selves English. They are striving at this moment to introduce religious differences in the hope of making a breach between different sections of the people, and are fostering an Established Church, for the purpose of creating a means of livelihood, and also an engine to divide and oppress the population generally. The danger of division and exclusion does not arise from the people, but from their oppressors.

But it is said the Canadians are blindly attached to their old French customs, and that by this unwise adherence to antiquated usages they will prevent the improvement of the colony—and it is therefore assumed that, notwithstanding they constitute the majority, their wishes ought to be overruled, and made to yield to what others conceive to be more in accordance with their views of this enlightened age. We object entirely to this doctrine; yet shall not at present wait to refute it, but proceed to examine the matter of fact. When we endeavour to learn what these old French customs are, which so much offend these enlightened friends of Canada, they resolve themselves entirely into the tenure of land now existing there—and it is the supposed attachment to this tenure which has given rise to the extraordinary outcry regularly raised when the subject of Canada is mentioned, either within or without the walls of Parliament. The French Canadians wish, it is asserted, to preserve the mischievous tenure of lands, called the tenure *en fief et seigneurie*, and this renders it absolutely necessary to perpetuate bad government in their country, because such a wish is incompatible with the enlightened spirit of the present age. Such are the supposed facts, such the argument.

It would be well, in the first place, to understand what the tenure complained of really is; and, secondly, to ascertain the truth as to the wishes of the Canadians respecting it. Lord Stanley, with that peculiar precision and accuracy which distinguishes him, asserted, that there existed in Canada a feudal and barbarous system; whereupon, without doubt, his hearers fancied that the system prevalent in Europe in the fifteenth and sixteenth centuries now exists in Canada. The tenure *en fief* in Canada signifies nothing like it—meaning only that the seigneur, like a lord of the manor, possesses an estate, which in Canada is called a seigneurie, much like that which in England is called a manor, the difference being in some matters favourable to the seigneurie*. Under the seigneur there are certain tenants, called *censitaires*. The seigneur, holding of the king, pays him certain dues and fines; the tenant, holding of the seigneur, pays him a rent. Now, respecting this rent there is no complaint. The obnoxious incidents of the tenure are those of

* The seigneur has no jurisdiction of any kind, like the lord of the manor, though Lord Stanley seemed to suppose that he was still a judge, as well as landlord.

which we are now about to speak. Upon every transmission *by sale* of the censitaire's *holding*, to use an English law phrase, a fine is due to the seigneur, much in the same manner as in England is the case with copyholds. The fine is one-twelfth of the purchase-money: this fine is termed *lods et ventes*. Besides this, the seigneur, if he pleases, may himself take the land, paying the whole purchase-money: this is called his *droit de retrait*. Furthermore, the *parens* (relations) in certain degree of the censitaires have also the power of preventing the estate going out of the family, if they please, by themselves purchasing it: this is called the *retrait lignager*. The seigneur, also, within his seigneurie, has the exclusive right, under certain conditions, of grinding the corn of his tenants. This last power exists in many places in England.

Now, that this tenure is a bad one we acknowledge: the Canadians acknowledge the same. It is chiefly bad for the same reason that tithe in England is bad; it taxes improvement. But because the tenure is a bad one, that is no reason for robbing the seigneur, by depriving him of his rights without a fair compensation; neither would it justify the interference of persons ignorant of the laws of Canada, who, by their ill-judged endeavours to remedy the evil, would create one yet more mischievous. The Canadians, by their representatives, say that they are exceedingly desirous of rendering the tenure of land a beneficial tenure: they are willing, and even desirous, to devote their best endeavours to that end; but they most strenuously deprecate the interference of the imperial legislature in such matters, and assert, that by the ignorant attempts of our legislators on this side of the Atlantic, they have been deprived of the power of effecting the end desired. The case of the tithes in England is one precisely analogous to this of the tenure *en fief* in Canada. The English people demand a change of this property; the legislature desire to change it; but it is said that there are great difficulties connected with the subject, and therefore delay has arisen. The case has been precisely the same in Canada. The tenure or fief, be it remembered, is not obnoxious on the additional ground of being a tax for service, which in some cases is not desired, and in others not rendered; therefore, in this case, there is not that strong and pressing reason for immediately changing it which exists in the case of tithes. Moreover, the great body of people are willing that their representatives should act with care, and without haste—they do not press them to hurry on a change; they are willing to wait until all precautions shall have been taken to render the change efficient and beneficial. But suppose that some one should state that the delay on the part of the English Parliament respecting tithe was a proof that they were attached to old and mischievous institutions—that they were wholly behind the present enlightened age, and that therefore we should solicit the assistance

of the Congress of the United States to aid us in legislating on the matter of tithe. Such a proposition would very properly be scouted, and on the same grounds so ought to have been the interference of the English Parliament in the matter of Canadian tenures.

While the peculiarly enlightened friends of Canada are complaining of these tenures, and attempting to remedy the evils arising from them, they have by their attempts introduced a greater mischief than any that could result from the existence of the old law. By introducing the law of England, they have produced so great a confusion in the law, as to render every title insecure; and further, they have introduced the right of primogeniture. This right is contrary to the prevalent feelings of the people of America: it is contrary to all the institutions of the land, and creates disgust amongst all classes of the people. The House of Assembly, therefore, feel themselves justified in resisting the interference of England, and are not fairly chargeable with bigotted adherence to their own customs, because they will not consent that persons ignorant of their institutions and circumstances should attempt to improve them.

The religion of the people of Canada, of French origin, is Catholic; but no one is compelled to pay a Catholic priest who is not of that creed. The priest has a tithe (not a tenth, however); but this tithe is seldom, if ever, imposed against the will of the farmer. The priesthood are an exceedingly inoffensive and exemplary race of men. There is no religious animosity existing among the people; and, as is the case in the United States, Jews, Catholics, Protestants, Presbyterians, Methodists, Shakers, Quakers, &c. &c., all live together in perfect amity and good feeling. No one who knows Canada dreads any religious intolerance at the hands of the Canadian people.

Now then, if we consider the situation of the Legislative Council—if we recollect that it is unconnected with four-fifths of the population who are of Canadian origin—if we remember also that it has no connexion with the English population living in the townships—that, moreover, the members of the Council are not large landed proprietors, it must be plain to us, that they are not in any way connected with any large or important class of the population. The Legislative Council is a small collection of persons, who, with their families, and the official persons who live in Quebec and Montreal, form a party. Their power consists in the negative voice they have in the legislature, and the support of the Colonial-office. Deprive them of the first, and they would be without a hold in the country. They would sink at once, and be forgotten. The potent aid of Downing-street would be wholly incapable of giving them strength or influence.

If we exclude the consideration of the peculiarity of the law respecting tenures, the situation of the people of Upper Canada as

respects their government is precisely similar to that which we have here described as the situation of those of Lower Canada. Lord Stanley, indeed, vehemently denied this. The House of Assembly of Upper Canada shall answer him. They also have had a committee of grievances, and the catalogue is the same as that framed by the House of Assembly of Lower Canada. The following are extracts from the seventh report of a select committee, appointed by the House of Assembly to inquire into grievances.

“ It appears, therefore, that the Legislative Council, as at present constituted, has utterly failed, and never can be made to answer the ends for which it was created; and the restoration of legislative harmony and good government requires its reconstruction on the elective principle.

* * * * *

“ The affairs of this country have been ever, against the spirit of the constitutional acts, subjected in the most injurious manner to the interferences and interdictions of a succession of colonial ministers in England, who have never visited the country, and can never possibly become acquainted with the state of parties, or the conduct of public functionaries, except through official channels in the province, which are ill calculated to convey the information necessary to disclose official delinquencies, and correct public abuses. A painful experience has proved how impracticable it is for such a succession of strangers beneficially to direct and control the affairs of the people 3000 miles off; and being an impracticable system, felt to be intolerable by those for whose good it was professedly intended, it ought to be abolished, and the domestic institutions of the province so improved and administered by the local authorities, as to render the people happy and contented.

“ Such appears to have been the constitutional liberty conferred upon us by the 31 Geo. III. c. 31, by which the British legislature enabled us to preserve ‘ the peace, welfare, and good government of the province,’ reserving to his Majesty, as the head of the empire, the power of disallowing any colonial act incompatible with national treaties, with the rights of any other colonies, or with the commercial or general interests of the empire. Such a system of government, securing to the people inestimable blessings, would rather durably enlarge than impair the commercial relations with the parent state, in exchange for which we receive protection; and could in nowise prejudicially affect any benefits now yielded to her, except the loss, if loss it can be called, of that patronage, the partial and impolitic distribution of which has ever proved unsatisfactory and injurious to the colony.

* * * * *

“ The history of all colonies shows that there has been too much inattention in the British government in the selection of governors, it being considered a matter merely of patronage with the colonial minister in Downing-street. Men, from the too long possession of

lucrative power, whatever at first might be their relative stations, soon acquire a community of interests, and thus identified in the purpose of sustaining each other in office, they have, in this province, made common cause against that redress of our grievances, and that conciliation of the public mind, and that economy of the public wealth, which are equally dictated by justice and wisdom.

“Although the members of the Executive Council seem, from their own accounts, to render no benefit to the country, receiving, however, a salary from it, yet a very different duty is imposed upon them by the 31 Geo. III. c. 31, called the Constitutional Act, from which it appears they are appointed expressly to advise his Excellency upon the affairs of the province. This they have never done satisfactorily. As far back as the first session of the tenth Provincial Parliament, the House of Assembly expressed their dissatisfaction to his Excellency, Sir John Colborne, in the most constitutional mode of doing so, at the opening of the session of the Legislature; and in the following year the same sentiments were again frankly conveyed to his Excellency, in the answer to his Speech from the Throne, by a solemn declaration, that the Executive had long and deservedly lost the confidence of the country. In the hope of their just constitutional wishes being attended to, the people patiently waited for relief; but the relaxation of their vigilance, which some remaining confidence in his Excellency unhappily produced, has only served to bring disappointment, and to afford a further opportunity for the accumulation of the abuses which pervade all our institutions.

* * * * *

“It is not this act alone of which we complain, though it may serve to illustrate our condition; but the whole system has so long continued virtually in the same hands, that it is little better than a family compact. Abuses have grown up so as to be interwoven with every thing; and these abuses are concealed or palliated, excused and sustained, by those who are interested to uphold them, as the means of retaining office, for their private, and not for the public good.”

In this situation of affairs, Lord Gosford and two commissioners are about to proceed to Canada, to inquire into the grievances of the Canadian people, and report thereupon. What is likely to be the result of this inquiry?

Our answer is, that let the commission make what report it pleases, one only result can follow; and that is, *the demands of the House of Assembly must be acceded to.*

1. An Elective Council must be granted to the people, and the present Legislative Council abolished.

2. The whole of the revenue must be placed entirely under the control of the people of Canada.

3. The Judges must be made responsible to the Provincial Legislature, and not to the King.

If these things be done, we may keep the two Canadas for some time to come ; if they be refused, our dominion will cease within a very few months after the people shall have become convinced that the government of this country has definitively determined not to grant them.

A province situated like Canada, by the side of a flourishing Republic, is not to be held as Ireland is, by the force of our armies. Ireland is close by our side—she is surrounded by the sea—has no powerful neighbour near. But Canada is 3000 miles distant ; America is at her side, and one short campaign would be sufficient to drive the English army into the sea. Let our rulers ponder on these things, and beware how they resist the just demands of an excited and powerful people.

J. A. R.

SUBSEQUENT EVENTS.

SINCE the foregoing article was written, the commission therein spoken of has issued, and the Commissioners, with Lord Gosford, the Governor General at their head, have commenced their labours. The result, as far as at present known, is curious, and affords us an instructive lesson respecting the value of schemes devised for the purpose of cajoling a whole people defended and guided by honest and intelligent representatives.

When Lord Gosford was about to sail, I, in the character of Agent of the House of Assembly, laid before the Colonial Minister, Lord Glenelg, the views and demands of that house. With this document before him,* the Minister could not plead ignorance of the circumstances respecting which he was about to give instructions to the Commissioners. Now, then, let the reader mark the thorough disingenuousness of the whole proceedings connected with this matter on the part of the Government and their officers, and then let him ask himself what is likely to be the ultimate effect of such conduct on a people already but too justly prone to suspicion, and greatly excited by a long course of insulting and mischievous abuse.

The Colonial Minister was distinctly told that the House of Assembly would require a change in the constitution of the Legislative Council; that they would demand more complete responsibility on the part of the judges; and also the absolute control over their own revenues. Pains were taken to make him sensible that to the first of these demands the greatest importance was attached, and that any attempt to conciliate the House of Assembly, which did not promise a change in the constitution of the Council, would prove abortive.

With all this information before him, the Minister frames his instructions, telling the House of Commons, at the same

* This paper, together with a portion of the correspondence which arose out of it, is in the Appendix.

time, that as it would be more respectful to the House of Assembly to communicate these instructions in the first place to them, he proposed not to lay them on the table of the House of Commons until the Commissioners had arrived in Canada, and the Governor had communicated with the provincial Legislature. So soon as this should be the case, he promised to publish the instructions given to the Commissioners.

Lord Gosford arrived in Canada, and talked every where of the extreme liberality of the instructions with which he was intrusted. He himself also professed great liberality; called himself the personal friend of Mr O'Connell, and on this ground entreated the confidence of the Canadian people and their representatives.

What was the necessary—what was the intended result of this proceeding?

Liberal instructions were said to have been given to the Governor General. He called them liberal in the hearing of men whom he well knew to expect a great organic change in their political constitution. He called them liberal, using at the same time, the name of Mr O'Connell as a passport—of Mr O'Connell, who had openly avowed that this change desired by the people was absolutely necessary. The intention, then, of all this proceeding was, to persuade the Canadian representatives that the instructions were liberal in *their* sense; that the Governor was authorised to consider the change in the constitution of the Council a subject fairly open to inquiry and discussion; and that he was prepared to recommend a change, should he find it imperatively demanded by the people. So, also, on the matter of the control over the revenues; by the same language he led his hearers to believe that he was prepared to recommend just what the necessity of the case demanded, without being hampered by pre-conceived notions, or pre-determined instructions relating to the terms on which the revenues were to be given up. If this was intended, and that it was so no one can doubt, I feel myself justified in saying, that seeing what the instructions really are, the whole proceeding was a discreditable artifice—a poor piece of political manœuvring, destined of necessity to destroy what little confidence in the English Government still remained in the minds of the Canadian people.

Two days before the opening of the Session of the provincial Legislature, the Governor had a conversation on the subject of his instructions with a leading member of the

House of Assembly. During that conversation he said, "I am convinced that my instructions will satisfy you when they are known. The day after to-morrow will be the great day of revelations: the whole country will then know as much as I know of the intentions of his Majesty. I *shall speak all I know without reserve.*" The day comes, and Lord Gosford made his speech. The speech contains a multitude of fair promises, without one definite or decided statement. No opinion is expressed upon the matters most interesting to the Canadian people, and all men believed that the instructions of Lord Gosford contained none. "I will speak all I know," said his Lordship, "without reserve." He said nothing about the decided repugnance to any change in the Legislative Council, entertained by the Colonial Minister. It was therefore fairly concluded that no such repugnance was expressed in his instructions. He said nothing about the often disputed conditions on which the revenue was to be given up to the control of the Assembly. Therefore it was concluded, that these conditions were not to be found in his instructions. It was, in short, believed, that the instructions said little more in substance than this: "Go and inquire into the state of the province; learn what is the decided wish of the people at large; tell them that we have every desire to yield to their requests, and that we have sent you out, an unbiassed person, to learn accurately what those requests are. Tell the people also, that we have as yet formed no opinions on this difficult subject, but that our minds are open to receive evidence, and listen with patience and candour to the exposition of their grievances. In the meantime, while you are making your inquiries, treat the Canadians with courtesy and kindness, and set an example in your own conduct of honesty and justice." Such was the impression made by the speech of the Governor, who declared "he would tell all he knew without reserve;" but who, in fact, did not tell the most material things contained in his instructions. The House of Assembly, and the Legislative Council, even, very properly declined to have any communication with the commission. To Lord Gosford, as Governor, the House of Assembly and the Canadian people paid every possible respect; but the commission, of which he formed a part, could in no way be recognised by that house. The House of Assembly represents the people; they are the legitimate and constitutional channel through which the people declare their grievances and make their demands. The

crown can go to none so properly, as to them, for information respecting the wishes of the people; and these wishes have already been formally and very explicitly stated.

As the Legislature did not demand of the Governor any information respecting his instructions, he carefully kept them to himself, and endeavoured, by his personal courtesy, to attain the great end for which he would seem to have been dispatched to Canada. The grand objects of the Ministry were, first, *delay*; and second, *money*; and the Governor apparently hoped, that by keeping secret the actual instructions given to him, he might induce the House of Assembly to believe them on his word to be liberal, and that under this delusion they might be induced to grant the supplies which had been so long withheld. Whether he would have succeeded cannot now be determined. The house was in no hurry to grant supplies, and delayed that business to the very end of their session. Grievances were to be inquired into, local matters to be discussed and settled, and the actual revenue to be ascertained, before the expenses of the Government were to be provided for. This delay has led to a result unfortunate for Lord Gosford and the Ministry, for whom he acted. Early in March I asked in the House of Commons for a copy of the instructions given to Lord Gosford. I did so, expecting that the Government would willingly fulfil their promise of last year. I was, however, met by a refusal, and an entreaty on the part of the Government not to persist in my demand. As I was determined to let the Ministry have a complete trial on this matter, I yielded. Some ten days after, however, the morning papers contained the greater part of the document I had asked for. Sir F. Head, the new Governor of Upper Canada, not being of a diplomatic character, had, it seems, very unexpectedly, at once published his instructions, to which there was an appendix containing important extracts from those of Lord Gosford.

The immediate consequence was the annihilation of all confidence hitherto felt by the House of Assembly in the intentions and character of the Governor. Measures were instantly adopted by the house to mark their sense of the disingenuous conduct pursued by the Ministry and his Excellency the Governor-General; and again, to lay before the people of England, as the ultimate tribunal of appeal, a statement of the many wrongs to which the province has for so many years been subjected.

Intrigues of every description had been carried on, to coax, cajole, and threaten the members of the House of Assembly into granting the arrears of supplies, together with the expenses of the coming year. Before the unexpected disclosures of Sir Francis Head, promises and professions were profusely hazarded; and one determination on the part of the executive was expressed to the members of the House of Assembly, which marks, in a significant manner, the exact estimation in which the Legislative Council is held by the existing authorities.

When demands of arrears and supplies for the coming year were made to one of the most powerful members of the House of Assembly, the following amongst other statements were made to him, in order to induce him to consent to the grant. It was stated to him by one of the authorities, that if the money were given, the Commissioners *could recommend, with some chance of success, all the plans of reform proposed by the liberals of the Assembly*; that the Commissioners had already sent their first report upon the finances of Canada to England; *and that this report was in every thing favourable to the demands of the Assembly.*

These statements, together with many others of the same description, induced the person thus appealed to to offer the supplies on the following conditions:—

That they should agree to give to any person holding more than one office only the salary attached to the one the best paid, and for his other places nothing.

Also, to give to the persons whose salaries had been reduced by the bill of 1833, that sum to which they had been so reduced.

Further, that Mr Ryland, jun., whose dismissal had been demanded by the House of Assembly, was to receive nothing.

That Mr Gale, whose appointment the house had condemned, and Mr Rice refused to sanction, was also to receive nothing.

And that the conditions of the bill of 1833, as to the sources from whence the money to pay these arrears was to come, were also to be adopted.

The answer made by the authorised person who spoke on this occasion was—“Although your conditions are hard, they are somewhat better on the whole than the bill of 1833, and such a bill would be accepted with pleasure.”

It was then asked by the member of the House of Assembly, “How will you get the Legislative Council to accede to

this bill?" Mark well the answer of this high functionary, "Oh, if they will not pass it we will do without them, and will receive your money, upon your address. Vote by address that which you would have revoked by bill, you pass by the council, and we will receive and distribute the money *cheerfully.*"

When the house, after the discovery of the instructions, voted only supplies for six months, inquiries were made to know whether this diminished supply would be received according to the former agreement, on the address of the house; and intimation was given that the Governor would rather that the question should not be put to him. It consequently was not put.

Thus it appears that the present executive would, for the three-years' arrears and a year's supply, have annihilated the privileges of the Legislative Council, but that they thought six months supply a price insufficient for such a concession.

The House of Assembly having discovered the real nature of the instructions given to Lord Gosford, determined at once to refuse all the arrears due, and to vote only a six months supply, attaching to that vote the conditions I have above mentioned. This bill was lost in the Legislative Council.

The Legislative Council, on this determination of the house, resolved to do all the mischief they were able. They refused to pass the Elementary School Bill, thus putting a stop to education all over the country. The party of the Legislative Council are usually uncommonly pathetic in their lamentations over the ignorance of the Canadian population. The true worth of their hypocritical whining is here made manifest. They talk of ignorance, and deprecate it, so long as such talk forwards, or seems to forward, their paltry purposes. They willingly do all they can to foster and continue ignorance, the moment that by so doing the same vile ends may be served.

The Legislative Council also refused to pass any bill appropriating money, no matter how useful the purpose, until the arrears were paid. Thus many bills for internal improvements of the highest importance have been thrown out, and the advancement of the country seriously delayed.

The moment the instructions were published, every body, including the Ministry and their friends, seemed at once to conclude that something like this would be the result. When they sent their commission out, being well aware of what instructions they had given to them, they must have expected

this same event from the commencement. Lord Gosford, while speaking of his liberal instructions, while endeavouring by his personal behaviour to gain over the members of the Assembly, must all along have been conscious that if his instructions had been published all his hopes of success would have been destroyed. I leave it to casuists more acute and learned than myself to determine whether this conduct was honest: it is easy for any one of common understanding to determine whether it was prudent. To one who professes not to be instructed in diplomatic scheming, such artifice appears wholly unjustifiable; and the keeping back the instructions little better than an attempt at deception. It was, however, a deception evidently destined to fail. The folly then of the proceeding quite equalled its dishonesty.

The mission of the Commissioners, together with that of Lord Gosford, is in my judgment ended. The sooner they leave Canada the better for all parties. They are now merely a useless expense, and their labours will of necessity be thrown away. Lord Gosford will not be able to regain public confidence by anything but a very explicit declaration in favour of an elective council; and this, I am inclined to believe, he will not be willing to make.

In order to show the feelings of the Assembly respecting Lord Gosford, and the conduct pursued by him and his colleagues, I cannot do better than make an extract from a speech of M. Papineau, pronounced the 22d of February, on the state of the province:—

“Pouvait-on imaginer un plan plus défectueux que d’envoyer trois commissaires, même en supposant que leurs instructions aient été aussi bonnes qu’elles sont mauvaises, lesquels ne s’étaient jamais vus ni montrés; qui ne connaissaient pas leurs principes politiques respectifs, ayant une foule d’employés, qui auraient chacun leurs communications et leurs correspondances secrètes? Peut-on voir dans cette combinaison quelque trait de sagesse et de vertu, ou plutôt ne doit-on pas y voir folie et injustice? Aussi les résultats ne se sont pas fait attendre; leurs béveus ont éclaté bientôt après leur débarquement, et chaque jour en a surchargé la liste. Quelques heures pour ainsi dire après leur arrivée le public fut averti qu’il y avait division parmi eux sur tous les points. Pouvait-on espérer qu’ils ne sèmeraient pas ici la division; qu’il y aurait entre eux unanimité sur nos difficultés politiques, et que la diversité connue de leurs opinions sur la politique de leur pays, ne serait pas le prélude à la même diversité d’opinions sur la politique de notre pays? Aussi on les a vus se jeter dans les sociétés les plus opposées, et la presse anglaise a bientôt retenti

d'injures contre celui qu'elle appelait radical, de louanges pour celui qu'elle signalait avec raison comme tory. Ils ont cru faire un coup d'état en se distribuant leurs rôles, et nous avons eu un triumvirat, whig-tory-radical. L'on nous a promis que de ce mélange naîtrait l'ordre et la justice. L'attende encore qui voudra; mais il faut boire la crédulité à plus larges doses que je ne l'ai fait pour s'enivrer de cet espoir, pour ne pas voir qu'on court de grands risques. On aime à s'endormir sur le bord d'un précipice, à attendre le bonheur que promet un songe fugitif et trompeur; au lieu de jouissances et de réalités enchantées, nous avons roulé dans le gouffre. . . . Jamais la chambre n'a été exposée à un plus triste réveil. Au commencement de la session, on nous a donné des paroles si belles, si douces, si mielleuses, qui sans promettre rien, néanmoins semblaient tout promettre! Aujourd'hui nous avons la clef de ce discours. Nous devons sentir que le piège le plus dangereux a été habilement dressé contre nous. Dans la dernière session du Parlement Impérial, quand Sir Robert Peel, à la vue des dissensions qui déchirent la colonie, disait qu'il fallait prendre des moyens immédiats de les faire cesser; quand MM. O'Connell, Hume, Labouchère, qui est au ministère, et tant d'autres qui avaient embrassé notre cause, disaient au ministre: vous n'avez pas les moyens de satisfaire les vœux du peuple canadien, si vous n'accordez pas des Conseils Electifs, le ministre des colonies répondit que ses instructions étaient libérales, mais qu'il ne pouvait les communiquer, parce que son respect pour les législatures coloniales voulait qu'elles les connussent les premières. Les commissaires ont dit avant le 27 octobre, la législature sera la première avertie des intentions bienveillantes des ministres, le 27 octobre sera le grand jour des révélations. Chacun en Canada en saura autant que nous sur les intentions du gouvernement anglais. C'est après l'usage soutenu pendant plusieurs semaines de termes aussi formels, qu'un discours décevant a été prononcé du trône devant les deux chambres. Nous avons entendu un discours, en apparence sincère. L'on nous avait préparé à croire qu'après l'avoir entendu, nous en saurions autant que la commission. Les gazettes ont dit: le discours a été écrit en Angleterre; le discours, ce sont les instructions elles-mêmes. Et nous, nous n'avons pas demandé communication des instructions, parce que nous avons cru des diplomates Européens, qui nous disaient que nous en savions autant qu'eux. Dans quelle situation nous ont-ils mis? Dans un état de dégradation que nous ne saurions supporter vis-à-vis de nos constituans, si les trompeurs n'étaient pas plus vils que leurs dupes. Nous avons été joués, mais non pas humiliés, parce que nous sommes demeurés honnêtes, au milieu d'intrigues déshonnêtes. Nous avons été convoqués comme le grand conseil du pays, pour délibérer sur l'état de la colonie; nous avons été appelés par de nouveaux déballés, à qui des hommes indépendans devaient dire: Milord ou Monsieur, je suis engagé depuis longtemps dans

la politique de mon pays, j'y ai tous mes intérêts, toutes mes affections ; vous n'y êtes que passager et faiblement intéressé. Je connais ses besoins, ses vœux, ses désirs, et si vous ne venez avec des intentions bienveillantes et dans la vue d'accéder à ces besoins, à ces vœux, à ces désirs, je suis en droit de vous annoncer que vous ne pouvez réussir ; et qu'à la première occasion, vous allez pour trouver en lutte avec la branche populaire. Venez-vous convoquer le parlement sans avoir changé ni l'un ni l'autre conseil, vous ne pouvez pas, vous ne devez pas réussir. S'il est un représentant qui ne sente pas sa dignité, qui n'apprécie pas à sa juste valeur l'honneur de son mandat, qui ne comprenne pas que son devoir auprès d'un gouverneur n'est pas de faire sa cour, mais de donner au nom de ses constituans des conseils francs et salutaires, quoique désagréables ; s'il en est un, dis-je, il serait mieux pour son honneur et pour l'honneur de son pays qu'il ne vît pas les gouverneurs ; qu'il rentrât dans la vie privée, qu'il ne fût pas partie de la représentation. Dès le commencement de la session, nous avons fait des réclamations contre le discours d'ouverture ; nous nous sommes dit : il est fait avec art, avec soin, il respire la bienveillance, il est vrai ; mais s'il n'est pas à blâmer pour ce qu'il contient, du moins il est à blâmer pour ce qu'il ne contient pas. Ce n'étaient pas pour des objets minimes, des concessions secondaires que nous avons fait de si vives représentations, retenu les subsides, déclaré que dans nos vœux le gouvernement de 1791 était dissous par le fait de ce refus. Dans les circonstances actuelles, qui sont presque les mêmes que sous la précédente administration, nous sommes forcés d'en venir à la même conclusion, nous sommes réduits à déclarer que le gouvernement actuel ne subsiste que sur l'acte condamné de 91 ; que par la force de la loi écrite ; mais qu'il n'a encore acquis aucun droit à notre confiance. Si dès les premiers jours de la session, on nous avait communiqué, ainsi qu'il avait été dit, les odieuses instructions que nous venons de recevoir par un pur effet du hasard, et qui nous avaient été soufflées et soustraites par calcul, nous aurions fait de bien plus énergiques déclarations et protestations que nous ne l'avons fait, et le devions faire par notre réponse. Croyant et devant croire que ces instructions avaient été communiquées, et voyant notre silence, la chambre des communes et le peuple Anglais ont dû penser que nous en étions satisfaits. En effet, de quoi ont retenti les papiers depuis quatre mois ? d'éloges et de complimens entre le gouverneur et le chambre. L'impression est donc en Angleterre que nous consentons à être régis d'après les principes et les vues de Lord Glenelg ; et si dans ce moment d'erreur, le ministre avait surpris un vote d'approbation de la chambre des communes, et fait confirmer ses instructions ; nous serions tombés dans un piège affreux. Quelle serait alors notre situation ? nous n'avions à lutter que contre les ministres ; aujourd'hui nous en serions aux prises avec la chambre des com-

munes, qui aurait sanctionné notre avertissement. En effet, nous reposerons-nous sur les bonnes paroles qu'on nous a donné? Quel séducteur ne sait pas composer son maintien, adoucir son regard, imaginer de doux propos, glisser dans l'oreille les paroles les plus caressantes, quand il veut tromper? Si son art, son artifice a fait naître un sentiment véritable; quand la victime est délaissée; quand ses projets sont découverts, sont mis à nu, le ressentiment ne devient-il pas un droit, un devoir, n'est-il pas justifiable? Quand nous avons droit à la communication honnête et franche des dépêches de la commission, et tandis qu'on nous les cachait, Sir Francis Head, gouverneur du Haut-Canada, disait franchement à la Législature de notre sœur province: J'ai instruction de mon Souverain de vous donner communication de partie de mes dépêches; mais dans les circonstances où se trouve le pays, je crois devoir les communiquer en entier. Si l'on avait tenu une semblable conduite envers nous, nous serions sans crainte, sans appréhension; nous saurions à quoi nous en tenir; déjà nous aurions des représentations, des protestations contraires aux prétensions de Lord Glenelg. Dans des conversations, nous n'aurions pas traité des conditions sous lesquelles, à cause d'une confiance sollicitée et non méritée, nous pouvions offrir quelques parties des subsides. Ceux des premiers citoyens du pays qui se sont dévoués à servir la cause du gouverneur, à colporter ses sollicitations pour avoir trop d'argent et pour l'avoir trop tôt, ne se sentent ils pas grièvement blessés d'apprendre par les gazettes du Haut-Canada, ce qui leur a été si soigneusement caché. Comprennent-ils pourquoi l'on était si à près vouloir changer la marche parlementaire, et nous porter à songer aux intérêts des salariés d'abord, à ceux du peuple après? Moi je le comprends. Tous engagemens de confiance sont déliés et rompus."

A few persons, it is known, entertain a belief that two of the commissioners are favourable to an elective council. It is said that these two gentlemen have become convinced of this necessity by the unanimous feeling of the public respecting the question; and there is a lingering hope that an expression of this opinion to the Colonial Minister will lead to a change in his instructions. For my own part, I have no such belief. The Colonial Minister is evidently utterly ignorant of the whole of this important subject. His leanings and prejudices all lead him to conclude that the change desired is a mischievous step towards democracy; and he will, with such energy as he possesses, and all his apathy (of which he has no small share,) oppose the reasonable demands of the Canadian people. The inevitable result will be, if such policy be persevered in, a violent and complete disruption of Upper and Lower Canada from our dominion.

The time under any circumstances at which separation must take place is not far distant. But wise and good men desire that this separation should be made amicably, that thorough good feeling should remain between England and the Canadas, and that we should mutually enjoy all the advantages which we could derive from a large and increasing trade with a rapidly improving people. A commotion would put off the hope of such an amicable feeling to a distant day, and we in our time should see again played over the same ruinous game with the Canadas, that our forefathers played with the United States of America. A disgraceful and expensive war, terminated by an humiliating peace, attended with anger and hatred on both sides, will be the consequence of all this wild and ignorant policy. The people of both countries will suffer, because our rulers have been ignorant and unbending.

But what, it may be asked, is really the thing dreaded in this elective council, demanded by the Canadian people? Two answers may be given. One answer is intended to meet the case of Lower, the other of Upper Canada:—First, it is said that by an Elective Council you will create a French supremacy; secondly, you will, in fact, by allowing such a Government to exist, wholly destroy the power of the mother country. I will now consider both these assertions, and endeavour to prove them, what every sensible man, who knows the country and the people, must believe them to be, viz. utterly erroneous, and only hazarded for mere personal purposes.

It is said that an Elective Council in Canada will create a French supremacy; that to this the English party will not submit; that a commotion will follow, and that the Americans will be appealed to. This, it is said, will be mischievous even to the French Canadians, because the Americans will over-ride the Canadian people, their religion, and their peculiar institutions; and this, it is supposed, will be deemed disastrous even by the French Canadians themselves.

Now I answer, if the fact were likely to be as here supposed, the people of Canada have no fears respecting it. No one has ever yet said that the French of Louisiana are unhappy, though forming a portion of the American union. The Dutch of New York never complain; and there is no reason to believe that the Canadians would have cause to deem themselves injured. If Lower Canada were to-morrow joined to the United States, she would join the union as an

independent state, and all changes in her institutions would be effected by her own Legislature. The Americans could have no influence upon the determinations of this Legislature, excepting in the character of inhabitants of Canada; and no one in his senses believes that the people of Canada know so little of the benefits of constitutional government as to dread the conduct of a majority of the people. Should the time ever arrive at which the English, or persons speaking English, should outnumber those speaking French, the latter do not dread any oppression at the hands of the former. The interests of the majority, in the present case would be the interests, in fact, of the whole people, the minority included; and the rules by which the majority would be guided would conduce to the happiness and security of all. The dread of an opposite conduct is, in fact, a mere chimera, and is conjured up in the hope of terrifying the Canadian population who are supposed to be so ignorant as to be easily imposed on in matters affecting their religion, customs, and laws.*

But is there really any chance of all these consequences, disastrous, if you will, following the establishment of an elective Legislative Council? Let us understand the steps of the process by which evil would be produced. An elective council is established, and then both houses of the Legislature will act according to the wishes of the majority of the people. It is said that this majority desires to retain the language, laws, manners, and religion of the present Canadians. Be it so; and thereupon it is said, so great will be the indignation of the English living in Lower Canada, that they will appeal to the United States, and a war will be the consequence.

First, I deny the assertion respecting the indignation of the English portion of the inhabitants. The official people will be angry—true; but the official people do not constitute one-tenth of the English inhabitants; and why, let me ask, will the official people be angry? They do not care about French or English institutions; that about which they are

* I would refer the Colonial Minister, who may often hear statements made in proof of the dislike and fear entertained by the Canadians of the people of the United States, to his own Commissioners. Let him ask them if they believe that any such terror is felt by the leaders of the Canadian people. I have before me at this moment a letter, containing a description of a conversation between the Secretary to the Commission and one of the leading men of the Assembly, which certainly must have dissipated any doubts that might have been in Mr Elliott's mind on that matter. I would refer Lord Glenelg to that gentleman for information on this head.

solicitous is pay—money—plunder. They will be frantic, because no longer able to fleece the people at will.

But no one will believe, that at this the farmers of the townships, and the shopkeepers of the towns, will be angry. *They* do not share in the spoil. *Their* interests require a modest and economical government—one over which they themselves may have their fair share of control. By the proposed change they will obtain this control. Why then should they be indignant? The answer is, because the French will oppress them. I ask *how*? By what means will the persons speaking English be marked out for persecution, and in what matters will persecution take place. In religion, says some one, an exclusive church will be erected. Now at this moment danger of this sort does exist on the other side, attempts are really making to erect a national Protestant church in wanton opposition to the immense majority of the people; but there has never yet appeared the slightest evidence of intolerance on the part of the Catholic majority. The persons who make this terrible outcry about persecution, and the evils of an exclusive dominant church, are the sole parties in the country who ever attempted to create one. At this very moment they are striving their utmost to rear up an English Episcopal state church in Lower Canada—they are about to endow it; in fact, they have endowed it with enormous landed possessions, and they are living in the hopes of one day being able to use it as a political engine. Their real dread is, that this intention will be frustrated if the people be allowed to govern themselves. It is not persecution which they dread—that at which they are terrified is, that they themselves will not be allowed to persecute. In a country where nine-tenths of the population differ in creed from the Episcopal church, we cannot expect that episcopations would be allowed to domineer if the public governed themselves. This terror of not being able to persecute I allow to be well founded—I rejoice that it should be so. The sooner that all religious persecution and domination are put down the better—and the quickest way in Canada of effecting this desirable end, is to take away from the official party their present irresponsible power.

But still the question comes round, will not the French majority of Catholics persecute the minority of 'English Protestants?' I answer boldly—No! The feelings of the whole continent of North America are opposed to religious persecution—and the spirit of toleration is quite as apparent in Canada as elsewhere. All sects are not merely upon a

political but social equality. You meet in society the Jew as well as the Christian—and the Jew no more fears persecution or insult than does the Christian. Again I appeal to experience—has there been any persecution in Louisiana or in Florida? If not, why should there be any in Canada.*

* In the article taken from the London Review, I have shewn that of the people of the townships a very large portion have taken part with the majority of the colonists. Since that paper was written, the feeling in the townships in favour of self-government has much increased; and it is well known that if a dissolution were to occur, a very decided stand would be made by the English of that part of the country against the official tribe of Quebec. I say this, with out the slightest apprehension of any plausible attempt at contradiction. As a specimen of the intolerance of the Protestant clergy of Quebec, I insert the following Address issued by the clergy to their flocks, warning them against attending the Catholic churches on St Patrick's Day. Does the Government sanction such a proceeding on the part of the chaplain to the forces? It is a happy thing that the congregations are far more christian than their ministers. I give the Address in French, not having seen the English version.

“ Les ministres de l'église Protestante et Anglicane à Québec ont lancé la circulaire suivante pour empêcher leurs ouailles d'assister a la messe de la St Patrice.

“ *Aux membres Protestans Episcopaliens des Sociétés de St Georges, St André, et St Patrice.*

“ ‘ Frère Chrétiens :—Nous, le clergé de l'église d'Angleterre soussigné, chargé par la providence du Dieu Tout-Puissant, du soin de veiller pour le salut de vos âmes comme ceux qui en doivent rendre compte, nous vous requérons de porter votre attention aux observations suivantes :

“ ‘ Nous voyons par des avis de vos diverses sociétés que l'on vous propose d'assister collectivement au service divin le 17 du courant à l'église Catholique Romaine de St Patrice. En toute charité chrétienne, autant que par devoir nous désirons vous faire des remontrances à se sujet.

“ ‘ Nous observons d'abord que vos frères Catholiques Romains ne peuvent s'offenser si vous n'assistez pas à leurs églises, car assistent-ils jamais aux votres ?

“ ‘ Mais lors même qu'ils s'en offenseraient, notre devoir reste le même, et nous devons vous prier de ne pas assister à des offices contre lesquels vous protestez et que vous considérez par profession comme idolâtres. Idolâtres, en autant qu'ils consistent en partie de prières adressées à la Vierge Marie, aux saints et aux anges ; idolâtres spécialement, si, comme nous croyons que ce sera le cas la grande messe a lieu, car alors l'eau consacrée est considérée comme étant Dieu ! et adorée COMME TELLE ! Si vou distes que vous pouvez être present et cependant que vous ne participerez par dans cette idolâtrie, soyez sûrs que vous vous trompez. Vous y participez par votre presence volontaire pour ne pas dire vos *genuflexions*, que l'on exige de vous, ainsi que nous le croyons, lors de l'élévation de l'Holocauste.

“ ‘ En consequence, par consistence, par charité et par foi, nous vous prions comme protestans, de ne pas assister à ce service. Nous devons “ craindre Dieu,” sans quoi nous ne pouvons aimer la fraternité.

“ ‘ HARVEY VACHELL, *recteur de Quebec.*

“ ‘ J. HUDSON, *Chaplain des Forces.*

“ ‘ E. W. SEWELL, *Ministre de la Chapelle de la Ste Trinité. (Ci-devant Chaplain des Jésuites.)*

“ ‘ J. BROWN, *Ministre Chapelle St Pierre.*

“ ‘ WM. ANDERSON, *Ministre ‘ Chapelle, St Pierre.’*

“ Comme l'on voit cette circulaire ne respire que le fanatisme le plus odieux.”

While Lower Canada alone demanded an elective legislative council, it was the custom to assert that the only object of such a demand was to create a French supremacy. Unfortunately for this assertion, Upper Canada has made precisely the same demand, and as there are no French in Upper Canada, it became necessary to find or to forge some other cause for this untoward request. Why then do the people of Upper Canada seek an elective council? I answer, as I do in the case of Lower Canada, because the people seek a good, that is, a responsible government. The enemy of the elective council says, however, no; the real object in view is to throw off the control of England. Let us endeavour to learn what force there is, in this second objection, to an elective council.

If the people wish for an elective council, in order to throw off the control of England—it would seem to follow that the legislative council, as at present constituted, is a powerful means of maintaining that control. Now my answer to this assertion, that the people seek this elective council for the purpose of getting rid of English dominion, is, that the legislative council in no way whatever contributes to the power and control of England; and that it on the contrary, by keeping up a constant ill-will and quarrel between the people and the executive, is the only circumstance which, at the present moment, really endangers English rule. And I assert that he is the best friend to this, our dominion, who seeks, by making the council elective, to render the government satisfactory to the people.

Let us look at this matter somewhat more closely, and in so doing, let us set the future before us, without endeavouring to deceive ourselves.

If the people become seriously discontented, can we, I ask, maintain our dominion over them? Are the people of England likely, in their present temper, to support a minister who should endeavour *by arms* to maintain bad government in Canada. We must know that a people surrounded as the Canadians are, by others who are in the daily habit of governing themselves, cannot, will not permit an irresponsible government to lord it over them. I only speak out what every man, who has looked at this question, must have often said to himself, when I say, that irresponsible government and *peace* are incompatible in the Canadas. If we are to maintain a mischievous dominion in that country, it must be done by war—and to war we shall be driven if the present

system be much longer continued. For saying this I shall be vehemently abused. I care not. The truth must be told, and none shall be able to say, "no one warned us of this danger—we never expected this result." I have said it before—I have said it in the House of Commons. I mean again in the same place to make the same assertion—I now make the statement to the people of England—and I wish them to decide whether for the purpose of maintaining the mischievous dominion of a small band of plundering functionaries, they are willing to create discontent among a whole people, to keep up painful and distracting animosity, and in the end as an inevitable consequence to involve the whole of our North American provinces in open and armed rebellion. If they be prepared for this, let them despise and treat with contempt the present demands of the Canadian people, and sanction the course hitherto pursued by the ministry; but, if they be not so content—if, as I sincerely believe, nothing would give the whole nation more intense and lasting pain than such a disastrous civil war; then I say to them, yield to the just demands of your fellow citizens of America—give to them what you claim for yourselves, a good, because a responsible government.

The legislative council as at present constituted, represents no interest but those of the persons composing it. These persons, as I have already stated, are without property or influence. They have a legislative *veto* which they exercise to their own profit—for this they are responsible to no one—the feeling of duty then, does not lead them to exercise it wisely or honestly, and as they have no interest in the country, but as persons who can plunder it according to law, private interest seldom prompts them to any but mischievous acts. This, be it observed, is no exaggeration. It is true to the very letter. Every improvement has by this irresponsible body been strenuously opposed—every abuse fostered—every error in legislation stoutly maintained. The government is at a stand—and while the United States, under a government responsible to the people, hourly increases in power and in wealth, the Canadians slowly toil after, and clogged by this burthen heaped on their shoulders by the ignorance of the English parliament, see a people in nothing their superiors, blessed with no more fertile soil, not possessed of greater advantages of situation, still advancing far beyond them, and exhibiting to their discontent

and despair the spectacle of a happy and improving, because a self-governed people.

One remark of Lord Glenelg's dispatch on this subject deserves remark. He deprecates the proposed alteration in the constitution, because the institution of a Legislative Council has so long been in existence in our colonial system—and succeeded *so well in our old North American colonies*. This last is certainly a curious reason. Does Lord Glenelg anticipate and desire the same sort of success for our present colonies? The United States of America, a great *independent* nation, is the result of that experiment. I should much like to be informed, whether his Majesty's Colonial Minister is looking to a similar consummation for the Canadas. He certainly is taking a short cut to that object, and it would seem that events are favouring his intentions.

But I return to the question—in what way, I ask, does the present irresponsible legislative council contribute to maintain English dominion? The ordinary answer is, by putting a negative on laws that would tend to a separation. But, I ask, in the first place, has the Assembly ever yet passed any law that would tend to a separation?—and again, I ask, whether the veto of the Governor is not quite as effective as that of the Council? And here, I cannot be met with the present practice of the English government. It is true, that in England the King never exercises his veto; but it is not true that the Governor does not do so in our colonies. The veto by the Governor and the Colonial Office, is a thing of daily occurrence, and I may say in passing is seldom exercised with judgment. But well or ill employed, is not the question, it is employed—and surely it would be a safeguard quite sufficient if any such were needed to protect the interests of English dominion. It is clear that as a bill to become a law requires the assent of the three estates of the Canadian Legislature, no legal separation could take place without the direct assent of England. If the separation be to take place violently, it will be a matter of no moment, that it is opposed by the present Legislative Council. Rather, indeed, would such opposition aid any measure of separation. The decisions of the Council have no moral force with the people, while the House of Assembly completely represents the whole population. The Legislative Council represents no part of them. Whenever the time for violent separation may come, if come it must, the assent of the Council will neither be needed nor looked for.

On the other hand, if the Council were elected, and represented either the whole or a portion of the people, then its co-operation would be looked for and would be needed. There is greater difficulty assuredly, in gaining the assent of two separate bodies to so dangerous a proceeding; one involving so awful a responsibility as a revolution than in gaining that of one only. If the second Assembly were composed of older men, or of persons elected for a longer term, the difficulty would be materially increased. In no way could the breach between the mother country and the colonies be hindered by the existing Council, while in many and important ways it might be delayed by an elective one.* The true friends, therefore, of English dominion, ought to desire the change now so eagerly demanded by the Canadians themselves.

My own views on this subject are well known. I object to two Chambers, because I deem such a machinery cumbersome as well as unnecessary. The people of America, generally, however, are of a different opinion; some of their wisest and most profound political philosophers, have strenuously insisted on the beneficial influence of two legislative bodies, and the public opinion is certainly in their favour. Under these circumstances it is by no means extraordinary that the people of Canada should be of the same opinion. This, among a multitude of other evidence to the same point tends to show that there is a remarkable similarity in the political sentiments and opinions of the whole population of the great North American Continent, however widely they may differ in language, origin, religion, or manners.

Throughout the United States the sovereignty of the people is the great leading principle of the government. This simply means, that in all cases they who govern shall be responsible to those whom they govern. It is believed in

* In the first draft of the bill to constitute an Elective Legislative Council, introduced by M. Morin, it is proposed,

1. That the Legislative Council should be composed of members, to be elected by the counties, cities, and boroughs now returning members to the House of Assembly; one for each county, city, and borough.

2 That the qualification of the electors should be *in the country parts*, real property of the annual value of 15*l.* currency. *In cities*, 25*l.* In the borough of Three Rivers, 15*l.*

3. That a qualification to be a member of the Council should be,

He should be 30 years of age.

Living in the province.

Have lived therein 15 years.

To be member for a county, to be possessed of 100*l.* per annum, out of real property; to be member for a city, 200*l.*; for a borough, 150*l.*

America that the sole end of government is the good of the people ; and it is also thought that of this good the people themselves are the best judges. To them, therefore, in the last resort, all questions of government of every sort and description are submitted. No functionaries dream of becoming relieved from this responsibility. Submitting to it, as to an inevitable necessity, they strive to make their conduct square to the general opinion of what is honest. The people of Canada have naturally acquired the feelings of their neighbours. They believe that no one is so competent as themselves in deciding upon what is for their own benefit ; and they also have acquired what some deem a dangerous heresy, and firmly believe that the best servants of the people are those who are completely responsible to the people. The functionaries of Canada, unlike those of the United States of America, do not cheerfully submit to this doctrine. They resist the application of it to themselves, and are constantly and vehemently protesting against the popular control. In this opposition to the will of the people, they have hitherto been steadily supported by the mother country. The colonists have at length brought the matter to a decided issue. England must now formally determine whether she be determined violently to thwart the great body of her colonial subjects, or whether by wisely granting what they prudently demand, she will confirm the bond of union between herself and them, and thus maintain her dominion by making it conducive to the happiness of the colonists.

In order to attain this great end of self-government, and thoroughly to insure the responsibility of their public servants, the people of the two Canadas demand further, that they should have complete control over their own revenues. The portion of their revenues which is at this time the most important is that derived from their waste lands. The House of Assembly has constantly demanded to have the entire control over this branch of revenue. The manner in which the settlement of the country had been retarded by the gross system of jobbing maintained by the governing party, was one of the prominent grievances of which the Houses complained previous to the issuing of the commission. On this point there had been much shuffling on the part of our government, and many were the attempts made to evade the very reasonable demands of the Assembly. A civil list had been demanded—the independence of the

judges had been insisted on—a talk, a very unnecessary talk, had been kept up respecting pensions—all these things were said and done for one sole end. The government disliked the proposition of the Assembly. They saw, however, that being so eminently reasonable, it could not be openly and at once opposed; so they set to work to contrive means of delay and evasion.

The people of Canada, however, have declared that they are willing to give the judges permanent salaries, provided that the Legislative Council be made elective, and be constituted a court to try impeachments of the judges.

They also have declared that they are willing to grant a civil List composed of the governor and the civil secretary.

And respecting existing pensions there is no difficulty whatever.

But, in return, they ask for the whole control over the revenue—of all sorts, and from whatever source derived.

What answer has been made to these demands? A very unnecessary and idle comparison is made by the colonial minister between the waste lands of Canada and the crown lands of England; and an attempt is made also to create in Canada what has long been complained of as a nuisance in England, a Board of Commissioners of Woods and Forests.

The demand of the Assembly was not merely that they should have the control over the net revenue derived from the lands, but also that they should have authority over the settlement of these lands. This point requires explanation.

The government propose to retain in their own hands all the management of the waste lands, and to allow the proceeds which arise from them to be under the control of the House of Assembly: and, in support of this proposition, our conduct in England respecting crown lands is cited, and the cases are thought similar. Now, at the present moment, not stopping to canvass the wisdom of our conduct in England, I shall content myself with showing wherein the waste lands of Canada differ from the crown lands of England.

The Crown lands were originally the private property of the reigning monarch—as much his estate as the patrimony of a private person. This never was the case with the waste lands of Canada. By the old law of France, the waste lands were considered public property, and so they now are by the law of England. So much for the legal difference.

But the really important distinction lies in the extent of these lands, and the purposes to which they are applied.

Wild land is the great means of the improvement of Canada—it ought to be the great source of the national wealth—and could, by careful management, be made the means of supplying all the expenses of government, and of improving and settling the country. New countries have peculiar difficulties to encounter. Among their peculiar advantages, and most efficient means of conquering the great difficulties under which they labour, is a large supply of waste land. To render this land useful to the country, local and peculiar knowledge is often requisite. The most appropriate situations for new settlements can only be determined by persons conversant with the country and its wants. The management of these lands in reality may, and does, influence the well-being of the entire colony. This management becomes then not a matter of mere administration, viz., the carrying out certain definite orders of the legislature, but is in fact one of the most important portions of the business of governing the country, and applying its resources beneficially. The crown lands of England are not attended by any of these peculiar and vitally important circumstances. They really add nothing to the public wealth, but only supply patronage, places, and a fine field for jobbing; and the main object of those who hitherto have managed the waste lands of Canada, seems to have been to render the Canadian administration as like the English model as possible. To effect this exquisite purpose completely, we have only to make a Canadian set of Commissioners for Woods and Forests. We then perhaps may hope to see the lands which might supply all the exigencies of the State, become as in England an actual burthen upon the community, and thus furnish another to the already great multitude of potent arguments in favour of our miraculous system of Colonial administration.

The House of Assembly, however, have not yet become persuaded of the benefit of such an arrangement. They very properly desire to take an active share in the management of the public property, having from long and bitter experience learned to distrust the honesty of any persons merely responsible to the executive. More disgraceful jobbing than that connected with the waste lands of Canada has never been witnessed even in that country, so fruitful in instances of mischievous speculation; the representatives of the people have therefore determined to permit no longer the interests of their constituents to be sacrificed to an idle

and mischievous prejudice concerning the prerogative of the Crown. They assume that the Crown can have no interests opposed to those of the community. They clearly see that this claim on the part of the Colonial Office, to control the management of the lands is utterly incompatible with the rapid improvement of the country, and they at once conclude that such a claim does not fairly come within the circle of the King's prerogative.

The true meaning of the claim is, that the Colonial Minister loves patronage, and hates to lose it. The talk about prerogative is a pretence—one of those common, and not very honest subterfuges with which the House of Commons is so profusely favoured, by persons wishing to defend abuses. When driven from every corner, the last refuge of those who favour bad government, is the sacred powers of the Crown. This artifice has been the never ceasing practice of the Tory rulers of this country. The Whig government does not disdain to copy the bright example; and are endeavouring on the other side of the Atlantic to emulate the worthy doings of their predecessors on this. The plain common sense question, however, has been, and will again be put, is such power useful for the community—if not—whether prerogative or not, it must be abolished altogether. The loss of the patronage may be painful to the Colonial Minister. Nevertheless his wishes and pleasures must for once yield to the good of the people.

The King's Ministers, no matter of what political party they be, invariably assume to themselves immaculate virtue—*their* intentions are ever, according to their own statement, completely free from evil. These same persons who are thus profuse in awarding virtue to themselves, are always ready to deny it wholly to the representatives of the people. In all their language it is quietly assumed that the people's representatives are never to be trusted, even as respects their intentions. They pretend to be ever in alarm lest power in their hands should be applied to mischievous ends, and with a mischievous intent. Thus it is in the present case. The Colonial Minister always assumes, in the first place, perfect virtue and perfect wisdom for himself, and, in the next, he professes to be exceeding doubtful respecting the purposes and the judgment of the House of Assembly. *He* may safely be trusted with every species of power, notwithstanding his thorough irresponsibility, while the Assembly are, in his opinion, always liable to gross delusion, and not seldom

impelled by very questionable intentions. On this ground he seeks to deprive the House of Assembly of power over the judges, under the plea of their being a popular assembly, and liable to gusts of party passion. He nevertheless takes the power himself, and thus complacently asserts that he is above all such evil influences. In the same way, the direct interference of the House with the settlement of their own country is deprecated, because, forsooth, party passions might sway their determinations. He, the Colonial Minister, however, may safely be trusted. *He* is not liable to *jobbing* impulses. *He* is never swayed by private interests, by pique, by passion, by personal likes and dislikes. Such is the assumption, and such is the exact statement of the real matter in dispute. Shall the Colonial Minister or shall the House of Assembly have the chief power in this matter of the settlement of the country? Shall it, in fact, be intrusted to a person 3,000 miles from the country to be settled—utterly ignorant of everything belonging to the colony—swayed, as we all well know, by all sorts of petty, personal, party motives, and, as respects the people of Canada, utterly irresponsible? Shall he be trusted, or shall the Assembly who are on the spot, who are strictly answerable to the people, who are deeply interested in the advancement of their country, and who have all the local knowledge necessary for the due fulfilment of the task—shall they be trusted? When the question is put in this way, and this is the fair way of putting it, is there any man of common sense and common honesty who can hesitate for a moment? For my own part, I am thoroughly tired of the eternal talk about the danger of trusting power to popular bodies. Seeing, as I do every day, the wretched ignorance that prevails in the Colonial Office on every matter connected with the Colonies—seeing, also, how every species of the worst and lowest intrigue is daily and hourly employed to sway the determinations of the Colonial Minister—seeing him, from his ignorance, a mere puppet in anything but honest hands, I cannot deem power in his hands safely lodged, nor can I believe that event anything but a blessing to the Colonists which removes it from him, and confides it to the trust-worthy representatives of the people. No matter what the power may be, whether to choose or control the judges, to regulate the finances or the settlement of the country, the sooner it is transferred from the Colonial Office to the House of Assembly the better. It is to be hoped that we are not for ever to be wholly robbed of our understandings by the use of cer-

tain high-sounding phrases. The prerogative of the Crown means solely power in the hands of the Colonial Minister, which is power in the hands of some Clerk in the Colonial Office—and all this rout and outcry about preserving the King's privileges untouched, is nothing but a shallow artifice employed to retain power in the hands of some few obscure and irresponsible officials, by whom it has already been too long and too often abused. This is the naked truth—let those who can, refute my statement; but until my assertions have been proved to be unfounded, the gentry who have been so busy in raising this interested outcry against popular control, will find that the House of Assembly will continue to demand for themselves the complete authority over every servant of the public; and that in this demand they will be steadfastly supported by their constituents, and also, it is to be hoped, by the honest and intelligent on this side of the Atlantic.

Before I conclude this brief and imperfect statement, let me entreat the reader to make for himself this important enquiry—

“What is the exact benefit, that England expects to derive from the colonies of Upper and Lower Canada?”

And when he has clearly settled with himself what that benefit may be, then let him make this further inquiry,

“In what way can that specific benefit be in any way frustrated or diminished by giving to the people an elective legislative council?”

While the matter is allowed to rest in vague generalities, it is easy to impose upon those not intimately acquainted with the question before us. Render it definite, however, ascertain precisely in what way good to the mother country is to be expected, and we make deception difficult at least, if not impossible.

Now the only means we possess of deriving benefit from the Canadas, are the three following:—

1. We may derive advantage from an increasing and lucrative trade with the colony.

2. The colony may afford us an advantageous outlet for our surplus population.

3. And it may be supposed, that a check upon the growing power of the United States of America, may be created by raising up another and powerful people in the northern territories of the North American continent.

No direct tribute can now be levied from any of our colonies; and we must be content with such indirect good as

they may be made to render us. These indirect benefits do indeed in the end far surpass the possibility of good from tribute, but they depend intirely upon the well being upon the steady and constant improvement of the colonies themselves, and are not to be attained by the mere will of the mother country. If we expect to derive benefit from the trade in the Canadas we must allow them to grow rich. Now they cannot do this, if by our system of colonial government we check the endeavours of the people, irritate and alienate them. If we were to allow them to govern themselves, it is evident that their interests would lead them directly to promote the advancement of their country. This advancement would create new and increase already existing markets for our manufacturers, and so precisely in proportion to their improvement would be our mercantile advantage.

So in the case of an outlet for our surplus population. This outlet will be far more effective if the country be generally prosperous, than it can be, if the population be poor and miserable. Improvement would offer markets for labour, and would attract emigrants; while in a country not advancing, the condition of the emigrant is one of unceasing toil, and scanty as well as uncertain reward. Make the country prosperous and you at once make the condition of the emigrant prosperous also. His labour will not only be in demand, but there will be ample means of rewarding it. So that in this case also our advantage as a people will be in exact proportion to the prosperity of the colonies.

From the third source, we cannot hope for benefits, unless we cultivate successfully the good-will of the colonies, and this we can only effect by allowing them a government, which in their own opinion conduces to their comfort and general happiness. What that government is, in the present case the people have already told us. Let us not throw them into the arms of the United States, by attempting to thwart the colonists in their reasonable desires, and thus utterly lose that preponderating check upon the gigantic power of the North American union, which by care we might acquire in a friendly population, placed on the northern shores of the St. Lawrence.

I know it is said, that if we give to the people of the Canadas a Legislative Council, responsible to the people, we shall in reality give them a means of thwarting and opposing England, which means they will employ to that end. For xample, it is said that we shall see restrictions placed upon

our trade; and upon emigration, and that thus the very benefits which we seek to derive from the colonies will be utterly precluded.

Surely these assertions are without foundation—can it be possible that the Canadians will make the trade between England and themselves more prejudicial to England than is the trade now existing. We take (unwisely, I think), their bad timber, and give them in exchange our manufactured goods. Can the Canadians find anywhere another and better market for their own produce—can they find any people who will furnish them with manufactured goods of cotton and wool as cheap as those of England. Do they not dread competition in our markets—what competition do we fear in theirs? Timber better and cheaper we can find nearer home: can they find goods cheaper and better than our's anywhere? If not, why need we dread perfect liberty on their part. Again, if they can find better markets—if for some things we make them pay more than they need, we do them an injustice and ourselves an injury. We cripple their resources, and repress their energies. It would, I think, be difficult, nevertheless, to show that the trade now existing would be altered so long as we choose to continue it.

There is also another statement which can be fairly urged and ought to be remembered. The power of the Colonial Legislature relates only to their internal concerns. They cannot alter the trade; if they seek to do it, it must be by force, and force may as well be employed without as with a Legislative Council.

But will they not check the emigration from this country. Have they not already attempted to do it, by attempting to levy taxes on the emigrants?

To check emigration would be against their interests. That is, to check the importation of emigrants capable of maintaining themselves by their own labour would be so. Would it be, is it just, I ask, for us to ship off to the Canadas emigrants who are unable so to maintain themselves; who would become a burthen upon the charitable of those countries the moment they land? Furthermore, would it not be cruel in us to drive away the destitute of our people, and send them among strangers to be fed and clothed? Of the emigrants who have hitherto settled in Canada, a very large number have been in a state of painful destitution. They have consequently been a serious burthen upon the people of Quebec and Montreal. Now, I ask

boldly, is it just that such a burthen should be thrown upon those cities? If not—why, under any circumstances, should we desire to cast it on them. There is no reason to believe that any tax would be laid upon emigrants, that would check beneficial emigration—that is beneficial to the emigrants as well as the Canadas; any other emigration no humane person ought to wish to see permitted. Some cruel people in this country may desire to get rid of a pauper and burthensome population no matter what misery may be inflicted on the paupers; this, however, is not the feeling of the nation. The people of England would, I know, desire that those persons only should emigrate, who would better themselves: and such emigrants the Canadians would never drive from their shores. Proof of this may be seen in the conduct of the United States. And why should we believe that the conduct of the Canadians should in anything relating to emigrants be more hostile to the mother country than is the present conduct of the Americans themselves? The fear is an idle one, and not really entertained by those who pretend to it. Mischievous sinister interests have conjured at the phantom, in order to turn the ignorance of the people of England on this matter to the account of those who profit by bad government in Canada. That the Elective Legislative Council would cut up root and branch bad government in that country, the official tribe and the people also well know—and the one party dread just as intensely as the others desire, that reform in the present constitution of the Legislature. As I desire to retain the Canadas—as I desire to retain them for their good and for our own, as I know that this cannot be done, unless we allow them to govern themselves; and as I also know that they cannot obtain this self-government so long as the present Council exists, I entreat the people and the parliament of England to yield at once, and with a good grace, to the reasonable demands of the Canadian people, and to give them what they must have by one means or another—an Elective Legislative Council.

J. A. R.

APPENDIX.

Statement of a Conference between Mr Roebuck and Lord Glenelg on the 5th June, 1835, mentioned under the letter D, in the above letter.

I observed that a Petition had been forwarded by the House of Assembly through the ordinary and established channel, the Governor, in order to be presented to his Majesty, which Petition by this time, I suppose, had been received. Lord Glenelg answered that it was. I then said that the statement I had to make had reference to the grievances complained of in that Petition; that I wished very briefly indeed to place before his Lordship the view that the Assembly took of those grievances, and to point out certain matters resulting from that Petition which bore upon the Royal Commission about to be issued.

I observed that the Assembly desired to meet that Commission in a spirit of wise conciliation, but that there were certain preliminaries requisite in order to create a feeling of perfect confidence as to the real object intended by the commission.

The House of Assembly considered that the British Parliament had conferred a legislature on the country to regulate its internal and proper concerns, in the belief wisely entertained, that the people were the most competent to the task. It also considered—and high authorities as well as the whole tenour of official language, came to their support—that the House of Assembly was, in fact, as well as in appearance, the House of Commons of Lower Canada: that, inherent to the very nature of such a body, was the right of stopping the supplies: that they had always been taught to believe, and they were glad to find, that Lord Stanley, a late secretary for the Colonies, concurred with them: that this stopping of the supplies was the regular and constitutional mode by which the House of Assembly should redress the grievances of which they might have to complain.

I further stated, that the House of Assembly had, on certain occasions, employed—according to the discretion confided to them—this, their constitutional and undoubted privilege, and they complained, and complained bitterly, that in this due exercise of a constitutional right, they had been thwarted, hindered and vexed, as well by the Imperial Government as by the executive of the Colony.

Some of the means employed to this end of thwarting them in

the exercise of their right—means calculated to weaken, if not to destroy, the moral influence of their power in their character of the people's representatives,—I would now, said I, proceed to point out and comment on.

On one occasion, when the House chose to adopt this course of proceeding, the Imperial Government countenanced a project by which it was sought to overwhelm the power of the Assembly by confounding them with persons who were supposed to be of habits, manners, language, religion, and interests, all differing from those of the people of Lower Canada. This project was that by which the union of Upper and Lower Canada was attempted. This attempt failing, another project was entertained in the same spirit and to the same end, viz: of destroying the authority of the House of Assembly. This attempt, viz: to change, by the power of the Imperial Parliament, the tenure of land, succeeded. The Assembly believed that the intended effect of this measure was to create a distinction between his Majesty's French and English Canadian subjects: to create, if possible, dissention as well as distinction, and to give an undue preponderance to a minority of the people. In this, however, it had happily failed; but the Assembly complained first of the intention manifest in the proceeding, they steadfastly and solemnly, though humbly, protested against the measure as an unjust and unconstitutional interference with their internal affairs by the Imperial Parliament. They seek, therefore, of the Imperial Government, and earnestly hope that their prayers may be granted, that a repeal of this law should immediately be proposed by the Ministry. They observe that no interest could be injured by such repeal, and they require it as a preliminary to any negotiation or investigation on the part of the Royal Commission, as an earnest and proof of a spirit of justice and conciliation on the part of the Imperial Government. They observe that by this means the Imperial Government may win confidence, without the slightest chance of danger or injury to any one. The only but beneficial effect of the repeal, as far as they are concerned, would be that they would show to the people of Canada that having interfered with the regulation of the internal affairs of the Colony, they, on deliberate consideration, retracted that interference as uncalled for and unwise.

I then proceeded to call the attention of his Lordship to another attempt of the same kind and to the same intent, and respecting which I, on the part of the Assembly, require the same proceeding on the part of the Imperial Government, as a preliminary to any investigation by the commission. I meant the Act of the last Session of Parliament creating a land company in Lower Canada. I observed that his Lordship, as a statesman, and Sir George Grey as a lawyer, must know the many anxious attempts made by the legislature of England to put an end to holding lands in *mortmain*. They must both be aware, as must any one at all cognizant of the science of government, that a company empowered to traffic in

lands with chartered powers, was wholly incompatible with the existence of an efficient government. The House of Assembly felt, and clearly perceived, that the land company was intended to be, and that it must necessarily become, a political engine, which, if it were allowed to remain, would overpower the actual government, and destroy the efficiency and control of the House of Assembly; believing this, the House had determined never to sanction or allow the existence of this company in Lower Canada, and they now called upon the Imperial Government immediately to repeal the Act by which it was created. I further observed, that the House considered that a serious evil moreover was done to the people of the Province by thus interfering with their property. On the Provincial Government was imposed the obligation of protecting its citizens in their persons and property. That this obligation was onerous; and in a new country involved difficulties peculiar to itself. That these difficulties were, however, to a certain extent, lessened by the peculiar advantage of having a large quantity of lands at the disposal of the Government. That this land was one of the great sources of the country, one great means of revenue over which the representatives ought to have complete control. By taking away this land, the resources of the nation were diminished, while their obligations remained. In the name, therefore, and on behalf of the people, they earnestly required an abolition of the company. I remarked, that the House of Assembly of Lower Canada were not singular in their opinions on this subject, as I supposed his Lordship well knew. The Assembly of Upper Canada had declared the same opinion in a strong resolution, of which I supposed he was cognizant. His Lordship answered that he was so.

The repeal of these two acts, I said, were matters over which the commission could have no control. No inquiry was needed to prove that the passing of the acts was an interference with their internal government, and the Imperial Government could give no more certain earnest of their good intentions, than by immediately repealing them.

So far, I said, I have spoken of interference by the Imperial Parliament. I was now about to speak of acts of direct thwarting of the House of Assembly in the exercise of their constitutional right, by the executive, both at home and in the colony. The stopping of the supplies was a great constitutional privilege it was true, but was an effective one only when by so doing the parties for whom the supplies were intended, remained unpaid. The privilege became nugatory, if, on the supplies being stopped, another party was to come in and furnish money. This has been done by Mr Spring Rice. The Assembly cared not whose was the money; for the present they inquired not to whom it belonged. It was equally infringing their rights whether the money came from England or from Canada. The payment was the thing complained of. The House had determined not to pay, and Mr Rice stepped in, and payed

what they refused. I said that I was given to understand that a second payment beyond the 31,000*l.* authorised by Mr Rice, had been made by the governor. I understood Lord Glenelg on this to say that he knew of no authority to make such payment. I put a case in illustration of the utter destruction of the privilege by another party paying when the House refused, by supposing the House of Commons to have stopped the supplies, and thereupon some one, no matter whom, paying all the persons left unpaid. Whereupon Sir George Grey observed, that this to a certain extent would be the case, because certain persons had fixed and permanent salaries, and some had fees, and that in England, the Civil List was for the King's life. I answered that this did not touch the question. Those who had fixed salaries or settled fees, were not included in the supplies; and by stopping the Supplies, it was not intended to reach them. Neither was the case of the Civil List of England analogous to that of Canada, inasmuch as the House of Commons of England had made their Civil List partially permanent; the House of Commons of Canada had refused to do so. The one, therefore, by stopping the Supplies, would not intend to reach the Civil List, while the other would specifically intend to include it.

I then said, that the interference was so direct an infringement of the Constitutional privilege of the House of Assembly, that some direct acknowledgment was needed of the impropriety of such interference, as a preliminary to the proceedings of the Commission. If such acknowledgment were made, if the two Acts they had spoken of were repealed, then, I said, the House would enter upon the investigation of their grievances with the Commission, in the firm belief that the Imperial Government intended to do them justice. Respecting their grievances, I would now say nothing beyond this. The House was desirous of entering upon the investigation in a conciliatory spirit, but that there were certain matters which must be included in the inquiry. They deemed all of minor importance as compared with the grievance of the Legislative Council. On that they would be compelled to make a stand. While in little matters they would avoid all dispute, on this great parent source of all their ills, they must not disguise from the government that a bitter experience has taught them that unshrinking firmness was absolutely necessary. In this view of the Legislative Council, his Lordship must be aware that they were not singular. Upper Canada had declared the same opinion; so had New Brunswick and Nova Scotia; and he would find, I observed, a very similar feeling in all our North American colonies on that matter.

There was one more subject, I said to which, in the name and behalf of the House of Assembly, I wished to call his Lordship's most gracious attention. This subject was the appointment of Mr Gale. The declaration of Mr Spring Rice respecting that gen-

tleman's appointment had necessarily destroyed all his moral influence as a judge. Do what he would he could not administer justice to the satisfaction of the people. He had been considered unfit for the situation of judge, by the Colonial Minister; the people coincided in that opinion, and the sooner, therefore, that he was removed, the better. I said, in conclusion, on this subject, that I earnestly entreated his Lordship to yield to the desires of the people, and remove a judge whom circumstances had rendered utterly incapable of administering justice.

So far, I said, I had spoken in the name of the House of Assembly. I would now, with his Lordship's permission, mention, in my private capacity, a circumstance which, as a mere matter of policy, ought to be checked. It was, I was given to understand, the custom of the soldiery of Montreal, and as an instance of the fact, I could mention their conduct on last Saint George's Day, not to go in a direct line from their barracks to church, but to make a circuit, in order to pass by the house of Mr Papineau, and before it to play party tunes. That also the regimental bands were sent to the dinners of the Anti-Canadian party, and it was well understood, would be refused to the Canadians.* We all know what such proceedings had produced in Ireland, and I hope that good feeling would at once suggest the necessity of immediately suppressing them in Canada.

I then apologised to his Lordship for taking up so much of his time, and retired.

Letter from Mr Roebuck to the Right Hon. Lord Glenelg, dated 17th June 1835, mentioned under the letter B, in No. 5 above.

Gray's Inn, June 17, 1835.

MY LORD,

Having left town for a few days I did not receive your letter of the 11th instant till late on Saturday, 13th; since then I have had no leisure until this day to answer it; otherwise I should before this have made those observations upon it which the tenour of that letter compels me now to send to your Lordship. I cannot but regret that the objections therein contained, did not suggest themselves while I was conversing with your Lordship. They would in that case have been answered at the moment; while

* On referring to my letter, I find the case of the St George's Day proceeding was somewhat different from this statement. A society, called St George's society, borrowed the band of Colonel Tidy, and went from an hotel called Rasco's, doubling the distance to church. This society is a partisan club, as well as the Carleton club, and the lending of the band by Col. Tidy on this occasion, produced the same effect as would be produced in Dublin, by the commander-in-chief lending an orange society a regimental band.

those misconceptions into which you have fallen, as to my object and intention in making that statement would not have occurred, and your Lordship would have been spared the trouble of this, my present answer.

The resolutions of the House of Assembly, which I had the honour to transmit to you on the 30th May last, contained the following passage: "The said John Arthur Roebuck, Esq. be requested as Agent of this House to represent to his Majesty's Government the interests and sentiments of the inhabitants of this Province, and to support the Petitions of the House to his Majesty and both Houses of Parliament."

In my note of the statement when received by your Lordship in the capacity of Agent of the House of Assembly, the first paragraph is to the following effect: "I observed that a Petition had been forwarded by the House of Assembly through the ordinary and established channel, the Governor, in order to be presented to his Majesty, which Petition by this time I supposed had been received. Lord Glenelg answered that it was I then said that the statement I had to make had reference to the grievances complained of in that Petition; that I wished very briefly indeed to place before his Lordship the view that the Assembly took of those grievances, and to point out certain matters resulting from that Petition which bore upon the Royal Commission about to be issued."

I would now on these passages from the above-mentioned papers beg leave to observe:

1st. Your Lordship's objection is, that the House of Assembly having been prorogued before the knowledge of a Commission being about to be issued had reached Canada, I could not have any direct communication from the House of Assembly on that subject.

Now, although this be the case, the statement I made was perfectly justified and warranted by my instructions. From the opinions of the House communicated to me, I am enabled and authorised to state what they intend to do in certain supposed cases. It was supposed that some sort of negotiation would be entered into on the subject of Canadian grievances, and I was authorised to state the views of the House should such be proposed. The House has granted me a wide discretion. I am authorised to represent their interests and sentiments and to support their Petitions to his Majesty and to both Houses of Parliament. My desire in the present case was to call your Lordship's attention to the Petition to his Majesty, and to the bearing which the contents of that Petition would have on the Royal Commission about to be issued.

I supposed that your Lordship desired to know how that Commission was likely to be received by the Canadian people and by the House of Assembly, and speaking in the name of the latter, I

insisted on certain preliminaries on which they had insisted, and which I know they will require to be performed, before they enter into any negotiation. "I observed," says my note, and I reiterate the statement, "that the Assembly desired to meet that Commission in a spirit of wise conciliation, but that there were certain preliminaries requisite in order to create a feeling of perfect confidence as to the real objects intended by the Commission." I am justified in this statement by the whole tenour of the instructions conveyed to me, and by the language of the very Petition to which I sought your attention. In the Petition which I had hoped yesterday to have been able to present to the House of Commons, they first reiterate all the grievances complained of in the Petition presented last year. They then complained of the Land Company; of the payment of money without their consent; of the appointment of Mr Gale to be Judge of Montreal. These three matters together with the Tenures Act, mentioned in the Petition of last year, are the preliminaries on which they insist, and on which I, in their name, insisted. If your Lordship will refer to the Petition before you, you will find my statement borne out to the letter. If your Lordship thinks fit to disregard the statement I have made respecting the Commission, its failure will but too fatally prove who was really in error.

2nd. But your Lordship may still insist that I had no specific instructions respecting this Commission. This compels me to remonstrate on reasons which, I had hoped, your Lordship would, without any aid, have perceived.

There are two parties in Canada. The one, the great majority of the People, headed by their representatives: by this party, acting through the representatives of the People, I have been appointed their accredited Agent, and from me you refuse to receive any communication as being the expression of their wishes and opinions, except such as may be formally conveyed through me, thereby while granting the House of Assembly the name of an Agent, depriving it of the utility of one. The second party in Canada is a small, very small minority, acting through no constituted authority; some persons at a public meeting choose to select certain individuals to represent them; they say they represent a class, what class, I know not. However, I perceive that your Lordship is reported to have said that on the representations of the persons thus sent home by unrecognized and unrecognizable individuals, you have changed your instructions. Has your Lordship done so merely on the representations of these individuals in their individual capacity, or their capacity as agents of a particular class or section of the community? I cannot for a moment suppose, but that it is in the latter capacity Messrs Nelson and Walker made certain representations, stating them to be the opinions of a class of his Majesty's subjects in Canada. What is the evidence of such being the fact? A Petition, perhaps. I have

also presented Petitions; indeed so many that I am almost tired of the office, seeing how fruitless is the result. But it would seem that mere private individuals, unaccredited, representing, if they represent any body, a minority of the people so small as to be utterly insignificant, are to be listened to as speaking the opinions of the persons who they say they represent, while I, the accredited Agent of the House of Assembly, endowed with full powers to speak in their behalf, may not be heard—and am only to be the channel of formal communications between the House of Assembly and the Government. Your Lordship knows as well as I do, that confining me to such means of communication with the Government robs me of all utility to the House.

The House are not constantly sitting; they are 3,000 miles off, and though it is well known that every word I utter is perfectly in accordance with the opinion of the House; that I am on my own discretion bade to speak on their behalf, I am to be put off on a point of form, and the complaints of the representatives of the people are to be shut out by a side-wind. The private agents may say and do what they please, but the House of Assembly are forbidden to give their agent any discretionary power—are compelled to use him as a mere channel of communication. Does your Lordship believe that this will conciliate the already highly excited people of the colony, or that they are likely to conceive that justice will eventually be done when ushered in by so inauspicious a commencement? I will dare to assure your Lordship of one result—you will in future have formal complaints of grievances sufficient to satisfy any craving—and that you will find your commission, however well intentioned, utterly abortive, now that you have thus manifested to the people of Canada the spirit which governs your councils.

This proceeding on the part of your Lordship compels me to adopt a course to which I am unwillingly driven. I shall now conceive it my duty to apprise the House of Assembly of the objections taken by your Lordship, and demand of them as a matter of justice to myself, previous to any resolution or proceedings on their part, to sanction my statement to your Lordship and to adopt it as their own.

I am, my Lord,
Your obedient servant,

J. A. ROEBUCK.

Right Hon. the Lord Glenelg.