

graged in the rebellion. [Mr. Gladstone.— "I never said so."] I understood the right hon. gentleman to say that he had been informed by Mr. Inghram, who was one of the commissioners. [Mr. Gladstone.— "The noble lord is not stating what I said. I said by Mr. Cayley." Well, then, Mr. Cayley was the informant of the right hon. gentleman. I understand that Mr. Inghram, gentleman to say—and in that I cannot be mistaken—that he went over three or four of these cases mentioned by Mr. Inghram in the Assembly, and he found it was not true that they were the cases of persons guilty of rebellion. Mr. Gladstone. "No, no," because in more than one case those persons had been tried and acquitted. I understood the right hon. gentleman to say, especially with regard to Mr. Inghram's case.

Mr. Gladstone wished to observe that the noble lord spoke of what he had said, as if he (Mr. Gladstone) had made a statement from original or direct knowledge on the subject. With regard to Mr. Inghram's case, he had taken his information from a letter which the noble lord had in his hand. He (Mr. Gladstone) had said that from the fullest and latest evidence before him, there was no reason to believe that any person who was a rebel had been commuted.

SPEECH OF SIR ROBERT PEEL ON THE REBELLION LOSSES BILL.

SIR ROBERT PEEL.—I quite feel that the argument has been exhausted, and yet I am unwilling to give a vote I intend to give without a brief explanation of the grounds upon which it rests. I propose to the house to condense as far as possible the argument I have addressed to them. And, in the first place, I must say I did not put that construction exactly on the motion which has been moved by my right hon. friend (Mr. Henry) which I have just heard by the hon. gentleman who spoke last. I did not consider the motion to be merely an address to the Crown, to come to no hasty decision with respect to the modification of this bill. I understood that motion to be substantially this—to pray the Crown not to assent to this bill until certain amendments moved by the minority have been made in it. [Hear, hear.] The motion of my right hon. friend, who intentionally fell from inadvertence, is, as was remarked by the right hon. gentleman the member for Northampton, (Mr. Smith), identical with the amendment moved by the minority in the House of Assembly, in the course of the discussion upon the bill. [Hear, hear.] Consequently that which the House of Commons is called on to affirm is substantially this, that the measure approved of by the majority shall not have effect until the majority shall adopt the amendments submitted to their consideration by the small minority and then negatived. [Hear.] It is impossible to conceal from ourselves that if we accede to the motion of the right hon. gentleman we are about to enter upon a conflict of no small danger. [Hear, hear.]—I am called on to enter upon it, in a conflict in which we ought to engage, if for the honor of the Crown imperatively require it. But before we engage in it, let us maturely consider what will be its nature, and what are the circumstances under which we are called on to enter upon it. We have before us a measure which provides for a certain appropriation of the funds of a great colony of the British Empire. At a former period it was proposed that the compensation provided by this bill should be made from the Imperial Treasury. [Hear, hear.] That proposal was rejected. The present measure does not contemplate any appropriation of the revenue of this Empire. It proposes an appropriation of colonial funds to colonial purposes. [Hear, hear.] The measure so proposed has been affirmed by a majority of the Legislative Assembly of the Province—a majority of no less than 47 to 18. An unwillingness to refer to the character and constitution of that majority, because the act of the majority is that which, under ordinary circumstances, ought to prevail. [Cheers.] I say under ordinary circumstances, because I am perfectly willing to admit that if the honor of the Crown require the exercise of that authority, which there is no question, it is an authority, to be exercised; but I say that, under ordinary circumstances, the act of the majority ought to prevail, without reference to the peculiar character of that majority. If you analyze the particular portions of that majority, I find it is not composed exclusively of representatives of a particular class. We are told that of divisions 31, representing Upper Canada, voted on the question; and of the 31, 17 voted for, and 14 only against the bill; that of the Lower Canadian members of English descent, 10 in number, 6 voted for, and 4 against. Consequently, whether I refer to the extent or to the constitution of the majority, I cannot but think that this is an element for our consideration deserving serious attention. [Hear, hear.] I consider it a perfectly different question whether the amendments proposed in the Assembly of Canada should be assented to, or whether, as they were not assented to, we ought to try to give effect to them after the measure is passed. It may be, that we might be of opinion that the proposal of Mr. Wilson in the Canadian Assembly was a reasonable amendment, and it may be that had we been members of that Assembly it would have met our concurrence. But as that Assembly which had jurisdiction has given its decision, some of the men who approved of the amendment may object to give effect to it by means of an extrinsic authority. The proposition for advising the Crown to reject or destroy the measure will not have the support of the minority. Lord Elgin calls your attention to the remarkable fact, that two members of the minority who took a very decided part against the measure, and were active in proposing amendments, were among the foremost to contend that the principle of responsible government ought to be maintained, and to declare that they would be no parties to any advice being given to the Crown of Great Britain to reject or destroy the bill after it should have passed. [Hear, hear.] The minority, opposing the bill, and friendly to material amendments in it, had not been unanimous in the opinion that it ought to be rejected by the Crown. They distinctly maintained that, having passed the Canadian Legislature, it was not a bill on which the minority might not be destroyed by the Crown. That act so passed has received the concurrence of that authority which is deputed by the Crown to guard the honor of the Crown, and to maintain, also, only its connexion with the mother country, but to maintain that connexion on the only firm basis on which it is maintaining—the honor of both parties and their reciprocal good will. [Cheers.] It

would be most painful to me if I were called upon by a strong sense of public duty, to take any line which would imply reflection on Lord Elgin. I recollect the sanguine expectations which were formed by his first parliamentary efforts. All these expectations were, I think, fully realized. [Loud cries of "Hear, hear."] Those who heard the first speech he made in Parliament—men of all parties—conferred in regarding it as a distinguished omen of a future career, honorable to himself and useful to his country. He was selected for office by the Government with which he was politically connected. He discharged in Jamaica, under circumstances of great difficulty, a very high and important office. He commanded the confidence of those over whom he acted; and the noble lord stated that the sole reason for his selection for the more important government over which he now presides was the experience of his success in the administration of affairs in Jamaica. [Hear, hear.] My firm belief is, that a nobleman better qualified for high trusts could not be found. Looking to his correspondence, my belief is that he acted from no other motive than a sincere desire to do his duty towards the Crown and the colony over which he presides. My belief is, that he acted with great firmness, with great resolution, with great impartiality; that he gave his entire confidence to the government which was elected by the Assembly; that he dissolved the Assembly on their advice; that when the majority of the new Assembly transferred their support to other persons, he resigned the principle of responsible government, selected for his government those who had the confidence of the majority, and gave them, on the whole, the best advice which he possibly could give to his former Government, his cordial support. I should deeply regret if considerations of public duty should compel me to take any line which would imply reflection on Lord Elgin and integrity no one could doubt. Considering the opposition he has encountered, the outrages which have been offered to him, I greatly fear that an erroneous construction would be put upon the performance of that duty, and an announcement made to the colony that the conduct of Lord Elgin was virtually disavowed. No risk of misconstruction ought to prevent us from discharging our duty in rejecting the bill, if the interests of the country, and the honor of the Crown, should require it. The difficulty which Lord Elgin had to contend with of earlier date than the difficulties connected with his own government. The hon. member for Staffordshire assumed it as a fact, that in every preceding bill the claim of the "loyal" inhabitants only was admitted, whereas, in this bill, the claim of the "loyal" inhabitants was omitted. I assure my hon. friend, that he is mistaken in that. [Hear, hear.] This is not the first time the word "loyal" has been omitted in a bill. It has been omitted in the bill which you will find a remarkable distinction between the case of Lower and Upper Canada in the earlier part of these transactions. Lower Canada in 1830 and 1831 was governed by ordinances. In the case of those issued by Lord Colborne the compensation for losses sustained during the rebellion was provided for the "loyal" inhabitants of Lower Canada. Consequently the issue of these ordinances, an act was passed providing compensation for the "loyal" inhabitants of that Province was omitted in that. In the case of Lower Canada, the ordinances contained the expression "loyal inhabitants," and provided compensation for the "loyal" inhabitants. In the case of Upper Canada, the ordinances were omitted, and the expressions "certain inhabitants" and "sundry inhabitants" were substituted. In a second act, which was passed in 1831, the word "loyal" was omitted, and the claims of the inhabitants generally were admitted. If you observe the oath which was administered to the magistrates in the two cases, you will find that in the case of Upper Canada it declared that they were to make Canada, and to maintain the laws of the Province in terms of the act. In the case of Lower Canada, the oath administered to the magistrates required that, when they were acting under the ordinances, they were to maintain the laws of the Province in terms of the act. The Legislature have been united. An address was presented to the Governor General that he will act on the precedent of Upper Canada, and to the contrary, that he will act on the precedent of Lower Canada. That was not acted on by the Government here, which preceded the present. When the present Government came into power, they fulfilled the address which had been moved; and the question now is, whether they will act on the precedent of the terms of principles of the act which they have now acted on, and which they found provided compensation for the inhabitants of Upper Canada? If that precedent is discarded, will not the contrast be inviolable? In judging of the case of Lower Canada after the case of Upper Canada has been already provided for, will it not be peculiarly invidious if the act we reject contains no provision for the inhabitants of Lower Canada? Will it not be peculiarly invidious if the act we reject applies to Upper Canada? Will be asked why did not some one give Lord Elgin a caution on this point? Why did no one make him aware that there was no objection to his doing so? Why did no one make him aware that the loyal and disloyal inhabitants or urge that the honor of the British Crown was concerned, and that the claims of the loyal only could be admitted? What took place in Lower Canada? Lord Metcalfe appointed a commission, Lord Cathcart assumed the Government. A secretary was appointed to that commission, and issues instructions with respect to a certain classification which was to be made. The secretary of the commission puts a question bearing on that matter to Mr. Daly, the Provincial Secretary. The answer conveyed by Mr. Daly is,—it is not the Governor's intention that in classifying the persons who shall receive compensation, you are to adopt any other principle of classification than that which was to be drawn from the evidence furnished by the sentences of the tribunals. In consequence of these instructions, the commissioners originally appointed by Lord Metcalfe proceeded to make their award. Under these circumstances, does the honor of the Crown require from us the extraordinary intervention which is proposed? Shall we control the discretion of the Crown in this stage of the proceedings by interfering with its award? Shall we assume for the popular branch of the legislature that responsibility which now rests with the Crown, and properly belongs to it, and shall we take upon ourselves the duty of advising the Crown to suspend or annul the act?—[Hear, hear.] My opinion is, that it is a much wiser course to leave the matter to the discretion and the responsibility of the Crown, and not enter into a contest with a popular assembly in Canada, which, if the motion should be entertained, would for one side be inevitable. At the same time I cordially agree with my right hon. friend in the sentiment he expressed, that it would be much better for us to dissolve our connexion with a colony however important and however powerful it may be, than to maintain it at the expense of the honor of the Crown. I must also say that I feel a

deep sympathy with those gallant men who did stand by the Crown in the hour of difficulty during the rebellion of 1837. I am not surprised at the sentiments on this head to which my right hon. friend gave utterance. It would, indeed, be most unwise in us, to confound the distinction between loyal and disloyal men. I admit, those loyal men who stood by the Crown in 1837 and 1838, who resisted the American invasion and the efforts made by the rebels to dissolve the connexion between this country and Canada, of any participation in these outrageous and disgraceful acts which have recently occurred in Montreal. I am sure there is not a man in this house, whatever view he may be inclined to take of this question, who does not repudiate any connexion with those disloyal and dissipated men who have insulted the Governor General and committed acts of incendiarism; and I believe that the very party in Canada whose loyalty I most applaud and admire, and whose conduct I most highly commend, British connexion I shall never forget, is as little responsible as we are for the acts of the persons to which I am referring. This, indeed, has been proved by the address of that party, the Governor General, in which he distinctly placed upon record his expression of his indignation at the outrageous acts which had been committed. [Hear, hear.]

But at the same time, whilst I admire the fidelity with which the party has adhered to the British connexion, I cannot consent to our making ourselves partisans in regard to Canadian politics. [Hear, hear.] Our only hope of maintaining the connexion permanently, and with respect to the colony, rests upon our acting on that principle on which Lord Elgin has acted—that of maintaining strict impartiality between the opposing parties. It is said that we are about to make compensation to rebels. I know that this is the point with respect to which many gentlemen will, with honest feelings, give their votes. It is said that the two exceptions which are introduced into the act of the Legislature of Lower Canada, constitute the difference between it and the act of Upper Canada, and it is contended that the exceptions in point of fact, constitute the rule, and compel the admission of the claims of all rebels who do not voluntarily give up their arms. We have the positive assurance of Lord Elgin that there was no intention on his part, or on the part of the promoters of the act, to encourage rebellion or treason in Canada. In that assurance those who have expressed their dissent, and who are now being concurred. We have the declaration of his Lordship's Attorney General, Mr. Lafontaine, that those parties had not the slightest intention of doing what has been attributed to them. But what says Lord Elgin? He says that in the Assembly "it was answered that the principle on which the bill was framed had already been acted upon in Upper Canada,—with these expressions,—and that Parliament, by its assent, had given its sanction to it; that we have the positive assurance of Lord Elgin that there was no intention on his part, or on the part of the promoters of the act, to encourage rebellion or treason in Canada." In that assurance those who have expressed their dissent, and who are now being concurred. 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