

*For the Canadian Freeman.*

The Message of His Excellency, the Lieutenant Governor, to the House of Assembly, presents one side of the case of the Anglo-American inhabitants of Upper Canada. It states that the greater part of them became inhabitants of this Province "with the knowledge of the Government." It might have stated, that they became such, not only with the *knowledge*, but with the *approbation*, and not merely with the *approbation*, but under the *encouragement*, and upon the *invitation* of the Government. They were thus invited and encouraged by offers of Crown lands to settle on, and by actual grants of such lands made to them accordingly, upon their becoming settlers; and these lands were thus granted to them from the Crown, not by mistake, or under any misapprehension of their character, but with a full knowledge that they had been resident in the United States at and after the treaty of 1783, which is now considered the criterion of national character.

A series of Acts, Legislative and Executive, and indeed the whole course of the proceedings of the British and Provincial Governments, in respect to them, have recognized and treated them as subjects, from the first settlement of the Province. Those Acts being appropriate to these Colonies, and this Province in particular, and not applicable to the mother country, the claim of the Anglo-American settlers to civil rights, and a capacity of holding land in the Provinces stands on different grounds from the claim of such persons to inherit estates in Great Britain. Yet it was not until 40 years after the treaty of 1783, that there was any decision in Westminster Hall, that the treaty produced the effect of incapacitating a British born subject, resident in the United States at its date, from inheriting real estate in England. In the mean time, there were repeated decisions to the contrary in Scotland. Those cases, however, are clearly distinguishable from that of the Anglo-American inhabitants of this Province, holding lands here.

The limits of this communication will admit of no more than a bare outline of their claim.

Seven years after the treaty of separation, being one year only before the date of our Provincial Constitution, a Statute of the British Parliament, the 30th of Geo. 3d, cap. 37, entitled "An Act for encouraging new settlers in His Majesty's Colonies and Plantations in America," was passed for the professed purpose of encouraging these people, describing them as "subjects of the territories or countries belonging to the United States of America," to come from thence, with their families, into "the territories belonging to His Majesty in North America," particularly mentioning "any part of the Province of Quebec," "for the purposes of residing and settling there," this province being at that time a part of the Province of Quebec. To encourage them thus to come and settle here, they were authorized to be licensed to bring with them property, not exceeding fifty pounds, free of duty.—Such persons, so coming to reside and settle in the Province, were required to take the oath of allegiance, without any probationary period of residence. It was not, indeed, specified what rights they should enjoy as settlers. The very term implies a capacity to take and hold lands for settlement, and there was no intimation of any restriction as to civil rights. The Statute was undoubtedly intended in good faith, and not for the purpose of decoying them into the Province, that, after forty years, they might be disfranchised and alienated, by ex post facto construction; and it should be interpreted so as to effectuate the intent, with which it was enacted. In its effect, according to a fair interpretation, it was an act of naturalization of those settlers, or recognition of them as subjects. So it was understood not by them only, but also by the Government, not only of the Province, but likewise of the Parent State, and not only then, but afterwards.

The next year our Constitutional Act, the 31st of Geo. 3d, was passed, by the same Parliament, under the same auspices, and upon the same principles of Colonial policy; and there can be no doubt that the term *subjects*, used in it, was intended and understood to comprehend the settlers under the act of 1783.