

pre-eminence, of that superiority of origin, claimed by those who represent themselves as their organ?

Neither must the opposite course which was followed with regard to other parts be considered as a homage paid to the virtues of the Canadians, to their habits of respect and submission to the Laws, which rendered useless in the eyes of the Executive, as far as they were concerned, those precautions which were deemed necessary elsewhere for the suppression or prevention of disorder.—Can it have originated in a desire to affix beforehand the stamp of inferiority, which the majority of the Council and a portion of the citizens of Quebec have this year so loudly pretended to assign to the Canadians in the country which gave them birth? I must say at least that neither one or the other deserved that outrage more than they were entitled to that exceeding honour.

I think it right at present to leave aside several traits of conduct of the same description; the statement of these is sufficient to enable one to judge of what the details would present. What man of learning, the fruit of study and experience, can be ignorant of the fruitfulness of error and injustice? I will confine myself to observing that the connexion between those proceedings and the acts of violence of last year, cannot escape attention, at the same time that they are an unhappy imitation of those which the country reproaches to previous administrations, the turbulent character of which has left such deep traces. What can the people see in this but illusions without consequence? How can they be convinced that those whose ascendancy in the government of the Province can bring forth results of that nature, are imbued with sentiments corresponding in elevation with the rank they occupy? that they are strangers to national prejudices and hatred, the necessary appendages of domineering pretensions?

As the conduct of the Magistrates which I have just now particularly alluded to, appears to have been the subject of some communications on the part of the Executive of the Province with the Secretary of State, it now becomes my duty, before quitting this subject, to acquaint you with some other circumstances, the consideration of which has reference to that of the omission of his name in the Commission of the Peace; also with another subject of complaint which was put forth against him, and which appears to have been since abandoned, and something as to what took place before the Judges, subsequent to the Warrants he issued for the arrest of the Military.

Whilst the latter were applying to the Judges for their discharge, the Clerk of the Crown informed that Magistrate in a letter that *the Judges of the Court of King's Bench required him to lay before them the depositions he might have in his possession upon which he had given the Warrant in question.* (1.) The Magistrate who was not even informed of the proceedings adopted relative to the accused, answered that they had not been brought before them, that he was only waiting until the Warrant should be executed, to put the Judges in possession of the depositions and of all other information he might have received in the further discharge of his duty. And this is all it amounts to.

But since that, in an official communication from the high authorities, that proceeding on the part of the Magistrate has been qualified, as a *refusal to obey the demand to produce the information* upon which he had given that Warrant, and it is in that respect that an explanation of his conduct was required from him, (2.) and he gave them the one I have alluded to.

(1.) Letter of the 15th September, 1832.

(2.) Letter of the Civil Secretary to the Governor, of the 17th January, 1833.

Those are matters which are certainly worthy of remark; what follows is equally so.

We have already seen that the accused were discharged. Whilst they were before the Judges, the Solicitor General on the one hand, said openly that the proceedings of the Magistrate could not be justified, that the innocence of the accused was established by the declaration of the Grand Jury; he mentioned those who had lost their lives on that occasion, as men whose crime had been established; and it was when the Counsel who represented the private accuser attempted to address the Court that he found means to reduce them to silence. On the other hand, the King's Counsel, with the same degree of confidence, put forth the opinion that that Magistrate was, in virtue of the dispositions of a Provincial Ordinance, liable to a penalty of £500, for having given that Warrant. That opinion is as untenable as the idea that the letter from the Clerk of the Crown was an order which it was a crime in that Magistrate not blindly to submit to.

It is added that one of the Judges appeared to be of the same opinion as the Counsel; it was under those circumstances that the Counsel of the private prosecutors were prevented from speaking.

I will again leave aside the details, I will content myself with observing that the Public Officers who thus take a part in public discussions, are those from whom the Governor, a stranger to the country, must receive information and take advice, in relation to those very subjects of discussion which may be again referred to him for information and advice to His Majesty's Government. I entrust the rest to the reflexions which grow out of the subject.

No. 7.

Downing Street,  
15th February, 1833.

MY LORD,

I have received Your Lordship's Despatch, No. 101, dated the 1st December last, enclosing a series of resolutions passed by the House of Assembly on the subject of a despatch which I addressed to Your Lordship on the 25th January, 1832, respecting the case of Mr. Christie. These resolutions state that the House of Assembly duly appreciates His Majesty's acknowledgement of the right of all his subjects to such assistance as he can afford for the redress of any grievances under which they labour, but that the House has seen, with regret, that His Majesty has been advised to act upon his gracious intention in this respect in a case where the privileges of the Assembly are concerned. The resolutions further state that in expelling Mr. Christie, the House exercised a privilege frequently exercised by the House of Commons, and by representative bodies in the Colonies—that the House is the sole judge of the cases in which it ought to exercise this privilege—that the resolutions transmitted with Your Lordship's Message, and purporting to be resolutions of Freeholders and Electors of the county of Gaspé are false, scandalous and malicious—finally that these resolutions passed in the county of Gaspé, and the letter from Mr. Christie by which they were accompanied, should be expunged from the Journals of the Assembly. With respect to that resolution which expresses the regret of the House that, in a case where the privileges of the Assembly are concerned, His Majesty had been advised to act upon His Gracious intention to acknowledge, the right of all his subjects to such assistance as he can afford, for the redress of any grievances under which the labour, I have to assure