

James Stuart, Esq.

25 June 1834.

1171. Do you mean to say, that the political education of the people of Canada is in so very backward a state, that they can hardly be competent to enjoy, with advantage to themselves, the right of a free constitution?—I mean to say, that practically the mass of electors in Lower Canada, in the present condition of the country, do not exercise over their representatives the control which is essential to check excess in the popular branch of the government; and that this is a main cause of the misgovernment under which the province labours.

1172. How would you suggest that the Assembly should be composed?—I am not aware that any effectual remedy for the existing composition of the Assembly can be found, otherwise than by an union of Upper and Lower Canada under one legislature. As lesser but permanent causes in contributing to the misgovernment of Lower Canada, I would mention the vicious system of judicature which is now in force, and the consequent defective and unsatisfactory administration of justice which it causes throughout the province; I would mention also the defective composition of the Executive Council, which as a court of justice in the last resort, and as being charged with important duties in the government of the country, it is essential, in my opinion, should be placed on a footing of efficiency and respectability. For these causes of misgovernment, if found to exist, the remedies are of course a new system of judicature, adapted to the present state of the country, and a re-construction of the Executive Council, by which its composition may be improved.

Lunæ, 30^a die Junii, 1834.

JOHN NICHOLAS FAZAKERLEY, ESQ. IN THE CHAIR.

Captain *George M^cKinnon*, of the Grenadier Guards, called in;
and Examined.

Capt. *G. M^cKinnon*.

30 June 1834.

1173. DO you hold any situation in the provincial government of Lower Canada?—I am Aide-de-camp to Lord Aylmer as Commander of the Forces.

1174. You hold no civil situation?—No.

1175. How long is it since you left Canada?—I left Canada on the 20th of April last.

1176. Have you resided with Lord Aylmer during the whole of his government?—Yes.

1177. Your attention has therefore been directed to the occurrences that have taken place in Canada during that period?—It has.

1178. Have there been any proceedings instituted by the House of Assembly in reference to the riots which took place in Montreal?—Yes, an investigation has been carried on for the last two sessions.

1179. Was that investigation carried on by the House of Assembly, or in a committee?—In a committee of the whole Assembly.

1180. Has there been any report from that committee, or any resolution entered into?—There have been no resolutions, that I am aware of, by the committee.

1181. Have you known any applications or demands that have been made upon the government of Canada for the production of information by that committee, and have you known the result of such application?—Yes, here is a copy of the resolution of the House of Assembly, bearing date the 23d of November 1832, applying for the production of official documents; and the answer of Lord Aylmer to that address.

“*Resolved*, That an humble address be presented to his Excellency the Governor in Chief, praying that he would be pleased to cause to be laid before this House copies of—

“ All official communications and reports that have been transmitted to him of the proceedings, resolutions and depositions taken by the justices of the peace for the city of Montreal, during the last election of a representative for the West Ward of the said city, relating to the said election.

“ All reports that may have been made to him by or on the part of Lieutenant-colonel A. F. Macintosh, commanding the garrison of Montreal, on the