

— No. 3. —

EXTRACT of a DESPATCH from Major-General Sir *George Arthur* to Lord *Glenelg*, dated Upper Canada, Toronto, 14 April 1838.

1. I HAVE the honour to acknowledge your Lordship's despatch of the 30th January last, marked "Separate," enclosing a copy of a despatch dated 6th January, addressed to Sir John Colborne, in which your Lordship had offered some suggestions for his consideration respecting the circumspection which would be requisite in carrying into effect any capital sentences passed upon persons convicted of political offences, and more especially by courts martial.

UPPER
CANADA.

Sir George Arthur
to Lord Glenelg,
14 April 1838.

2. In drawing my attention to the same subject, your Lordship observes that "Her Majesty's Government could not fail to notice the wide difference which exists between the circumstances which have taken place in Lower Canada and the recent events in the Upper Province. So far as can be collected from the information now before me, the chief motive which influenced the instigators of the disturbance in Upper Canada appears to have been the view of plunder, and the offences which they perpetrated seem to bear comparatively little of a political character."

3. In this view of the case your Lordship has laboured under a certain degree of misapprehension. For although the distribution of the public lands was held out as a bounty to those who should join the rebels, and the war was expected to be carried on by means of the confiscation of the lands of the loyalists, and the plunder of the banks and of private property; though crimes were wantonly committed, and though there was too much reason to apprehend that rapine and outrage to a great extent would have followed an unsuccessful resistance to the insurgents, yet the disturbance was essentially of a political character, as in Lower Canada. In the latter province the rebels remained in a neighbourhood almost wholly disaffected; and to the circumstance of their not being able to advance upon Montreal, is to be attributed the comparative absence of outrage, and not to any peculiar elevation of sentiment or peculiar purity of motive which belonged to the French Canadian insurgents. In Upper Canada the same pretensions to patriotism, the same assertions of republican principles, the same accusations against the Government of tyranny and corruption were put forth as the ground and justification of the rebellion, as in the lower province. In Lower Canada, the right was insisted on, of the popular branch of the Legislature sullenly to refuse acting as a legislative body, and to bring to a complete stop all beneficial operations of Government, and to assert a supremacy inconsistent with the relations of a colony with the parent state.

In Upper Canada arms were taken up with the avowed purpose of assisting the Lower Canadians, and of asserting the same principles as applicable to this colony. In Upper Canada the majority of the Assembly were attached to British institutions; but this majority was asserted to have been brought about by unconstitutional means on the part of Government; and the use which the revolutionary party had made of a majority in Parliament when they had it, was precisely the same here as in Lower Canada; namely, to coerce the Government by a refusal to grant the necessary supplies. The revolutionists in neither province hoped by themselves to overthrow the Government. They alike solicited foreign aid, and by its means expected to accomplish those designs. The object to be gained, the means to be used, the Government to be overthrown, the institutions to be set up, the true moving cause of the revolt (the desperate ambition of a few leaders, and the apparent weakness of the barriers to its gratification), were in both provinces not only similar but identical.

Therefore, my Lord, I cannot see that any distinction of value can be drawn between the cases of the two provinces: and I greatly fear that the plain and wide difference between right and wrong, between allegiance and disloyalty, between innocence and immorality, would be dangerously narrowed, by making treason a shadow of excuse or mitigation for the crimes and outrages which it naturally brings in its train.

4. Accordingly, regarding the circumstances of the two provinces in these respects as the same on the 24th of March, the very day after my succeeding to the Government (the gaols at Toronto and in the Gore and London districts being full of prisoners, and the trials having commenced) I caused your Lordship's