

Supposing that Lower Canada imposed a duty upon rum, and that the Upper Province imposed no duty upon rum, would it not be the interest of the inhabitants of the Lower Province to buy their rum in Montreal, and to bring it into consumption in the Lower Province?—It would.

Do you suppose it possible that there should be different scales of duties in the two Canadas under any circumstances?—I do not. The duties at present are regulated by the Trade Acts; and if a much higher duty on any one article were imposed, it would prove injurious to ourselves as well as the grower or manufacturer. For instance, rum, coffee, sugar, to our West India colonies, who receive our flour in exchange, and on goods to the manufacture here. The cheaper these can be introduced into Canada the more will be disposed of, and we will obtain a much greater revenue from lower Duties than high ones. If Lower and Upper Canada were two distinct countries, with separate interests, like the United States and Canada, some restrictive measures, in crossing the boundary line, would be necessary, as they are, it is not.

You are aware that by the schedule of the Trade Act in 1824 and 1825, various duties were imposed upon articles which might be imported from the United States into the two Canadas, do you conceive that in Upper Canada the payment of those duties is avoided in consequence of the difficulty of preventing smuggling?—Not in general; there may be some articles smuggled in consequence of the duties upon them being too high, but in general they are not.

Mention the articles upon which you conceive smuggling to take place;—I cannot mention any particular articles.

Are you of opinion that in consequence of the nature of the frontier, between the United States and Upper Canada, it never would be practicable to enforce the payment of duties upon articles which can be afforded cheaper from the United States to Upper Canada than from England, including the expense of freight?—No, I think not; if you place a higher duty upon articles from the United States than will pay the expense and risk, they will smuggle them in, and it will be impossible to prevent it. For instance; the whole of Upper Canada was supplied with tea from the United States, before the India Company sent their ships to Quebec direct (although the article was prohibited altogether). Now the tables are turned, the Americans will be supplied through Canada with British manufactures, because we take less duty than they do; they will smuggle one hundred to one more than we do. The British manufactures will be sent in by the St. Lawrence, and if we improve the facilities, they will be carried to the remotest part of Upper Canada, and they will be smuggled in great quantities into America along that line.

Can you inform the Committee how far the English law of descent prevails in Upper Canada? has it been modified by local statute?—It has not; a bill was passed in the Lower House, but not in the Upper.

Can you inform the Committee of the modification which that bill proposed?—It was making a certain distribution of the property when a person died intestate, but I do not know exactly what the division was.

With respect to the law of mortgage in that colony, can you state precisely how that law stands?—A mortgage is given as a security upon property, any person can foreclose it and sell it.

Is money in point of fact lent upon the security of mortgage?—It is.

Is there a general system of registration?—Yes, the registration is very simple, each county has a register office; if a person wants to buy property, he goes and pays 1s. 6d. and he finds immediately whether it is incumbered or not; for if the person had incumbered it and not registered it, the person who bought it and registered it would hold it.

Then all mortgages must be registered in order to be effectual?—Yes, every thing affecting the conveyance of land.

Is that system found to work well?—It is universally approved of; there is not a person in the country who does not feel the advantage of it.

Do you know in what form marriage settlements are drawn?—There are no marriage settlements there that I know of; it is very seldom that any thing of the kind is entered into.

Is there any system of entail of property?—No.

How do they provide for widows?—They get one-third at the death of the husband; they are entitled to dower according to the English law.

Do they get one-third both of all the original landed property of the husband and of all after acquired land?—Of all that he has at the time of his death; if he sells any property, she bars her dower on the deed.

Can you state what is the prevailing practice in Willing; is it the practice to make an eldest son as it is called, or to leave the property equally distributed?—That depends altogether upon the wish of the person.

Have you known instances of both?—No; if a person does not wish to divide his property, he does not make a will, because it then goes to the eldest son.

Which is the more frequent occurrence of the two?—The general practice is to make wills.

Do you conceive that the American settlers who have settled in Upper Canada are attached to the laws of Upper Canada, or that they have a preference for the laws of the United States?—I think they are decidedly attached to the laws of Upper Canada, which are very similar to those of the United States. The inhabitants of Upper Canada are more attached to the present form of government than they are to that of the United States. They gave the most convincing proof of it by their conduct during the late wars, at the commencement of which there was but one regiment of soldiers, the 41st, on the whole frontier between Kingston and Sandwich. The country was repeatedly invaded during that year; and to its inhabitants, as then composed, is its defence during that period principally to be ascribed. Those people were admitted into Canada on the most liberal principles before the war; and the most impolitic and injurious measure the Government of this country ever adopted towards that was in excluding them since. Many people, to my certain knowledge, sold their property in the state of New York, where they were dissatisfied in paying heavy taxes for the support of what they conceived an unjust war, with a view of settling in Upper Canada; came to the frontier, found a restriction, and proceeded on with their capital to the state of Ohio, to the unexampled increase of that state. We most materially contributed to the very great injury of Upper Canada, and the depreciation in value of property. The Americans are the most useful and enterprising people which can settle a new country; and their principle is to defend the country they live in, not the one of their birth and many who had not settled in Canada one year were as faithful to it as any native.

However loyal the general character of the American settlers might have been, were there not some exceptions?—Yes, there were a few; but full as many among Europeans, in proportion to their number.

Are you a native of Upper Canada?—I am not a native of it; my father was an American loyalist, and I happened to be born in the state of New York; but I have lived all my life in Upper Canada, and my feelings are wholly Canadian.

Do you consider it to be the prevailing wish of the Upper Canadians to remain connected with this country?—Yes. There never was a country more happily situated than Upper Canada in her connection with this country. From her soil, climate and situation she must be wholly agricultural; you receive her produce on more favourable terms than the produce of the Americans; we receive your manufactures on paying a moderate duty of about two and a half per cent, while the Americans are now paying from 50 to 100, consequently we must obtain our supplies at a much cheaper rate. Every person will not only see but feel this advantage, so that by securing our interest you have the best guarantee of our attachment and connection. We are naturally rivals to the Americans; we grow the same articles, seek the best markets, and endeavour to draw the products of each other through our different communications. The only thing we require, as before stated, to place Upper Canada in the most enviable situation, is unrestricted immigration, an uninterrupted communication to the ocean, and the possession of a commercial port. Independently of the advantages they derive from the trade of this country, do you

conceive it to be their wish to continue a province of this country?—Yes. The only measure adopted by our Government, that I know of, which gave general dissatisfaction, was in placing restriction on emigration. The reason I heard assigned for this measure immediately after the war, when it took place, was that the admission of American settlers would be a means of disseminating democratical principles, although no evil had arisen from those who came before the war; on the contrary, they proved equally zealous in its defence. If, in truth, their form of government is better adapted for our country, it is quite impossible, from our continual intercourse with them, to prevent our imbibing those principles; and any attempt to prevent it conveys an admission that we think it the best, and does far more injury than service. That portion of the inhabitants of the United States who would settle in Canada would give a decided preference to our Government, and would make the best subjects and settlers, upon the same principle, and for the same cause, that the great majority of English, Scotch and Irish who settle in America become the most vile democrats in that country; for neither party would go and settle under any government without being predisposed in its favour. The only difference in the form of government in the state of New York and Upper Canada, consists in the appointment of Governor, Upper House or Legislative Council, and magistrates: the former, with us, is appointed by the Crown during pleasure, the Upper House for life, (independent of both Crown and People,) magistrates, &c. by the executive; our parish officers elected by the people. They in New York elect the whole, and in this only do we differ. We have the full benefit of their democracy without its attendant evils. They are continually electioneering and changing every officer in the state, from a governor to a constable; constitution and all. In a late change in their constitution they adopted universal suffrage as it is termed, paying no regard to property. This is found on trial to create much dissatisfaction among themselves. A man in office being dependent on popular favour, (if he wishes to retain his situation,) makes it a study to please the majority, right or wrong, and cannot act independently. Many of them feel the effect of this, and we see it; and I am sensible but few, if any, in Canada desire a change. Therefore independent of our interests, which is the governing motive, we have good reason to be satisfied with our form of Government.

Then you think it the prevailing wish not to make the Government more democratic than it is at present?—I do.

Are they satisfied with the constitution of the Legislative Council as it at present exists?—They are so far as I have any knowledge; it would be better if they appointed, in the Legislative Council, men more generally distributed over the province instead of so great a proportion being resident at York, as it would add more weight to the body; and I think late appointments have been more distant. They were at an early day.

Are they satisfied with the constitution of the clergy corporation?—Those that do not belong to the Church of England are not. The Church of Scotland want to get a share of the property, and if they were to get it, and it was only between those two churches, I think the people in general would be more dissatisfied than they are now, because all the other denominations would lay claim to it.

What is the prevailing religious belief in the Upper Province?—They are divided among a number; I think the Methodists are the prevailing opinion, and I think they have done more good than any others.

Do you mean the Wesleyan Methodists?—They are of the same faith, but belonging to a conference established in the state of New York; they came into that country when it was very new.

Do they connect themselves at all with the Church of England?—No, they are quite separate.

Are their ministers generally Americans or Englishmen?—They are divided; there are a number of Upper Canadians among them.

Have you any reason to believe that persons of different religious persuasions are in the habit of conforming to the worship of the Church of England when churches are built and clergymen provided?—I do not think they are; I do not think they like the form of it generally; my reason is, that there are more of other persuasions than of the Church of England.

What persuasion do you belong to yourself?—I belong to the Church of England.

Do you happen to know how many members of the Assembly in Upper Canada are members of the Church of England?—I do not.

Are the churches fully attended as far as you know?—In some places they are; it depends altogether upon the situation of them.

Are you acquainted with the Act by the name of the Sedition Act?—Yes.

Do you know the history of that Act?—It was an Act passed a long time ago, during the troubles in Ireland, in order to prevent Irishmen, who might be conceived to entertain dangerous principles from coming into the country; the only instance I know of its ever being acted upon, was in the case of Mr. Gourlay.

What are the powers that it gives?—It gives power to a commissioner of the Court of King's Bench to order a person out of the country; if I go and take an oath that I believe that such a person has not taken the oath of allegiance within a certain time, and that he is a dangerous man, the Commissioner orders the person out of the country, if he does not choose to go, he is then confined.

Is there no appeal?—No. Mr. Gourlay is a case in point; he was ordered to leave the country, he would not, and was put in gaol.

Has the House of Assembly repeatedly passed bills to do away with that Act?—It has.

Have they been constantly rejected by the Legislative Council?—They have.

It is then in existence at this moment?—It is.

Do you happen to know by what majorities in the House of Assembly those Bills were carried?—They were carried almost unanimously in the House of Assembly.

Has it not been for some time past the first bill that the House of Assembly always passed before it proceeded to other business?—Yes.

Do you know upon what principle the Legislative Council refused to repeal the Bill?

—I have heard the Bill was rejected because they conceived no evil had arisen from the existence of the Act, and they did not conceive it necessary to repeal it; but, in my opinion, it would be a good thing if it was done away with, it is a useless law, and it gives needless dissatisfaction.

Do you follow any profession in Canada?—No, I do not.

Do you hold any situation under the Government?—Nothing but an honorary one, I am a commissioner of the peace.

Are you a holder of land in Upper Canada?—I am.

You state that a law was made for preventing Irish from coming into Upper Canada, is there any prejudice at this moment against the introduction of Irish emigrants?—On the contrary, they conceive it very beneficial.

Is it the general opinion in Upper Canada, that their interests and their resources would be materially advanced by the increase of their population?—Certainly, the interests and resources of Upper Canada would be materially advanced by the increase of population.

Do you think the Legislature of Upper Canada would be prepared to concur in any measure for the introduction of population into that country?—I think they would, but it would depend upon what footing their concurrence was required, they could not contribute money just now, if their natural situation is improved in the way I have mentioned, they will be able to assist in any thing.

Do you think that if they had the means of assisting they would be disposed to assist in it?—Yes, if we are placed in the situation that the state of New York is, by possessing a part of our own, we will be enabled to contribute to any measure for the advancement of the country.

What part of Upper Canada do you reside in?—In the district of Niagara.

Do you know any thing of the administration of justice there?—Yes.

Is it in a respectable state, or is it disapproved of?—It is in a respectable state.