

REPORT from the Select Committee of the LEGISLATIVE COUNCIL of *Upper Canada*, on the Report of the Right Honourable the Earl of *Durham*, Her Majesty's late Governor-in-Chief of British North America.

The Select Committee to whom was referred the Report of the Right Honourable the Earl of *Durham*, Her Majesty's late Governor-in-Chief of British North America,

Respectfully submit the following Report:

IN discussing the Report of Her Majesty's late High Commissioner on the Affairs of Upper Canada, your committee are fully aware that their observations cannot be understood by your Honourable House as conveying any censure on Her Majesty's Commissioner, who commences by informing Her Majesty that his information respecting the state of Upper Canada had not been acquired in the course of his actual administration of the government of that Province, a fact to which the Report itself bears ample testimony. His Lordship observes, that "it is very difficult to make out from the avowals of parties the real objects of their struggles, and still less easy is it to discover any cause of such importance as would account for its uniting any large mass of the people in an attempt to overthrow, by forcible means, the existing form of government." From the first part of this paragraph, it appears that the political parties into which the province is said to be divided have no very strong ground for complaint, otherwise some definite description thereof would doubtless have been given to his Lordship; who, in the latter part of the same paragraph, insinuates that a large mass of the people of Upper Canada were desirous of overthrowing the Government, a fact totally unknown in this Province, and already sufficiently refuted by the conduct of the people. His Lordship then informs Her Majesty that Upper Canada "has long been entirely governed by a party commonly designated through the Province as the 'family compact,'" and that, "there is in truth very little of family connexion among the persons thus united." Why then should his Lordship give his assistance in the dissemination of any such erroneous idea as that title has been used to propagate? His Lordship does not appear to have understood that the object of the press in adopting the term of "family compact," as a name by which to designate "the bench, the magistracy, the holders of the high offices of the Episcopal Church, and a great part of the legal profession, the possessors of nearly the whole of the waste lands of the province, the people all powerful in the chartered banks, and sharing among themselves, almost exclusively, all offices of trust and profit," intended to impress their readers with the idea that a close family connexion did exist among all the persons in authority throughout the Province, and that if it were not so understood, the force of the epithet would be altogether lost; for throughout his Lordship's Report, "the family compact" is blazoned forth with studious pertinacity, although the inaptness of the title had been previously admitted.

The High Commissioner next endeavours to show that all persons of education, and more especially members of the learned professions, ought rather to settle in the United States than in Canada; a surgeon, for instance, because he must show that he is duly qualified before he can be permitted to practice within this province; an attorney, because he is not permitted to practice therein as a barrister; and a barrister, because he is not allowed to act as an attorney.

Your committee are of opinion, that in all these regulations the Legislature has shown a proper and praiseworthy desire to prevent ignorant pretenders to medical and legal knowledge disturbing the animal economy or social condition of Her Majesty's subjects. Then comes his Lordship's list of British grievances, which is altogether remarkable; he complains of the banking system, in which he says the Canadian party are supreme, (a large portion of the stock in the most ancient of the chartered banks is, however, owned by persons residing in England,) and further asserts, that the influence of the banks "is said to be employed directly as an instrument for upholding the political supremacy of the party" (Canadian). Your committee happen to have the means of personally knowing that the chartered banks have most studiously avoided political connexion with all parties. Your committee find introduced as one of the grievances, "that under the system of selling land pursued by the Government, an individual does not receive a patent for his land until he has paid the whole of his purchase-money." Why should a contrary course be pursued? That is not shown. The High Commissioner then wanders into Illinois, and gives a vivid description of the peculiar advantages to be derived by English folk who may become domiciled in the Republic. If indeed his Lordship had not qualified his opinions with the assertion that, "but few cases in which the departure of an Englishman from Upper Canada to the States can be traced directly to any of these circumstances in particular," alluding to the British grievances before mentioned, your committee would have supposed that the peculiar functions of Her Majesty's High Commissioner were not those detailed in his commission, the more especially as these hitherto unheard-of grievances are quoted as the cause of the decreased immigration from the parent State; and throughout the Report comparisons are constantly drawn unfavourable to Her Majesty's possessions in North America.

Your committee having exposed a few of the inconsistencies in the first pages of his Lordship's Report, deem it unnecessary to enter more fully into its details, the conflicting character of which, as compared with his Lordship's other productions, is sufficiently set forth in the report of the committee on the state of the Province, appointed by the House of Assembly; observing, however, that his Lordship sums up the Upper Canadian grievances