

SESSIONAL PAPER No. 18

Province, and the reasons which occurred to His Majesty's Ministers for avoiding any decision upon that very important Subject.¹

¹ On May 16th, 1788, Mr. Powys moved in the House of Commons, that Mr. Adam Lymburner, Agent of that section of the population in Canada, French and English, desirous of having a House of Assembly, &c., be heard at the Bar of the House in support of the petition from Quebec of 24th Nov., 1784. Mr. Lymburner being admitted read a paper pointing out the defects of the system of laws then administered in the Province and the need for a remedy. This paper is given in Q 62A-1, pp. 1-101. After he had withdrawn, a debate followed which is quite fully reported in Hansard, Vol. 27, pp. 511-533. The substance of the debate, however, is given in the following summary from the London Chronicle.

"Mr. Powys entered into a detail of circumstances and the allegations contained in the petitions. He stated it as the general wish of the Canadians, that some determinate code of laws should be established in that Province, and that they might not henceforward be subjected to the sole ordinance of a legislative Council, appointed by the Crown, and removable at the pleasure of the Crown. They wished to have a House of Assembly instituted in the province, and the English laws in general extended to them. He observed, that they had not the privilege of Habeas Corpus; at least it was not a part of their constitution, though it might be occasionally allowed them. They were deprived of the trial by Jury, except in a few instances. As to the Council, above alluded to, it ought not to exist; for, in the opinion of the best informed and most elegant historian of the present age (Mr. Gibbon), where the legislative power is appointed by the executive department, it is a sure criterion of a despotic government. The petitioners wished to be put on the same footing with the provinces of Nova Scotia and New Brunswick, which have a House of Assembly, and partake of the blessings of English laws. He thought their request was just and reasonable, and merited the attention of the House. He concluded with moving, That it is the opinion of this Committee, that the petitions from Quebec merit the serious and immediate attention of the House.

Sir Matthew White Ridley seconded the motion. The laws, he said, were in Canada vague and undefined; and wherever this is the case, very great abuses are the consequence. He hoped, that if the House should not find time in the remainder of this session to come to any ultimate decision on the subject, they would at least adopt a resolution that might give the Canadians good reason to hope for a determination in their favour in the succeeding session.

The *Chancellor of the Exchequer* agreed with the Hon. Mover, that the petitions deserved the serious attention of the House; but nothing could be done immediately in the business. Parliament, he said, was not ripe for the discussion of an affair of such magnitude as the framing of a constitution for a large, flourishing and growing province. A sufficient body of information had not been transmitted from that colony, to enable the House to determine upon the merits, of the subject contained in the petitions. As to the appointment of a House of Assembly, though he was inclined to recommend that mode of legislation, he had strong doubt whether it would be proper at this time, when the province was in a state of heat and fermentation. A popular Assembly would not tend to allay that heat. The privilege of Habeas Corpus was ordered by the Legislative Council of Quebec, to be granted to the inhabitants; so that they had no reason to complain in that particular. He was not pleased with the motion in its present form.

Mr. Fox ridiculed the idea that Parliament was not ripe for the formation of a constitution for Quebec. Could it be supposed that, after that province had been in our possession for the space of 25 years, sufficient information had not been procured to authorize a complete determination upon what laws were most expedient for the government of it? He charged His Majesty's Ministers with great neglect, and even with being unfit for the offices they held as they had not taken the proper steps to accelerate this business.

The *Chancellor of the Exchequer* vindicated himself from the charge of neglect; and *Mr. Fox* rejoined.

Mr. Marsham thought the House ought to pass a bill immediately for extending the Habeas Corpus Act to Quebec; that it might no longer be considered as a mere favour or indulgence to the inhabitants, but as a matter of right. He also proposed, that after the Chairman should have left the chair, the House should pledge itself to enter fully into this business early in the next session.

Mr. Sheridan regarded the Ministry as culpable, for having so long neglected the proper adjustment of the laws for the province of Canada.

Mr. Alderman Watson remarked, that great inconveniences arose in Canada from the bad administration of bad laws, and hoped that the British laws, in general would be extended to that province.

Mr. Martin was convinced of the propriety of coming to a speedy determination on this head.

Sir James Johnstone was friendly to the prayer of the petitions; but wished that the discussion might be postponed till next session.

Mr. Burke agreed to the motion.

Mr. C. L. Smith, *Sir W. Dolben*, *Sir Herbert Mackworth*, and *Sir Watkin Lewes*, also spoke on the occasion.

The *Chancellor of the Exchequer* having moved, that the Chairman leave the Chair, instead of putting the question on Mr. Powys's motion, a division took place; when the numbers were, for the Minister's motion 104, against it 39, majority 65.

Mr. Powys then moved, that this House will, early in the subsequent session, take into consideration the petitions from Quebec." The London Chronicle, May 15-17, 1788. Vol. 63 p. 479.