

P A P E R S  
RELATING TO  
U P P E R C A N A D A.

— No. 1. —

COPY of a DESPATCH from Lord *Glenelg* to Major-General Sir *George Arthur*.

(Separate.)

Sir,

Downing-street, 30 January 1838.

UPPER  
CANADA.

Instructions to the  
Lieut.-Governor of  
Upper Canada.

FROM Sir F. Head's despatch of the 19th December, No. 132, I observe that a special commission has been constituted in Upper Canada for the trial of those persons who may be in custody on political charges connected with the recent revolt in that province. Her Majesty's Government entirely approve the distinction which has been made by your predecessor between the cases of the few leaders in the attempt to disturb the peace of the colony, and of those misguided individuals who were seduced from their allegiance by the arts and misrepresentations of others. Nor can Her Majesty's Government 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 desire of plunder, and the offences which they perpetrated seem to bear comparatively little of a political character. In transmitting to you therefore the enclosed copy of a despatch, recently addressed by me to Sir J. Colborne, explanatory of the views of Her Majesty's Government as to the manner in which persons accused of political offences in Lower Canada should, if possible, be dealt with, I cannot venture to impose any restriction on the discretion which you will exercise in the event of any convictions taking place, in due course of law, for crimes of a serious nature committed by the insurgents in Upper Canada. So far only as the opinion expressed to Sir J. Colborne is applicable to the circumstances of the Upper Province you will take it for your guide, and I feel confident that while the open and daring violation of the law which has recently taken place will be fully vindicated, no unnecessary severity will be sanctioned by you.

6 January 1838.

I have, &c.

(signed) *Glenelg*.

Enclosure in No. 1.

Sir,

Downing-street, 6 January 1838.

Encl. in No. 1.

ALTHOUGH I am well aware that it is as unnecessary as it is impossible for me to address to you any specific instructions as to the course which, under particular circumstances, you may feel it incumbent on you to adopt, in the exercise of the powers at present vested in you, I feel it my duty to make one or two suggestions for your consideration.

Adverting to the great irritation which has for some time past existed in the minds of many of the inhabitants of Lower Canada of British origin, in consequence of the conduct of the French Canadian majority, I am extremely anxious that every precaution should be taken against any semblance of retaliation on their part upon such of their opponents as may have brought themselves by their conduct within the operation of martial law.

It seems to me with this view highly important, that courts martial for the trial of offenders during the continuance of martial law should, as much as possible, be composed of regular officers in the British army, and not of officers in the militia, or of those invested only with temporary commissions, being themselves permanent settlers in the province. Great circumspection will, I think, also be requisite in carrying into effect any capital sentences which may be passed on persons convicted of political offences. It may indeed be necessary that a sentence of this nature should be carried into effect, and without