

The first and second classes have repeatedly promoted emigration.

Those of the third class who hold places of honour and emolument.

Refutation of the opinions and statements of Lord Durham.

High Commissioner states various matters on administration of Sir F. Head.

Inaccuracies of Lord Durham's statements acquired from those who did not speak correctly.

The statement that Sir F. Head dismissed some executive councillors not correct.

The statement that among the first acts of Sir F. Head he appointed to some vacant offices those of the first class, not correct;

and of which he had fully opportunity of knowing.

His Lordship's inaccuracy in the case of Mr. Hepburne.

of the evils that have resulted from them; and as a proof of the anxiety of the provincial House of Assembly here to promote emigration, and to remove every impediment to its increase, the members, at a time when the House was composed almost exclusively of persons of the first and second classes above alluded to, repeatedly and unanimously called for the disallowance of an Act passed by the legislature of Lower Canada, imposing a tax upon British emigrants landing at the ports of Quebec and Montreal—a tax which was regarded by them as odious, injurious and unconstitutional.

With respect to the exclusion of British and Irish emigrants from places of honour and emolument in the province, it is sufficient to state that the Vice-chancellor, the Master and Registrar of the Court of Chancery, the Receiver-general, the Secretary of the Province, the Solicitor-general, four out of five executive councillors, and 12 out of the 29 legislative councillors appointed since Sir John Colborne assumed the government of the country; two-thirds of the clergy of the Church of England, a like proportion of district schoolmasters, and the principal and masters of Upper Canada College, with one exception, have been taken from that class of gentlemen; and it may be confidently asserted, that from among them a large majority of justices of the peace, militia officers, commissioners of the court of requests and other local appointments have been made; while it is a remarkable fact, that of the 16 battalions of militia ordered to be embodied for actual service for the defence of the country, ten of them are commanded by British or Irish gentlemen who have recently come to the province, selected without reference to politics or religious creed, but purely on account of loyalty and ability.

Your committee feel it unnecessary to pursue this subject further; and while they are gratified in having it in their power to offer a complete, and they trust satisfactory, refutation of opinions and statements, which, if true, would bring discredit and injury upon the province, they cannot avoid repeating their concern that those statements and opinions should have been inconsiderately advanced by a person filling the high station conferred upon the Earl of Durham.

The High Commissioner having thus recorded his opinion of the different parties in the province, proceeds to state various matters connected with the administration of Sir Francis Head, and the different departments of the government, which your committee will notice in their order as briefly as possible.

It has happened, unfortunately for Lord Durham, that he employed agents to procure information, or acquired it from parties evidently incompetent or indisposed to speak correctly upon the past political events of this province; since to this circumstance your committee are bound to attribute the many inaccuracies contained in his Lordship's report, which in themselves are quite sufficient to cast general discredit upon it.

Thus, his Lordship affirms that Sir Francis Head, on assuming the government of the colony, dismissed from the executive council some of the members who were most obnoxious to the House of Assembly, and requested three individuals to succeed them. This is wholly incorrect: Sir Francis Head did not dismiss any of the council upon assuming the government, and of course he did not appoint others to succeed them; the appointments made by Sir Francis were in addition to the councillors he found in office; and they were in fact made in consequence of the representation of the latter gentlemen, that an increase of their members was necessary for the transaction of the public business of the country.

The selection of the new councillors was, very probably, made to conciliate the House of Assembly, but not at the instance of that body or at the suggestion of any one of its members.

His Lordship next states, "that among the first acts of the Governor, after the appointment of this council, was the nomination to some vacant offices of individuals who were taken from the old official party, and this without any communication with his council. These appointments were attacked by the House of Assembly, and the new council finding that their opinion was never asked upon these or other matters, and that they were seemingly to be kept in ignorance of all those public measures which popular opinion, nevertheless, attributed to their advice, remonstrated privately on the subject with the Governor. Sir Francis desired them to make a formal representation to him on the subject; they did so, and this produced such a reply from him as left them no choice but to resign. The occasion of the differences which had caused the resignation was made the subject of communication between the Governor and the Assembly, so that the whole community was informed of the grounds of the dispute."

It is to be regretted that Lord Durham had not read the communication to which he refers in the last sentence quoted from his report before he gave this account of the cause of the resignation of the council, he would in such case have avoided the error into which he has fallen; he would have learned that no nomination to vacant offices of individuals taken from the old official party had been made after the appointment of the new council, and therefore that they had not resigned for the reasons given by his Lordship, but because they aimed at a change in the mode of administering the government, which it was deemed improper to concede, and which was therefore refused by Sir Francis Head.

A second inaccuracy occurs in that part of the High Commissioner's Report which relates to the proceedings of the new House of Assembly, in the case of Mr. Hepburne. His Lordship says that, in consequence of these proceedings, Sir F. Head succumbed to the Assembly, and persuaded Mr. Hepburne to resign his office, and to take one of very inferior emolument; and that this was done to avoid collision with the Assembly, who are represented as having been influenced by exceedingly discreditable, if not base, motives in their proceedings against Mr. Hepburne. The truth of this case is simply this: that Mr. Hepburne