

time within 18 months from the ratification of that treaty. The population at that time did not exceed 70,000. The great acquisition of territory in North America which Great Britain gained, rendered the creation of additional colonial governments necessary for these newly conquered countries; and at the same time, with a view of encouraging settlers in them, lands were offered to officers and men who had served in the late war. In the proclamation of 7th October 1763, provision was made for the civil government, which was entrusted in each colony to a governor and council, who had power to erect courts of judicature to determine in all cases, civil or criminal, according to law and equity, as near as might be in conformity to the laws of England, giving an appeal to the Privy Council. The government of the province of Quebec was thus administered until the year 1774, when the statute 14 Geo. 3 was passed. The inhabitants at that time amounted to about 90,000, the principal part of whom were of French extraction. The objects of that law appear to have been to provide a council for all the affairs of the province, except taxation, in which council the French Canadians were eligible to a seat; to establish the French laws, and trial according thereto in civil cases, and the English laws, with trial by jury, in criminal; to secure to the Roman-catholic clergy (with certain exceptions) their estates, as well as tithes from those of their own persuasion. A most cursory examination of the details of this Act cannot fail to lead to the conclusion that it was passed with an earnest desire to give to the French Canadians the free enjoyment of those laws to which they had been accustomed; to secure to them the full exercise of their religion as it had existed prior to the conquest; and to extend to them the right of being members of the council appointed to advise the governor in the conduct of their local affairs: it was an Act, in short, full of benefits and privileges for those newly acquired subjects of the Crown; and it was complained against at the time of its passing, as depriving those persons of British origin who had or might thereafter become inhabitants of Canada of the (to them) highly valued privilege of trial by jury in all cases civil or criminal. Between this period and the passing of the Act of 1791, a change gradually took place in the population of the province of Quebec: British capitalists became engaged in its commerce; British emigrants began to settle on its uncultivated lands; while numbers of those whose unconquerable loyalty had kept them faithful to the British Crown during all the vicissitudes of the American revolutionary war, were induced to emigrate to that province as a refuge, where they might enjoy that government and those rights which they had sacrificed all to sustain. Each of these classes of persons was strongly attached by habit and principle to the laws and constitution of the mother country; and indeed different proclamations had from time to time promised, more particularly to the U. E. Loyalists, that in Canada they should still enjoy the benefit of that constitution to which they were so warmly attached. Pledged, however, as the faith of the government was, and bound by every consideration to fulfil the just expectation of such settlers, the interests of the French Canadians were not overlooked; and with a view to do justice to the former classes without infringing on anything that had been granted or promised to the latter, the province of Quebec was divided into Upper and Lower Canada. The Act of 1791, the Constitutional Charter of these provinces, was passed, by which, in addition to the advantages already secured to the French Canadians, they had power further conferred upon them to provide for the establishment of such laws, for their own peace, welfare and good government, as they should consider most advisable. In granting this legislative authority there was a power of revision, however, reserved to the Crown, to prevent any particular measure injurious to the public welfare being inconsiderately adopted. The degree of independence necessary for the freedom and prosperity of the people of both provinces was unreservedly granted, while the connexion with Great Britain was secured, the King himself being one of the branches of the legislature of each province, and thereby ample security was afforded for the prosperity and safety of the provinces and of the whole empire.

That such a constitution ought to have been considered a boon by any people, and more especially by one who, prior to the cession to Great Britain, appears not to have had the smallest share in self-government, can scarcely be questioned; and your committee could scarcely have supposed that the desire expressed in the first resolution to introduce "a good and responsible system of local government," could have originated in any other cause than that the Constitutional Charter had not been carried into effect: a reference to the second resolution, however, dispels this doubt, and shows what are "the grievances" complained of, and what is understood by the terms "a good and responsible system of local government;" and your committee defer remarking upon the "similar advantages" which this province might expect to gain from the attainment of their objects by the House of Assembly of Lower Canada, until they have examined what these objects are.

These are stated in the second resolution to be:

"To render the Executive Council directly responsible to the representatives of the people, in conformity with the principles and practice of the British Constitution, as they obtain in the United Kingdom.

"To extend the principle of election to the Legislative Council, which branch of the provincial legislature has hitherto proved, by reason of its independence of the people, and of its imperfect and vicious constitution, insufficient to perform the functions for which it was designed.

"To place under the constitutional and salutary control of this House the whole of the revenues levied in this province, from whatever source arising.

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Population at that time about 70,000. Increase of territory rendered additional governments necessary. U. E. Loyalists invited to settle in the different provinces.

Government of the province of Quebec till 1774.

Number of Inhabitants about 90,000.

Statute 14th Geo. 3 passed.

Object of that statute. Passed with a view to give to the French Canadians the enjoyment of their laws, the free exercise of their religion, &c., and the right to seats in the Governor's Council.

Act complained of at the time, as being inimical to British feelings.

Between that period and 1791, British emigrants began to arrive, and loyalists who had suffered during the American revolution.

Proclamations had been issued, that in Canada they should enjoy the constitution to which they were attached.

To redeem the pledge given to each party, the province of Quebec was divided into Upper and Lower Canada.

1791.

Constitutional Act passed, conferring the further privilege of making their own laws, subject to revision in certain cases.

Constitution formed on the model of that of the mother country.

This constitution should have been considered a boon by the French Canadians.

A reference to the second resolution shows the real object of the Assembly of Lower Canada to be,

To render the Executive Council responsible to the people.

That the Legislative Council shall be elective.

Revenues of the province to be under the control of the Legislature.

"To