

Your Committee need not say how unequivocally they deprecate this unwise and destructive recommendation—nor do they for a moment believe that it will receive countenance in any quarter.

In referring to the great works undertaken by this province, Lord Durham has truly ascribed the inability of the province to complete them, to the impediments arising from the political condition of Lower Canada, and its unwillingness to contribute its aid in works in which they are equally interested; but your Committee regret that this statement should have been accompanied by most unmerited and ungenerous insinuations against the gentlemen who have gratuitously, and at great personal inconvenience, acted as commissioners in superintending the outlay of the public money. There is something so offensive and unbecoming in these passages of the Report, as to induce the Committee, from that and other internal evidence, to believe that that portion of it which relates to Upper Canada, was not written by, and never received the careful revision of, His Lordship.

Your Committee will now direct the attention of your honourable House to such parts of the high Commissioner's report, as more particularly relate to the executive department of the government, and to the legislature. In submitting to the consideration of your honourable House the observations they have to offer on this part of the subject, it is with pain they have to declare, that his Lordship appears to have adopted opinions of the most unjust and injurious description, upon information the most inaccurate, and without thinking it necessary to seek the truth in those quarters where he was most certain to obtain it.

It is somewhat singular, that Lord Durham should have overlooked or disregarded the many obvious objections that existed to his making reference in the public manner he has done, or indeed in any other manner, to the course pursued by the executive government of this province, in the administration of justice in relation to the traitors and brigands, whom it became a necessary but painful duty to prosecute. That the course pursued in Upper Canada did not harmonize with the policy of his Lordship, is not to be denied; but what was done here, was done in accordance with the known and established laws of the province: trial by jury was not dispensed with, and no *ex post facto* enactments were passed to create unknown penalties against unconvicted offenders;—and no punishments were awarded that were not within the legal authority of the Crown. Although punishments more severe than Lord Durham had the power or the inclination to award, were inflicted in Upper Canada, his Lordship has no right to dispute their necessity; and he is wholly without grounds for asserting that his policy, if known and followed here, would have been attended by any other consequences than resulted from it in Lower Canada, where he was at full liberty to give it effect. In that province, the general impunity which followed crime of the deepest malignity, was followed by renewed rebellion and increased outrage. Upper Canada has been spared that additional disgrace, and saved from the calamities of a second insurrection; whether this cause for satisfaction is to be attributed to that firm determination to vindicate the laws of the country, which your honourable House, without a dissenting voice, has thanked his Excellency the Lieutenant-Governor for exercising, no one can confidently affirm, but it is known to members of your honourable House, that the painful duty of disposing of the numerous prisoners who had subjected themselves to the severest penalties known to our laws, was entered upon with the most earnest and anxious desire to extend mercy to the utmost limits compatible with the safety of the country, and that this desire was firmly adhered to, notwithstanding the strong feeling of an outraged and deeply-injured community; loudly and unequivocally demanding examples of the utmost severity, far more numerous than were inflicted.

Without the slightest mention of the grounds on which the two persons alluded to by his Lordship, as having suffered the extreme penalty of the law, but apparently purposely omitting any notice of them, his Lordship has stated that they unfortunately engaged a great share of public sympathy—and that their pardon had been solicited in petitions signed, it is generally asserted, by "*thirty thousand of their countrymen*"! The making this statement, if strictly accurate, could answer no useful purpose, but quite the contrary; but to mark how incautious his Lordship is, in referring to facts, it is proper to state that instead of *thirty thousand* signatures, there were not *five thousand* appended to the petitions presented.

In connection with this subject, it cannot fail to attract the notice of every one, that Lord Durham appears to have altogether overlooked the outraged feelings, and deep injuries done to the loyal people of this Province, by the convicted traitors. In no part of his Lordship's report does he exhibit sympathy for them—they are the objects of reproach—the guilty are the only parties for whom his Lordship expresses sympathy or compassion.