UPPER CANADA.

disregard been the portion of those who had shown, at the elections, that they were willing to sacrifice a portion of popular influence to the great object of retaining British connexion.

How painfully must such men be excited, at reading, in Lord Durham's Report, what appears to be a justification of the course taken by the disaffected, without one word of approval to those who risked and endured so much in defence of British supremacy. In what manner, we ask, did the dominant party make use of the occasion to persecute or disable the whole body of their political opponents? Who were the numbers of perfectly innocent men thrown into prison, and who suffered in person, property, and character? And what severe laws were passed in Upper Canada, under colour of which individuals, very generally esteemed, were punished without any form of trial?

That some unauthorised individuals were prone to insult those whom they viewed, at the moment, as a fallen enemy, must have been the case. That the individuals thus insulted may have felt themselves aggrieved and annoyed, cannot be doubted; that a great many were thrown into prison (against whom the clearest proof of high treason was in the hands of the magistracy,) but who were released without trial, a mercy which they most thankfully accepted, can easily be proved. That they were perfectly innocent, could only have been placed beyond dispute by a trial, but in the cases of the great number of individuals arrested, there were not only good grounds of suspicion, but means of proof of guilt, and it would be far indeed from being the interest of the parties themselves to provoke an inquiry.

It is true, that magistrates, sometimes looking to the circumstances of their own immediate neighbourhoods, rather than to the policy of the Government at large, proceeded with more zeal and strictness than the case demanded; but what good reason for complaint has the criminal arrested for high treason, in the discovery that the magistrate, by whose authority he is arrested, has a political leaning different from himself?

It is stated in Lord Durham's Report, that it was generally believed that the pardon of Samuel Lount and Peter Matthews was solicited by no less than 30,000 of their countrymen. The number of petitioners, men and women, who petitioned for these criminals appear upon examination to be 4,574; such exaggerations necessarily refute themselves.

It is one of the most distressing effects of the publication of the Earl of Durham's Report, that his Lordship thus seems to condemn the execution of these men. If they really ought to have been spared, the publication of such a sentiment from one in high authority, cannot restore them, but it must give rise to feelings on the part of their friends and their political party who may never have imagined such a possibility as the escape from punishment of every one of the leaders of a rebellion which inflicted so much calamity upon the Province, but who will now think that had the Earl of Durham been in this Province, high treason would have been considered much in the same light as a riot at an election.

Your committee having animadverted on the principal topics in the Report of the High Commissioner beg, ere they conclude, to observe, that as regards Upper Canada, Lord Durham could not possibly have any personal knowledge, the period of his sojourn in that Province being of such very short duration. Your committee regret that his Lordship should have confided the task of collecting information, to a person who, be he whom he may, has evidently entered on his task with the desire to exalt the opponents of the colonial government in the estimation of the High Commissioner, and to throw discredit on the statements of the supporters of British influence and British connexion; that he should, in such an attempt, have laid himself open to severe censure, was to be expected. Your committee have, however, through a feeling of respect for Her Majesty's Commissioner, refrained from commenting on his Report in the terms which they honestly avow they think it merits, confident that their forbearance will meet the desires of your Honourable House, and be equally in accordance with the wishes of the family compact hereinbefore mentioned.

All which is respectfully submitted,

J. S. Macaulay, Chairman.

Committee Room, Legislative Council,
11th day of May 1839.