

Do you think it would be desirable to apply the system acted upon in Upper Canada in any alteration that may take place in Lower Canada, in the election of the Representative Assembly?—If I may express my own opinion as to what alteration should be made, I should say that the two Canadas ought to be re-united. If that plan be rejected, the next best measure would, I think, be the introduction of the Upper Canada law.

What steps ought to be taken in order to carry the Upper Canada law into effect; in what way could it best be ascertained into what portions Lower Canada ought to be divided?—Of course it can only be ascertained by persons resident there; and there must be a new Act of Parliament.

Must it be passed by the English Parliament?—Yes; because the existing division of the country, with a view to representation, depends upon the proclamation issued under the authority of the English statute; and because this is an innovation which the existing Assembly will not voluntarily introduce.

Do you consider the inconvenience arising from having two systems of descent of real property in one province a sufficient ground to overturn the system of legislature of the province, for the purpose of removing that inconvenience?—To the question proposed in that abstract form I should answer no. If that were the single inconvenience, I would not alter the legislative system in order to remedy it.

Was it not upon that ground principally that you rested your wish to have the legislative system altered?—My reasons for wishing to have the legislative system of Canada altered are many, but chiefly this: If you persevere in the present system, I fear it is but too evident that you are sowing the seeds of separation between the Canadas and this country.

In what way would the continuance of the existing state of things unaltered be likely to lead to a separation between the Canadas and this country?—I cannot too anxiously disclaim the intention of impeaching the loyalty of His Majesty's subjects in the Canadas; it would be the height of impropriety were I to suggest a doubt of their fidelity to the government under which they live. I have no reason to doubt it; and on the contrary, have many reasons to know that a spirit of cordial affection to His Majesty's person and government has been very recently manifested in those provinces. I speak only of what is future and probable. Consider then what is the situation of the Upper Province, and of the English part of Lower Canada. The colonists occupy a territory imbedded among foreign states: on the one side are the Americans, on the other the French Canadians, who though living under the same sovereign are essentially foreign to the Upper Canadians in language, laws, institutions, habits and prejudices. Nature provided the Hudson to the south, and the St. Lawrence to the north, as the great channels of communication between the English territories and the rest of the world. But the people of New York command the Hudson, and the people of Lower Canada the St. Lawrence. The city of New York on the one stream, and of Quebec on the other, are outposts interdicting all commercial intercourse with English Canada, except on such terms as the Legislatures of New York and Quebec are pleased to prescribe. Is it reasonable to think that the people of English Canada will permanently acquiesce in this exclusion? Is it good policy to make them continually feel that a union with the great republic to the southward would open to them channels of commercial intercourse, from which your laws have interdicted them?—Can it be supposed that they will always be content to lose the vast commercial advantages which they would derive from their unequalled inland navigation if their intercourse with the ocean were unimpeded? A capitalist in Upper Canada can employ his property only in agriculture. If he engages in trade, it must be either in the United States as an alien, or in Lower Canada under all the restraints which a French Legislature may impose on him. I recommend a union, therefore, as the only effectual mode of rescuing the Upper Province and the English townships from disadvantages to which I think it is neither just nor safe to subject them. But I advise it also on this further ground: It is vain to conceal the fact that the Act of 1791 has established a monarchical government without securing any one means of authority or influence to the monarchical branch of it. The Government can neither control by its prerogative, nor influence by its patronage. The ties by which the people are bound to their Sovereign are not of the same strong and enduring character as the corresponding obligations between the King and the people in the old European States. It is impossible to suppose that the Canadians dread your power. It is not easy to believe that the abstract duty of loyalty, as distinguished from the sentiment of loyalty, can be very strongly felt. The right of rejecting European dominion has been so often asserted in North and South America, that revolt can scarcely be esteemed in those continents as criminal or disgraceful. Neither does it seem to me that the sense of national pride and importance is in your favour. It cannot be regarded as an enviable distinction to remain the only dependent portion of the New World. Your dominion rests upon the habit of subjection; upon the ancient affection felt by the colonists for their mother country, upon their confidence in your justice, and upon their persuasion, that they have a direct interest in maintaining the connection. I fear that all these bonds of union, and especially the sense of interest, will be greatly weakened if you persist in excluding them from all control of the navigation of the St. Lawrence. But even if all these ties remain, they are not the surest supports of empire. When thinking, as I have often thought, on the apparent fragility of our tenure of the Canadas, one, and only one, mode of strengthening it has occurred to me. I would bring the French and English representatives with an equality, or some approach to equality of numbers, into the same Legislature. I would appoint over them a governor possessing temper and wisdom enough to moderate between the two parties. By maintaining a severe regard to justice, and to the constitutional rights of the King's subjects of every class, he might acquire a large and legitimate influence. This I know is a task not to be committed to vulgar hands. But I am much mistaken if a great and permanent accession of power to this country would not be derived from the mild, firm and just management of the two great parties, equally balanced and counterpoised in the same assembly.

If the state of colonial dependence is so injurious to the commercial interests of the Canadas, is it evident that a union would improve their condition?—I do not apprehend that the commercial dependence is injurious to their interest; on the contrary, as the law of England now stands, it is highly advantageous to them. They have privileges in the English markets which other nations have not. What I said rather was, that the English population of the Canadas are so surrounded by foreign nations that in fact all commerce is interdicted to them, except on the most inconvenient terms.

Have they not a great advantage over the states of North America by having a free access to the trade of Great Britain?—I think they have.

Does not that more than counterbalance any disadvantage that they are under from their exclusion as colonies from a free trade with other countries?—A dry and accurate computation would, I believe, prove it; but large bodies of men are not much governed by calculations of any kind. You must address their affections or their imagination if you desire to move them.

Did you in your answer mean to refer to the inconvenience which arises to the Upper Province, from the circumstance of the Lower Province being interposed between them and the port of entry?—From the circumstance of the Lower Province legislating for the navigation of the St. Lawrence, and imposing, at its discretion, all the duties payable there. The English Canadians stand towards the Lower Province in a relation not dissimilar to that in which they stand to the State of New York. That state legislates for the trade of the Hudson; the Province of Lower Canada legislates for the trade of the St. Lawrence. On either side the outlet is barred by laws which they have no share in making.

Is there no mode of reconciling that but by a union?—I can imagine none.

Is there any risk under such a system of the party who is not favoured by the Governor looking to foreign aid?—I assume, as a postulate, that you have a Governor who will have magnanimity and discretion enough to favour neither party, but who will maintain a just, an equitable, and a benignant mediation between both.

Do not you see very great inconvenience in the circumstance of the immense distance of different points of the Canadas from each other, along a line of country extending no less than 1,500 miles; do you not think that that circumstance would present the greatest difficulties to uniting them in one Legislature?—In the first place there is not a line of inhabited country extending 1,500 miles; it scarcely reaches 1,000. In the next place the country is intersected by great navigable waters, and the steam-boats would convey the

legislators backwards and forwards readily enough. But the difficulty anticipated probably is, that a Legislature sitting at Montreal or any other central place, would be inconveniently remote from the different parts of the country, and that the members could not be adequately acquainted with the localities. Now I assume that at the Legislature would be disposed to delegate a part of its own powers to various local and subordinate authorities, such as quarter sessions, corporate towns, and justices of the peace. It would reserve for its own interference only the great and more important questions. Just as in this country Parliament does not make laws for every hundred or parish, but establishes a kind of county and parochial legislation throughout the kingdom.

Are you not aware that in the United States the disposition has constantly been in favour of subdivision rather than in favour of amalgamation?—The circumstances of the United States and of Canada are so different, that analogies of this kind must be admitted very cautiously. The motives, which in my judgment should lead to a legislative union between the Canadas, could not operate on any of the states composing the great American Union.

Do you not consider, that as the whole English population of the Canadas is about 26,000, while the French population is about 400,000, that the disadvantage would be greater than the advantage, in disaffecting so large a proportion of the population as would be disaffected by the union?—I hold it as a settled point, that whatever you do, or whatever you decline to do, you must reckon upon a great mass of discontent and uneasiness. The measure I propose would at least conciliate many. If you leave things as they are, I believe that no one will be gratified; some change seems to me inevitable.

Do you not consider that part of the discontent and inconvenience that have arisen may be attributed rather to the administration than to the constitution itself?—Some part has probably so arisen, but comparatively a very small part. The great source of these controversies is the difference of the two races, combined with the differences between the territories on which they are settled. Their national antipathies are whetted by many accidental contrasts between their respective situations. Bad government may exasperate these evils, but the most perfect government, without a radical change in the system, could never cure them.

Do you consider that the difference arising between two nations are better healed by bringing them face to face in the same Assembly than by keeping them apart?—You cannot avoid bringing them face to face in the Assembly, for that is the present system. Upon the plan I propose there would, it is true, be a greater number of opposing faces, but then the number so opposed would be in more equal equality. They will learn to respect each other's power, and will become comparatively quiet.

Do you suppose that the Act of 1791 is founded upon false principles?—I do. The Act of 1791 was, I think, in effect an Act to create two new republics upon the continent of North America. It contains no one effectual provision for supporting the monarchical power.

Supposing the measure you contemplate to take place, do not you think one of its effects would be to render Upper Canada much more physically powerful?—Yes, I should think it would.

Would not it also have a tendency to depress the French population of the province who are not commercial men, and people of different habits?—I think that the comparative depression of the French, at no very remote period, is inevitable. They will sink under the weight of the English, or of the Anglo-American influence in these provinces.

Have you had any means of forming an opinion of what the sentiments of Upper Canada are upon the subject of the Union?—I apprehend them to be in favour of that scheme. I cannot doubt their concurrence in a measure by which their great object of legislating for the Port of Quebec would be secured. There is also this negative proof of their approbation of it, that when the scheme of the Union was agitated the Upper Canadians never concurred in any of the protests against it.

Do you think it would be desirable for the Government of this country to propose that or any other great alteration in the fundamentals of the constitution of the Canadas, without giving that country full time to express its opinion upon the subject?—Extreme measures of that kind are only to be justified by an extreme and evident necessity. If the extreme necessity could be made out, I would not hesitate to take the extreme measure. It is just reduced to that question; and there are many persons intimately connected with the Canadas who are greatly alarmed as to the consequences of postponing this measure, even till the 1829.

Do you apprehend no danger from giving the French Canadians so extensive an influence over Upper Canada as they must necessarily acquire if the provinces are united? I believe the danger will be wholly in the opposite direction. In a Legislature which is to debate in English, to make laws in English, and to proceed according to English parliamentary rules, the English influence must necessarily predominate. Besides there is a peculiar aptitude in the English character for success in this species of controversy.

If an alteration was made in the Assembly of Lower Canada, by laying out, for the purpose of representation, divisions of the townships, and such portions of the country as were likely to be settled by the English, do you think that the change thereby effected in the Legislative Assembly of Canada would be likely to lead to an union, and to diminish the objections made to it?—You will never have a voluntary union until there is a majority of English to carry the question of Union; but up to that point you must proceed through a series of conflicts which would tear the province in pieces.

Supposing a union to take place, and that the English interest should become quite paramount, and the Canadians quite depressed, do you consider that this country would have a stronger or weaker hold over the country on that account?—I can hardly anticipate the possibility of such a total depression of the French interest as the question supposes. I would legislate from the commencement upon this principle, that the representatives shall be drawn equally from the two races; of course I do not mean with precise numerical equality. But if provision were made for equalizing the two races in the Assembly, then on might, I suppose, calculate with great confidence upon either party retaining considerable strength for a great length of time to come.

Do you mean that they should be equalized in point of numbers?—I would have a legislature (assume for example's sake) of 100 members, of whom I would propose that 50 should be French and 50 English, and I should expect that under the mediation of a wise government they would proceed amicably by compromises, as other legislatures proceed.

Do you think that the habits of the English population, and their tendency to commerce, make it likely that they will have a superiority over the French population?—I think they will always form the commercial part of the society, and having the superiority of wealth, and probably of intelligence, they will gradually obtain (as on that hypothesis they ought to obtain) a superiority in all other respects.

Are you acquainted with the Act called the Seditious Act in Upper Canada?—I am acquainted with it by having read it some years ago.

Do you know the circumstances under which it was passed?—It was passed in the year 1814, soon after the commencement of the late war with the United States of America.

Do you know the powers it gives?—It gave very ample powers: it suspended the Habeas Corpus Act, and it gave the governor and members of council a power of imprisonment in all cases of treason or suspicion of treason.

Is that Act still in force in Upper Canada?—No, it expired at the end of the war.

Have there not been several bills from time to time which have passed the Legislative Assembly, and have been rejected by the Upper House in Lower Canada?—Several.

Can you give the Committee any information as to the reasons for which those bills were rejected?—The bills that have been rejected, so far as I have any knowledge of them, are these. First, various bills of supply were rejected on the ground that the Assembly asserted by them the right of appropriating the whole revenue of the province. Secondly, a bill for enabling the inhabitants of Canada to maintain suits against the Crown was rejected, because as that suit would have been tried before the Governor and Council, the same object could be more readily answered by a petition addressed at once to that body. Thirdly, a bill for regulating fees of offices was rejected because the Council did not think the offices useless or the fees improper. Fourthly, bills for establishing corporate bodies for the government