

ACT OF THE UNION.

Examination of John Neilson.

The Present Article Consists of some Extracts from a Document of Great Interest and Importance, even apart from our Contention, viz., the Report of the Committee of the House of Commons, on the Civil Government of Canada.

Where do you usually reside?—My usual residence has been at Quebec; I have resided for the last five or six years six miles from Quebec.

Are you a native of Quebec?—No; I am a native of Scotland.

How many years have you resided in Lower Canada?—Thirty-seven years.

Have you ever been, or are you at this time, a member of the House of Assembly in Lower Canada?—I have been a member of the House of Assembly of Lower Canada, for the County of Quebec, for ten years.

Are you now deputed by any portion of the inhabitants of Lower Canada to make any representations to His Majesty's Government in this country?—I am deputed, with Mr. Viger and Mr. Cuivillier of Montreal, on the part of the petitioners who subscribed the petition presented to the House of Commons lately.

Will you state what are the grievances of which the inhabitants of Lower Canada complain, and what is it they seek a remedy for from the Government of this country and from Parliament?—I shall take the liberty of stating the grievances as they are stated by the petitioners themselves. They complain, in the first instance, that the state of the Province has been growing worse for several years past, in respect to trade, and the value of the landed property and the profits of industry. They complain that the expenses of the Government are high. They complain that there has been a waste of the public revenue and resources; that the public moneys advanced or paid for public purposes are not sufficiently accounted for; that large losses have consequently ensued; that the laws that are conceived by the people to be necessary for the common welfare are rejected by one of the branches of the Legislature, that branch being chiefly composed of persons who are dependent upon the Government of the Province.

What are your constituents principally?—The majority of them are what they call of French extraction.

It is stated in the petition that a great many militia officers have been dismissed without just cause?—There have been a great number of dismissals, and they allege that it has been without sufficient reason or just cause.

What, in public opinion, is believed to be the reason that those militia officers were dismissed?—The almost universal opinion, latterly, is, that it is owing to their taking a part in sending complaints to England.

What grounds are there for entertaining that opinion?—There is no doubt that several of them were present at the meetings at which the petitions were adopted, and I believe that several of them presided at those meetings.

Was any motive assigned for their dismissal by the Government?—Yes, a very bad motive—having become active instruments of a party hostile to His Majesty's Government.

Were they dismissed by a general order?—They were dismissed by a general order. There had been about 200 dismissals within the last eighteen months—either dismissals, or putting on the shelf in another way. There has been a general doing and undoing of the whole militia. The general order for the last dismissals is as follows:

"GENERAL ORDER OF MILITIA.

"Office of the Adjutant-General of Militia. QUEBEC, February 21, 1828.

"The Governor and Commander-in-Chief has seen with regret that several officers commanding battalions of militia, forgetting their duty to set an example of subordination and respect for authority to those placed under their command, have shown themselves the active agents of a party hostile to His Majesty's Government. Such conduct, tending to create discontent in the country, and to bring the Executive

Government into contempt among the people, cannot be permitted to pass without notice. His Excellency, therefore, in virtue of the power vested in him by His Majesty, signifies to the undersigned officers that His Majesty has no further occasion for their services:—

"Third Battalion of Buckinghamshire—Lieutenant-Colonel Francois Legendre. "First Battalion of Bedford—R. Hertel de Rouville.

"Third Battalion of the County of Saint Maurice—A. Poulin de Courval.

"First Battalion of Kent—R. Boucher de la Bruere.

"Second Battalion of Huntingdon—Major M. Raymond.

"The Governor-in-Chief thinks it not less his public duty than an act of justice to the loyal militia of the Province, to put them on their guard against being misled by the arts and misrepresentations of ill-disposed persons, to entertain unfounded suspicions of the views and acts of government, or to swerve from that respect for its authority, and that spirit of obedience to the laws, which becomes dutiful and loyal subjects.

"By order of his Excellency the Governor-in-Chief, (Signed)

"F. VASSAL DE MONVIEL.

"Adjutant-General, M.F."

Have any steps been taken for the establishment of schools in the Townships?—Yes; but they will not have those schools in the Townships. They will have no schools in the Townships that may appear to be under the direction of one particular church.

In your opinion, what would be the best system upon which schools for the instruction of the population generally could be established in the colony?—The system that was proposed by the House of Assembly, by a bill in 1814, was similar to that of Scotland, and with some of the modes adopted in New England. It was to have schools in every parish; the parishioners to have the power of assessing themselves for the purpose of maintaining those schools, and to appoint persons, a kind of trustees, to have the management of the schools.

Could schools be established, to which both Catholics and Protestants could have recourse in common?—The moment you distinguish between Protestant and Catholic, that moment you separate them from one another. You must not consider them as either Protestants or Catholics, or else there is a distinction between them immediately.

Is not the power of charitable contribution for the purposes of education limited by law in Canada?—It is. After a great many efforts to establish schools in Lower Canada, (I think the Bill was rejected five or six times,) allowing a certain sum for every school that would be established—leaving the schools under the direction of the clergymen of the different denominations—each denomination to have the direction of the schools of its own sort, and allowing £200 for the purpose of erecting a school and placing a schoolmaster in it, provided there were a certain number of scholars—at last a Bill was agreed to, allowing them to hold property to an amount not exceeding £75, I think, for the purpose of schools. Before that, the people would not hold any property, even if it were a gift, for the purpose of schools, because the heirs of the person that had made the gift used to come in and take it away from them—the Statute of Mortmain prevented it; so that there are no schools for the education of the people, except those that are established by charity. The people are, however, making great efforts in favor of schools; and whether they are assisted by law or not, they will be educated.

Were those Bills rejected by the Legislative Council?—They were.

On what grounds?—I cannot say. The general expression among them was, that they would have no other Act but the Act of 1801—and the Act of 1801 could not be executed, from the fears with respect to religion.

Was there any disinclination expressed to the system of the people assisting themselves?—No; that Bill, however, never got to the Legislative Council; it was introduced just at the close of the war—and the substitute for it was a gift to each parish. Whether it was a parish of the Roman Catholic Church, the Church of England, or the Church of Scotland, or of the Dissenters, provided they established a school, and had a certain number of scholars in it,

they were to have from the Provincial Fund £200; but that was objected to in the Legislative Council. Then, seeing that had failed so often, permission, as I have mentioned, to each parish to hold property for schools was introduced, and it finally passed, allowing property to the amount of £75 a year to be held by these schools.

Do you understand that a great desire for instruction has displayed itself in the townships?—There is no doubt of it; there is no American that does not think the education of his children is an essential part of his duty.

Do you apprehend that any difficulty would be made by the Canadian party to any such enactments?—I can assure the committee that the Canadian party will do everything possible to promote education, no matter by what party; they are persuaded that the country cannot get on without a general education.

Was there ever a period when the measures of the Government were commonly supported by the majority of the Assembly?—Certainly; after the establishment of the constitution, in 1792, till 1806 and 1807, the Government had a constant majority in the House; or, at least, government generally succeeded in all its measures.

To what do you attribute the change that has taken place since that period?—The great cause of the change was the administration of Sir James Craig; he was very violent with the House of Assembly and the people generally, and he accused them of a great many things; and, finally, on the eve of a general election, he put three of the leading members of the Assembly into gaol, under a charge of treasonable practices, and kept them there till some of them subscribed to any conditions, in order to get out—and others continued in till they opened the doors of the gaol and let them go out. The truth was, that there was no notion of treason among the people.

Since that period, has the Government had no majority in the Assembly?—It never could command a majority. During the whole administration of Sir George Prevost they were unanimous in supporting all his measures, because there was a question then of defending the country, and of doing what was necessary to be done to aid for that purpose; and they were nearly the sole supporters of the Government at that time. During Sir John Sherbrooke's administration the people generally were on the side of the Government, and they had a majority for all their measures in the House of Assembly; but they have had no majority that they could command since the time of Sir James Craig.

You state in this letter that the laws which regulate property and civil rights, the customs, manners, religion, and even prejudices, prevailing in the two Provinces are essentially different; and you also state, that the inhabitants of Upper Canada, from their distance from the sea, and the want of an external market, have, in a great measure, ceased to be consumers of the description of goods upon which duties are raised in the port of Quebec; and you go on to shew that their interests are so distinct, that there would be no mode of inducing them to co-operate in measures for the public welfare, or to entertain the same views of general policy. Is that still your opinion?—It is true that the laws, customs, manners and prejudices of the two countries are essentially different; it is true, likewise, that they are beginning to consume largely American manufactures in Upper Canada, particularly in that part of the country above Lake Ontario, which I think contains about half the population of the Province, and I believe there is a great line of distinction between the whole of the views and interests of the two provinces. I cannot say positively that they could never be brought to co-operate under very difficult circumstances; but, generally speaking, it would be considered a very great hardship, that the people of Upper Canada should be obliged to come to Lower Canada to make their local laws, or that the people of Lower Canada should be obliged to go to Upper Canada to make their local laws. The United States, along that frontier, have the convenience of having five different local Legislatures along that same line. There is nothing got by being a member of the Assembly of Provinces; it is all labor and no profit. In that case they must go seven hundred miles through a country very difficult to travel, to attend to all their little affairs. It would render the situation almost un-

fit to be held by anybody that had not a larger fortune than can be found in that country.

From your knowledge of Lower Canada what do you conceive would be the feeling of that Province with reference to a Union?—It is clearly averse to it; both Provinces are decidedly averse to it.

What do you believe to be the feeling in Upper Canada with reference to the question?—Upper Canada I believe to be clearly averse to it; they wish not to be troubled with us in the management of their internal affairs. The truth is, that every portion of the population in America desire, as much as possible, to have the management of their internal affairs confined within narrow limits. In the United States, wherever a state was extensive, they have divided it into several states, for the convenience of local management. They cut off the State of Maine from Massachusetts; they cut off two or three states in Virginia, and in Pennsylvania; the object of that country is rather to sub-divide states than to unite them.

When you stated that you thought that the relationship between the colonies of North America and this country was much the same, with reference to points of general government, as that which exists between the different states of America and their centre of government, you must be aware that there are several material differences that must be taken into consideration. How would you propose to supply the want of representation in this country?—We have never complained on that head, nor can we think of having a representation here.

Would not you require that the colonies should have some representation in this country?—We have asked for an agent to represent the interests of the colony, particularly at times when there may be a difference of opinion between the executive and the representative branches—for we are not much afraid of anything wrong going on here, if we can have an opportunity of being heard.

Are there any religious animosities between the Catholics and Protestants in Lower Canada?—No, not among the people generally; but there has been a good deal of apprehension on the part of many Catholics since 1817. The whole Government and the Legislative Council being in the hands of Protestants, and particularly of one church—the corporation that was to manage the schools happened to be of the same description, and they attempted to establish those schools all over the province—some of the Catholics imagined that it was a kind of a proselytizing plan, and it raised some jealousy.

Are the Committee to understand, from what you have said, that if both the Catholic and Protestant religions are protected in their establishment in that country, and there is no appearance of any design on the part of the Government to infringe on the rights of one or the other, you do not apprehend that there will be any religious animosities between Protestants and Catholics in the Province of Lower Canada?—I should think so. It was not till 1821, upon the rejection of the School Bill sent up by the House of Assembly, giving the direction of the schools severally to the clergy of all religious denominations, that there did seem to break out any great jealousy on the part of the Roman Catholics. That confirmed them in their jealousies, which they probably had internally before, on account of certain instructions already mentioned; but then they burst forth to a great extent. Since that time they have gone on increasing; but they did not believe; nor do they believe, that the government of this country was at the bottom of it—they generally thought that it was something started in the colony, and it has not in consequence of that got to so great a height as it would have otherwise got—for amongst the body of the people, at the present moment, no man asks whether his neighbor is a Catholic or Protestant—there are Catholics and Protestants in the same family and neighborhood, and all living in perfect harmony. In truth, no country was ever more exempt from religious animosities than Lower Canada has generally been during the thirty-seven years I have resided there.

Are there any attempts to proselyte on the part of the Catholic Church?—No; I think they are the least proselytizing people that I have ever seen. I have been frequently at the houses of