

It is impossible for any one to meet charges so general as those advanced by Lord Durham, but your committee may venture to remark, that although it is possible that some innocent individual may have been thrown into prison during the insurrection, and although it is also possible that some such persons may have been subjected to harrassing proceedings instituted by magistrates whose political leanings were adverse to them, such occurrences ought not to excite surprise, and assuredly ought not to be made the ground of general condemnation. It has never yet happened, your committee believe, that a political insurrection has occurred, in the suppression of which some innocent persons have not been subject to suspicion, and oftentimes falsely accused; but that the government or magistrates availed themselves of the occasion of the insurrection in this province to persecute and disable the whole body of their political opponents, cannot be asserted with any degree of truth; neither do your committee believe that any person of intelligence and character among the reformers will be found to say so.

Referring to the administration of justice in this province, Lord Durham remarks that, "it is true, it appears much better in Upper than in Lower Canada; courts of justice, at least, are brought into every man's neighbourhood, by a system of circuits, and there is still some integrity in juries." Why his Lordship should have permitted this paragraph to appear in his report is altogether incomprehensible; your committee do not believe that any man who had a regard for truth was to be found in the province so reckless as to attempt to throw discredit on the integrity of the learned judges of Her Majesty's courts in Upper Canada; and the equivocal terms used in referring to the juries are as offensive as they are unjust. Those who are concerned in the administration of justice desire no praise for doing their duty honestly and conscientiously; and your committee believe your honourable House might safely defy the High Commissioner to point out any portion of Her Majesty's dominions where these duties are performed with greater uprightness than in this distant colony of the empire.

Your committee will next advert as briefly as possible to that part of Lord Durham's report in which he endeavours to disparage and bring discredit upon your honourable House, and directly to impeach the integrity of those loyal and independent men by whom the majority of the Assembly were chosen. His Lordship states, that "the circumstances under which they were elected were such as to render them peculiarly objects of suspicion and reproach to a number of their countrymen."

As in the instance of the charges insinuated in that part of the High Commissioner's report which relates to the insurrection, his Lordship adduces no fact in support of allegations which your committee are bound to declare have been unjustly made; while, on the other hand, evidence which did not depend upon the mere assertion of your honourable House, but which was established and confirmed by documents and facts that defied contradiction, were within his Lordship's reach, and would have prevented him, had he been disposed to consult them, from making the unfounded charges which he has rather chosen to give currency to, that "in a number of instances the elections were carried by the unscrupulous exercise of the influence of the government, and by a display of violence on the part of the Tories, who were emboldened by the countenance afforded to them by the authorities," and that "the Tories succeeded in carrying more than one seat by means of the violence of the organized mob (referring to Orangemen) placed at their disposal." It will not be expected that your committee should go over the evidence which has already been laid before the people of this province and the British nation repudiating these statements. There is no necessity for doing so as regards the electors of Upper Canada, and Her Majesty will receive every necessary information from the report adopted by your honourable House at its first session, on the petition of Charles Duncombe, addressed to the House of Commons. It would seem, indeed, from a perusal of his Lordship's report, that he had received and adopted, as true, the statements made by this now fugitive traitor, wholly disregarding the ample refutation they received in the report referred to. With respect to the degree of confidence that may be reposed in your honourable House by your constituents, it becomes not your committee to speak; but they feel a great satisfaction in knowing, that in whatever light their conduct may be viewed by those to whom they are responsible, and before whom they must soon and are ready to appear, they have endeavoured faithfully to do their duty to their Sovereign and their country, and they are well satisfied that the great bulk of the inhabitants of Upper Canada, of all parties and creeds, will be ready and willing to shield them from unmerited calumny and reproach.

Your committee have not overlooked the apparent injustice done in permitting the statements made by the High Commissioner, so injurious to your honourable House, to be made public, when their refutation was in the hands of Her Majesty's Ministers; but your committee feel it right to explain that the whole report of his Lordship appears to have obtained currency in a most irregular manner, and without the concurrence or sanction of the Government.

Your committee will here close their remarks on the various allegations in the report of the High Commissioner that appeared to them to require particular animadversion. If, in the course of their remarks, they have been betrayed into too strong an expression of reproach or indignant refutation, they trust that it will not be ascribed to a wanton indifference to that courtesy and respectful deference that should mark the proceedings of a public body towards those of high rank and station; and, on the other hand, they trust that they will not be denied the credit of having forbore to apply animadversions of far greater severity than they have used to many parts of a report which they can truly affirm, and which they believe they have clearly proved to be most unjust and unfounded, and which are calculated to have a most mischievous influence on the future destinies of these colonies.

Though some innocent persons may have been imprisoned during the late insurrection, it should not excite suspicion.

For a political insurrection never yet occurred, in which innocent persons have not been subject to suspicion.

Notice of his Lordship on administration of justice in these provinces.

His Lordship's insinuation on administration of justice repudiated.

That part of the report referred to which endeavours to disparage the House of Assembly.

No facts adduced in support of allegations.

The elections declared by his Lordship to have been carried by an undue exercise of government influence.

It appears as though he received and adopted, as true, the statements made by the traitor Duncombe.

The apparent injustice done to the House, in making public certain statements in Lord Durham's report, has not been overlooked.

Committee close their remarks on the allegations of the High Commissioner.

Committee vindicate themselves on the manner of treating the Report of Lord Durham.