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J. P. Jarvis



# Upper Canada Gazette, EXTRAORDINARY.

TORONTO, WEDNESDAY, 20th APRIL, 1836.

By Authority.



TORONTO, WEDNESDAY, 20th April, 1836.

This day at four o'clock His EXCELLENCY the LIEUTENANT GOVERNOR proceeded in State, from the Government House to the Chamber of the HONORABLE the LEGISLATIVE COUNCIL, where being arrived, and seated on the THRONE, the Gentleman Usher of the Black Rod was sent with a message from His EXCELLENCY to the HOUSE OF ASSEMBLY, commanding their attendance. The members present being come up accordingly, His EXCELLENCY was pleased to prorogue the Session of the Legislature with the following

### SPEECH :

*Honorable Gentlemen of the Legislative Council: and, Gentlemen of the House of Assembly:*

Before I release you from the Legislative duties in which you have been respectively engaged, I consider it necessary, to recapitulate the principal events of this Session.

You are perfectly aware that for many years the House of Assembly of Upper Canada have loudly complained of what they term their "Grievances," and that at the end of your last Session these complaints having been referred to a "Committee of Grievances" were, by the Assembly, "ordered to be printed in pamphlet form." In pursuance of this order, a volume containing 570 pages, was forwarded to, and received by, His Majesty's Government, as containing the sum total of the complaints of the People of this Province.

Whether the mere order for printing this Report of the Committee, could be legally considered as sanctioning it with their opinions, I have no desire to discuss; because no sooner did the said Report reach His Majesty's Government, than it was determined that the Grievances it detailed should immediately be effectually corrected; and accordingly Instructions were drawn out by His Majesty's Secretary of State for the Colonies, in which each subject of complaint was separately considered, and a remedy ordered for its correction; and I have only to refer to those Instructions, to prove the generosity with which His Majesty overlooked certain language contained in the Report, and the liberality with which He was graciously pleased to direct that impartial justice should be administered to His Subjects in this Province.

His Majesty's Government having determined that I should be selected to carry these remedial measures into effect, I waited upon the Colonial Secretary of State, (to whom, as well as to almost every other Member of the Government, I was a total stranger,) and respectfully begged leave to decline the duty, truly urging as my reason, that having dedicated my whole mind to a humble but important service, in which I was intently engaged, it was more congenial to my disposition to remain among the yeomanry and labouring classes of my own Country, than to be appointed to the station of Lieutenant Governor of Upper Canada. His Majesty's Government having been pleased to repeat their request, I felt it impossible not to accede to it, and I accordingly received the Instructions which had been framed; and having had the honor of an interview with His Majesty, during which, in an impressive manner which I can never forget, He imposed upon me His Majesty's commands to do justice to His Subjects in this Province, I left England with a firm determination to carry the remedial measures with which I was entrusted, into full effect.

I arrived at this Capital on the 23d of January last, and on the 27th I delivered a Speech in which I informed you, I would submit in a Message the answer which His Majesty had been pleased to give to the several Addresses and Representations which proceeded from the two Branches of the Legislature during the last Session. I added, that as regarded myself, I had nothing either to promise or profess, but that I trusted I should not call in vain upon you for that assistance which your King expected, and which the rising interests of your Country required.

In thus officially coming before the Legislature of this Country from our gracious Sovereign, with a full measure of Reform, I had expected that my appearance would have been hailed and welcomed by both Houses of the Legislature, more especially by that, from which had proceeded the Grievance Report; and I must own, I never anticipated it could seriously be argued for a moment that I was intruding upon the Privileges of either House.

Having made myself acquainted with the outline of Public Feeling in this Province, by conversing calmly with the men of most ability of all Parties, I communicated the result to Lord Glenelg, in Despatches dated the 5th of February, of which the following are extracts:

"Under these circumstances I consider that the great danger I have to avoid is the slightest attempt to conciliate any party—that the only course for me to adopt is, to act fearlessly, undisguisedly, and straight forwardly, for the interests of the Country,—to throw myself on the good sense and good feeling of the people, and abide a result which I firmly believe will eventually be triumphant."

"Whatever may be the result, I shall steadily and straightly proceed in the course of policy I have adopted."

"I shall neither avoid, nor rest upon, any party; but after attentively listening to all opinions, I will, to the best of my judgment, do what I think honest and right; firmly believing that the stability of the Throne, the interests of this Province, and the confidence of the People, can now only be secured by such a course."

To the Speakers of both Houses, as well as to many intelligent individuals with whom I conversed, I declared my sincere determination to do justice to the people of this Province. It was however with deep regret I observed, that from the House of Assembly I did not immediately obtain the assistance I expected in carrying the Instructions of His Majesty's Government into effect; for I received various Addresses requesting papers and information which I feared might excite troublesome and by-gone discussion.

On the 5th of February I received an Address of this nature, to which, in as conciliatory a tone as possible, I replied at considerable length; and being now determined to urge, and, if possible, to lead the House of Assembly on towards Reform, I concluded my Reply in the following words:

"The Lieutenant Governor takes this opportunity of appealing to the liberality and good sense of the House of Assembly for consideration, that as a stranger to this Province, totally unconnected with the political differences which have existed in the Mother Country, he has lately arrived here entrusted by our most gracious Sovereign with Instructions, the undisguised object of which is, firmly to maintain the happy Constitution of this Country inviolate, but to correct cautiously, yet effectually, all real grievances."

"The House of Assembly is deeply interested in the importance and magnitude of the task he has to perform; and he is confident it will, on reflection, be of opinion, that the Lieutenant Governor of this Province had better look steadily forward to its future prosperity and improvement;—that he had better attract into Upper Canada the superabundant Capital and Population of the Mother Country by encouraging internal peace and tranquillity, than be observed occupying himself solely in reconsidering the occurrences of the past."

"The Lieutenant Governor does not assert that the latter occupation is totally useless, but he maintains that the former is by far the more useful, and that to attend to both is impossible."

This appeal did not produce the effect I had anticipated: but I received another Address from the House of Assembly in behalf of eight Indians of the Wyandot Tribe; and I had scarcely entered this new and questionable ground, when a counter-petition was forwarded by eleven members of the same Tribe, in which they spontaneously declared, "we have the fullest confidence in the justice and fatherly protection of our beloved Sovereign and his Representative the Lieutenant Governor."

Another new set of Grievances was now brought forward by the House of Assembly, in the form of an Address to the King on Trade and Commerce, which I immediately forwarded to His Majesty's Government, although the principal complaints in the Grievance Report still remained unnoticed and unredressed.

During these discussions I purposely refrained from having much communication with the old supporters of the Government; because I was desirous to shew those who termed themselves Reformers, that I continued, as I had arrived, unbiassed and unprejudiced; and desiring to give them a still further proof that I would go any reasonable length to give fair power to their party, I added three Gentlemen to the Executive Council, all of whom were avowed Reformers.

With the assistance of these Gentlemen—with His Majesty's Instructions before us—and with my own determination to do justice to the Inhabitants of this Country, I certainly considered that the triumph of the Reform which

had been solicited, was now about to be established, and that the grievances under which the people of this Province were said to labour, would consecutively be considered and redressed. But to my utter astonishment these Gentlemen, instead of assisting me in Reform, before they were a fortnight in my service, officially combined together in an unprecedented endeavour to assume the Responsibility I owed to the People of Upper Canada as well as to our Sovereign, and they concluded a formal document which they addressed to me on this subject, by a request that if I deemed such a course not wise or admissible, they, who had been sworn before me to secrecy, might be allowed to address the people! and I must own, that the instant this demand reached me, I was startled, and felt it quite impossible to assent to the introduction of new principles, which to my judgment appeared calculated to shake the fabric of the Constitution, and to lead to Revolution instead of Reform.

Without discussing the arguments of the Council, I will simply observe, that had I felt ever so much disposed to surrender to them my station of Lieutenant Governor and to act subserviently to their advice;—had I felt ever so willing obediently to dismiss from office whomsoever they should condemn, and to heap patronage and preferment upon whomsoever they might recommend;—had I felt it advisable to place the Crown Lands at their disposal, and to refer the petitions and personal applications of the Inhabitants of the remote Counties to their decision; I possessed neither power nor authority to do so.—In fact, I was no more able to divest myself of responsibility, than a criminal has power to divert from himself upon another, the sentence of the Law: and though, under the pretence of adhering to what is called "the image and transcript" of the British Constitution in this Province, it was declared that the Executive Council must be regarded as a Cabinet, I had no more power to invest that Body with the attributes of a Cabinet than I had power to create myself King of the Province—than I had power to convert the Legislative Council into an Hereditary Nobility—or than I had power to decree that this Colony of the British Empire should henceforward be a KINGDOM.

From total inability therefore, as well as from other reasons, I explained to my Council, in courteous language, that I could not accede to their views; and it being evidently necessary for the Public Service that we should separate, I felt it was for them rather than for me to retire. I received their resignations with regret; and, that I entertained no vindictive feelings, will be proved by the fact, that I immediately wrote to Lord Glenelg, begging His Lordship most earnestly not to dismiss from their offices any of these individuals on account of the embarrassment they had caused to me.

On the day the Council left me, I appointed in their stead four Gentlemen of high character, entitled by their integrity and abilities to my implicit confidence; and with their assistance I once again determined to carry promptly into effect those remedial measures of His Majesty's Government which had been solicited by the Grievance Report.

However, a new and unexpected embarrassment was now offered to me by the House of Assembly, who, to my astonishment, not only requested to be informed of the reasons, why my Executive Council had resigned, but who I have learned, actually suspended all business until my reply was received!

As the Lieutenant Governor of this Province is authorised by His Majesty, in case of death or resignation, to name, pro tempore, the individuals, he may think most proper to appoint to his Council, I might constitutionally and perhaps ought to have declined to submit to either branch of the Legislature, my reasons for exercising this prerogative;—but actuated by the earnest desire, which I had uniformly evinced, to comply with the wishes of the House of Assembly, I transmitted to them the correspondence they desired, with a conciliatory message which ended as follows:

"With these sentiments, I transmit to the House of Assembly the documents they have requested, feeling confident, that I can give them no surer proof of my desire to preserve their privileges inviolate than by proving to them, that I am equally determined to maintain the rights and prerogatives of the Crown, one of the most prominent of which is, that which I have just assumed, of naming those Councillors in whom I conscientiously believe I can confide.

"For their acts I deliberately declare myself to be responsible, but they are not responsible for mine, and cannot be, because being sworn to silence, they are deprived by this fact, as well as by the Constitution, of all power to defend themselves."

The House of Assembly referred the whole subject to a Committee, which, contrary to customary form, made its existence known to me, by applying directly to me, instead of through the House, for other documents and information, which I immediately forwarded, without objecting to the irregularity of the application; and the House, to my great surprise, prematurely passed its sentence upon the subject, in an address, in which it declared to me, its deep regret that I had consented to accept the tender of resignation of the late Council."

The following extract from my reply to this unexpected decision, will sufficiently explain the amicable desire I still entertained, to afford all reasonable satisfaction.

"The whole correspondence I forward to the House of Assembly, with an earnest desire, that, regardless of my opinion, the question may be fairly discussed."

"In the station I hold, I form one branch, out of three, of the Legislature; and I claim for myself freedom of thought as firmly as I wish that the other two branches

"If I should see myself in the wrong, I will at once acknowledge my error; but, if I should feel it my duty to maintain my opinion, the House must know that there exists a constitutional tribunal, competent to award its decision; and to that tribunal I am ever ready most respectfully to bow."

"To appeal to the people is unconstitutional as well as unwise—to appeal to their passions is wrong; but on the good sense of the House of Assembly I have ever shown a disposition to rely, and to their good sense I still confidently appeal."

Having thus thrown myself upon the integrity of the House of Assembly, I might reasonably have expected that a favourable construction would have been placed upon my words and acts, and that the disposition which I had evinced to afford the most ample information, and to meet as far as my duty would admit, the expectations and desires of the Assembly, would have been duly appreciated; the events, however, which soon after transpired, and the addresses which were presented to me in this City, and from other places in the vicinity, conveyed to me the unwelcome information that efforts were being made, under the pretence of "the Constitution being in danger," to mislead the public mind, and to induce a belief that I, as Lieutenant Governor, had declared an opinion in favour of an arbitrary and irresponsible Government—that I had shewn an entire disregard of the sentiments and feelings of the people whom I had been sent to govern—and that, therefore, the inhabitants of this country could never be contented or prosperous under my Administration. Several petitions, purporting to be addressed to the House of Assembly, and apparently forwarded by Members of that House to individuals in the country, with a view to obtain signatures, having been returned to the Government Office, I had ample opportunities of becoming acquainted with the fact that there existed an intention to embarrass the Government, by withholding the Supplies, and that even the terms had been prescribed to the people of the Province in which

they were expected to address their Representatives for that object.

Now, it will scarcely be credited that while I was thus assailed—while placards declared that *the Constitution was in danger*, merely because I had maintained, that the Lieutenant Governor, and not his Executive Council, was responsible for his conduct,—there existed in the Grievance Report the following explanation of the relative duties of the Lieutenant Governor and of his Executive Council.

"It appears," say the Grievance Committee, "that it is the duty of the Lieutenant Governor to take the opinion of the Executive Council only in such cases, as he shall be required to do so by his instructions from the Imperial Government, and in such other cases as he may think fit. It appears by the following transactions that the Lieutenant Governors only communicate to the Council so much of the private despatches they receive from the Colonial Office as they may think fit, unless in cases where they are otherwise specially instructed."

*Gentlemen of the House of Assembly:*

Having at your request transmitted to you the correspondence which passed between my late Executive Council and myself, and having reminded you that there existed a Constitutional Tribunal competent to award its decision, and that to that tribunal I was ever ready most respectfully to bow," it is with surprise I learn that you have deemed it necessary to stop the Supplies.

In the History of Upper Canada this measure has, I believe, never before been resorted to; and as I was the bearer of His Majesty's especial Instructions, to examine, and, wherever necessary, to correct the "Grievances" detailed in your report of last Session, I own I did not expect to receive this embarrassment from your House.

The effect of your deliberate decision will be severely felt by all people in the Public Offices—by the cessation of improvement in your Roads—by the delay of compensation to Sufferers in the late War—and by the check of Emigration.

In the complaints you have made to His Majesty against me, (in which you declare that my "ear is credulous"—my "mind poisoned"—my "feelings bitter"—that I am "despotic," "tyrannical," "unjust," "deceitful"—that my conduct has been "derogatory to the honor of the King," and "demoralizing to the Community," and that I have treated the people of this Province as being "little better than a Country of Rogues and Fools") you have availed yourselves of a high Legislative Privilege, entrusted to you by your Constituents, to the exercise of which I have consequently no constitutional objection to urge, but for the Honor of this Province in which I, though unconnected with the Country, am as deeply interested as its inhabitants, I cannot but regret that, while I was receiving from all directions the most loyal addresses, you, in your Legislative capacity, should have characterised His Majesty's Government which has lately acted towards Upper Canada so nobly and disinterestedly, by the expression of "Downing-street Law."

*Honorable Gentlemen: and, Gentlemen:*

Having now concluded an outline of the principal events which have occurred during the present Session, I confess that I feel disappointed in having totally failed in the beneficent object of my mission.

I had made up my mind to stand against the enemies of Reform, but I have unexpectedly been disconcerted by its professed friends. No liberal mind can deny that I have been unnecessarily embarrassed,—no one can deny that I have been unjustly accused,—no one can deny that I have evinced an anxiety to remedy all real grievances—that I have protected the Constitution of the Province—and that by refusing to surrender at discretion the patronage of the

Crown to irresponsible individuals I have conferred a service on the back-woodsman, and on every noble-minded Englishman, Irishman, Scotchman, and U. E. Loyalist, who, I well know, prefer British freedom and the British Sovereign to the family domination of an irresponsible Cabinet.

It now only remains for me frankly and explicitly to declare the course of policy I shall continue to adopt, as long as I may remain the Lieutenant Governor of this Province, which is as follows:—

I will continue to hold in my own hands, for the benefit of the people, the power and patronage of the Crown, as imparted to the Lieutenant Governor of this Province by the King's Instructions; I will continue to consult my Executive Council upon all subjects, on which, either by the Constitutional Act, or by the King's Instructions, I am ordered so to do, as well as upon all other matters in which I require their assistance. I will continue to hold myself responsible to all authorities in this country, as well as to all private individuals, for whatever acts I commit, either by advice of my Council or otherwise, and will continue calmly and readily to afford to all people every reasonable satisfaction in my power. I will use my utmost endeavours to explain to the people of this Province, that they want only wealth and population to become one of the finest and noblest people on the globe—that union is strength, and that party spirit produces weakness—that they should, consequently, forgive and forget political as well as religious animosity, and consider as their enemies only those who insidiously promote either;—that widely scattered as they are over the surface of this extensive country, they should recollect with pride, the brilliant history of “the old country,” from which they sprung, and like their ancestors, they should firmly support the British Standard, which will ever afford them freedom and disinterested protection: that by thus tranquillizing the Province, the redundant wealth of the Mother Country will irrigate their land, and that her population will convert the wilderness which surrounds them into green fields,—that an infusion of wealth would establish markets in all directions, as well

as good roads—the arteries of agriculture and commerce; that plain, practical education should be provided for the rising generation, as also the blessings of the Christian Religion, which inculcates “Glory to God in the highest, and on earth Peace, Good-will towards men.”

Taking every opportunity of offering these recommendations to the inhabitants of this Province, I shall in no way attempt to enforce them; on the contrary I shall plainly promulgate, that if the Yeomanry and Farmers of Upper Canada are not yet sufficiently tired of agitation—if they do not yet clearly see what a curse it has been to them, it will be out of my power to assist them;—that if they insist on turning away the redundant wealth as well as the labourers of the Mother Country to the United States, I shall be unable to prevent them;—in short, that if they actually would rather remain as they are, than become wealthy, as they might be, my anxiety to enrich them must prove fruitless.

On the other side, whenever they shall be disposed to join heart and hand with me, in loyally promoting the peace and prosperity of the Province, they shall find me faithfully devoted to their service. In the mean while I will carefully guard the Constitution of the country, and they may firmly rely that I will put down promptly, as I have already done, the slightest attempt to invade it.

With inward pleasure, I have received evidence of the invincible re-action that is hourly taking place in the public mind, and for the sake of the Province rather than for my own, I hail the manly British feeling, which in every direction I see, as it were, rising out of the ground, determined to shield me from insult, and to cheer and accompany me in my progress towards Reform.

I have detained you longer than is customary, but the unprecedented events of this Session, have made it necessary to do so.

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R. STANTON, Printer to the KING'S MOST EXCELLENT  
MAJESTY.