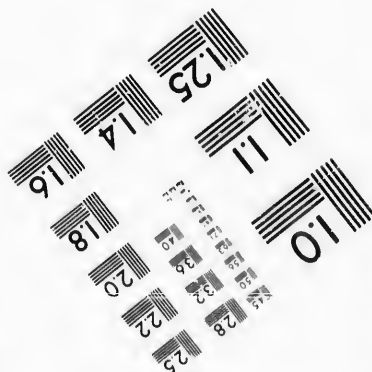
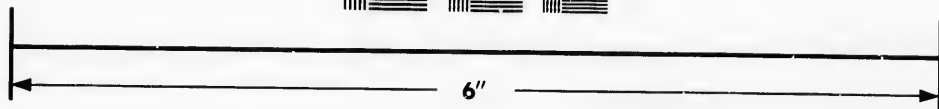
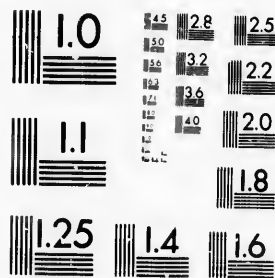


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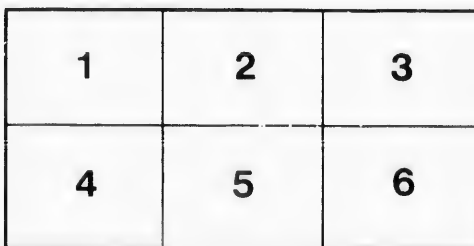
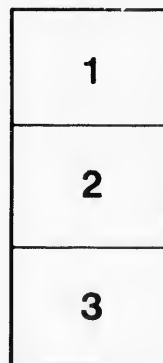
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To the Honorable the Knights, Citizens, and Burgesses, the  
Commons of the United Kingdom of Great Britain and  
Ireland, in Parliament assembled.

MAY IT PLEASE YOUR HONORABLE HOUSE—

WE His Majesty's dutiful and loyal subjects, the Commons of Lower Canada in Provincial Parliament assembled, respectfully and with confidence address Your Honorable House, for the purpose of representing the numerous and ever increasing evils under which the People of this Province are labouring, in consequence of defects in its Laws and Constitution, and of the abusive, partial, unconstitutional and violent manner in which the existing laws have been and continue to be administered.

If any other motive than a sense of justice, were necessary to induce your Honorable House to listen favourably to the complaints of a numerous portion of the subjects of this vast and glorious Empire: this House might insist upon the strong affection with which the People whom it represents have always cherished the tie which unites them to Great Britain,—on the courage with which they have repeatedly defended its interests in time of war,—on their refusal to accede to the appeal made to them by the late English colonies on this continent, at the period which preceded the independence of the latter,—on the confidence which they have manifested in His Majesty's Government, even under circumstances of the greatest difficulty, and under Provincial administrations which trampled under foot their dearest rights,—and on the liberty with which they have welcomed as brethren, their fellow subjects from the several parts of the United Kingdom and its dependencies. This House might likewise insist, upon its earnest endeavours to facilitate to that class of His Majesty's subjects (as far on it depended) a participation in the political and natural advantage of the country, and to remove for them the difficulties arising from the vices of the Provincial administration,—on its efforts to advance the general prosperity of the country, by securing the peace and content of all classes of its inhabitants without distinction, on the solid and durable basis of identity of interests, and equal confidence in the protection of the Mother Country,—on its efforts to introduce and firmly to establish in this Province the constitutional and parliamentary Law necessary to the operations of the Government thereof, and of all such portions of the public Law of England, as appears to it adapted to promote the welfare and safety of the people, and conformable to their wishes and their wants,—and on the anxiety it has shewn to preserve the strictest possible analogy between its proceedings and those of Your Honorable House.

But in the full conviction that the considerations thus alluded to will be fully appreciated by Your Honorable House, we shall proceed to detail the facts and principles on which our humble prayer is founded:

At a recent period the great majority of the people of this Province, complained by petitions signed by upwards of 87,000 persons, of serious and numerous abuses which then prevailed;—and their complaints being submitted to the consideration of the Parliament of the United Kingdom, were followed by a Report made to Your Honorable House on the 18th July, 1828, by a Committee of which the present principal Secretary of State for the Colonial Department as well as several others who are now members of His Majesty's Government formed part. That report, the result of extensive research and careful deliberation, contained the following very just conclusions:—1stly. "That the "embarrassments and discontents which had long prevailed in the Canadas, "had arisen from serious defects in the system of Laws and the constitution "established in those Colonies.—2dly. That the said embarrassments and discontents "were in a great measure to be attributed to the manner in which the existing "system had been administered.—3dly. That neither the suggestions of Your Honorable House, nor any other improvements in the Laws and Constitutions of the "Canadas would be attended with the desired effect, unless an impartial, conciliatory and "constitutional system of Government were observed in these loyal and important "Colonies."

It is with deep regret that we now state to Your Honorable House that neither its recommendations nor the benevolent intentions since expressed by His Majesty's Executive Government, have been followed by any effective measures of a nature to produce the desired effect;—that the Constitution of this Province, with its serious defects, has continued to be administered in a manner calculated to multiply the embarrassments and to increase the discontents which have long prevailed; and that the greater part of the abuses which then prevailed still exist without correction or mitigation.

After having carefully reflected on this state of things, this House is convinced that the source of the evil lies in the first of the causes pointed out by Your Honorable House; and is equally convinced that the most serious defect in the Act of the thirty-first year of the reign of George the Third, chapter thirty-one,—the most active cause of abuses of power—of the infraction of the laws—and of the waste of the public revenue and property, is that injudicious enactment, the fatal results of which were foretold at the time, by one of the public men of whom England has most reason to be proud, that, namely, which invests the Crown with the exorbitant power, (incompatible with any Government duly balanced and founded on Law and Justice, and not on force and coercion,) of selecting and composing without any rule or limitation, or any predetermined qualification, an entire branch of the Legislature, supposed from the nature of its attributions to be independent, but inevitably the servile tool of the authority which creates, composes, and decomposes it, and can on any day modify it to suit its interests or passions of the moment; an unlimited power from the use of which the abuse of it is inseparable, and which has in fact always been so exercised in this Province as to favor a spirit of monopoly and despotism in the Executive and Judicial Departments, and never in favor of the public interest.—And this House further states, as its intimate conviction, that even if the Colonial Administrations had, by making more judicious selections, succeeded in quieting the alarm, and allaying for a time the profound discontent which have prevailed, that form of Government would not be less essentially vicious which makes the happiness or misery of a Country depend on an Executive over which the people have no influence, and which has no permanent community of interest with them.

The effectual remedy for this evil was foreseen by your Honorable House, when one of the Agents of the people of this Province was asked, whether he thought it possible that the Legislative Council could command the confidence and respect of the people and go in harmony with the House of Assembly, unless the principle of Election were introduced into its composition in some manner or another; in answer to which question two means were pointed out by the said Agent, the one being the exertion of the Royal Prerogative in making good selections, by calling to the said Council men who were independent of the Executive, and the other the rendering it elective.

This House believes with the said Agent, that, judging from experience, there would be no security in the first of those means, while the second would be safe for all parties; but with regard to the suggestion of the said Agent, that a class of Electors of a higher qualification should be established, and a qualification in landed property fixed for the persons who might sit in the said Council, this House, has in its humble address to His most Gracious Majesty, dated the 20th of March 1833, declared in what manner that principle could in its opinion be rendered tolerable in Canada, by restraining it within certain bounds which should in no case be passed. Even in defining bounds of this nature and in consenting to require as a condition of eligibility to the Legislative Council, the possession of real property which most wisely and happily has not been made a condition of eligibility to the House of Assembly, this House could only have sought to avoid shocking received opinions in Europe, when custom and the Law have given so many artificial advantages to birth, rank, and fortune, while in America these political privileges and advantages in favor of the possessors of large property, could not long resist the preference given at free elections, to virtue, talent, information, and to honest, contented and devoted men, whom, under the elective system, the people ought always to have the power of consecrating to the service of their Country when they think them fitter for it than richer men, whose fortune does not exclude, but is not always accompanied by the other advantages aforesaid.

We are therefore in no wise disposed to admit the excellence of the present Constitution of Canada, although in a Despatch of which the date is unknown, and which has been only partially communicated to this House during the present Session, His Majesty's Secretary of State for the Colonial Department, (this House having no certain knowledge whether

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whether the present Colonial Secretary or his predecessor,) unreasonably and most erroneously asserts that the said Constitution has conferred on the two Canadas the Institutions of Great Britain; nor do we reject the principle of extending the system of frequent elections much further than it is at present carried; but we think that this system ought especially to be extended to the Legislative Council, although it may be considered by the Colonial Secretary as incompatible with the British Government which he calls a Monarchical Government, or too analogous to the Institutions which the several States composing the industrious, moral, and prosperous confederation of the United States have adopted for themselves. We differ in like manner from the said high public functionary when he says, that an examination of the composition of the Legislative Council at the period when it was so justly censured by the Committee of your Honorable House and at the present time, will sufficiently show the spirit in which His Majesty's Government has endeavoured to carry the wishes of Parliament into effect, although we received with gratitude this assurance of the just and benevolent intentions with which, in the performance of their duty, His Majesty's Government has endeavored to carry those wishes into effect.

Your Honorable House can, doubtless, never deem it right, that under the name of a Legislative Council, an Aristocracy should be imposed on a Country which contains no natural materials for its formation; and will rather as we venture to hope, be of opinion that the Parliament of the United Kingdom in granting to His Majesty's Canadian subjects the power of revising the Constitution under which they hold their dearest rights would adopt a liberal policy, free from all considerations of former interests and of existing prejudices; and that by this measure, equally consistent with the wisest and the most extended views, it would enter into a noble Rivalry with the United States of America, would prevent His Majesty's Canadian subjects, from seeing any thing to envy there; and would preserve a friendly intercourse between Great Britain and this Province, as her Colony, so long as the tie between us shall continue, and as her ally whenever the course of events shall change our relative position. We emit these opinions with the greater confidence, because they are stated to have been emitted among other remarks in the same spirit, by the Right Honorable Edward Geoffrey Stanley now His Majesty's Principal Secretary of State for the Colonial Department, and by several other distinguished public men, some of whom are among the number of His Majesty's present Ministers, and whose words we do but echo, when we assert that the Legislative Council of this Province, has never been any thing but an impotent screen between the Governor and the People, which by enabling the one to maintain a conflict with the other has served to perpetuate a system of discord and contention; and that it has unceasingly acted with avowed hostility to the sentiments of the people as constitutionally expressed by the House of Assembly.

The conduct of the Legislative Council since its pretended reform, which was held up as one adapted to unite it more closely with the interests of the Colony in conformity to the wishes of Parliament, shows clearly, that the opinions then entertained on this subject in the United Kingdom, and in this Province, are in no wise rendered less applicable or less correct by the present composition of that body, which, strengthened by a majority inimical to the rights of this House and of the people whom it represents, has received new and more powerful means than it before possessed of perpetuating and aggravating the system of abuses of which the people of this Province have, up to this day, ineffectually complained, and which up to this day Parliament and His Majesty's Government in England have in like manner ineffectually sought to correct. It is even since its pretended Reform that the Legislative Council has, in a manner more calculated to alarm the Inhabitants of this Province, and more particularly in its Addresses to His Majesty of the first of April, one thousand eight hundred and thirty-three, renewed its pretension of being specially appointed to protect one portion of His Majesty's subjects in this Province, as supposing them to have interests which could not be sufficiently represented in this House, seven-eighths of the Members of which are by the said Council most erroneously stated to be of French origin and to speak the French language. A pretension of this nature is a violation of the Constitution, and cannot fail to excite and perpetuate among the several classes of the inhabitants of this Province, national distinctions, distrust and animosity, and to give to one portion of the people an unjust and factitious superiority over the other, with the hope of domination and undue preference.— This attempt of the Legislative Council, as one of its first acts after its pretended reform, to prejudice and irritate His Majesty's Government, against the People of this Province, and against the Representative Branch of its Legislature, has destroyed all the hope which remained among the people and in this House, of seeing the said Council act for the public good, so long



as it shall remain constituted as it now is; all are, on the contrary, intimately persuaded that the extension of the elective principle to that body is the only measure which affords any prospect of equal and sufficient protection in future to all the inhabitants of this Province, without distinction. It is after having well considered the Despatches of His Majesty's Secretary for the Colonial Department, and on the eve of a General Election, that this House now solemnly repeats and renews its prayer, that the Legislature of the United Kingdom will comply with the wishes of the people of this Province and of this House, and will deign to provide the only effectual remedy for all evils present and future, either by rendering the Legislative Council elective, in the manner mentioned in the address of this House to His Most Gracious Majesty, of the twentieth of March one thousand eight hundred and thirty-three, or by enabling the people to express still more directly, their opinions as to the measures to be adopted in that behalf, and with regard to such other modifications of the system of Laws and of the Constitution as the wants of the people and the interests of His Majesty's Government may require.

We must express our regret that the accomplishment of the wishes of Parliament, was left to the Principal Agent of His Majesty's Government in this Province, the present Governor in Chief, in whose power it lay, more than in that of any of his predecessors, (by reason of the latitude allowed him, as to the number and choice of the persons whom he might call to the Legislative Council,) to allay, for a time at least, the intestine divisions which rend this Colony, and to give to the said Body a character of greater independence and respectability by judicious nominations. The elections which have been made have destroyed this hope and have confirmed His Majesty's subjects in their opinion as to the principle upon which that body is constituted.—Although sixteen persons have been called to the Council in two years, (a number greater than that afforded by any period of ten years under any other Administration,) and notwithstanding the instructions which the Governor in Chief may have received from His Majesty's Government, the same malign influence which has been exerted to perpetuate in the Country a system of absolute irresponsibility, had prevailed to such an extent as to render the majority of the Legislative Council more inimical to the Country and less connected with its interests, than at any former period. So that its present composition, instead of being calculated to bring about that co-operation between the two branches of the Provincial Legislature, which is so necessary to the welfare of the Country, is such as to destroy all hope that the said Council will adopt the opinions and the sentiments of the people of this Province and of this House, with regard to inalienable right of the latter to the full and entire control of the whole Revenue raised in the Province; with regard to the necessity under which this House has found itself (for the purpose of effecting the reformation of existing abuses which it has so long ineffectually demanded) to provide for the expenses of the Civil Government by annual appropriations only; as well as with regard to a variety of other questions of public interest, concerning which the Executive Government and the Legislative Council which it has created, differ diametrically from the people of this Province and from this House. This fact confirms the justice of the censure passed by the Committee of your Honorable House on the Constitution of the Legislative Council as it had theretofore existed, and the correctness of the opinion of those Members of the said Committee who wished to introduce the principle of election into the said body.

This vicious system which has been so carefully maintained, is as contrary to the wishes of Parliament, as that would have been, which in order to resist the wishes of your Honorable House and of the people of England for Parliamentary Reform, should have called into the House of Lords a number of men notorious for their factious opposition to that great measure. In fact, the majority of the said Council is composed of men who have irretrievably lost the confidence of the Country, by encouraging the acts of violence committed under the Administration of Lord Dalhousie;—by having on all occasions outraged the people and their Representatives;—of men who may be said to have been unknown in the Country until within the last few years, without landed property, or having very little; most of them have never been returned to the Assembly, and some of them having even been refused by the people;—of men moreover who have never given any proofs their fitness for performing the functions of Legislators, and who were only appointed by reason of their community of sentiments with the Provincial Administration, to a station in which they have the power of exerting for life, an influence over the Legislation and over the fate of this Province, the Laws and Institutions of which have ever been the objects of their dislike. The recently appointed Councillors, who were taken from the majority of the Assembly, and had entertained the hope that a sufficient number of independent men, holding opinions in unison with those of the majority of the people, and of their Representatives, would be associated with them, have thus been overwhelmed by a majority hostile to the Country.

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The result has been so much the more fatal, because the people naturally looked upon the Legislative Council, recomposed by the present Governor in Chief, as embodying the sentiments of the Colonial Executive; and the two authorities seem to have leagued themselves together for the purpose of proclaiming principles subversive of all harmony in the Province, and of governing and domineering in a spirit of blind and invidious national antipathy. This House, has nevertheless, the satisfaction of seeing that the great majority of that class of His Majesty's subjects in this Province who are of British origin, (whether their number be that mentioned in the said Address of the Legislative Council, or, as the truth is, amounts to about half that number,) are every day becoming more and more convinced, that their interests and wants are identical with those of their fellow subjects who are of French origin and speak the French language; the one class love the Country of their birth, the other that of their adoption; the greater portion of the latter have acknowledged the generally beneficial tendency of the Laws and Institutions of the Country, and have laboured in concert with the former, to introduce into them gradually, and by the authority of the Provincial Parliament, the improvements of which they have from time to time appeared susceptible, and have resisted the endeavours which has been made to introduce confusion into them in favor of schemes of monopoly and abuse, and wish for an impartial and protecting Government for all without distinction.

Among the Councillors appointed under the present Provincial administration, there are, (in manifest violation of the Constitution) many persons who were born in the United States, or are natives of other foreign Countries, and who at the time of their appointment had not been naturalized by Acts of the British Parliament; The residence of one of these persons (Horatio Gates) in this Country during the last War with the United States was only *tolerated*; he refused at that time to take the oath of allegiance and to take up arms for the defence of the Country, in which he remained merely for the sake of *honor*; and after these previous facts, took his seat in the Legislative Council on the 16th of March, 1833, and fifteen days afterwards, to wit, on the 1st of April, voted for the Address before mentioned, censuring those who during the last War were under arms on the frontiers, to repulse the attacks of the American Armies and on the fellow citizens of the said Horatio Gates. Another, (James Baxter,) was resident during the said late War, within the United States, and was bound by the Laws of the country of his birth, under certain circumstances, forcibly to invade this Province, to pursue, destroy and capture *if possible* His Majesty's Armies, and such of His Canadian Subjects as were in arms on the frontiers to repulse the attacks of the American Armies, and of the fellow citizens of the said James Baxter, who, (being at the same time but slightly qualified as far as property is concerned) became by the nomination of the Governor in Chief, a Legislator for life in Lower Canada, on the 22d of March, 1833, and eight days afterwards, on the first of April aforesaid, voted that every Address which contained the calumnious and insulting accusation which called for the expression of His Majesty's just regret "that any word had been introduced which should have the appearance of ascribing to a class of His Subjects of one origin, views at variance with the allegiance which they owe to His Majesty."

The said Address voted unanimously on the first of April, one thousand eight hundred and thirty three aforesaid, by the Legislative Council after its pretended reform, was so voted by seven Councillors under the influence of the present Executive, and by five others appointed by it, one only of those who voted it (the Honorable George Moffatt,) having been appointed under the preceding administration. The twelve who concurred in it are, (besides the said Honorable George Moffatt,) the Honorable Jonathan Sewell, Chief Justice of the Province, to whom the Right Honorable Lord Viscount Goderich, in a Despatch from the Colonial Department, recommended "a cautious abstinence from all proceedings by which he might be involved in any contention of a party nature;"—John Hale, the present Receiver-General, who in violation of the Laws and of the trust reposed in him, and upon illegal warrants, issued by the Governor, has paid away large sums of the public money: Sir John Caldwell, Baronet, the late Receiver General, a Peculator, condemned to pay nearly one hundred thousand pounds, to reimburse a like sum, levied upon the people of this Province, and granted by law to His Majesty, His Heirs and Successors for the public uses of the Province, and for the support of His Majesty's Government therein, and who has diverted the greater part of the said sum from the purposes for which it was destined, and appropriated it to his private use; Herman Witzias Ryland, Clerk of the Executive Council, and a Pensioner upon the Civil Establishment of this Province; Matthew Bell, a Grantee of the Forges of St. Maurice, who has been rudely and illegally favored by the Executive in the lease of the Forges of St. Maurice, in the grant of large tracts of waste lands of the Crown, and in the lease of large tracts of land formerly belonging to the late order of the

Jesuits;

Jesuits; John Stewart, an Executive Councillor, Commissioner of the Jesuits' Estates, and the incumbent of other lucrative offices; all of whom are by their pecuniary aid, and personal interests placed under the influence of the Executive; the Honorable, Peter McGill, John Molson, Horatio Gates, Robert Jones, and James Baxter, all of whom, as well as those before mentioned were, with two exceptions, born out of the country; and all of whom, except one, who for a number of years was a member of the Assembly and has extensive landed property, are but slightly qualified in *that* respect, and had not been sufficiently engaged in public life to afford a presumption that they were fit to perform the functions of Legislators for life;—and by the Honorable Antoine, Gaspard, Couillard, the only native of the country of French origin who stooped to concur in the address, and who also, while he is but very moderately qualified with respect to real property, had never been engaged in public life, and who after his appointment to the Council, and before the said first of April, rendered himself dependent upon the Executive by soliciting a paltry and subordinate place of profit. The people of this country have thus every reason to look upon the said address as the work of the present administration of the Province, the expression of its sentiments, the key to its acts, and the proclamation of the iniquitous and arbitrary principles and maxims which are to form its rule of conduct for the future.

The Legislative Council in its said address, charges this House with having calumniously accused the King's Representative of partiality and injustice in the exercise of the powers of his office, and with deliberately calumniating His Majesty's Officers both Civil and Military, as a faction induced by interest alone to contend for the support of a corrupt Government, inimical to the rights, and opposed to the wishes of the People:—with reference to which, the House declares that the accusations preferred by it, have never been calumnious, but are true and well founded, and that a faithful picture of the Executive Government of this Province in all its parts, is drawn by the Legislative Council in this passage of its Address. The said address of the Council would be criminal and seditious if its very nature did not render it harmless, since it goes to assert, that if the Parliament of the United Kingdom should grant the earnest prayer of this House—the result of this act of Justice and benevolence would be to inundate the country with blood. The said address is not less injurious to the small number of independent members of the Legislative Council,—to those who have been Members of the Assembly, and have seconded its efforts to obtain for it the entire control of the whole Provincial Revenue,—who approved the wholesome and constitutional (and not, as styled by the Legislative Council the daring) measure of praying to His Majesty by address, that the Legislative Council might be rendered elective,—who condemned the scheme for the creation of an extensive monopoly of lands in favor of speculators residing out of the country,—who believe that the wishes and interests of the people are faithfully represented by the minority of its representatives, and that the connection between this Colony and the Parent State will be durable in proportion to the greater or less influence of the people in the passing of the Laws which are to govern them,—who are of opinion that His Majesty's subjects recently settled in this Country, will share in all the advantages of the free institutions, and of the improvement which would be rapidly developed, if by means of the extension of the elective principle, the Administration were prevented from creating a monopoly of power and profit in favor of the minority who are of one origin, and to the prejudice of the majority who are of another, and from giving to all public discussions an alarming character of strife and national antipathy. The said independent Members, convinced of the tendency of the said body and undecieved as to the motives which led to their appointment as Members of it, now for the most part refrain from attending the sittings of the said Council, where they would find themselves opposed by a majority inimical to their principles and to their Country.

If, as we are fond of believing, His Majesty's Government in England does not wish systematically to nourish civil discord in this Colony, the contradictory allegations thus made by the two Houses, make it imperative on it to become better acquainted with the state of the Province than it now appears to be, if we judge from its long tolerance of the abuses which its agents commit with impunity. It ought not to trust to the self praise of those who have the management of the affairs of a Colony passing, according them, into a state of anarchy; but if its protection of public functionaries accused by a competent authority, (that is to say, by this House in the name of the people) could for a time by force and intimidation aggravate, in favor of those functionaries and against the rights and interests of the people, the system of insult and oppression which they impatiently bear, the result must be to weaken their confidence in, and their attachment to His Majesty's Government, and to give deep root to the discontent and insurmountable disgust which have been excited by Administrations deplorably vicious, and which are now excited by the majority

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majority of the public functionaries of the Colony, combined as a faction, and induced by interest alone to contend for the support of a corrupt Government, inimical to the rights and opposed to the wishes of the People.

In addition to its wicked and calumnious address, the Legislative Council, after its pretended reform, has proved how little community of interest it has with the Colony, by the fact, that nearly one half of the bills which have been sent up to it, have been rejected, or amended in a manner contrary to their spirit and essence; and the same unanimity which attended the passing of the greater part of the said Bills in the Assembly accompanied their rejection by the Legislative Council. An opposition so violent shows clearly that the Provincial Executive and the Council of its choice, do not, or will not, consider the Representative Body as the faithful interpreter and equitable judge of the wants and wishes of the people, nor as fit to propose Laws conformable to the public will. Under such circumstances it became the duty of the head of the Executive to appeal to the people by dissolving the Parliament, had there been any analogy between the institutions of Great Britain and those of this Province.

His Majesty's Secretary of State for the Colonial Department acknowledges in his Despatches, that it has frequently been admitted that the people of Canada ought to see nothing in the Institutions of the neighbouring States which they could regard with envy, and that he has yet to learn that any such feeling now exists among His Majesty's subjects in Canada; with regard to which we beg leave to represent to your Honorable House, that the neighbouring States have a form of Government very fit to prevent abuses of power, and very effective in repressing them; that the reverse of this order of things has always prevailed in Canada under the present form of Government; that there exists in the neighbouring States a stronger and more general attachment to the national institutions than in any other country; and that there exists also in those States a guarantee for the continual advance of their political institutions towards perfection, in the revision of the same at short and determinate intervals by conventions of the people, in order that they may without any shock or violence be adapted to the actual state of things. It was in consequence of a correct idea of the state of the Country and of society generally in America, that the Committee of your Honorable House asked John Neilson, Esquire, the agent of the people beforementioned, whether there was not in the Canadas a growing inclination to see the institutions become more and more popular, and whether he did not think it would be wise, that the object of every change made in the institutions of the Province, should be to comply more and more with the wishes of the people, and to render the said institutions extremely popular: And this House for and in the name of the people whom it represents, answers solemnly and deliberately,—“Yes, it would be wise—it would be excellent.”

We humbly believe, may it please your Honorable House, that the Constitution and the form of Government which would best suit this Colony, are not to be sought for in the analogies offered by the institutions of Great Britain, where the system of Government is altogether different from our own; and that it would be wiser to profit by the lessons to be gained by observing the effects of the very various Constitutions which the Parliament of England have granted to the several Plantations and Colonies, than to imitate the way in which virtuous and enlightened men have modified them with the parties interested. The unanimous consent with which all the American States have adopted and extended the elective system, shews that it is adapted to the wishes, manners, and state of this continent. This system prevails equally among those of Spanish origin, although during the continuance of their Colonial State they were subjected to the yoke of ignorance and absolutism.

We do not hesitate to ask from a Prince of the House of Brunswick and a Reformed Parliament, all the freedom and political powers which the Princes of the House of Stuart and their Parliaments granted to the most favored of the Plantations, formed at a period when such grants must have been less favorably regarded than they would now be. We do this with so much the more confidence, because it was not the best and most free systems of Colonial Government which hastened the independence of the old Colonies; since the Province of New York in which the institutions were most monarchical, in the sense which that word appears to bear in the Despatch before mentioned, was the first to refuse obedience to an act of Parliament, and the Colonies of Connecticut and Rhode Island, which though closely and affectionately connected with the Mother Country for a long course of years, enjoyed Constitutions purely democratic, were the last to enter into a confederation rendered necessary by the conduct of bad Servants of the Crown, who called in

the supreme authority of the Parliament and of the Constitution to govern arbitrarily, and who listened rather to the Governors and their advisers than to the people and their Representatives, and shielded with their protection those who consumed the Taxes more than those who paid them. This House, then, entertains no fear of being taxed with disloyalty for having endeavored to introduce into the institutions of this Country, whither those of the neighboring States offered that was good and applicable, nor, more especially for having during many years passed a Bill (which has at last become a Law,) founded on the principle of proportioning arithmetically the number of Representatives to the population of the places represented; and if by unhappy circumstances it has been compelled to assent to amendments which violate that principle, this is an act of injustice for which its duty obliges it to seek a remedy.

While we thus pray that the principle of Election may be applied to the Legislative Council, and for the general extension of that principle, we are bound to protest against any alteration in the constitutional act of the 31st year of the reign of George the Third, chapter thirty-nine, founded on the false representations of the Legislative Council, and the interested tools of the Colonial Administration, and to the prejudice of the rights, liberties and welfare of the people of this Province. We believe, that the Legislative Council, a body which has so long been strongly abused by the people of this Province, and justly censured by the Committee of Your Honorable House, and which represents merely the opinions of a few individuals, is not an authority competent to demand such alterations:— that the said act cannot be and ought not to be altered except at such time and in such manner as may be by the People of this Province, whose sentiments this House is alone competent to represent: and that no interference on the part of the British Legislature with the Laws and Constitution of this Province, which should not be founded on the wishes of the People freely expressed either through this House or in any other Constitutional manner, could in any wise tend to settle any of the difficulties which exist in this Province, but, on the contrary, would only aggravate and prolong their continuance.

In the midst of the disorders and sufferings which the country has so long endured this House and the People had cherished the hope and professed their faith that His Majesty's Government in England did not knowingly participate in the political immorality of its Colonial Agents and Officers. It is with astonishment and grief that they have seen in the extracts from Despatches from the Colonial Department communicated to this House by the Governor in Chief, during the present Session, that one at least of the Members of His Majesty's Government entertains towards them feelings of prejudice and animosity and inclines to favor plans of oppression and revenge, ill adapted to change a system of abuses, the continuance of which would altogether discourage the People, extinguish in them the legitimate hope of happiness which, as British Subjects they entertained, and would leave them only the hard alternative of submitting to an ignominious bondage or of seeing those ties endangered which unite them to the Mother Country.

The approbation expressed by the Colonial Department of the present composition of the Legislative Council, whose acts since its pretended reform have been marked by party spirit and by invidious national distinctions and preferences, is a subject of just animosity to His Majesty's Canadian subjects in general, and more particularly to the great majority of them, who have not yielded at any time to any other class of the inhabitants of this Province in attachment to His Majesty's Government, in their love of peace and order, in respect for the laws, and in their wish to effect that union among the whole people which is so much to be desired, to the end that all may enjoy freely and equitably the rights and advantages of British subjects and of the Institutions which have been granted to and are dear to the country. The distinctions and preferences aforesaid, have almost constantly been used and taken advantage of by the Colonial Administrations of this Province, and the majority of the Legislative Councillors, Executive Councillors, Judges and other functionaries dependent upon them to serve their own ends; and nothing but the spirit of union among the several classes of the people and their conviction that their interests are the same, could prevent collisions incompatible with the prosperity and safety of the province.

Your Honorable House cannot fail to observe that the political world in Europe is at this moment agitated by two great parties, who in different countries appear under the several names of Serviles, Royalists, Tories and Conservatives on the one side, and of Liberals, Constitutionalists, Republicans, Whigs, Reformers, Radicals and similar appellations on the other:—that the former party is, on the American continent, without any weight or influence except what it derives from its European supporters, and from a trifling number of

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of persons who become their dependents for the sake of personal gain, and of others who from age or habit cling to opinions which are not partaken by any numerous class; while the second party overpreads all America. We are, then, certain that we shall not be misunderstood with regard to the independence which it is our wish to see given to the Legislative Council, when we say, that His Majesty's Secretary of State is mistaken if he believes that the exclusion of a few salaried officers would suffice to make that body harmonize with the wants, wishes and opinions of the People, as long as the Colonial Governors retain the power of preserving in it a majority of Members rendered servile by their antipathy to every liberal idea.

This House and the people whom it represents do not wish or intend to convey any threat; but relying as they do on the principles of Law and Justice, they are and ought to be politically strong enough not to be exposed to receive insult from any man whomsoever, or bound to suffer it in silence. This House, then, cannot refrain from stating, that the style of the Despatches from the Colonial Secretary as communicated to the House during the present Session is insulting and inconsiderate to such a degree that no legally constituted body although its functions were infinitely subordinate to those of legislation, could or ought to tolerate them;—that no similar example can be found even the Despatches of those of his predecessors in office most favorable to the rights of the Colonies;—that the tenor of the said Despatches is incompatible with the rights and privileges of this House, which ought not to be called in question or defined by any functionary however exalted, but which ought, as occasion may require, to be successively promulgated and enforced by this House. This is a subject so familiar to Your Honorable House, and so closely connected with its own rights and privileges that Your Honorable House cannot but regret with us, that His Majesty should have been, as it appears by one of the said Despatches that he has been, advised to interfere in a case of this nature. In the instance here referred to, we exercised a privilege solemnly established by Your Honorable House, before the principle upon which it is founded became the Law of the Land; and this privilege which we have asserted in our Resolutions of the fifteenth of February, one thousand eight hundred and thirty-one, is necessary to the independence of the House and to the freedom of its votes and proceedings. We believe the said Resolutions to be constitutional and well founded, and supported by the example of Your Honorable House. We have repeatedly passed Bills for giving effect to the said principle, but they have failed to become Law, at first from the obstacles opposed to them in another branch of the Provincial Legislature, and subsequently by reason of the reservation of the last of these Bills for the signification of His Majesty's pleasure in England, whence it had not been sent back. We think that the refusal of His Excellency, the present Governor in Chief of this Province, to sign a Writ for the Election of a Knight Representative for the County of Montreal, in the place of Dominique Mondelet, Esquire, whose seat had been declared vacant, is a grievance of which this House is entitled to obtain the redress, and one which would alone have sufficed to put an end to all intercourse between it and the present Colonial Executive, if the circumstances of the country had not offered an infinite number of other abuses and grievances against which it is urgently necessary that we should remonstrate.

With regard to the following expressions in one of the Despatches beforementioned—  
 “should events unhappily force upon Parliament the exercise of its supreme authority to  
 “compose the internal dissension of the Colonies, it would be my object and my duty as a  
 “servant of the Crown, to submit to parliament such modifications of the Charter of the  
 “Canadas as should tend, not to the introduction of institutions inconsistent with  
 “Monarchical Government, but to maintaining and strengthening the connection with  
 “Mother Country, by a close adherence to the spirit of the British Constitution, and by  
 “preserving in their proper place, and within their due limits, the mutual rights and privi-  
 “leges of all classes of His Majesty's subjects;”—if they are to be understood as con-  
 “taining a threat to introduce into the Constitution any other modifications than such as  
 “are asked for by the majority of the people of this Province, whose sentiments cannot be  
 “legitimately expressed by any other authority than its Representatives,—this House would  
 “esteem itself wanting in candour to the people of England, if it hesitated to call their  
 “attention to the fact, that in less than twenty years the population of the United States of  
 “America will be as great or greater than that of Great Britain, and that of British America  
 “will be as great or greater than that of the former English Colonies, when the latter deemed  
 “that the time was come to decide that the inappreciable advantage of governing themselves,  
 “instead of being governed, ought to engage them to repudiate a system of Colonial govern-  
 “ment which was, generally speaking, much better than that of British America now is.

Your

Your Honorable House will doubtless do His Majesty's faithful subjects sufficient justice not to construe into a threat this prediction founded on the past, of a fact which from its nature cannot be prevented. We are on the contrary convinced, that the just appreciation of this fact by Your Honorable House will prevent those misfortunes which none could deplore more deeply than we should do, and which would be equally fatal to His Majesty's Government, and to the People of this Province;—and it is perhaps here that we ought to represent with the same respect, but at the same time with the same frankness, that the fidelity of the People and the protection of the Government are correlative obligations, of which the one cannot long subsist without the other; and that nevertheless by reason of the defects which exist in the Laws and Constitution of this Province, and of the manner in which those Laws and that Constitution have been administered, His Majesty's faithful Canadian subjects are not sufficiently protected in their lives, their property, and their honor.

Among the subjects connected with the defectiveness of the Laws and Constitution of this Province, there is one to which we cannot too earnestly solicit the attention of your Honorable House,—the acts of internal Legislation for this Province passed from time to time in the Parliament of the United Kingdom, and with regard to which the people of this Country have never been consulted. We may, among others, point out the Act of the 6th year of the Reign of George the Fourth, chapter 59, commonly called the "Tenures Act." We believe that it was only by deceiving the justice of Parliament and by abusing its benevolent intentions, that it could have been induced to pass this Act. All classes of the people without distinction have, through their Representatives, demanded its repeal, a very short time after the number of the latter was increased in this Province. Yet this House has never been able to obtain from His Majesty's Representative or from any other source, any information as to the views of His Majesty's Government in England with regard to the repeal of the said Act. Its object was, according to the benevolent intentions of Parliament, and as the title of the Act sets forth, the extinction of feudal and seigniorial rights and dues on lands held *en fief* and *à cens* in this Province, with the intention of favoring the great body of the inhabitants of the Country, and protecting them against the said dues which were regarded as burdensome: but the provisions of the said Act, far from having the effect aforesaid, afford facilities to Seigniors, to become, in opposition to the interests of their *censitaires*, the absolute proprietors of extensive tracts of unconceded lands, which by the Law of the Country, they held only for the benefit of the inhabitants thereof, to whom they were bound to concede them in consideration of certain limited dues;—so that that said act if generally acted upon, would shut out the mass of the permanent inhabitants of the country from the vacant lands in the seigniories, while at the same time they have been constantly prevented from settling on the waste lands of the Crown, on easy and liberal terms and under a tenure adapted to the Laws of the country, by the partial, secret and vicious manner in which the Crown Land Department has been managed and by the provisions of the Act aforesaid, with regard to the Laws applicable to the lands in question; and the applications made by certain Seigniors for a change of tenure, under the authority of the said Act, appear to prove the correctness of the view which this House has taken of its practical effect.

It could only have been in consequence of an erroneous supposition that feudal charges were inherent in the Laws of this Country, as far as the possession and transmission of real property and the tenures recognized by that Law were concerned, that it was enacted in the said Act, that lands with regard to which a change of tenure should be effected, should thereafter be held under the tenure of free and common socage. The seigniorial charges have been found burdensome in certain cases, chiefly by reason of the want of adequate means of obtaining the interference of the Colonial Government and of the Courts of Law, to enforce the ancient Law of the Country in that behalf. The Provincial Legislature was, moreover, fully competent to pass Laws providing for the redemption of the said charges in a manner which should be in accordance with the interest of all parties, and for the introduction of the free tenures recognized by our Laws. This House has been repeatedly occupied and now is occupied about this important subject;—but the said Tenures Act, insufficient of itself to effect equitably the purpose for which it was passed, is of a nature to embarrass and create obstacles to the effectual measures which the Legislature of the Country with a full knowledge of the subject might be disposed to adopt: and we must believe that the application thus made (to the exclusion of the Provincial Legislature,) to the Parliament of the United Kingdom, which was far less competent to make equitable enactments on a subject so complicated in its nature, could only have been made with a view to unlawful speculation; and the subversion of the Laws of the Country, by means of a combination

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contrary to the previous engagements of the British Parliament, and of a nature unjustly to create apprehensions as to the views of the people and Government of the Mother Country, and to endanger the confidence and content of the Inhabitants of this Country, which ought to be ensured by equal laws and the observance of equal justice, as the rule of conduct in all the departments of the Government. We are of opinion that no violation of the rights of the people could, so long as it should exist, be attended by a willing and affectionate obedience on their part, but merely by an obedience founded on fear and constraint. We think it our duty to express the same opinion with regard to any administrative measure of the same tendency.

Although the circumstance, which did not depend upon choice of the majority of the people of the Province,—their French origin and their use of the French language,—has been made by the Colonial authorities a pretext for abuse, for exclusion, for political inferiority, for a separation of rights and interests, (with regard to which this House now appeals to the justice of His Majesty's Government and of Parliament, and to the honor of the people of England,) the majority of the inhabitants of this Country are in no wise disposed to repudiate any one of the advantages they derive from their origin and from their descent from the French nation, which, with regard to the progress of which it has been the cause in civilization, in the sciences, in letters, and in the arts, has never been behind the British nation, and is now the worthy rival of the latter in the advancement of the cause of liberty and of the science of government; from which this Country derives the greater portion of its civil and ecclesiastical law, and of its scholastic and charitable institutions, and of the religion, language, habits, manners and customs of the great majority of its Inhabitants. His Majesty's subjects in this Province who are of British origin, came to settle themselves in a Country "the inhabitants whereof professing the religion of the Church of Rome, enjoyed an established form of Constitution and system of Laws, by which their persons and their property had been protected, governed and ordered during a long series of years, from the first establishment of the Province of Canada." Prompted by these considerations, and guided by the rules of justice and of the law of nations, the British Parliament enacted, that "in all matters of controversy, relative to property and civil rights, resort should be had to the Laws of Canada." When Parliament afterwards departed from the principle thus recognized, firstly, by the introduction of the English Criminal Law, and afterwards by that of the Representative system, with so much of the Constitutional and Parliamentary Law as was necessary to its perfect action, it did so in conformity to the sufficiently expressed wish of the Canadian People; and every attempt on the part of the Public Functionaries, or of other persons, (who on coming to settle in the Province, made their condition their own voluntary act,) against the existence of any portion of the Laws and Institutions peculiar to the Country, and any preponderance given to such persons in the Legislative and Executive Councils, in the Courts of Law, or in other departments, are contrary to the engagements of the British Parliament, and to the rights guaranteed to His Majesty's Canadian subjects, on the faith of the national honor of England and on that of capitulations and treaties.

The provision of the Tenures Act beforementioned, which has excited the greatest alarm, because it appears to be most at variance with the rights of the Inhabitants of this Country, and those of the Provincial Parliament, and with the facts and principles to which we have just appealed, is that which enacts that lands previously held *en fief* or *en censive* shall, after a change of tenure shall have been effected with regard to them, be held in free and common socage, and thereby become subject to the laws of Great Britain, under the several circumstances therein mentioned and enumerated. Besides being insufficient in itself, this provision is of a nature to bring into collision in the old settlements, at multiplied points of contiguity, two opposite systems of laws, one of which is entirely unknown to this Country, in which it is impossible to carry it into effect. From the feeling manifested by the Colonial Authorities and their partisans towards the Inhabitants of the country, the latter have just reason to fear that the enactment in question is only the prelude to the final subversion, by acts of Parliament of Great Britain, fraudulently obtained, of the system of Laws by which the persons and property of the people of this Province were so long happily governed. The Inhabitants of this country, have also just reason to fear that the claims made to the property of the Seminary of St. Sulpice at Montreal are attributable to the desire of the Colonial Administration, and its agents, and tools to hasten the deplorable state of things herein before alluded. His Majesty's Government in England would, by re-assuring his faithful subjects on this point, dissipate the alarm felt by the Catholic Clergy, and by the whole people without distinction, and merit their sincere gratitude.

Independently



Independently of these serious vices, the said Tenures Act does not appear to have been founded on a sufficient knowledge of the Laws which govern persons and property in this Province, when it declares the Laws of Great Britain to be applicable to certain incidents to real property. It has only served to augment the confusion and doubt which had prevailed in the Courts of law and in private transactions, with regard to the Law which applied to lands previously granted in free and common soccage.

This House therefore humbly persists in praying that the said Tenures Act be unconditionally repealed.

We beg that we may now be permitted to return to the manner in which the Laws and Constitution have been administered; your Honourable House will there see an alarming list of grievances and abuses, (a part of which existed before the commencement of the present Administration which has maintained them, and is the author of a portion of them,) which have rapidly increased in violence and number. Many others exist which are too numerous to be enumerated here, and with regard to which we reserve to ourselves the right of complaining and demanding redress. We shall confine ourselves to representing to your Honourable House:—

That for a great number of years the Executive Government has, contrary to the rights of this House and to the Constitution of this country, set up claims to that control over, and power of appropriating a great part of the Revenue raised in this Province, which belong of right to this House; that the said claims have been vague and varying; that the documents relative to the said claims, and the accounts and estimates of expenses laid before this House have likewise been varying and irregular, and insufficient to enable this House to proceed with a full understanding of the subject on the matters to which they related. That important heads of the public Revenue of the Province, collected either under the provisions of the Law, or under arbitrary regulations, made by the Executive, have been omitted in the said accounts. That numerous items have been paid out of the Public Revenue, without the authority of this House, or any acknowledgement of its control over them, as salaries for sinecure offices, which are not recognized by this House, and even for other objects for which, after mature deliberation, it had not deemed it expedient to appropriate any portion of the public Revenue—and that no accounts of the sums so expended have been laid before this House.

That the Executive Government has endeavored, by means of the arbitrary regulations aforesaid, and particularly by the sale of the waste lands of the Crown, and of the timber on the same, to create for itself out of the revenue which this House only has the right of appropriating, pecuniary resources independent of the control of the Representatives of the people; and that the result has been a diminution of the wholesome influence which the people have constitutionally the right of exercising over the Administrative Branch of the Government, and over the spirit and tendency of its measures.

That this House having from time to time, with a view to proceed by Bill to restore regularity to the financial system of the Province, and to provide for the expenses of the administration of justice and of His Majesty's Civil Government therein, asked the Provincial Executive by address, for divers documents and accounts relating to financial matters, and to abuses connected with them, has met with repeated refusals, more especially during the present Session and the preceding one. That divers subordinate public functionaries summoned to appear before Committees of this House to give information on the said subject, have refused to do so, in pursuance of the said claim set up by the Provincial Administrations to withdraw a large portion of the public income and expenditure from the control and even from the knowledge of this House. That during the present Session one of the said subordinate functionaries of the Executive being called upon to produce the originals of sundry Registers of Warrants and Reports, which it was important to this House to cause to be examined, insisted on being present at the deliberations of the Committee appointed by the House for the purpose. And that the head of the Administration being informed of the fact, refrained from interfering, although, in conformity to Parliamentary usage, this House had pledged itself that the said Documents should be returned, and that although the Governor in Chief had himself promised communication of them.

That the result of the secret and unlawful distribution of a large portion of the public revenue of the Province has been, that the Executive Government has always, except with regard to appropriations for objects of a local nature, considered itself bound to account for the

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the public money, to the Lords Commissioners of the Treasury in England, and not to this House, nor according to its votes, or even in conformity to the Laws passed by the Provincial Legislature;—and that the accounts and statements laid before this House from time to time, have never assumed the shape of a regular system of balanced accounts, but have been drawn up one after another, (with such alterations and irregularities as it pleased the administration of the day to introduce into them,) from the accounts kept with the Lords of the Treasury, in which the whole money received was included as well as all public items of expenditure, whether authorized or unauthorized by the Provincial Legislature.

That the pretensions and abuses aforesaid, have taken away from this House, even the shadow of control over the Public Revenue of the Province, and have rendered it impossible for it to ascertain at any time the amount of Revenue collected, the disposable amount of the same, and the sums required for the public service:—and that the House having, during many years passed Bills, of which the models are to be found in the Statute Book of Great Britain, to establish a regular system of accountability and responsibility in the department connected with the receipt and expenditure of the Revenue, these Bills have failed in the Legislative Council.

That since the last Session of the Provincial Parliament, the Governor in Chief of this Province, and the Members of the Executive Government, relying on the pretensions above mentioned, have, without any lawful authority, paid large sums out of the Public Revenue subject to the control of this House; and that the said sums were divided according to their pleasure, and even in contradiction to the votes of this House, as incorporated in the Supply Bill passed by it during the last Session, and rejected by the Legislative Council:—For which sums as well as for all others paid otherwise than under the authority of an Act of the Legislature, or upon an address of this House, out of the Public Revenue of the Province, this House owes it to its constituents to hold all those who may have authorized such payments or participated therein responsible, until the said sums shall have been reimbursed, or a Bill or Bills of Indemnity freely passed by this House, shall have become Law.

That the course adopted by this House in the Supply Bill, passed during the last Session, of attaching certain conditions to certain votes, for the purpose of preventing the cumulation of incompatible offices in the same persons, and of obtaining the redress of certain abuses and grievances (which has been blamed by His Majesty's Secretary of State for the Colonial Department in one of his Despatches,) is, in our humble opinion, wise and constitutional, and has frequently been adopted by Your Honorable House, under analogous circumstances; and that if the Commons of England do not now so frequently recur to it, we have reason to believe that it is because they have happily obtained the entire control of the revenue of the nation; and because the respect shown to their opinions with regard to the redress of grievances and abuses, by the other constituted authorities, has regulated the working of the Constitution in a manner equally adapted to give stability to His Majesty's Government, and to protect the interests of the people.

It is from these motives which Your Honorable House will not, we hope, deem trivial,—and for the purpose of obtaining the redress of the grievances under which the country suffers that we determined in the present conjuncture to withhold the supplies, according to the ancient practice of Your Honorable House; and in thus following your example, we believe ourselves warranted in our proceeding as well by approved precedents as by the spirit of the Constitution itself.

We beg leave further to represent to Your Honorable House that, although the number of the Inhabitants of this Province of French origin, is seven or eight times that of those of British or Foreign origin, the establishment of the Civil Government of Lower Canada for the year one thousand eight hundred and thirty-two, (and which is now nearly the same,) contained according to the yearly returns made by the Provincial Administration the names of one hundred and seventy-five Officers receiving salaries, who are apparently of British or Foreign origin, and the names of forty-seven who are, apparently, natives of the Country of French origin.—That this statement does not exhibit the whole disproportion which exists in the distribution of the public money and power;—the latter class being for the most part appointed to the inferior and less lucrative offices, and most frequently only obtaining even these, by becoming the dependents of those who hold the higher and more lucrative offices. That the cumulation of many of the best paid and most influential, and

at the same time incompatible offices in the same person, which is forbidden by the laws and by sound policy, exists especially for the benefit of the former class; and that two-thirds of the persons included in the last Commission of the Peace, issued in the Province, are apparently of British or Foreign origin, and one-third only of French origin.

That this partial and abusive practice of bestowing the great majority of Official Places in the Province, on those only who are least connected with its permanent interests and with the mass of the Inhabitants, has been most especially remarkable in the Judicial Department, the Judges of the great Districts having, with the exception of one only in each, been systematically chosen from that class of persons, who, being born out of the Country, are the least versed in its laws and in the language and usages of the majority of its Inhabitants. That the result of their intermeddling in the politics of the Country, of their connection with the Members of the Colonial Administrations, and of their prejudices in favor of institutions foreign to, and at variance with those of the Country, is that the majority of the said Judges have introduced great irregularities into the general system of our Jurisprudence, by neglecting to ground their decisions on its recognized principles. That the claim laid by the said Judges to the power of regulating the forms of legal proceedings, in a manner contrary to the laws and without the interference of the Legislature, has frequently been extended to the fundamental rules of the law and of practice. That in consequence of the same system, the Administration of the Criminal law is partial and uncertain, and such as to afford but little protection to the subject, and has failed to inspire that confidence which ought to be its inseparable companion; and that in consequence of these connections and of these prejudices, some of the said Judges have, in violation of the laws, attempted to abolish the use in the Courts of Law, of the language spoken by the majority of the Inhabitants of the Country, which is necessary to the free action of the laws, and forms a portion of the usages guaranteed to them in the most solemn manner by the law of nations and by Statutes of the British Parliament.

That some of the said Judges, through partiality, for political purposes, and in violation of the Criminal Law of England as established in this Country, of their duty, and of their oath, have connived with divers Law Officers of the Crown, acting in the interest of the Provincial Administration, to allow the latter to engross and monopolize all criminal prosecutions, of what nature soever, without allowing the private prosecutor to intervene or be heard, or any advocate to express his opinion as *amicus curiæ*, when the Crown Officers opposed it. That in consequence of this, numerous prosecutions of a political nature have been brought in the Courts of Law, by the Crown Officers, against those whose opinions were unfavorable to the Administration of the time being; while it was impossible for the very numerous class of His Majesty's Subjects to which the latter belonged, to commence with the slightest confidence, any prosecution against those who, being protected by the Administration, and having countenanced its acts of violence, had been guilty of crimes or misdemeanors. That the said Judges have been illegally called upon by the Provincial Administrations to give their opinions secretly on questions which may afterwards be publicly and contradictorily argued before them; and that the opinions themselves so given by the said Judges, as political partizans, are in opposition to the Law but in favor of the Administration for the time being. That the said Tribunals, as far as the persons composing them are concerned, have undergone no modification whatever and inspire the same fears for the future.

That this House, as representing the people of this Province, possesses of right, and has in fact exercised within this Province, when occasion has required it, all the powers, privileges and immunities claimed and possessed by Your Honorable House in the United Kingdom of Great Britain and Ireland; and that it is its undoubted right to send for all persons, papers and records, and to command the attendance of all persons, civil or military, resident within the Province, as witnesses, in all investigations which it may deem it expedient to institute; and to require such witnesses to produce all papers and records in their keeping, whenever it may deem it conducive to the public good to do so.

That as the Grand inquest of the Province, it is the duty of this House to inquire concerning all grievances and all circumstances which may endanger the general welfare of the inhabitants of the Province, or be of a nature to excite alarm in them, with regard to their lives, their liberty, or their property, to the end that such representations may be made to our Most Gracious Sovereign, and to His Parliament, or such Legislative measures introduced, as may lead to the redress of such grievances, or tend to allay such alarm; and that far from having a right to impede the exercise of these rights and privileges,

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privileges, the Governor in Chief is deputed by His Sovereign, is invested with great powers, and receives a large salary, as much for defending the rights of the Subject and facilitating the exercise of the privileges of this House, and of all constituted bodies, as for maintaining the Prerogative of the Crown.

That since the commencement of the present Session of the Provincial Parliament a great number of Petitions, relating to the infinite variety of objects connected with the public welfare, have been presented to this House, and many Messages and important communications received by it, both from His Majesty's Government in England, and from His Majesty's Provincial Government; that many Bills have been introduced in this House, and many important inquiries ordered by it, in several of which, the Governor in Chief is personally and deeply implicated; that the said Petitions, from our Constituents, the people of all parts of this Province,—the said communications from His Majesty's Government in England, and from the Provincial Government,—the said Bills already introduced, or in preparation,—the said inquiries commenced and intended to be diligently prosecuted, may, and must, necessitate the presence of numerous witnesses, the production of numerous papers, the employment of numerous Clerks, Messengers, and Assistants and much printing, and lead to inevitable and daily disbursements, forming the contingent expenses of this House.

That from the year one thousand seven hundred ninety-two to the present, advances had constantly been made to meet these expenses, on Addresses similar to that presented this year by this House, to the Governor in Chief, according to the practice adopted by your Honorable House,—that an Address of this kind is the most solemn vote of credit which this House can pass, and that almost the whole amount of a sum exceeding two hundred and seventy seven thousand pounds, has been advanced on such votes by the decessors of His Excellency the Governor in Chief, and by himself, (as he acknowledges by his Message of the eighteenth January one thousand eight hundred and thirty four,) without any risk having ever been incurred by any other Governor on account of any such advance, although several of them have had differences, attended by violence and injustice on their part, with this House, and without their apprehending that the next Parliament would not be disposed to make good the engagements of this House,—and that the refusal of the Governor in Chief, in the present instance essentially impedes the despatch of the business for which the Parliament was called together, is derogatory to the honor of this House, and forms another grievance for which the present Administration of this Province is responsible.

Among the other Grievances and abuses not herein before sufficiently particularized, we beg leave to represent to your Honorable House:—The vicious composition and the irresponsibility of the Executive Council, the members of which are at the same time Judges of the Court of Appeals; and the secrecy with which not only the functions but even the names of the Members of that body have been kept from the knowledge of this House, when inquiries have been instituted by it on the subject:—The increase of the expenses of the Government, without the authority of the Legislature, and the disproportion of the Salaries paid to the public functionaries, to the services performed by them, to the rent of real property, and to the ordinary income commanded by the exertions of persons possessing talent, industry, and economy equal to, or greater than, those of the said functionaries:—The exorbitant fees illegally exacted in certain of the public offices, and in others connected with the Judicial Department, under regulations made by the Executive Council, by the Judges, and by other functionaries usurping the powers of the Legislature:—The enervation of public places and offices in the same persons, and the efforts made by a number of families connected with the Administration, to perpetuate this state of things for their own advantage, and for the sake of dominating for ever, with interested views and in the spirit of party, over the People and their Representatives:—The intermeddling of Members of the Legislative Council in the Elections of the Representatives of the people, for the purpose of influencing and controlling them by force; and the selection frequently made of Returning Officers for the purpose of securing the same partial and corrupt ends:—The interference of the present Governor in Chief himself in the said elections; his approval of the intermeddling of the said Legislative Councillors in the said Elections; the partiality with which he intervened in the judicial proceedings connected with the said Elections, for the purpose of influencing the said proceedings in a manner favorable to the Military power, and contrary to the independence of the Judicial power; and the applause which, as Commander of the Forces, he bestowed upon the sanguinary execution of the

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citizens by the soldiery, The authors of which had not been acquitted by a Petty Jury ; the interference of the armed Military force at such Elections ; through which three peaceable citizens, whose exertions were necessary to the support of their families, and who were strangers to the excitement of the election, were shot dead in the streets :— The various faulty and partial systems which have been followed, ever since the passing of the Constitutional Act, with regard to the management of the waste lands in this Province, and have rendered it impossible for the great majority of the people of the Country to settle on the said lands ;—the fraudulent and illegal manner in which, contrary to His Majesty's instructions, Governors, Legislative and Executive Councillors, Judges, and subordinate officers have appropriated to themselves large tracts of the said lands ;— the monopoly of an extensive portion of the said lands in the hands of speculators residing in England, with which the Province is now threatened,—and the alarm generally felt therein with regard to the alleged participation of His Majesty's Government in this scheme, without its having deigned to reassure His faithful subjects on this head, or to reply to the humble address to His Majesty, adopted by this House during the last Session. The want of all recourse in the Courts of Law on the part of those who have just and legal claims on the Government.—The too frequent reservation of Bills, for the signification of His Majesty's pleasure, and the neglect of the Colonial Office to consider such Bills, a great number of which have never been sent back to the Province, and some of which have been returned so late that doubts may be entertained as to the validity of the sanction given to them ; a circumstance which has produced irregularity and uncertainty in the Legislation of the Province, and is felt by this House as an impediment to the re-introduction of the Bills reserved during the then preceding Session. The neglect on the part of the Colonial Office to give any answer to certain addresses transmitted by this House on important subjects ; the practice followed by the Administration, of communicating in an incomplete manner, and by extracts, and frequently without giving their dates, the despatches received from time to time, on subjects which have engaged the attention of this House ; and the too frequent references to the opinion of His Majesty's Ministers in England, on the part of the Provincial Administrations, upon points which it is in their power and within their province to decide.—The unjust retention of the College at Quebec, which forms part of the Estates of the late Order of Jesuits, and which from a College has been transformed into a Barrack for Soldiers ; the renewal of the lease of a considerable portion of the same Estates, by the Provincial Executive, in favor of a Member of the Legislative Council, since those Estates were returned to the Legislature, and in opposition to the prayer of this House, and to the known wishes of a great number of His Majesty's Subjects to obtain lands there and to settle on them ; and the refusal of the said Executive to communicate the said lease and other information on the subject to this House.—The obstacles unjustly opposed by an Executive, friendly to abuses and to ignorance, to the establishment of Colleges endowed by virtuous and disinterested men for the purpose of meeting the growing desire of the People for the careful education of their Children.—The refusal of justice with regard to the accusations brought by this House, in the name of the people, against Judges, for flagrant acts of malversation, and for ignorance and violation of the Law.—The refusals on the part of the Governors, and more especially of the present Governor in Chief, to communicate to this House the information asked for by it, from time to time, and which it had a right to obtain, on a great number of subjects connected with the public business of the Province.—The refusal of His Majesty's Government to reimburse to the Province, the amount for which the late Receiver General was a defaulter, and its neglect to enforce the recourse which the Province was entitled to against the property and person of the said late Receiver General.

Having now shown by the faithful statement of facts which we have thus laid before your Honorable House, that the Laws and Constitution of this Province have not, at any period been administered in a manner more contrary to the interests of His Majesty's Government, and to the rights of the people of this Province, than under the present Administration, we expect from the honor, patriotism and justice of the Reformed Parliament of the United Kingdom,—and have resolved to pray, and do pray, that your Honorable House will bring articles of Impeachment, and support those articles of Impeachment before the House of Lords, against His Excellency Matthew Whitworth Aylmer, Lord Aylmer of Balrath, the present Governor in Chief of this Province, for having, while acting as Governor, in contradiction to the wishes of the Imperial Parliament, and to instructions he may have received, and against the honor and dignity of the Crown, and the rights and privileges of this House and the people whom it represents, so recomposed the Legislative Council, as to augment the dissensions which rend this Colony ; for having seriously impeded the labours of this House, neting us the grand inquest of the Country ; for having disposed

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the public Revenue of the Province, against the consent of the Representatives of the people, and in violation of the Law and Constitution; for having maintained existing abuses, and created new ones; for having refused to sign a Writ for the Election of a Representative, to fill a vacancy which had happened in this House and to complete the number of Representatives established by Law for this Province; and generally for and on account of his illegal, unjust and unconstitutional Administration of the Government of this Province; and against such of the wicked and perverse advisers who have misled him, as this House may hereafter accuse, if there be no means of obtaining justice against them in the Province, or at the hands of His Majesty's Executive Government in England. We believe that the two Houses of the Parliament of the United Kingdom will be disposed, both from inclination and from a sense of duty, to support the accusations brought by this House, to watch over the preservation of its rights and privileges, which have been so frequently and violently attacked, more especially by the present Administration,—and so to act, that the people of this Province may not be forced by oppression to regret their dependence on the British Empire, and to seek elsewhere a remedy for their afflictions.

We therefore humbly pray that your Honorable House, will be pleased to take our present humble address into its favorable consideration, and, jointly with the other branches of the Parliament of the United Kingdom, to use its efforts that the defects which exist in the Laws and Constitution of this Province may be remedied in a manner conformable to the wishes, the interests and rights of the people of this Province and of this House; to see that the abuses and grievances which have prevailed, and which still prevail in this Province, are fully and entirely redressed,—and to punish the authors and perpetrators of them in a manner consonant with the justice and honor of the people of England and with the dignity of the Crown,—and to exert the wholesome influence possessed by Your Honorable House, for the purpose of preventing the recurrence of the same grievances and abuses in future, and to the end that the Laws and Constitution of the Province may be constitutionally, equitably, and impartially administered.

And as by inclination and by duty we are led and bound to do, We shall for ever pray, &c. &c. &c.

(Signed)

L. J. PAPINEAU,  
Speaker of the House of Assembly.

HOUSE OF ASSEMBLY,  
Quebec, Saturday, 1st March, 1834.

