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REPORT,

FROM

THE SELECT COMMITTEE,

OF THE

LEGISLATIVE COUNCIL

OF UPPER CANADA:

ON THE REPORT OF THE RIGHT HONOURABLE THE

EARL OF DURHAM,

HER MAJESTY'S LATE GOVERNOR-IN-CHIEF OF BRITISH NORTH AMERICA.

PRINTED BY ORDER OF THE HONOURABLE THE LEGISLATIVE COUNCIL.

R. STANTON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MDCCCXXXIX.



REPORT.

THE SELECT COMMITTEE to whom was referred the Report of the Right Honourable the EARL OF DURHAM, HER MAJESTY'S late GOVERNOR-IN-CHIEF of British North America,

RESPECTFULLY SUBMIT THE FOLLOWING REPORT :

In discussing the report of Her Majesty's late High Commissioner on the affairs of Upper Canada, your Committee are fully aware, that their observations cannot be understood by your Honourable House, as conveying any censure on Her Majesty's Commissioner; who commences by informing Her Majesty, that his information, respecting the state of Upper Canada, had not been acquired in the course of his actual administration of the government of that Province, a fact to which the report itself bears ample testimony. His Lordship observes that, "it is very difficult to make out from the avowals of parties, the real objects of their struggles, and still less easy is it to discover any cause of such importance, as would account for its uniting any large mass of the people in an attempt to overthrow, by forcible means, the existing form of government."— From the first part of this paragraph it appears, that the political parties into which the Province is said to be divided, have no very strong ground for complaint, otherwise some definite description thereof would doubtless have been given to his Lordship; who, in the latter part of the same paragraph, insinuates, that

a large mass of the people of Upper Canada were desirous of overthrowing the government, a fact totally unknown in this Province, and already sufficiently refuted by the conduct of the people. His Lordship then informs Her Majesty, that Upper Canada "has long been entirely governed by a party commonly designated through the Province as the 'family compact,'" and that, "there is in truth, very little of family connection among the persons thus united." Why then should his Lordship give his assistance in the dissemination of any such erroneous idea, as that title has been used to propagate? His Lordship does not appear to have understood, that the object of the Press in adopting the term of "family compact," as a name by which to designate "the Bench, the Magistracy, the holders of the high offices of the Episcopal Church, and a great part of the legal profession, the possessors of nearly the whole of the waste lands of the Province, the people all powerful in the chartered Banks, and sharing among themselves almost exclusively all offices of trust and profit;" intended to impress their readers with the idea, that a close family connection did exist among all the persons in authority throughout the Province, and that if it were not so understood the force of the epithet would be altogether lost; for throughout his Lordship's report "the family compact" is blazoned forth with studious pertinacity, although the inaptness of the title had been previously admitted.

The High Commissioner next endeavours to shew, that all persons of education, and more especially members of the learned professions, ought rather to settle in

the United States than in Canada, a Surgeon, for instance, because he must shew that he is duly qualified before he can be permitted to practice within this Province; an Attorney, because he is not permitted to practice therein as a Barrister; and a Barrister, because he is not allowed to act as an Attorney.

Your Committee are of opinion, that in all these regulations the legislature has shewn a proper and praise-worthy desire to prevent ignorant pretenders to medical and legal knowledge, disturbing the animal economy or social condition of Her Majesty's subjects. Then comes his Lordship's list of British grievances, which is altogether remarkable; he complains of the Banking system, in which he says the Canadian party are supreme, (a large portion of the stock in the most ancient of the chartered Banks is, however, owned by persons residing in England,) and further asserts, that the influence of the Banks "is said to be employed directly as an instrument for upholding the political supremacy of the party" (Canadian)—Your Committee happen to have the means of personally knowing, that the chartered Banks have most studiously avoided political connection with all parties.

Your Committee find introduced as one of the grievances, "that under the system of selling land pursued by the government, an individual does not receive a patent for his land, until he has paid the whole of his purchase money."—Why should a contrary course be pursued?—That is not shewn! The High Commissioner then wanders into Illinois; and gives a vivid

description of the peculiar advantages to be derived by English folk, who may become domiciled in the republic. If indeed his Lordship had not qualified his opinions with the assertion that, "but few cases in which the departure of an Englishman from Upper Canada to the States, can be traced directly to any of these circumstances in particular," alluding to the British grievances before mentioned, your Committee would have supposed that the peculiar functions of Her Majesty's High Commissioner were not those detailed in his commission, the more-especially, as these hitherto unheard of grievances are quoted, as the cause of the decreased immigration from the Parent State; and throughout the report comparisons are constantly drawn unfavourable to Her Majesty's possessions in North America.

Your Committee having exposed a few of the inconsistencies in the first pages of his Lordship's report, deem it unnecessary to enter more fully into its details, the conflicting character of which, as compared with his Lordship's other productions, is sufficiently set forth in the report of the Committee on the state of the Province, appointed by the House of Assembly: observing, however, that his Lordship sums up the Upper Canadian grievances, in the great practical question of the Clergy Reserves. Your Honourable House has, so recently, had this question under discussion, that your Committee refrain from any commentary on his Lordship's statements regarding it, but your Committee cannot avoid observing, that however unintentional, his Lordship's remarks are evidently calculated to cast

odium on the Established Church of England, which, like every other respectable body throughout the colony, has been constantly assailed by the party mis-named Reformers.

Adverting, now, to his Lordship's great panacea for all political disorders, "Responsible Government," your Committee beg to observe, that a liberal minded Englishman, sincerely admiring the great principles of the British Constitution, would naturally be desirous of extending them, theoretically and practically, to all people living under the dominion of the Crown; and at the first view, would be apt to ascribe any evils which were found to exist in any portion of the Empire, to the absence of those political institutions, which he is bound to uphold in the administration of public affairs, in the metropolitan and supreme government.

It is in this manner we must account for the adoption, at first sight, by many statesmen, of the principle, that the officers administering the government should be under the same popular control in colonies, as the like persons necessarily are in those societies, where powers of supreme legislation, by means of popular administration, are found to exist; but it is to the practical impossibility of preserving colonial relations on such a plan, that we must attribute the fact, that notwithstanding all the changes produced by the struggles of party, or the alternations of conservative or liberal politics in England, no statesman, armed with the authority, has, as yet, attempted to introduce the principle of responsibility of government to the people, into the colonial system.

After an attentive and disinterested consideration of this subject, your Committee are led to the conclusion, that the adoption of the plan proposed by the Earl of Durham, in which this is the prominent feature, must lead to the overthrow of the great colonial empire of England.

The control exercised by the popular will, over the administration of affairs in Great Britain, and over the choice of persons by whom the government shall be conducted, is founded, not upon theory, but upon the practical necessity of carrying on a government, according to the will of that power in the constitution, which, right or wrong, can most effectually control it. Simple responsibility of the executive functionaries, and their liability to answer for misdemeanors or mistakes, existed in England long before the popular branch of the legislature assumed its present powers; and in fact, the trial and punishment of ministers, or in other words, their actual responsibility was much more frequently exhibited when the Sovereign was independent of the people, than since the British constitution has been, by the necessities of the Crown, moulded into its present form.

This latter responsibility the colonists have: it is now proposed to bestow on them the former.

No one can be blind to the fact, that it is amongst those who advocate the doctrine, that colonies are useless and burdensome, that responsibility of the government to the people finds its warmest supporters. Lord Durham holds a contrary opinion, and yet he advocates popular government!

That the colonial possessions of England are of immense importance, and essential to the continuance of her greatness and prosperity, few, we believe, are prepared to deny. In support of that opinion, your Committee will, however, quote a favourite expression of the Earl of Durham, after his lordship had seen the Canadian possessions of the Crown, and become sensible of their value—"England, if she lose her North American colonies, must sink into a second-rate power."

According to the present system, the governor of a colony exercises most of the royal functions, under the general direction of the ministers of the crown; he is strictly accountable for his conduct, and for the use he makes of the royal authority—he recommends for office persons in the colony, or appoints those selected by the minister:—and he endeavours to conduct his government according to the policy of the imperial cabinet, with a view to the present prosperity and future greatness of a country in which England has a deep interest; and above all things, with the intention of preserving, against all opposition, the unity of the empire.

To enable him to fulfil these great duties, it is obviously his interest, and that of his advisers, to keep on his side the popular voice of the colony, and to avoid giving occasion to discontent—redressing real, and dissipating, by temperate discussion, all imaginary grievances.

According to the system proposed by the Earl of Durham, the advisers of the Lieutenant Governor

would not be officers who, in accordance with the policy of the home government, endeavour to aid the Lieutenant Governor in conciliating the affections of the people; but they must be the creatures of the prevailing faction or party in the Assembly—advising the Governor altogether with the view to the wishes of the House for the moment, regardless of the opinions of the supreme parliament, or those of the imperial cabinet—and having (though nominally subordinate) the power of forcing all their measures upon the Governor.

The colonial Governor must, in this case, be left without discretion or responsibility, and follow whatever changes may occur; in his colony he could take no directions from the minister of the crown, nor, indeed, communicate with the supreme government, unless in the terms dictated by his responsible advisers, to whose directions he must submit, far more completely than the Sovereign to the advice of the cabinet. The real Sovereign, and the supreme cabinet, are lost sight of and forgotten, in the administration of public affairs in the colony: and thus the responsibility to Parliament, which in England is produced by, and consistent with the powers of supreme legislation, being introduced into a colony where the supremacy in the legislative body does not exist, the weaker body, in fact, is, by a political fiction, made the stronger.—The dependency of the colony is at an end; and while the Sovereign no longer possesses a confidential servant in the colony, the ministers of the crown, who are responsible for the preservation of colonial connection, lose all authority to fulfil the duties of their office.



Either this must be the course pursued by a Governor, with responsible advisers, or he must think for himself, independently of those advisers: and, as a matter of course, throw himself for information and advice, upon irregular and unknown sources: In such an event, the responsible advisers resign—they have, perhaps, a majority in the Provincial Parliament; but they may, notwithstanding, be very wrong. Then comes a dissolution of the Provincial Parliament, and, perhaps, an expression of public opinion, by a bare majority, against the government—and probably, inimical to the interests of the empire. Who, then, is to yield?—The government must, in fact, retire from the contest, whether right or wrong, or carry on public affairs without any advisers or public officers.

This cannot be done: so that, after all, the governor of the colony must be responsible to the prevailing party in the colony; and, so far as the empire is concerned, he becomes the sovereign of an independent realm—having no discretion, and therefore no responsibility.

Under such a system, colonial dependence would practically be at an end. If it be resolved then, to force upon us an independence not yet courted, why subject the colonies to the few miserable years of transition from monarchy to democracy, which must inevitably follow? Why subject the colony to the dissensions of party? Is it to foster a spirit of undying enmity among a people disposed to dwell together in harmony and peace? Far better would it be to unite them at once to an empire which, though rival, and

perhaps inimical to England, would, in such case, interfere sufficiently between contending parties, to save them from each other.

☞ If England withdraw her influence, and leave her governors to be the shuttle between colonial parties, no loyalty now existing among any of these parties, will prevent their seeking another influence in the neighbouring republic, to replace the one needlessly withdrawn; and as the French of Lower Canada sought the alliance of their ancient enemies, the Anglo-American population of the neighbouring States, to give them the means of overwhelming the British population—for the time left without the countenance or support of the British government—so will the losing party, in either colony, seek some external influence to aid their cause. England refuses the umpirage, and there can be no doubt but that it will be readily offered, before many years, to the United States.

Ireland and Scotland had once independent legislatures; but never, when under the British crown, had they any thing approaching to governments responsible to their respective people—yet the government of them became impracticable, the moment it approached to a participation of equal political rights, and they were united with England: because government in the different parts of an empire, must be conducted with a view to some supreme ruling power, which is not practicable with several separate and independent legislatures.

The plan of the Earl of Durham is to confine the functions of the local legislatures to affairs strictly

colonial, but this limitation of powers is not practicable under his Lordship's system.

It is perfectly true that, it is not for the interest of England to maintain a continual struggle with the local legislature, for the purpose of upholding any class of persons in the colonies, as the servants of the Crown; but it is no less true, that the honour and interests of the Empire are intimately involved with local administration, and that if Governors of colonies are to be left unsupported by the Imperial Government, and to have their advisers chosen for them by the prevailing party, the usefulness of the Governors must be at an end,—there must either be continual collision between them and the other public servants in the colonies, or the Governors must yield up their judgments and consciences to the keeping of the factions which agitate the countries they are appointed to govern.

In small communities, the future is continually sacrificed to present convenience, but the very temporary nature of the interests which influence the politics of a country like this, with a changing population, with no barriers between the inception of public will and and its expression—the comparatively little personal influence held by any, from considerations of property, or personal attachment—the ephemeral character of the topics which sway elections and elevate men for the moment into public favour, with almost a certainty of sinking with the reflux of the wave which lifted them into view, operate against the growing up of that steady influence capable of giving stability to

politics, or of defining the views of party. The people are individually essentially free—free from landlords—free from employers—free from the influence of great wealth, as well as from that of high station in the few; every man does as it seems best in his own eyes. The consequence is, that it is scarcely possible to know, for any continuance, what the views of the prominent parliamentary men are, except on a few questions: no considerable number of them think alike, and all, by turns, find themselves in a minority many times during a parliamentary session.

This state of things does not arise from any modification of political institutions, but from the individual independence of the population—caused by the ease with which landed property is acquired. In England, political leaders think for the people: in America, the people think for the members of Parliament; and as the people is not bound to consistency, like individuals of note, its appetite for change, and for the proposal and attempt to carry absurd and extravagant measures, is, and must be gratified from time to time, non obstante, the consistency of politicians.

The same course of politics is found in the United States, where the President, the Senate, and the House of Representatives, constantly find their measures negatived by each other, and where members are constantly instructed by their constituents, according to the popular whim of the hour. We therefore do not find what is strictly called Executive responsibility, or necessity of continual accordance of government with the popular voice; and measures have,

even between the short intervals of the Presidential elections, time to be popular and unpopular, two or three times over. The French Canadian party form, perhaps, the only political combination in America with consistency of principle, and this is because they have leaders who direct the general opinion. They are consequently the only party whose representatives could by any possibility lay down any tangible principles upon which they would conduct a government. In this Province, as in the United States, popular will must influence the conduct of government in all things, not essentially wrong or chimerical, and in these the government must be strong enough to resist, and be known to have the power of resistance for a sufficient time, to permit more cool and quiet consideration on the part of the constituency.

A curious example of this species of legislation is found in a discussion, which has occupied a great part of the present session, on the absorbing topic of the Clergy Reserves. It has been taken up and discussed upon principles of liberality and concession, on all sides; the parties, unable to agree upon any mode of appropriation, have, as a final measure, referred the issue to the Imperial Parliament.

It would be almost impossible to enumerate the various modes of distribution proposed, with and without the approbation of government, on this question, which would undoubtedly, in English politics, be considered one, upon which the existence of a ministry must depend. Suffice it to say that, almost every member had a plan of his own; some had two or

three plans fresh from their constituents—yet, strange to say, the house could not agree,—that is to say, there was a number sufficient to negative every plan proposed, and to prevent the reference of the matter to England, up to the last day of the session.

In this paradoxical state of affairs, which of the contending parties should form the colonial cabinet ?

This, or something approaching to it, not being an unusual condition of politics, it may easily be supposed that few, if any persons, possess sufficient influence to conduct affairs ; and from this state of things, it is to be presumed, has arisen the practice in all colonial governments, with legislatures, of the governors standing as mediators between parties, yielding and leaning to the popular voice, but resisting it with the authority of their office, when it was manifestly in error.

It must be supposed that had the system proposed by the Earl of Durham been long since adopted, the popular will would have prevailed to a far greater extent than heretofore, and yet most of the practical evils found in the colonies have arisen from measures popular at the time of their enactment.

The preservation of the French language, laws, and institutions, and the consequent perpetuation of the contest between the races, so strongly deprecated by the Earl of Durham, was a popular measure, and must have prevailed even more injuriously, and even destructively, under a responsible government.

The concessions of public lands to U. E. Loyalists and their children, to militia, and other grantees not

resident upon the lands, which now form an acknowledged public grievance, were popular measures: the persons who benefited by them being the population of the country, and those who complain of them not being yet arrived.

The parliamentary grants for local works, and the disposal of funds by commissioners named by the legislature, and the abuse of this patronage, are evidently founded upon, and rising out of, the parliamentary influence sought to be made supreme, and are evils which might have been greatly exaggerated, but could not have been lessened by responsible Government.— In fact they prove that governors should oftener take the responsibility of resisting the popular voice than they have been hitherto accustomed.

The very change in political sentiments, produced by the constant introduction of new population from Great Britain, shews that legislation in these colonies ought to be conducted with some view to the interests of those not represented in the legislature, but who may soon form the great mass of the subjects of the Crown in America. A responsible cabinet must, however, look exclusively to the party of the day, and in its favour neglect the great future interests of the Province.

In short, local and sectional interests are felt too strongly and directly in elective bodies, in small communities, to permit of consistent legislation on general principles, and the objects to be gained during the short period for which the majority hold their influ-

ence, are of too much consequence, compared with distinct general results, to permit of the perfectly unchecked course which would result from responsible government.

Although the points are few in which it is the interest of England directly to interfere with local and internal affairs in the colonies, your Committee are at a loss to conceive how, in a government so independent, as this is proposed to be made of England, these few points can by any means be excluded from the controul of the local parliament—a disagreement with the cabinet and legislature on the subject of foreign trade, immigration, disposal of lands, or any of the excluded topics, will just as readily induce a stoppage of the supplies, with all the consequences, as any of the questions within the range of local legislature, and if we can suppose cases in which the interests of the empire and that of the colony should be different, it is vain to expect that any set of public servants who should espouse the general interests, could continue in authority.

Even in the question of peace and war, excluded alike from local legislation in the several states of America, as in the colonies, we have seen how nearly in the states of Michigan, New York, and Maine, the prevalence of popular opinion produced a terrible national war: how the arm of government was paralyzed, and the licentious and outrageous conduct of the populace encouraged by local authorities, because of the influence of this excluded and forbidden question, upon the elections of local governors and local legis-

latures :—and it cannot be questioned that little more exacerbation of the public mind in Upper Canada, would have caused such a desire for reprisal and retaliation, as would have placed any local responsible cabinet, desirous to maintain peace on the border, in direct collision with the popular voice.

A stronger instance of the necessity for interference in local affairs than the recommendation of the British Government for a merciful course towards the prisoners presented, could scarcely have occurred, for it has justly been observed, that the honour of England would suffer, if life were taken unnecessarily. But to prevent its being taken to a much greater extent than has been permitted, required much firmness in the advisers of the government, and much reliance on their part on the Imperial authorities for support in the humane course recommended by them.

To conclude this subject, your Committee would observe, that so long as England holds sway in the colonies, there will be a majority seeking for power in the Provinces; and a minority for justice and protection, and impartial government. The moment the provincial magnates are made supreme by the proposed system, interference to do justice will be a breach of faith; and let it be recollected, that if England refuse the umpirage between contending parties, there is a power at hand, ready and anxious to join with either, and watching for the favourable opportunity.

From these reasonings, it appears evident, that the expenses of military defence in Canada are not to be

avoided by a partial independence, or by any thing short of abandonment. These expenses have not been incurred in consequence of any want of popular concessions: they have been caused by the unprincipled and outrageous conduct of the border Americans, which can only be held in check by military defences, or by the influence of British power, upon the American people, through their government.

Referring to the causes of the late insurrection, your Committee would observe, that it is not to be contended, that the influence over the public mind, caused by Sir Francis Head having placed the question at issue in such a light as to shew political evils arising from the reform system so strongly, as to produce the change in the elections of 1836, could either produce or excuse rebellion. The question at issue involved consequences of vital importance: nor could the rebellion be produced or excused by comparisons made by the public, to the disadvantage of the reformers.—The only pretence amongst all those urged, having any colour of argument, is the alleged corruption at the elections, and the influence then obtained by government. But this pretext seems, upon examination, as unfounded as the others: a people who will permit themselves, in a country in which the elective franchise is so widely diffused, to be bribed or influenced into returning an overwhelming majority to parliament, are not the most likely, therefore, to rise in rebellion against their own decision; and as to the fact of corruption on the part of the government, so far from there being any means of attempting such a course, it is with great diffi-

culty that the government can find the means of carrying on itself, without any such expensive interference with the rights of electors. If the assertion were not too absurd for dispute upon it, reference might be had to the returns from the public offices, and to the proceedings in the Assembly, in which the reformers were invited, in vain, to sustain any one of these accusations, as a full refutation of the charge, of corrupt interference influencing the elections.

That dissatisfaction prevailed amongst the defeated party, as in all other cases, is admitted—and that the elected members did not possess the confidence of those who voted against them, was to be expected; but that the successful majority were thereby driven into despair of good government, or were discontented with their own mode of putting members of their own choice into power, is not only contradicted by the argument that the remedy would always be in their own hands, but by the fact of the enthusiastic loyalty with which the populace of the country, chiefly those who formed the majority in the late elections, rallied round the very men and the governor, by whom, according to the complaint of the reformers, they had been disappointed and betrayed. Your Committee are of opinion, that the proximity of the American frontier—the wild and chimerical notions of civil government broached and discussed there—the introduction of a very great number of border Americans into this Province, as settlers, who, with some most respectable and worthy exceptions, formed the bulk of the reformers, who carried these opinions so far as

disaffection—together with the existence of actual rebellion, and the expectation of a general rising in Lower Canada, emboldened a portion of the minority to rise in rebellion in this Province, in the hope of achieving the overthrow of the Government with foreign assistance.

Is it because reformers, or a portion of them, can command the sympathies of the United States, and of Lower Canadian rebels, that the internal affairs of a British colony must be conducted so as to please them? Where would the colonial government have looked for support and defence, in its time of real danger, had proscription, and discouragement, and disregard, been the portion of those who had shewn, at the elections, that they were willing to sacrifice a portion of popular influence, to the great object of retaining British connection.

How painfully must such men be excited, at reading, in Lord Durham's report, what appears to be a justification of the course taken by the disaffected, without one word of approval to those who risked and endured so much in defence of British supremacy. In what manner, we ask, did the dominant party make use of the occasion, to persecute or disable the whole body of their political opponents? Who were the numbers of perfectly innocent men thrown into prison, and who suffered in person, property, and character? And what severe laws were passed in *Upper Canada*, under colour of which, individuals very generally esteemed, were punished without any form of trial?

That some unauthorised individuals were prone to insult those whom they viewed, at the moment, as a fallen enemy, must have been the case. That the individuals, thus insulted, may have felt themselves aggrieved and annoyed, cannot be doubted—that a great many were thrown into prison, (against whom the clearest proof of high treason, was in the hands of the magistracy,) but who were released without trial, a mercy which they most thankfully accepted, can easily be proved. That they were perfectly innocent, could only have been placed beyond dispute by a trial, but in the cases of the great number of individuals arrested; there were not only good grounds of suspicion, but means of proof of guilt, and it would be far, indeed, from being the interests of the parties themselves to provoke an inquiry.

It is true, that magistrates, sometimes looking to the circumstances of their own immediate neighbourhoods, rather than to the policy of the Government at large, proceeded with more zeal and strictness than the case demanded; but what good reason for complaint has the criminal, arrested for high treason, in the discovery, that the magistrate, by whose authority he is arrested, has a political leaning different from himself?

It is stated, in Lord Durham's report, that it was generally believed, that the pardon of Samuel Lount, and Peter Matthews, was solicited by no less than thirty thousand of their countrymen. The number of petitioners—men and women—who petitioned for these criminals, appear, upon examination, to be four

thousand, five hundred, and seventy-four;—such exaggerations necessarily refute themselves.

It is one of the most distressing effects of the publication of the Earl of Durham's report, that His Lordship thus seems to condemn the execution of these men. If they really ought to have been spared, the publication of such a sentiment, from one in high authority, cannot restore them, but it must give rise to feelings, on the part of their friends, and their political party, (who may never have imagined such a possibility as the escape from punishment of every one of the leaders of a rebellion, which inflicted so much calamity upon the Province,) but who will now think that, had the Earl of Durham been in this Province, high treason would have been considered much in the same light as a riot at an election.

Your Committee having animadverted on the principal topics in the report of the High Commissioner, beg, ere they conclude, to observe, that, as regards Upper Canada, Lord Durham could not possibly have any personal knowledge, the period of his sojourn in that Province being of such very short duration.—Your Committee regret that His Lordship should have confided the task of collecting information, to a person, who, be he whom he may, has evidently entered on his task, with the desire to exalt the opponents of the colonial government in the estimation of the High Commissioner, and to throw discredit on the statements of the supporters of British influence, and British connexion—that he should, in such an attempt, have laid himself open to severe censure. was to be

expected. Your Committee have, however, through a feeling of respect for Her Majesty's Commissioner, refrained from commenting on his report, in the terms which they honestly avow they think it merits, confident that their forbearance will meet the desires of your Honourable House, and be equally in accordance with the wishes of the family compact hereinbefore mentioned.

All which is respectfully submitted,

J. S. MACAULAY,

- CHAIRMAN.

COMMITTEE ROOM,

Legislative Council,

11th day of May, 1839.