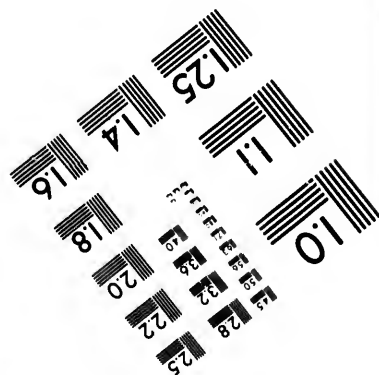
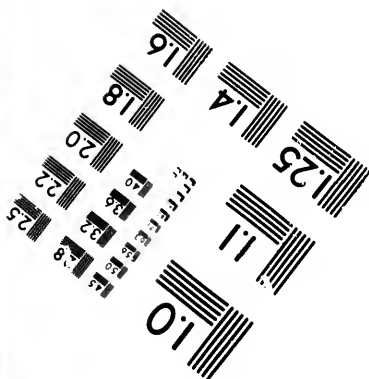
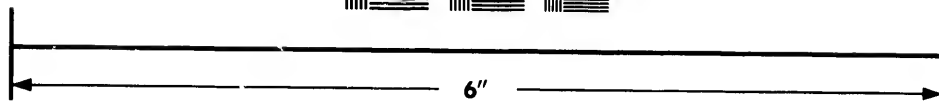
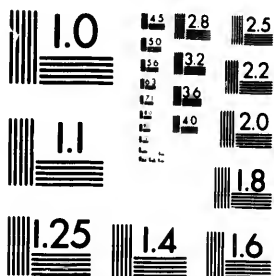


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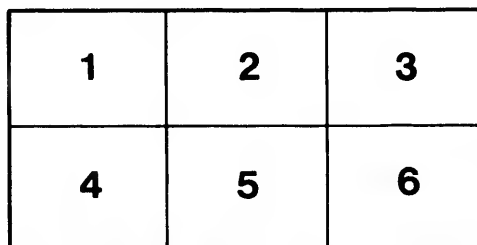
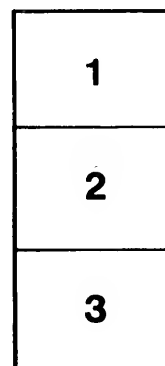
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REPORT

FROM THE

SELECT COMMITTEE

OF THE

HOUSE OF ASSEMBLY

OF

UPPER CANADA,

APPOINTED TO REPORT ON THE

STATE OF THE PROVINCE.

TORONTO:

PRINTED AT THE PATRIOT OFFICE.

1839.

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To the Honorable the Commons House of Assembly.

**THE REPORT OF THE SELECT COMMITTEE ON THE
STATE OF THE PROVINCE,
(UNANIMOUSLY ADOPTED.)**

IN the Report on the Political State of the Provinces of Upper and Lower Canada, adopted by Your Honorable House, during the last Session of the Provincial Legislature, the following statement is recorded:—

Reference to report of last Session on the political state of the Provinces.

“The next suggestion to which Your Committee beg to draw the attention of Your Honorable House, is the necessity, (now too painfully obvious,) of keeping up a respectable military force within both Provinces.”

Extract from report of last Session.

A respectable Military force necessary.

“It must be sufficiently apparent, Your Committee believe, that this desire for military protection does not proceed from any apprehension of internal revolt in *Upper Canada, at least.*”

A Military force not needed from apprehension of revolt in U. C.

“Recent events have proved how small the number is that aim at rebellion, and how ready and how well able the great body of the Inhabitants of this Province are to suppress any attempt at insurrection: but the civilized nations of Europe will learn, with astonishment, that it ceases to be a question, whether the ‘Great Republic’ of the *United States of America*, boasting of the superiority of its Institutions over those of every other Country, has the power of controlling its citizens within the limits essential to the maintenance of peace, and the honorable performance of Treaties, solemnly entered into by it, with foreign powers.”

Very few aim at Rebellion.

The great body of the people were able to put down any attempt at Insurrection.

Whether the Great Republic of the U. S. is capable of controlling its own citizens no longer problematical.

The fact of lawless invasion of other countries by freebooters &c. from the U. S. prove that their neighbors are not to expect security from their forbearance or the moral influence of their Government—but from their own Fleets and Armies.

“The occupation and conquest of Texas, in the South, and the assembling of an armed force on its Eastern frontier, openly recruited in its principal Cities and Towns, commanded by its citizens, and by them also supplied with arms, ammunition, clothing, money and provisions, and transported in the presence of, and unrestrained (if not encouraged) by its Magistrates and Public Officers, in Steamboats and other vessels, into this Province, and landed in it for the avowed purpose of overthrowing the Government and wresting the Colony from the Crown of Great Britain, sufficiently prove—that, if the countries bordering on the United States desire to protect themselves from the inroads of freebooters, pirates, fugitive traitors, and outlaws, they must look for security to their own fleets and armies, and not to the honorable forbearance of the American people, or the efficiency or moral influence of their Government.”

Committee would greatly desire to recall the above imputation.

Your Committee are well assured that nothing could afford Your Honourable House greater satisfaction than to feel justified in recalling the imputation which this declaration conveys upon the integrity of a people, with whom it is the inclination as well as the interest of all Her Majesty's subjects, and especially those residing in this Province, to keep up the most friendly intercourse. The detail of facts, however, which it will be the duty of Your Committee to lay before Your Honourable House and the British Nation, will too painfully and undeniably prove, that the apprehensions entertained, of want of faith, and of outrage and aggression on the part of the people of the United States upon Her Majesty's subjects in Upper Canada, was far from being exaggerated in the Report referred to, nor was it less truly stated by the illustrious Duke

But a detail of facts will prove it far from being exaggerated.

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of Wellington, whose patriotic and powerful advocacy of the interests of his grateful fellow subjects in these Provinces can never be forgotten by them—that these outrages and aggressions were committed *for no other reason than that the people of Upper Canada were loyal to their Sovereign.*

The truth is stated by the Duke of Wellington;—that we suffer those outrages because we are loyal to our Sovereign.

The Report from which the above extract is taken bears date the 8th February, 1838, previously to which two distinct invasions of the Province had occurred by numerous bodies of American Citizens.—The *first*, the occupation of Navy Island; the *second*, that of Bois Blanc, followed by the attack on Amherstburgh.

Two invasions had occurred previously to the date of the above report—one at Navy Island, and one at Bois Blanc

Each of these inroads was repulsed by the steady loyalty and intrepid bravery of the Militia. Not the slightest disposition was manifested on the part of any portion of the people of this country to unite with the invading Force—and it was hoped that the ill-success which had attended them, would induce those, with whom they had originated, to lay aside all further attempts to disturb the peace of the Province—but this hope unhappily proved utterly fallacious; and it will now be the painful duty of Your Committee to detail a succession of invasions, piracies, murders, and outrages, committed by the Citizens of the United States upon the peaceful and unoffending inhabitants of this Province, such as are without parallel in the history of civilized Nations, and, in these days, would be looked upon as disgraceful amongst the most barbarous of mankind.

These inroads repulsed by the loyalty and bravery of the militia. None of the people of the country united with the invaders.

On the 22nd of February, 1838, upwards of four hundred American Brigands assembled at a place called French Creek in the State of New York, situate on the River Saint Lawrence, about twenty-five miles below Kingston, from whence they marched in military array, and took possession of Hickory Island, a few miles nearer Kingston with-

The hope that their ill success would have prevented further invasions proved fallacious.

400 Brigands from French Creek in State of N. Y. took possession of Hickory Island in the British Territory.

Headed by Van Rensselaer.

Fled at the approach of the militia.

in the British Territory. This band of invaders was headed by an American Citizen of the name of Van Rensselaer, who had previously held command on Navy Island, and were armed and openly organized and recruited in the State of New York. As soon as this unexpected movement was known, a few hundreds of the Militia in the Midland District and District of Johustown, assembled, and instantly marched against the Brigands, who, however, did not wait the threatened encounter, but fled and dispersed on receiving information of the approach of these brave and loyal men.

3 to 400 men took possession of Fighting Island—dispersed by Col. Townsend of the 24th Regt.

About the same period, from three to four hundred pirates from the State of Michigan, established themselves on Fighting Island near Sandwich, in the Western District, from which position they were driven by a small military force under Colonel Townsend of the 24th Regiment, sustained by the prompt and intrepid bravery of the Militia. This body of invaders, in their hasty flight, left behind them a Field Piece, and a large number of Muskets perfectly new, which bore the mark of the United States Army, and were known to be the property of the Government of that Republic.

Brigands left a field piece and a large number of new muskets behind them.

4 to 500 Brigands land on Point Pele' Island headed by Bradley—imprisoned and robbed the Settlers—opposed by a small detachment of regulars—the Brigands killed & wounded 30 regulars & killed one militia man.

The next invasion of our Territory was the occupation of the inhabited Island called Pointe-au-Pelé, below Amherstburg, by a force estimated at from four to five hundred men, headed by a Brigand named Bradley, residing at Sandusky, in the State of Ohio, and who is represented as a man of wealth and influence. The circumstances attending this inroad, were of a more serious and lamentable character than any that had previously occurred. The Brigands, upon taking possession of the Island, commenced by making prisoners of the Settlers, robbing them of their Horses—

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Cattle,—Corn,—and other property, and sending it away to the opposite American Shore. Upon the approach of a small force, composed of a detachment of the regular Troops and Militia, they, conceiving themselves sufficiently strong to resist the attack with which they were threatened, commenced a fire upon our men, and in the course of the conflict that ensued, no less than thirty out of about ninety of the brave Soldiers of the 32^d Regiment, under the gallant Captains Brown and Eveleigh, were killed and wounded, and one militiaman, a spirited young man of the name of Parish, was also slain. Having effected these murders and outrages, such of the ruffians as escaped injury, (it was reported that upwards of seventy of them had been killed or wounded,) fled to their own shores, where they were received with acclamation by their fellow-citizens. Colonel Prince, who on hearing of the invasion of the Island of Pointe-au-Pele' had immediately joined the military force which had marched to that place, on his return to Sandwich, captured a noted brigand of the name of Sutherland, who had been second in command at Navy Island, and who had subsequently directed the attack on Bois Blanc Island and Amherstburg, and who at the time he was taken was on his way to join his brother Pirates, of whose defeat and flight he had not been informed.

Brigands fled having upwards of 70 killed or wounded.

Colonel Prince captures the noted Brigand Sutherland.

This was the last of the succession of invasions of the Province that occurred during that period of the year, when the country was accessible by Ice and winter roads; and as all of them had been signally defeated, and as the inhabitants of the Province were living in peace among themselves, and had not shewn the slightest disposition to unite with any of the parties that had assailed our shores (if exception be made of some suspicious movements on the part of a very

The prompt suppression of these invasions procured temporary peace to the Province.

Confidence restored—business in general resumed & the trade with the U. S.

Traitors still lurking along the American frontier.

It was believed that our neighbors would be inclined to maintain peace and suppress any attempt of aggression.

Our hopes proved groundless.

Secret combinations to overthrow this Government.

And murder and destroy all who opposed,—

some time before the conspiracy was discovered.

small number of individuals in the Midland District, against whom however no legal evidence of guilt was established,) it was believed that the public tranquillity was no longer in danger:—and, in the confidence of perfect security, our Merchants, Farmers, and Mechanics, returned to their ordinary occupations; and the people of the country generally resumed their usual intercourse and communication with each other, and with their republican neighbours. It was well known that there were still lurking along the American frontier, a number of the Traitors who had fled the Province to avoid the punishment to which they were justly liable for their crimes; and it was also well-known that some few of the most restless and malignant among them would continue their exertions to produce collision between the inhabitants of the two countries. Yet, it was believed, that the interest, if not the inclination, of the people of the neighboring States, would induce them to interpose their influence, and such authority as their laws could enforce, to preserve a safe and peaceful communication with Her Majesty's Subjects, who were most anxious, on their part to live in harmony with them.

Unhappily, however, we were soon convinced that our hopes of peace and security were altogether groundless; that we were about to experience injuries far more serious than any we had hitherto suffered; that, in fact, we were not only to be subject to the predatory attacks of detached and independent bands of assassins and pirates, but that a great and influential community were combining secretly, but deliberately, to overthrow our Government and our Laws—to lay desolate our country, and to murder and destroy all who should venture to oppose their barbarous and wicked designs. It was some time before this unparalleled conspiracy was discovered, and in the meanwhile a series of out-

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rages were committed by small parties of American Citizens, to which it is necessary briefly to advert. Outrages committed.

The first was the destruction of the Sir Robert Peel Steamboat,—This vessel, quite new, and valued at ten thousand pounds, when on her way from Prescott to the Ports at the head of Lake Ontario, stopped on the 30th May, at an Island in the River Saint Lawrence, called Wells' Island, and within the limits of the State of New York, for the purpose of taking in wood.—While lying moored to the shore, in full confidence of security in the Port of a friendly power, and in the middle of the night, when all the passengers, (among whom were a number of ladies,) had retired to rest, she was boarded by a band of about thirty pirates, headed by a well known free booter;—These ruffians, armed and disguised, rushed into the Cabins, hurried the passengers from their beds, and with brutal violence drove them on shore. The crew not expecting the attack, and wholly unprepared for it, were unable to make resistance; the entire possession of the vessel was therefore easily gained by the assailants, who, after pillaging her of everything valuable, including the money, watches, clothing, and other property of the passengers, towed her into the stream where they set fire to her, and watched her until she was entirely consumed, and then returned to the American shore. Destruction of Sir Robert Peel Steam Boat in American waters.
The Steam Boat attacked in the middle of the night.
A number of Ladies on board.
The ruffians armed and disguised.
The passengers treated with brutal violence.
And robbed of very valuable property.
The Boat consumed by fire.

As might reasonably be expected, an outrage so unusual in any country, and wholly without a parallel in this, produced a powerful sensation throughout the British Colonies—and it was believed that corresponding feelings of indignation would have been manifested on the opposite shores; and that every effort would be made to bring the perpetrators of this cowardly and atrocious felony to punishment. But although some expression of dissatisfaction did exhibit itself, it was A great sensation throughout the British Colonies.
It was supposed that corresponding feelings would be manifested on the opposite shores.
A slight expression of disapprobation exhibited itself.

A Proclamation issued by the Government of the State of N. York.

One or two leaders arrested--

but acquitted by the Jury.

No event shocked the people of this Province like this.

Thousands who trusted in the good faith of the people and Government of the U. S. lost all confidence.

Since the above wanton attack it has been unsafe to enter their harbors or have intercourse with them.

No indemnity offered for this great injury--nor for the insult to the British flag.

But a demand must be made.

slight in comparison with what was looked for, and what the enormity of the crime led every one to expect. A Proclamation was issued by the Government of the State of New York, offering a paltry sum for the apprehension of certain of the Pirates; but although the majority of them, including the leaders, were well known, only one or two of them were arrested; who, being placed on their trial, notwithstanding the plainest evidence of their guilt, were, almost without hesitation, acquitted by the jury empannelled to try them. Up to this period, no event had occurred, connected with our border difficulties, that so shocked the feelings of the people of this Province as this last;—It caused thousands who had previously indulged the belief, that the Government and People of the United States were averse to the unprovoked and lawless aggressions which had been previously made upon us, to doubt the correctness of their opinions. They began to consider it unsafe to enter their harbors; and from that period to the present, it has been with reluctance that any well affected subject of Her Majesty in this Province has approached the shores of the United States, or engaged in intercourse of any kind with the citizens of that Republic. The feeling of cordial good will that once existed between the people of the two countries, was greatly weakened, and subsequent events have almost entirely destroyed it. No proffer of indemnity has yet been made by the nation responsible for this great injury to our fellow subjects, and insult to the British Flag; nor does it appear to be considered necessary by the American Government, for the maintenance of its national honor, to do this plain act of justice without waiting a demand, which, we cannot doubt, is certain to be made and enforced.

The next instance of Foreign aggression was the

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affair of Short Hills, where a bandit of the name of Short Hills affair.
 Morreau, headed a party of Brigands, supposed to
 number about one hundred and fifty, who made a sud- 150 Brigands attack
 a small detachment
 of Provincial Dra-
 goons.
 den and unexpected attack in the night time, on a small
 detachment of Provincial Dragoons, stationed in a
 wooden Building in the Township of Pelham, who,
 although assailed by more than ten times their number, After defending
 themselves with
 great courage were
 subdued, not by the
 arms of the Pirates,
 but by fire.
 defended themselves with the greatest courage and for-
 titude, and were at last subdued, not by the Arms of
 the Pirates, but by the Building which they occupied
 being set on fire. The moment the ruffians got these Dragoons robbed
 and stripped.
 gallant men into their hands, they robbed them of their
 property, and stripped them of their clothing, and hav-
 ing plundered the dwellings of some of the Farmers Farmers plunder-
 ed.
 and Yeomanry in the neighbourhood, they attempted a Brigands attempt to
 retreat.
 27 captured.
 retreat; but being pursued, twenty-seven of them, in-
 cluding their leader, were captured. There is reason Reasons assigned
 for this invasion.
 to believe that this invasion was undertaken and di-
 rected against the District of Niagara, under the ex-
 pectation, that so soon as a footing was gained by the
 Brigands in that District, they would be joined by large
 numbers of disaffected people from different parts of
 the Province. In this, however, they were wholly The loyalty of the
 people of the Pro-
 vince tried and es-
 tablished.
 disappointed, and as the loyalty of the great mass of
 Her Majesty's subjects had been so clearly and unde-
 niably established by the constant and entire rejection
 of every attempt that had been made to seduce them
 from their allegiance; and as, after the result of this The result of this
 last attempt produ-
 ced a cessation of
 further aggression.
 last attack was known in the neighbouring States, there
 appeared to be a sudden and complete cessation of all
 further attempts at invasion, the Commander of the
 Forces considered it no longer necessary to keep up
 the Militia which had been embodied for a limited time
 of service; and they were accordingly disbanded, and The greater part of
 the Militia disband-
 ed.
 the defence of the country was left to the Troops of
 the Line.

The above policy questioned.

The policy adopted in thus lessening the defensive force of the Province, was much questioned at the time it occurred; and the apprehensions which many entertained that all danger of Foreign invasion was not past, were considerably increased by intelligence which was soon after received, that an attack had been made on the remote settlements at Sarnia and Bear Creek. In the month of July, a party supposed to consist of about fifty Brigands crossed over from a place called Palmer, in the United States, to the British settlements on the St. Clair River, where they robbed and imprisoned several of the settlers and then returned. About the same time a loyal subject of the name of Carey, who was also an Officer of Militia, was shot in the night by a set of murderers, who it was well known were from the opposite shore, although they were never clearly identified.

Attack on Sarnia.

50 Brigands crossed over from Palmer in Michigan, robbed and imprisoned several settlers.

Mr. Carey a militia Officer shot

But the most fearful and appalling proof of the existence of a conspiracy among a band of desperate assassins living in the neighbouring States, against the lives and property of particular individuals among Her Majesty's subjects, was given, in the attempt to destroy the dwelling house of the late Sheriff Hamilton, at Queenston, and the treacherous and cowardly assassination, in the dead of the night, of the gallant Captain Ussher,—Both these outrages occurred within a few days of each other, in the month of November last, and were committed by American citizens, living in the neighbourhood of Buffalo—where they are well known, and where it is affirmed, (Your Committee believe with perfect truth,) that the murderers of Captain Ussher have openly boasted of their having perpetrated the bloody deed, and that it was committed in retaliation of that lamented gentleman's having been untruly reported to have assisted in the destruction of the *Caroline*.

An attempt to destroy the house of the late Sheriff of the Niagara District.

Assassination of Captain Ussher in the dead of the night.

The above outrages committed by American citizens living near Buffalo

who openly boast of the bloody deed.

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In corroboration of the too melancholy evidence which these events afford, that the loyal subjects and servants of Her Majesty are living in the neighbourhood of enemies, whose actions are neither controlled nor directed by the common feelings of humanity or religion, and who are as ready to engage in secret assassination as in open war and invasion, and who give encouragement to both, without fear or apprehension that the laws of their own country will reach or punish them, or that their Magistrates and Public Officers have either the power or inclination to interfere with or restrain them; your Committee feel it right to notice two instances which, they believe, cannot fail to strike every humane mind with the deepest feelings of surprise and concern :

Her Majesty's subjects live in the neighborhood of a people uncontrolled by the common feelings of humanity or religion.

Instances of the above woful testimony.

A newspaper was some time since established in the City of Buffalo, in the State of New York, which has constantly advocated the invasion of these Provinces by foreign brigands, and urged upon the Inhabitants of the Union to sustain and support them. In one of the numbers of that paper, published a few weeks since; alluding to His Excellency the Lieutenant Governor, and the Officers of Her Majesty's Government, whose painful duty it was to aid in enforcing the laws of the Province against domestic traitors and foreign invaders, the following paragraph appeared :—

A Newspaper published at Buffalo which advocates these invasions.

“ It is our deliberate conviction that it is every good man's duty to do all in his power to sweep this murderous tyranny from the Western World. To accomplish it almost any measures are justifiable.”

Extract from the Buffalo paper.

“ We have no patience with those bloody wretches, and much as we abhor assassination, we would almost justify it in freeing the world from such monsters.”

“ Where are those Canadians who swore to avenge the death of every patriot prisoner? Macnab, and

“ Drew, and Arthur, and Prince, and Hagerman, and Robinson, are still alive.”

Placards in Detroit offering \$50 dollars for the dead body of Col. Prince, and \$1000 if taken alive.

A person arrested on suspicion of having a design on Col. Prince.

Bailed by Collector at Detroit.

These publications and incitements to crime unnoticed by the people in the U. S.

At a later period, placards were posted up throughout the City of Detroit, offering a reward of eight hundred dollars for the dead body of the gallant and greatly calumniated Colonel Prince; and, one thousand dollars if brought to the city alive, and, not long afterwards, a person who was strongly suspected of having come over to Sandwich, near which place Colonel Prince resides, for the purpose of murdering him, after being arrested on suspicion, was bailed by the Collector of Customs at the Port of Detroit.

These publications and direct incitements to the commission of the most horrible of crimes, passed unnoticed by the Magistracy of the great communities in which they were promulgated; and the parties who avowed their authorship do not appear to have been considered guilty of any offence.

Your Committee would feel no small degree of gratification, could they here conclude their observations on the outrages to which their enduring and deeply injured fellow subjects have been exposed, from the faithless and barbarous conduct of the citizens and people of the United States. They would rejoice to have it in their power to ascribe the unprovoked attacks, which they have narrated in the preceding pages of their Report, to the wreckless and wanton conduct of a few unprincipled men—who, guided by their own bad passions, had assailed the peace of the Province without encouragement or countenance from that portion of the population of the Republic, who claim to be respectable, and enemies of crime.

Well assured that Your Honorable House would promptly discountenance and disallow the promulgation of any expression that would unjustly assail the integ-

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rity of a neighbouring nation and people, who have, until the last few months, been regarded as friends as well as allies,—Your Committee will cautiously abstain from advancing a sentiment that can be regarded as unjust towards the American People. But while they admit that that portion of them who reside at a remote distance from the boundary which divides Canada from the United States, have taken no open part in, but on the contrary may have condemned the crimes committed by their fellow citizens, to which reference has been made in this Report, your Committee are nevertheless bound in truth and justice to declare, that the brigands and pirates who invaded this Province, murdered our fellow subjects and destroyed their property at Prescott, Windsor, and elsewhere, were encouraged, aided and supported by all classes of Citizens of the Republic residing in the contiguous States. The evidence of this fact is too strikingly obvious and conclusive to admit of any doubt.

The American people who live remote from the frontier may condemn these acts of piracy, &c.

But they are evidently encouraged by all classes in the contiguous States.

Your Committee feel it unnecessary to dwell at any length on the occurrences which immediately preceded the invasions that were so signally and gallantly defeated at the two places just mentioned; but it is necessary to advert to them, as well to preserve the narrative entire, as to place before the people of England and of all other countries, a connected detail of the injuries to which we have been subject, and for which we are entitled to redress.

Events that preceded the last invasions.

Rumours had for some time been circulated through the Province, that a secret and extensive combination was forming in the Frontier States of the Union with a view to the invasion of both the Provinces of Canada, by a force so numerous, well armed, and organized, as to ensure the overthrow of the Government, the Conquest of the Country, and its separation from

Rumours of secret and extensive combinations in the Frontier States for an invasion of both the Canadas.

These reports at first disregarded,—but subsequently fully confirmed.

the British Crown. These reports were for a time disregarded; but towards the close of the month of October, evidence was laid before the Lieutenant Governor, and information was simultaneously transmitted to Her Majesty's Minister at Washington, of a nature that left no doubt on the mind of any reasonable man, that our lives and liberties were threatened with much greater danger than had hitherto assailed them.

This conspiracy included many wealthy citizens and officers of the General and State Governments.

Possessed of great resources in money and military stores.

It extended from Maine to Michigan, and was conducted by associations resembling masonic lodges.

Lowest estimate of confederates 40,000

National Bank established on intended seizure of public and private property in the Province.

Officers of New Republic citizens of U. S.

Superior Lodges at Rochester, Buffalo, Cleveland, Detroit, and Cincinnati.

Nine Steamboats on Lake Erie in use of Pirates.

It was clearly ascertained that a secret combination or conspiracy, of vast extent, including many of the most wealthy citizens of the Republic, as well as officers of the General and State Governments, and possessed of great resources in money and military stores, was then in active progress, and had been for some months on foot within the Jurisdiction of the United States, for the purpose of waging war upon both Provinces of Canada. This combination extended from Maine to Michigan,—and was carried on by means of local associations resembling Masonic lodges, formed in every Town and Village along the Frontier. The lowest estimate of the numbers of the confederates was forty thousand; and the depositions of some of the informants, who had been admitted into the secret of the conspirators, carried the number very much higher. A pretended National Bank was organized, to be established and maintained by the seizure of public and private property in the Provinces—and the Chief Officers who were to compose the “New Republic” were chosen and determined upon, all of them being Citizens of the United States.

The superior Lodges of the conspirators were established at Rochester, Buffalo, Cleveland, Detroit, and Cincinnati—arms and warlike stores were purchased to a very large amount, and secreted in different places; and the services of at least nine Steamboats on Lake Erie, as well as of several on Lake Ontario,

were tion.

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were secured by the leaders in this felonious association.

With a promptness and resolution for which the loyal people of this Province will ever feel grateful, His Excellency the Lieutenant Governor lost not a moment in assuming the responsibility of calling upon and embodying a militia force, sufficient to repel any invasion, no matter in what numbers, that might be attempted by the enemy. And to this noble and patriotic conduct, promptly sanctioned as it was by the Commander of the Forces, the loyal people of this Province at least, and probably those of Lower Canada also, are, under Providence, indebted for their preservation from scenes of bloodshed and misery which humanity shudders to contemplate.

His Excellency assumed the responsibility of immediately embodying the militia.

This promptness of the Lieutenant Governor, under Providence, saved the Province from much bloodshed and misery.

Communications were at the same time transmitted to Mr. Fox, Her Majesty's Minister at Washington, informing him of the dangers with which the Provinces were threatened. This distinguished Gentleman instantly called upon the American Government to vindicate its national honor, and effectually to interpose the authority of its Laws to put down the atrocious combination, and punish the guilty conspirators, whose names and places of residence they were fully apprised of. Your Committee are merely giving expression to the feeling universally entertained by Her Majesty's Subjects, that Mr. Fox has placed these Provinces under the deepest obligations for the vigor, straight-forward manliness and statesman-like ability, with which, on the occasion referred to, as well as in many preceding instances, he has vindicated their claims to the interference of the United States Government, to protect them from outrage on the part of its citizens. That his admonitions have been disregarded, and that his exertions have proved unsuccessful.

Mr. Fox instantly called upon the U. S. Government to vindicate its honor.

Which conduct of Mr. Fox places Her Majesty's subjects under the deepest obligations.

Though his admonitions have been disregarded.

ful, in no respect diminishes his claim to our gratitude and thanks.

Discovery of the conspirators greatly disconcerted them.

An armed force enters L. Canada early in November.

But defeated in every conflict with the loyalists and British soldiers.

Insurrections at Beauharnois and other places promptly suppressed by Sir J. Colborne.

Conspirators determine on an attack on this Province.

"United States," steamboat and two schooners, employed by the Pirates on Lake Ontario.

600 men, with artillery, muskets, &c., embarked at Oswego and other American Ports, in open day in sight of their Public Officers.

Descent upon Prescott on 12th November.

The timely discovery of the designs of the conspirators, and the preparations made in consequence for their reception, no doubt greatly disconcerted their schemes; and it was at one time believed that they would altogether abandon them. The reverse, however, proved to be the fact. Acting in concert with that portion of the Lower Canadians, who were resolved on making another effort at revolution, an armed force entered Lower Canada early in November, composed of American Citizens and a few Canadian Refugees. In every instance in which they came in conflict with the Loyalists and British Soldiers, they were defeated and dispersed; and the feeble insurrection which occurred about the same time at Beauharnois and a few other places, was promptly suppressed by the vigorous measures adopted by His Excellency Sir John Colborne.

Unsubdued, and apparently still confident in their strength and resources, the conspirators determined on an attack upon this Province; and having obtained the assistance of the largest American Steamboat on Lake Ontario, called the "United States," and two large Schooners, they embarked at Oswego and other ports and places along the American Frontier, to the number, as it is asserted, of about six hundred, well provided with artillery, muskets, ammunition and provisions, all which must have been obtained at great expense, and which were put on board the different vessels publicly, and in open day, without interruption by any Magistrate or other public officer.

With this force, headed by an American citizen of the name of Birge, and the same bandit who had led the Pirates that destroyed the Sir Robert Peel, a descent was made on the Canadian shores near Prescott on the 12th

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of November. It appears that from some cause not clearly explained, not more than half the number of invaders who had been collected for this expedition landed at Prescott, the rest crossed over to Ogdensburg, a considerable town immediately opposite; and before any second attempt was made by them to reach our shores, a force arrived from Kingston, commanded by Col. Dundas of the 83d Regt., and a detachment of American Troops under Col. Worth, from Sackett's Harbor came down, which, with the small naval force under Capt. Sandom, prevented their joining their ill-fated associates. These latter, finding no hope of escape, resisted the gallant Militia, Soldiers, Sailors, and Marines who had hurried to attack them; and having gained an advantageous post, killed and wounded a considerable number of them. At last however, the piratical invaders surrendered at discretion, and such as remained alive, nearly two hundred in number, were brought to Kingston and lodged in the Fort there.

There is no doubt that this descent upon Prescott was intended to be in concert, not only with the movements of the conspirators and Brigands in Lower Canada, but also with those which had been planned in the West. In this there was some disappointment; but regardless of the lessons which had been so continuously and in every instance taught these desperate and unprincipled men, the invasion of the Western District was resolved upon by them, and an armed body amounting to about four hundred embarked in a Steamboat called the Champlain, in which they crossed to the village of Windsor, where they established themselves for a few hours, but upon being attacked by a small portion of the gallant Militia and Volunteers stationed at Sandwich, they were defeated and dispersed, leaving many killed, besides numbers who

Not more than half the invaders landed, the rest returned to Ogdensburg.

The arrival of a force from Kingston commanded by Col. Dundas.

The American troops, and a naval force under Capt. Sandom, prevented the return of the Pirates:

The Pirates made a stand, resisted the militia and regulars and killed and wounded a number of them.

Put had to surrender—200 of them taken prisoners to Kingston.

This descent on Prescott in concert with the movement of Brigands in L.C. and in the West.

Invasion of Western District resolved on.

400 crossed over to Windsor in the Western District, but defeated by a small portion of militia.

Supposed that Gen. Brady, U. S. Army prevented more crossing from Detroit.

No instance in which any resident of Upper Canada joined the brigands after their several landings.

Horrid cruelties practised by the brigands upon the brave defenders of the Province.

Lieut. Johnston, 83rd Regiment, at Prescott.

Doctor Hume, and a colored man at the West.

were afterwards taken prisoners. There is reason to suppose that a much larger force was prepared to cross from Detroit, and would have come over but for the intervention of General Brady, the Officer in command of the United States troops at that place.

In closing their observations on the different invasions of this Province, and the outrages committed upon its inhabitants, since the commencement of the last year, Your Committee feel it due to the honour and character of their fellow subjects in this Province, to record the fact, that in no instance that can be traced, did a single resident of Upper Canada, of any class or origin, unite himself with the assailants after they had landed in the Province, and that, of those who crossed from the United States, the great majority was composed of citizens of that Republic—very few indeed, even of the refugees being associated with them; and if there be any hope of these guilty men being brought to a sense of the crimes which have led them to their own misery, and the great injury they have been instrumental in bringing upon their country, it must be a source of some consolation to them to know, that by resisting the solicitations which no doubt were pressed upon them to join in this wicked and savage warfare; they escaped the horror of witnessing barbarities of the most disgusting and heart-rending description. Not only were the brave defenders of the Province shot down and deliberately murdered by their fiendish assailants, but their dead bodies were mangled and mutilated and hung up as objects of scorn and derision to these inhuman monsters. The body of an intrepid and promising young officer, (Lieutenant Johnson,) of the 83rd Regiment, was thus treated at Prescott, and the lifeless remains of Doctor Hume, were exposed to similar indignities in the West, where also a noble-minded Negro, who probably had escaped from a land

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reason to of slavery to one where he hoped long to enjoy British
 prepared to freedom, was cut down and slaughtered, because he
 er but for refused to join the band of murderers who called upon
 Officer in him to assist in the destruction of his benefactors.

And these deeds of wickedness and deepest crime. These deeds of wickedness perpetrated by men claiming to be citizens of the most enlightened nation in the world, and who professed to enter the Province for the purpose of conferring freedom and equal laws,—general happiness and prosperity upon its inhabitants!

Your Committee have, in the course of the forego- The part taken by the citizens of the United States generally in these conspiracies and invasions.
 ing remarks, alluded to the participation, on the part of
 the Citizens of the United States generally, in the con-
 spiracy which resulted in the hostile expeditions against
 these Provinces, and the inefficiency of the measures
 taken by the American General and State Govern-
 ments to prevent them :—But they feel it necessary to
 point out, in a more particular manner, the evidence
 on which these statements rest, and to direct attention
 to the small reliance that is to be placed in any efforts
 of the public authorities of the United States, to pro-
 tect us from future attacks—and thus prove the neces-
 sity for calling upon Her Majesty to continue to Her
 faithful and loyal subjects, that protection to which
 they feel themselves to have so just a claim, and which
 Her Majesty has hitherto so generously extended to
 them.

Your Committee are aware, that at one period great Great pains have been taken to convince the world that only the lowest classes were engaged in these barbarous outrages.
 pains were taken by the press and particular parties
 in the States, to convince the world that the barbarous
 outrages, and criminal and disgraceful combinations
 which they have detailed, were confined to the lowest
 classes of the population—to the illiterate and notori-
 ously profligate portions of the community.

In the absence of more direct proof of the little Proofs to the contrary of such a notion:—
 credit that should be attached to these statements, it

The systematic arrangement of the brigands.

500 to 1000 men clothed, fed, and armed on Navy Island, where there was no house in the depth of winter,—

And kept together for the avowed purpose of overthrowing the Government of a neighbouring country, at peace with their own.

Arms of the United States used by the brigands.

Steam-boats and Schooners used—belonging to their most wealthy citizens, and publicly employed.

Preparations for the invasions known by Officers of General and State Governments, Magistrates, &c.

would be difficult to persuade any reasonable person of their truth, when the vast extent and systematic organization of the bands which assailed the Province from time to time, are adverted to. It is not credible that, from 500 to 1000 men composed of mere rabble, and destitute of any visible means of their own for their maintenance, could for nearly a month be clothed, fed; armed and kept together on a desert spot of ground, such as Navy Island, upon which there was no shelter from the inclemency of a Canadian winter, unless they received support and encouragement from the opulent;—and it is equally unreasonable to suppose, that such an assemblage could be collected for the avowed purpose of overturning by force of arms, the Government of a neighbouring country, with which their own nation was at peace, without the persuasion of men capable of exercising a powerful influence over public opinion. The worst of men are never found congregated in such numbers and for such a purpose, unless brought together by an influence exercised by men of wealth and intelligence—But it is not upon reasoning of this kind, that the fact of countenance and support having been given by the American people to the Brigands, solely rests. It is now an admitted and notorious truth, that in every one of the numerous instances of invasion of these Provinces by the brigands, the arms of the United States were used by them, and found in their possession; while the Steamboats and Schooners, belonging to their most wealthy Merchants, were publicly employed in conveying hundreds of men and quantities of military stores and provisions, from their chief cities and towns along the frontier, to the places of attack. It is equally certain, that during the last summer and autumn, the preparations which were making to invade the Provinces and murder its loyal inhabitants were known and encouraged by Officers of

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the General and State Governments, by Justices of the Peace, and by Citizens of all classes and denominations.—Public Meetings were called in many places, and attended by persons of the description mentioned, who harangued the populace, calling upon them to aid in overthrowing British authority in the Colonies;—and subscribing money to accomplish that object.—

Public meetings attended by above persons, who harangued the people inciting them to action, and subscribing money.

Not long before the attack on Prescott, a meeting of this description occurred in the City of New York, at which two of the principal Officers of the Customs,—persons who held their appointments from the President and Government of the United States, took an open and active part, one of them acting as Vice President, the other as Secretary of the meeting—yet no notice appears to have been taken by their superiors, of conduct, which, in England at least, would have led to their immediate dismissal and punishment.

A meeting as above described, held at New York, attended by two principal officers of Customs, one was Vice President and the other, Secretary of the meeting.

No notice taken of the above.

After the termination of the affair at Prescott, so disastrous to the hopes of those who planned it, a public meeting was called at Oswego, (from whence a large portion of the brigands took their departure, publicly embarking, as has been already stated, in the largest Steamboat belonging to the Americans on Lake Ontario,) for the avowed purpose of recommending the public to abstain from further participation in Canadian warfare.—At that meeting, a *Mr. David Brewster*, FIRST JUDGE of the County Court, a court of extensive local jurisdiction, openly declared, that he had been engaged in "*the Patriot cause*," but that he had become convinced of his error, and therefore had determined to abandon it, and advised his "*fellow-Patriots*" to do the same—one of these was stated to be a *Mr. Seth Hawley*, *Post-Master*, and *Member of Assembly elect*; who, however, did not think proper to avow his recantation, although he

A public meeting at Oswego, after Prescott affair, dissuading from further attempts at invasion.

Mr. David Brewster, First Judge of the County Court, acknowledged having been engaged in the patriot cause.

Mr. S. Hawley, likewise, the Post-Master:

had declared his intention to do so, and he still, it is to be supposed, remains "a Patriot."

A Paper promulgated in Jefferson County, containing an appeal to the "Patriots of the County," to desist from further aggressions.

About the same period, a paper was promulgated in the County of Jefferson, in the State of New York, containing an earnest and well written appeal to the "Patriots of the County," to desist from further hostile aggressions upon the Canadas, and pointing out the destruction and misery which had befallen those who had been concerned in the attack on Prescott and other places. This paper, evidently written for a good purpose, and by persons well informed of the combinations which had been entered into, contains the following statements and admissions:—

Extract from a paper published in Jefferson County.

"It was ascertained that a complete civil and military organization had been effected through the medium of certain secret societies extending along the whole line of Territory bordering on the British Dominions; that an army had been created—troops enrolled—munitions of war provided, and money raised; and that a blow was about to be struck, for the subjugation of the British Government there, (in Canada,) by citizens of the United States, with the expected aid of disaffected British subjects in these Provinces. It was known that meetings of these societies were frequently held, and numerous attended, receiving constant accessions of strength.—Labourers left their employ—apprentices their masters—Mechanics abandoned their shops—Merchants their counters—*Magistrates their official duties*—Husbands their families—Children their parents—Christians their churches—*Ministers of the Gospel their charge*, to attend these meetings."—"To which the Public Officer, the Magistrate, the Conservator of the Peace, was only admitted by breaking the Official Oath he had previously taken to support the Constitution and Laws of his Country."

still, it is To these avowals, might be added *hundreds of others* of similar import; but your Committee deem it unnecessary to notice them, and they will close this part of their Report by giving the statement made by Jeremiah Winnegar, one of the prisoners taken at Prescott, which was read upon his trial before the Court Martial at Kingston; and the evidence of a Mr. Brown, a Judge of the Court of Common Pleas in the State of New York, and a brother of the late General Brown, Commander-in-Chief of the United States Army. The former was condemned to be executed, but was afterwards reprieved and pardoned by His Excellency the Lieutenant Governor, and is now at liberty in his own country. This old man's story is well known to be true, and although told with more ingenuousness and appearance of candor than marked the account given of themselves by the other prisoners, does not materially vary from most of theirs.

Committee close this part of their Report with statement of Jeremiah Winnegar, one of the Prescott prisoners, at his trial.

“ Jeremiah Winnegar is a native of the State of New York, Labourer, resided at Dexter, and became a ‘Hunter’ in October last, was sworn in by Sterling.—His son was engaged to come with the expedition to Canada, Prisoner volunteered to come in his stead, his son being lame; came to Millenn’s Bay on Saturday the 10th November last, embarked the following day in one of the Schooners lying in the Bay, in Captain Kemble’s Company; the Schooner ran aground on Monday morning, the 12th November, and Prisoner was taken off by the Paul Pry and put on board the other Schooner, and landed at Wind-Mill Point, below Prescott. On Tuesday morning, Prisoner was called out of a house where he stayed for the night, and went into a field to fight, discharged his musket twice and retreated to a house, where he remained until Friday evening the

Statement, &c.

" 16th November, 1838, when he was taken prison-
 " er; did not expect to fight when he left home; came
 " for the sole purpose of giving liberty to the people
 " of Canada; thought when he was coming that he
 " was doing God service, is of the
 " persuasion, has a wife and eleven children, *heard*
 " *Ministers of the Gospel encouraging the people to sup-*
 " *port the Patriot Hunters*—is in his 59th year."

From Winnegar's
 Address to the
 Court at his trial.

To this account of himself, he added the following in his Address to the Court at the time of his trial:—

" I have nothing more to say than is contained in
 " my statement—I can establish by witnesses who
 " have known me upwards of thirty years, what my
 " general character is, but have nothing to prove con-
 " nected with this affair—I presume many of the Court
 " have families—I have a family as near and dear to
 " me as them—I have left a wife—seven sons and four
 " daughters—I have brought them up by honest indus-
 " try, and have been blessed with health to maintain them
 " —Though a poor man, I have the same feelings as
 " others, and my family are dear to me, and, though
 " old, I am their main support—I have only now to
 " throw myself on the mercy of the Court."

Statement of Geo.
 Brown of Brown-
 ville, on the trial of
 Geo H. Kimball.

George Brown of Brownville, Jefferson County,
 Judge of the Court of Common Pleas—on the trial of
 George H. Kimball and others, before the Court Mar-
 tial at Kingston, on the 28th December, 1838, was
 called as a witness by George H. Kimball, and stated
 as follows:—

" There is a brother of the prisoner "(Geo. H.
 " Kimball)" about thirty years old, formerly a Colonel
 " of Militia. He returned home after the affair at
 " Prescott, I called to inquire of him the fate of a son
 " of mine who was there. It is generally under-
 " stood among us that he was a Captain—John B.
 " Kimball told me that General Shoultz had appoint-

“ed him to act as Lieutenant Colonel, but that he
 “came away during the action. One Fields, also an
 “officer, came away the day before. John B. Kim-
 “ball stated that they were rather deranged for want
 “of officers, and that he had acted as Adjutant on the
 “morning of Tuesday, and paraded the men.”

On cross-examination he said he thought George
 H. Kimball was “brought into the expedition by a
 “great many of our Citizens associating in secret So-
 “cieties to aid in the Canada cause. Great induce-
 “ments were held out to Young Men to join. I be-
 “lieve numbers have been thus deceived and deluded.
 “The secrecy of these Societies prevented any per-
 “son from taking measures to counteract what they
 “were doing. I would further add that being bound
 “by oath, as I understood, to keep every thing secret,
 “no communications could be made of what was go-
 “ing on. It is reported among us, that a Bank was
 “formed, and the funds were provided as Bank Stock
 “in order to evade our laws. It is the general opi-
 “nion, it was done by contributions of people in our
 “Country.”

John B. Kimball, who made these disclosures to
 Judge Brown, of his participation in the affair at Pres-
 cott, has never been prosecuted.

With respect to the measures adopted by the Go-
 vernment of the United States, in reference to the
 hostilities which have been waged against Her Majes-
 ty's Subjects, by the Citizens of that country, almost
 without intermission since the month of December
 1837, it is obvious that the discussion of them does
 not properly belong to your Committee; but they ne-
 vertheless think it right to advert to facts, which it is
 of importance that their fellow subjects should be made
 acquainted with, and which may not by any other

Measures adopted
 by the U. S. Go-
 vernment, not pro-
 perly a subject for
 the consideration
 of the Committee.

Still it is thought
 proper to advert to
 them.

means, be so conveniently placed before them as in the report of your Committee.

The confidence that may have been placed in the good faith of U. S. Government, is well nigh destroyed.

It is not to be disguised that, whatever confidence the loyal people of these Provinces may have entertained in the good faith of the American Government and public authorities, at the commencement of the warfare which has been carried on against these Provinces by the people of the United States, *that* confidence has been very nearly, if not entirely, destroyed.

No punishment has been inflicted on any who have taken part in these outrages—though the persons are well known and make boast of their deeds.

Notwithstanding the repeated invasions that have taken place—The murders that have been committed—the acts of piracy and arson that have been perpetrated, by thousands of persons who are *well known*, and who are now living unmolested in the adjoining States—*openly boasting of their infractions of the laws of the Union as well as of this country*, not one of them has been subjected, so far as your Committee are aware, to any legal punishment. Neither does it seem in any degree probable that any of them will be molested. In like manner the conspiracy so extensively organized during the last summer and autumn for the overthrow of the Government of the country, although undoubtedly known to hundreds of persons holding official situations, was not only not suppressed, but received direct encouragement and support from those whose duty it was to break it up, and to expose and punish all engaged in it.

The military force on the American frontier inadequate to stop the invaders—or to guard their own Arsenals.

The military force placed on the American frontier to prevent the invaders from entering into the Provinces, was wholly inadequate and incompetent to the performance of that duty, and does not appear to have been even of sufficient strength to guard the arsenals containing the arms of the government, which were in many instances seized and carried off by the Brigands, to be used against the people of this country.

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True it is that Mr. Charles Buller, the Chief Secretary of the Earl of Durham, who left this country some time in the month of November last, has informed the British nation, from his place in the House of Commons:—That the Government of the United States had done all that a *Government could do* to prevent the assaults made upon us:—That they passed a law of neutrality, and *had kept that law more strictly than we had done*:—That they had *prosecuted and convicted several Gentlemen who had infringed that law*: That *they had doubled their army to keep this law*: That *the opinion of the people, from one end of the country to the other, was decidedly with us*: And that *the Americans dared not hold a sympathizer's meeting, in any town in the United States*. Your Committee has no right or disposition to question the liberty of speech of any member of the Imperial Parliament; but on behalf of their loyal fellow subjects they protest against that privilege being used to mislead the British nation on points of the utmost possible importance to their peace and future security.

Statements of Mr. Buller made in the House of Commons.

Opinions of the people with us.

Americans dared not hold a sympathizer's meeting.

Mr. Buller's predilections in favor of Republican institutions, may be very strong—and he may feel a desire to vindicate the conduct of a Government which is based on Universal Suffrage—vote by ballot—and similar popular theories, which, in his opinion, are the best in the world, and are, therefore, the objects of his admiration; but, in advocating these anti-British—and anti-monarchical principles, he should be cautious when assuming to make a statement of facts, to be strictly accurate. No doubt Mr. Buller intended to be so when he made the statements above referred to; and although he resided in this country from June to November, holding daily and hourly intercourse with the most intelligent of the American people, having the most ample opportunity of informing himself cor-

Mr. Buller's predilections in favor of Republicanism.

Mr. Buller's duties would hardly allow him to investigate candidly the conduct of the American Government.

A more careful enquiry must have led him to different conclusions.

Facts at complete variance with Mr. Buller's statements. Further confirmation of the above.

Further confirmation of the above.

rectly, and although on his return to England in the latter month he passed through a considerable portion of the United States, where he might have corrected any error which he had inadvertently fallen into, yet it is to be supposed that he was so much engaged in the important duties imposed on him as Chief Secretary to the Lord High Commissioner, the Earl of Durham, that he had not time to investigate so closely as otherwise he might have done, the conduct of the Government of the Republic; and knowing what that Government ought to have done, he has too hastily assumed that it had performed its duty. A more careful enquiry, which it must be admitted it is rather singular he omitted to make, would have proved to him that the "Law of Neutrality" to which he refers, had not been kept; but had been wholly disregarded:—that no "*Gentleman*" or any other *man* had been prosecuted and convicted for infringing that Law:—that the American Army had not been doubled to keep that Law—that, in fact, no addition whatever had been made to it for any such purpose—or any other purpose:—that the opinion of the people of the United States, from one end of the country to the other, was not with us, but decidedly the reverse—and that it was wholly incorrect to say that the Americans dared not hold a sympathizer's meeting in any town in the United States. These meetings being of constant occurrence throughout the principal towns of the adjacent country, and through several of which Mr. Buller passed, although, probably, not at the moment they were assembled.

Lest it should be imagined that this contradiction of the accuracy of Mr. Buller's statements requires confirmation from more disinterested parties—Your Committee will give an extract from the leading Jour-

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nal of the State of New York—remarking on the speech of the learned Gentleman when the report of it first appeared on this side the Atlantic :—

“ The Duke of Wellington and Sir Robert Peel animadverted severely on the conduct of this Government, in relation to the inroads into Canada, but the *President* was defended by the MINISTERS, LORD BROUGHAM and MR. C. BULLER, an attachè to the DURHAM Mission. The latter gentleman, indeed, stated circumstances in favour of our policy, with which ourselves are unacquainted, such as, *that this Government had doubled the Army to prevent the Assaults on Canada, and one or two other facts unheard of before.*”—MORNING COURIER AND NEW YORK ENQUIRER, *Saturday, 23rd March, 1839.*

Extract from a
New York Journal.

Similar remarks might be quoted from *many* other Journals of the Union, but upon a fact so obvious and undeniable, it cannot be necessary to cite them.

But your Committee are disposed to regard with far greater alarm and apprehension, certain principles advanced by the Government of the United States, in respect to our right to pursue the brigands who may invade the Provinces, and attack them within the limits of those States.

Considerations of
our right to follow
the Brigands to
their own Country.

The ground assumed by the American Minister in London, in relation to the destruction of the *Caroline* Steamboat, if admitted, would at once place these Provinces in a situation that would wholly disable them from effectually protecting themselves from foreign aggression,—Mr. Stevenson assumes that the invasion of Upper Canada, by the armed force, under the command of one of his fellow citizens, Van Rensselaer,—at Navy Island, was a case of CIVIL WAR, existing at the time within the Province; that civil wars are not distinguishable from other wars, as to belligerent and neutral rights—and therefore, not being able to

Ground assumed on
this subject by the
American Minister
at London.

Occupation of Navy
Island considered
by Mr. Stevenson
as a case of Civil
War.

Consequence of
such arguing.

No country affords
more striking ex-
amples in point
than the U. S.

Pensacola and Ba-
ransas taken pos-
session of by Ame-
ricans in time of
peace.

deny the fact, but admitting it as he does, to be true, that the Steamboat in question was engaged in the service of the invaders, and had communicated with them from the United States shore three times in the course of one day; he nevertheless asserts, that we were not justified in following her to her place of shelter at Schlosser, and destroying her there: As a consequence of such mode of arguing,—if Mr. Stevenson be right, it must follow that the Government of the United States is of opinion, that if all the Steamboats lying at Buffalo, some fifty in number, had been engaged in bringing men, munitions of War, and other aid from that place to the armed body of invaders on Navy Island, there was nothing illegal in such acts, and that our troops would not have been justified in pursuing them into the States, and destroying them wherever they could find them.—Your Committee have no apprehensions that any such doctrine will be admitted by Her Majesty's Government if the occasion should occur requiring its discussion; and if precedent were necessary to controvert it, there is no country whose history affords more striking examples in point, than that of the United States, many of which, if it would serve any useful purpose might be noticed in this place—one only, however, will suffice.

In May, 1818, Pensacola and the Fort of Barancas, in West Florida, belonging to the Spaniards, were taken forcible possession of by the American Troops, in a time of peace between the two countries—the former “with only the show of resistance,” the latter, by capitulation; the garrisons of both being conveyed to the Havana, at the expense of the American Government.

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The occupation of these Spanish possessions was justified by the Government of the United States, on this occasion, upon the ground, that as almost the whole of the tribe of Seminoles inhabited the country within the limits of Florida, Spain was bound by the Treaty of 1795, to restrain them from committing hostilities against the United States; "that as she was unable to fulfil this obligation—her inability to maintain her authority over the Territory and Indians within her limits, ought not to expose the United States to other and greater injuries," and that, where the authority of Spain ceased to exist, the United States had a right to pursue their enemy, on a principle of self-defence.

Their occupation justified by the American Government.

"The right of self-defence," says the President, (in one of his Messages to Congress, upon the subject of the Seminole War) "never ceases. It is amongst the most sacred, and alike necessary to nations and to individuals. And, whether the attack be made by Spain herself, or by those who abuse her power, the obligation is not the less strong."

Extract of President's Message on the Seminole War.

"In pursuing the savages to an imaginary line in the woods, it would have been the height of folly to have suffered that line to protect them. Had that been done, the war could never have ceased. Even if the Territory had been exclusively that of Spain, and her power complete over it, we had a right by the law of nations, to follow the enemy on it, and to subdue him there."

The Spanish Minister at Washington protested most strongly against these alleged violations of the Territory of the King of Spain. He denied that any encouragement or protection had been given by the Spanish Authorities to the Seminole Indians, between whom and the United States, they did not even know that a war had commenced, and he called upon the

The Spanish Minister protests against the conduct of the U. S.

Spanish Govern-
ment demands the
punishment of the
American General.

Justification of the
act reiterated by
the American Go-
vernment.

American Govern-
ment decline to in-
flict punishment or
pass censure on Ge-
neral Jackson.

Eulogium on Gene-
ral Jackson's con-
duct.

America demands
the punishment of
the Spanish Govern-
ment, for aiding the
Indians.

No Civil War ex-
isted in U. C. when
the *Caroline* was
burnt, no man in
arms since but to
repel invasion from
the U. S.

The armed force at
Navy Island was a
bona fide invasion,
planned and armed
by American citi-
zens and known to
their Magistrates
and Public Officers.

Government forthwith, to restore to Spain the places which had been forcibly wrested from her, and the property which had been found in them;—to make indemnity for the injuries and losses which had been occasioned by the invasion; and to punish the General and the Officers by whom the outrages had been committed.

The American Government, in reply, reiterated the grounds upon which it justified the occupation of the Forts. The Spanish Minister was however informed, that Pensacola would be restored to any person, duly authorised on the part of Spain, to receive possession of it; and that St. Marks would be surrendered to any Spanish Force sufficiently strong to hold it against an attack from the Indians: but the American Government declined to inflict punishment, or to pass a censure upon General Jackson, whose conduct was “founded on the purest patriotism, and whose vindication was written in every page of the law of nations, as well as in the first law of nature, self-defence.”—On the contrary it considered it had a right to claim from Spain, (and which the American Minister at Madrid was instructed to demand,) “the punishment of the Spanish Governors who had aided and assisted the Indians in the hostilities against the United States, whom it was their duty to have restrained.”

But referring to the facts of the case stated by Mr. Stevenson, it is not true that a Civil War existed in Upper Canada, at the time of the destruction of the *Caroline*:—there was not a man in arms in the Province then, nor has there been one since for any other purpose, than to *repel invasion from the United States.*

The armed force at Navy Island was not an *insurrectionary* force, but one that had invaded the Province from the State of New York—Which invasion was an act of open hostility, committed by American citizens,

the places armed and organised in the United States, and marched
 and the pro- in the presence of Magistrates and Public Officers of
 make in- the Union, without resistance or interruption, into Up-
 had been per Canada, for the avowed purpose of making war upon
 e General Her Majesty; and the Steamboat Caroline was openly
 been com- and notoriously engaged in the service of, and aiding
 and assisting this invading force—As in the case of the
 erated the Spanish Government in Florida, the Government of the
 tion of the United States either wanted the power or the inclina-
 r informed, tion, it matters not which, to restrain their citizens
 rson, duly from making war upon the Queen of England, and at-
 possession tempting the destruction of Her subjects and the over-
 ered to any throw of Her Government; and the subjects and Mili-
 against an tary Force of Her Majesty had an undoubted right,
 Government not only to follow the Steamboat Caroline into the
 s a censure Territory of the United States, and destroy her there,
 “founded but to enter into that country and destroy the *prepara-*
 ication was *tions there making* for their destruction, if it were seen
 ons, as well that the American Government either could not or
 ,”—On the would not do so themselves—That this right has not
 claim from been acted upon by the people of Upper Canada be-
 at Madrid fore now, proves their sincere and anxious desire to
 ment of the preserve peace; but it would be folly to disguise the
 ssisted the fact, that, the repetition of aggressions, such as they
 ited States, have already experienced, may exhaust that disposi-
 d.” tion to patient forbearance which has hitherto controll-
 ed them.

ated by Mr.
 isted in Up-
 of the Caro-
 e Province
 y other pur-
 d States.
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 an citizens,

It would probably be considered that your Com-
 mittee had not fully discharged their duty, while re-
 marking on the case of the Caroline, if they permitted
 the opportunity to escape of contradicting on authori-
 ty which they knew to exist, and of the most conclu-
 sive kind, the statements made by Mr. Stevenson of
 the cause and manner of her destruction, and the
 wholly unfounded allegations, that a number of persons

The case of Florida
 is fully applicable
 on both sides re-
 specting the Caro-
 line,—

And our forces had
 a full right not only
 to enter Schlosser
 and burn the Caro-
 line but to enter the
 States and destroy
 the preparations
 making for the in-
 vasion under simi-
 lar circumstances.

That this act has
 not been acted
 upon—a proof of
 our desire for
 peace.

Contradiction of
 Mr. Stevenson's
 statements.

Mr. Stevenson's
statement.

The Caroline in
the service of the
Patriots several
days before she
came to the Island.

Brigands sent from
the Island to Buffa-
lo to get her out of
the ice.

She took muskets,
&c., on board at
Buffalo.

Her Captain gave
up his command to
the Chief Brigand.

Openly employed
in bringing warlike
stores from Schlos-
ser to Navy Island.

The Crew on board
were armed.

They resisted and
wounded several of
the assailants.
A body of armed
men on shore for
her defence.
Not one on board
when she went
over the Falls.

were on board of her when she was set on fire and precipitated over the Falls of Niagara. Mr. Stevenson says, that the account given of the destruction of this Boat by Mr. Fox and the British authorities in this Province, is in every essential particular discredited and disproved by the most unimpeachable evidence; that the evidence transmitted by him to Lord Palmerston, strips the proceeding of every pretext alleged in its justification, and marks it as an act of the most offensive and unwarrantable character. Apart from the admissions which are to be found in Mr. Stevenson's own communication, and which have been already adverted to as sufficiently contradicting his assertions, your Committee have it in their power to affirm, that it is established by evidence *incapable of successful contradiction from any quarter*, that the Piratical Steamboat in question was engaged for what was called the Patriot Service, several days before she came to the Island. A detachment of the Brigands was sent from the Island to Buffalo to assist in extricating her from the ice, and fitting her out and bringing her to the Island. She took muskets and other Military Stores on board at Buffalo for the use of the invaders. On her arrival at the Island; her Captain surrendered the entire direction of her to the Chief Brigand, who gave orders for her safety, fearing she might fall into the hands of the British.—She was openly and publicly employed during the day in bringing over cannon and men from Schlosser to Navy Island. When she was attacked, the crew on board were armed and prepared for resistance, anticipating an attack: they did resist, and seriously wounded several of the assailants. There was a body of men on shore, armed for her defence in the event of an attack, but they did not venture to go on board the vessel—and lastly, it is utterly untrue that any one was

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on board at the time she was precipitated over the Falls.

Your Committee feel that this statement of the truth of the case is not necessary to vindicate the legality of the destruction of the Boat, but simply to remove the imputation that unnecessary severity was exercised towards the persons on board of her, or that in any possible case her destruction was not fully justified.

It has been with feelings of the deepest concern, and, at times, of indignation, that the loyal people of the Canadas have observed the apathy of the Government of the United States,—notwithstanding the repeated appeals that have been made to them,—in restraining and punishing the Brigands who are within its reach.—It is a fact not only undeniable, but almost universally admitted, that the conduct of the United States is, and from the beginning has been, such as to shew that they regarded with satisfaction rather than disapprobation, the attempts made to sever these Colonies from the British Crown—and although your Committee do not feel authorised to advance their individual opinions as those of your Honorable House, when they state their conviction, that there is a very strong desire among the American people and government, to expel Monarchical institutions from this continent, yet they believe that the indications of this desire are so obvious, that our Gracious Sovereign and the British Nation, should be constantly and plainly apprised of them, by those who have the best opportunities of watching them, and stating them with confidence.

Your Committee believe that the feeling to which they have adverted, has mainly induced the recent extraordinary movements in Maine, and the sudden and unexpected assertion of the General Government, that the exclusive jurisdiction over the disputed territory on our Eastern boundary, does not belong to Great

Repeated appeals have been made to the U. S. Government for the punishment of the Brigands—without effect.

They have manifested a contrary disposition and look with satisfaction on the attempts made to sever the Colonies from the Crown.

England should be constantly & plainly apprised of American policy.

The feelings adverted to—mainly induced the recent movements in Maine.

Britain, but that the State of Maine was fully justified in taking possession of it by force of arms. If reference were made to the mere inconvenience that would result from the impunity with which crimes of the most atrocious character might be committed in a country over which no ascertained legal jurisdiction extends, it would be enough to decide the necessity of leaving the Territory in dispute under the control of laws by which it had always been governed; but the people and Government of the United States are insensible to this or any other consideration that comes in conflict with their designs on the possessions of the British Crown. They well knew, and cannot deny, that the territory in dispute has always been under the jurisdiction of Great Britain; and they are equally sensible that the settlement of the true line dividing the two countries has never been retarded or evaded by the English Government, but that the fault, if there be any, is wholly on their side. Notwithstanding which, at a moment when it is believed dissensions exist in the Colonies, warlike possession is taken of a part of the country that has always been claimed by, and which has ever been in the possession of, Great Britain, and which if ceded, will completely cut off the land communication of the British North American Colonies, with each other; and the moment this most unjustifiable aggression is committed, Congress, in compliance with a recommendation from the President, passes a Law authorizing him to employ the army and navy and militia of the Republic, to resist any attempts on the part of Great Britain to enforce by arms, her claims to exclusive jurisdiction over what?—over that part of “**THE STATE OF MAINE**”! which is in dispute between the United States and Great Britain. This enactment would settle the whole matter if submitted to, since it assumes that the territory in

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dispute is part of "THE STATE OF MAINE," leaving further argument or proof on the part of Great Britain wholly out of the question.

Your Committee would exceed their province, if they ventured an opinion, however remote, of the course which Her Majesty may take in reference to this unexpected interference with Her undoubted sovereignty; but they may venture to express on behalf of their brave and generous fellow-subjects of New Brunswick, their firm conviction, that not the smallest portion of their rights will be sacrificed to the cupidity of an encroaching and presumptuous opponent.—And on behalf of themselves and of the loyal inhabitants of Lower Canada, they can only say, that the surrender of the territory claimed by the United States, could not fail imminently to endanger the connection of these Colonies with the Parent State;—and most earnestly do they hope that a concession so unfounded and ruinous will never be made.—Neither can it be forgotten by Colonists, nor will it be overlooked by the British Government, that no compromise can take place which will have the effect of transferring any portion of Her Majesty's subjects to a Foreign Power.

The people of New Brunswick may be released from their allegiance and cast off from the Mother Country, but they cannot be *transferred*, and *rendered subject* to another power without their own consent. *The true line, and that only must determine to what Nation they belong.*

Your Committee having thus adverted to the events of most prominent importance that have occurred during the last year, feel called upon to impress upon Your Honorable House the necessity—a painful one it certainly is—of assuring our gracious Queen, that while Her loyal subjects in these Provinces, acknowledge with the deepest gratitude the efficient protec-

Confidence that Her Majesty will not allow the rights of her subjects to be sacrificed.

The people of New Brunswick cannot be transferred to another power without their own consent.

Continuance of this protection essential to our peace and safety.

Spirit of the United States still bent on further aggressions.

Indemnity to the owners of Sir Robt. Peel strongly urged.

Ruinous consequences will result to the owners by longer delay.

Indemnity for the Thames Steamer and other property.

The people of the Province will not allow ruinous losses to be sustained.

tion extended to them, by the large Military force that has been stationed in the country, they are bound to reiterate the opinion expressed in the Report of Your Honorable House of the last Session; that the continuance of this protection is essential to their future peace and safety,—not, however, from the slightest apprehension of internal revolt—but “because the Government of the United States either wants the inclination or the ability to compel its citizens to yield obedience to the laws of nature and of nations;” and because we believe these citizens are still ferociously bent on repeating the aggressions from which we have already so severely suffered.

Your Committee further earnestly recommend that your Honorable House should bring under the consideration of Her Majesty’s Government, the just and undoubted right of the Owners of the Sir Robert Peel Steamer, to prompt and complete indemnity for the felonious destruction of that Vessel in American waters by American citizens. It has occasioned some surprise that this remuneration has not been made ere this; but the ruinous consequences which would result from longer delay, to several of our fellow-subjects, imperatively require, that your Honorable House should press their claims with the utmost earnestness. The more recent burning of the Thames Steamer and of the property of individuals in different parts of the country by the invading Brigands from the United States, should, your Committee are of opinion, receive the early attention of Your Honorable House, in order that steps may be taken to obtain for the owners a full indemnity for their losses. Your Committee are well satisfied that the people of this Province will not permit individuals to sustain ruinous losses which should be borne equally by all. They cannot regard the destruction of the property referred to, as among those

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casualties that establish no claim for indemnity from the public.—They are the consequences of a national calamity, which the whole people are concerned in repairing—and your Committee are well satisfied that such is the opinion of every loyal subject of Her Majesty in the Province.

It is not for Your Honorable House to point out the best means of defending these Provinces from future invasion ; but your Committee are of opinion, that Her Majesty would not receive unfavorably, the respectful representation, that there are many reasons against employing for any great length of time, the rural population of this new country in Military duties. Taking them away from their Agricultural pursuits is productive of much and serious disadvantage to the Province, and it would be wrong to overlook the injurious effects which may be produced, on the morals of young men, from habits too readily contracted in a service that cannot demand their constant employment.

Reasons for not employing the rural population in Military duties.

If Her Majesty should direct the construction of Forts and places of defence along the Frontier, it is believed that very great saving would be ultimately effected, by rendering unnecessary a portion, at least, of the Militia Force which is now embodied ; and to the calling out of which, the people of the Province are materially indebted for their present safety.

Construction of Forts a saving of expense.

In concluding their remarks upon the struggle in which the Canadas have been engaged during the past year, Your Committee will briefly advert to two points, the most gratifying to every loyal British subject.—The first is, the noble and cheering declaration of our beloved Queen, that “ *Her Majesty is firmly determined to maintain the authority of Her Crown in this part of Her Dominions,* ”—and the second—that Her Majesty’s subjects of British and Irish descent, are not only en-

Declaration of Her Majesty.

titled to, but are eminently deserving of *the royal pledge thus given to them.*

Observation of the
Lieut. Governor in
his Speech.

His Excellency the Lieutenant Governor truly observed, in his Speech at the opening of the present Session of the Provincial Legislature,—“ That the
“ main foundation of the hopes of the discontented
“ persons in this Province and their Foreign supporters
“ has been a mischievous notion, industriously propa-
“ gated, that England would desert her trans-Atlantic
“ Possessions in their hour of difficulty and danger.”

The false opinion
that England would
desert these Colo-
nies dispelled.

These false and pernicious opinions are now dispelled, as Your Honorable House never doubted they would be, by a pledge the most emphatic and sacred. And while their enemies are thus disappointed in their hopes, Her Majesty's loyal people are encouraged to persevere in that noble display of devoted loyalty, and unsubdued bravery which has so eminently distinguished them on every occasion, and in every conflict, where their services have been required, to expel or annihilate their ruthless invaders. It is in the power of Your Honorable House to inform our Gracious Sovereign, that, notwithstanding all the misrepresentation and falsehood that has gone forth with respect to the political feelings and principles of Her subjects here: and notwithstanding the persuasions employed, and the allurements held out to seduce them from their allegiance, they have stood steadfast and firm in their faith and loyalty to their Queen: that not a man among them was found to unite with the invaders of their country; that they spurned with abhorrence the false and delusive offers made to them of greater freedom and happiness, by a foreign people who had basely and criminally dared to interfere with their institutions, and to pollute their soil with their presence;—that the truth of these feelings and principles has been tested by the blood of many of their fellow subjects, who

The people of this
Province has stood
steadfast in their
allegiance—though
they have been
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have sacrificed their lives in maintaining them; and whose example their lamenting survivors, animated by the same patriotic spirit, are and ever will be ready to follow.

WHEN YOUR COMMITTEE were appointed by your Honorable House, they had reason to suppose that the duties with which they were charged would not extend beyond the subject referred to in the preceding pages of this Report; but since that period a document has been promulgated by order of the House of Commons, purporting to be the Report of Her Majesty's late High Commissioner, the Earl of Durham, addressed to Her Majesty, on the affairs of British North America, which contains matter so deeply affecting the social as well as political relations of all the Provinces, especially of Upper Canada, that it would ill-become your Committee to pass it over in silence. Indeed they regret that at this late period of the Session, it is impossible to give the statements and opinions advanced by His Lordship, the extensive investigation their importance demands; but your Committee will apply themselves with calmness, and they trust with dispassionate zeal, to vindicate the people of Upper Canada, their Government and Legislature, from char-

Report of Lord Durham.

Containing matter deeply affecting the social and political relations of U. C.

Not time for full investigation of Report.

Vindication from charges against the people. Government and Legislature of U. C.

ges that imply a want of patriotism and integrity, which they know to be unjust, which they did not expect, and which they grieve to find advanced by a Nobleman who had been sent to these Provinces to heal, rather than foment dissensions, and who certainly should have carefully guarded against giving currency to unfounded, mischievous and illiberal rumours, for the truth of which he admits he is unable to vouch.

First announcement of Lord Durham's appointment caused disappointment.

When it was first announced that the Noble Lord had been selected by Her Majesty to represent the Royal Authority in these Colonies, in the two-fold authority of Governor General and High Commissioner with powers far greater, as it was asserted, than had ever been confided to any of His Lordship's predecessors, it cannot be denied that a very general feeling of disappointment and apprehension pervaded the loyal population of the Provinces. His Lordship's political principles were, of course, universally known, and it was feared that he might too readily adopt and act upon opinions that had unhappily been long in the ascendant, and which, from want of an earlier check, had brought upon the country all the misfortunes with which it had been afflicted. Neither were these apprehensions lessened, when it was ascertained who were to be His Lordship's ostensible advisers, and the chief Officers of his Suite. Apart from objections of a merely personal character, (although these in an unsophisticated society, such as existed in Canada, were far from overlooked,) it was known that the gentleman named as Chief Secretary as well as some others, were identified with a small knot of politicians, who had undisguisedly advocated the views and opinions of Papineau, and Mackenzie, and whose desire to release these Colonies from what they termed "*the baneful domination of the Mother Country,*" had been plainly avowed. Notwithstanding these reasonable ap-

Apprehensions not less when his advisers were known.

Chief Secretary known to advocate the opinions of Papineau and Mackenzie:

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prehensions, however, the population as if by common agreement, determined to receive his Lordship with the utmost cordiality and manifestation of confidence. They were aware that he had been for many years a Member of the Imperial Parliament; that he had for some time occupied a seat in the Cabinet, under Earl Grey; and that he had filled a diplomatic appointment of considerable importance; and they believed that it was quite impossible for him to have been engaged in these various employments, without acquiring a knowledge of public business, and being taught a prudent wariness of conduct, that would prevent his falling into any great or irretrievable error.—But that which the loyalists chiefly relied upon, was the character which was ascribed to His Lordship of integrity, intelligence, and love of country—They did not fear the result of his mission, if he were possessed of these great and essential qualities.—It was comparatively of little consequence whether he was Tory, Whig, or Radical, in England, if, in Canada, he would exercise a sound, upright, patriotic and independent judgment. It had never happened that a man, guided by these principles, and possessed of a dispassionate mind, had failed, after a short residence in the North American Colonies, to detect the fallacy of the “*conciliating*” policy that had been so long pursued, or to determine which party sincerely desired to perpetuate the connexion with the Mother Country; and which was aiming, under the specious pretext of securing liberal Institutions, to sever the Union and establish a Democracy. Neither was an instance known of a high-minded Englishman, residing in America for any length of time, however strong his predilections might previously have been, who did not leave it with a feeling of disgust at the practical exhibition of Republican Institutions on this Continent. Accordingly,

Determination to receive Lord Durham with confidence.

No consequence what Lord D. was in English politics if his judgment were exercised soundly and upright.

No high-minded Englishman living long in America but must be disgusted with the exhibition of Republican Institutions.

Lord D. received
our landing with
enthusiasm.

upon his landing at Quebec, Lord Durham was received with the appearance of enthusiasm, and certainly with the most sincere desire to convince him, that no impediment would be thrown in the way of his government by those, who were truly desirous that peace and order should be again restored to the Country, and who were heartily tired of the imbecility with which affairs had been conducted for the greater portion of the two preceding years.

First act of His
Lordship.

The first Act of His Lordship's Administration, was the issuing of a Proclamation, setting forth the objects of his mission, and the policy he was determined to pursue in executing his high and important duties.— He declared that “the honest and conscientious advocates of Reform, and of the ameliorations of defective Institutions, should receive from him without distinction of party, races, or politics, the assistance and encouragement, which their patriotism had a right to command, from all who desired to strengthen and consolidate the connection between the Parent State and these important Colonies; but the disturbers of the public peace, the violaters of the law, the enemies of the Crown and of the British Empire, would find in him, an uncompromising opponent, determined to put in force against them, all the powers, Civil and Military, with which he was invested.”

Received with satisfaction.

This manifesto was received with general satisfaction, by the well-affected in both Provinces, they desired no more than that the principles it avowed should be fully and faithfully acted up to; well persuaded that if this were done, the peace of the country would be quickly restored.

Your Committee are not disposed to doubt that Lord Durham sincerely desired and intended to fulfil, to the very letter, every pledge, direct or implied,

as received contained in his Proclamation : that his acts would be certainly with marked by discretion and a respect for constitutional principles, and that he was firmly resolved to exert every faculty he possessed, in restoring tranquillity and order and security to the Canadas; unhappily, however, and who some baneful influence intervened, or some defect of judgment existed, to mar and frustrate these noble and generous resolutions. Your Committee disclaim the intention of uttering one single sentiment that can be construed into wilful or gratuitous disrespect to the Earl of Durham, or the desire of conveying the most distant imputation on his patriotism or integrity; but in the performance of a duty which admits of no forbearance that may exclude the truth, they are bound to declare, that from the date of this Proclamation to the close of His Lordship's Administration, almost all his public acts, were marked, either by a disregard of the restraints of Law and of the Constitution, or the entire absence of that knowledge essential to guide and keep a public man within the limits of the powers confided to him.

Distrust in His Lordship, was first excited by the suspension from Office of all the Members of the Executive Council, who had been commissioned by the Crown, and the appointment, as their successors, of gentlemen, who, with the exception of two, (the Commissary General and the Secretary of the Province of Lower Canada,) had accompanied him from England, and who, whatever might have been their general knowledge, were wholly unacquainted with the local concerns of the Country, and utterly incompetent to suggest or frame any Legislative measure that the peculiar condition of public affairs demanded. These removals were made in the most courteous manner, and your Committee are unable to say, that they did not take place in consequence of orders from Eng-

Some baneful influence marred the resolutions of His Lordship.

From the date of His first Proclamation no regard for restraints of Law and Constitution marked his public acts.

Suspension of Members of Executive Council and appointment of new Council.

This act brought His Lordship in much difficulty.

He required the great Seal of this Province to be affixed to a certain Instrument—tested in his own name—though contrary to his instructions.

Lord Durham's Proclamation, offering a reward for the apprehension of the pirates who burnt the Sir Robert Peel Steamboat.

land; but the effect was not only to excite uncomfortable feelings in the Province, from the ungracious appearance of the act,—but to cast His Lordship upon a sea of difficulties, without a single competent Pilot to warn him of the dangers that surrounded him, and it is not to be wondered at, that he was speedily involved in serious embarrassments.

He soon afterwards required the Great Seal of this Province to be affixed to a Commission, tested in his own name as Governor General, appointing certain Gentlemen, Commissioners, to enquire into the Land-granting Department in Upper Canada; over-looking, or disregarding, the provisions in his appointment, by which he was precluded from acting in any Province, in which he had not actually assumed the Government, and been sworn into Office. Although this Act was wholly unauthorised, it was nevertheless acquiesced in, that it might not be alleged that His Lordship had been thwarted in any manner, in carrying into effect whatever measures he deemed necessary to accomplish the object of his mission.

A further, and somewhat ludicrous exhibition, of His Lordship's assumed powers, was evinced in the Proclamation issued by him, offering a Reward of one Thousand Pounds for the apprehension and conviction of the Pirates concerned in the destruction of the Sir Robert Peel Steam-boat. As the offence was committed in the United States, where alone the power of punishment existed, this Proclamation was considered a somewhat singular, if not an unprecedented interference with the administration of Justice in a foreign Country. To the people of this Province, a demand on the American Government for reparation would have appeared a more reasonable and legitimate mode of proceeding, and would have afforded far greater satisfaction and more convincing proof, that His Lordship

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was determined to protect to the utmost of his power, Her Majesty's subjects from insult and injury.

A measure of a much more mischievous tendency, soon after occurred, in His Lordship's interference, when in Lower Canada with the course of Justice in the disposal of the prisoners captured at the Short Hills, in the Upper Province. This interference and the cause of it, are detailed in the correspondence laid before your Honorable House :—It is, however, unnecessary to refer to it here, for any other purpose than to shew, that His Lordship did not regulate his Official acts and correspondence by any legal rules, but according to such views as he might chance to entertain, apparently regardless of the embarrassments he might occasion to others, in the performance of the most painful and difficult duties.

The remarkable ordinances that consigned to transportation to Bermuda, several of the Lower Canadian Traitors, and which enacted that the penalty of death should be inflicted upon others who had been neither tried nor indicted, but who had fled or absented themselves from the Province, if they again returned to it; and the disallowance of these ordinances by Her Majesty, are subjects within the recollection of every one, and it would answer no useful purpose to discuss them here.—But without examining the degree of validity that attaches to those Ordinances or the motives or necessity for their enactment, they undoubtedly, at the time they were promulgated, were regarded by every professional or well informed person, as unprecedented and extraordinary, if not wholly unconstitutional and void.

The concluding Act of His Lordship's Government, his Proclamation of the 9th October, requires no comment from your Committee—it was regarded by all lovers of order, with silent astonishment and disappro-

Lord D. interferes with the course of justice in disposal of Prisoners taken at the Short Hills.

Transportation of traitors to Bermuda.

Proclamation of 9th of October.

Her Majesty's notice of that Proclamation.

bation—and with what justice is best proved by the terms in which it was noticed by Her Majesty, who directed the Colonial Minister to inform Lord Durham, that Her Majesty had been advised by Her Ministers to regard it “not merely as a deviation from the course “which had hitherto been invariably pursued by the “Governors of the British possessions abroad, but as a “dangerous departure from the practice and principles “of the Constitution. They considered as open to “most serious objection, an appeal by such an Officer “to the public at large, from measures adopted by the “Sovereign, with the advice and consent of Parliament.”

“The terms in which that appeal had, in that instance, been made, appeared to Her Majesty’s Ministers calculated to impair the reverence due to the “Royal Authority in the Colony—to derogate from the “character of the Imperial Legislature—to excite “amongst the disaffected, hopes of impunity, and to “enhance the difficulties with which His Lordship’s “successor would have to contend.

“The Ministers of the Crown having humbly submitted this opinion to the Queen, the Secretary of State proceeded to say, that it became his duty “to inform His Lordship that he had received Her “Majesty’s commands, to signify to His Lordship Her “Majesty’s disapprobation of His Lordship’s Proclamation of the 9th of October.”

“And that, under these circumstances Her Majesty’s Government were compelled to admit, that “His Lordship’s continuance in the Government of “British North America, could be attended with no “beneficial results.”

Unsoundness of Lord D’s judgment.

Your Committee have noticed these prominent public acts of His Lordship, for no other reason, than to draw attention to the proofs which exist of the sin-

gularity, if not unsoundness of his judgment—and as affording room for those, not personally acquainted with the facts on which His Lordship founds his conclusions in the Report which he has presented to Her Majesty, to doubt, or at all events, to receive with caution, the statements he has set forth, with respect to the social and political condition of a Province, in which he never resided, and with which he had scarcely any personal acquaintance. His Lordship's personal observation was confined to his passing up the River St. Lawrence and crossing Lake Ontario, in a Steamboat, occupied exclusively, by his Family and Suite;— a four days sojourn at the Falls of Niagara, and a twenty-four hours visit to the Lieutenant Governor at Toronto.

His Lordship's personal acquaintance with U. C.

Your Committee are not called upon to examine, or offer any opinion upon that part of His Lordship's Report which relates to the affairs of Lower Canada. It is, however, evidently drawn up with much greater care, and they believe, with far greater accuracy, than that portion of it which relates to this Province.

They will therefore proceed at once to the examination of those opinions and observations of His Lordship which most seriously affect this community. Lord Durham ascribes, and your Committee believe truly, all the dissensions and disturbances that have occurred in Lower Canada, to a contest between *Races* of different origin,—British and French Canadians;— and forgetful of the mischievous tendency of his remarks, he intimates that the political dissensions in this Province, are to be traced to a jealousy or disagreement between three *classes*, and a contest among them for the emolument and patronage of office.

Examination of Lord Durham's Report in respect to Upper Canada.

Disturbances in Lower Canada arise from contest between races.

Dissensions in Upper Canada from jealousy between three classes.

The first of these His Lordship (borrowing with questionable taste a Newspaper *sobriquet*) designates as "the Family Compact," and he informs Her Ma-

First Class.

Second Class.

Third Class.

The standing of the
first Class.

jesty that "the bulk of the party consists for the most part, of native born inhabitants of the Colony, or of Emigrants who settled in it, before the last War with the United States." The *second* is stated to be formed by a body of the same class of persons, called Reformers, and the *third class* comprises, according to His Lordship's opinion, Emigrants from the United Kingdom who have settled in the Province since the War above referred to.

It is alleged by Lord Durham that the first party mentioned by him, "for a long time receiving accession to its numbers, possessed almost all the highest Public Offices; by means of which, and its influence in the Executive Council, it wielded all the powers of Government; it maintained influence in the Legislature, by means of its predominance in the Legislative Council, and it disposed of the large number of petty posts, which are in the patronage of the Government all over the Province. Successive Governors as they came in their turn, are said to have either submitted quietly to its influence, or after a short and unavailing struggle, to have yielded to this well organized party, the real conduct of affairs. The Bench, the Magistracy, the high Offices of the Episcopal Church, and a great part of the legal profession, are filled by the adherents of this party;—by grant or purchase they have acquired nearly the whole of the waste Lands of the Province; they are all powerful in the Chartered Banks, and till lately shared among themselves, almost exclusively, all offices of trust and profit. The bulk of this party consists for the most part, of native born inhabitants of the Colony, or of Emigrants who settled in it before the last War with the United States;"—and His Lordship declares that never was the power of the party so extensive or so absolute as it now is.

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The High Commissioner in thus describing a class of persons who are evidently held in slight estimation by His Lordship, has been unable to find, or at all events he does not state, any objection to its Members on the ground of want of ability or patriotism; he does not question their loyalty, and he admits that they are numerous and possess much property and great influence, but that in consequence of their having monopolized the power and patronage of the Government, they have excited envy, created dissatisfaction, and have ultimately provoked attack; and it is plain, that entertaining the same sentiments with their opponents, His Lordship thinks it necessary that they should be put down, and that the authority and influence of the Crown should for that purpose, be thrown into the scale of the second class—whom His Lordship designates “Reformers,” among whom, however, he says, “it cannot be doubted that there were many who wished to assimilate the institutions of the Province rather to those of the United States than to those of the “Mother Country.”

There are two aspects in which these opinions of His Lordship may be regarded, equally unfavorable to his penetration as a Statesman, and his character as a safe adviser of the Crown. It could not fail to strike a man of ordinary understanding that if the “Compact” were so numerous, and composed of the class of persons he describes, they must have acquired the influence they possess naturally and as a matter of course, and not by any dishonorable means: and it would be difficult to persuade any one, that the Government of the Country could be carried on without their support—and certainly there is something inexplicable in the opinion intimated by His Lordship, that they should be cast aside to make way for another party, “many of whom his Lordship says, wished to assimilate the In-

His Lordship's reason why dissatisfaction has been created.

Lord D. thinks that 1st Class should be put down to make way for the second, notwithstanding their doubtful standing.

These opinions unfavorable to His Lordship as a Statesman and an adviser of the Crown.

1st Class acquired their influence by honorable means.

Quite inexplicable that the 2nd Class should supplant the first, considering their object.

stitutions of the Province rather to those of the United States, than to those of the Mother Country"! But your Committee have a higher duty to perform than criticising the language, or endeavoring to fathom the meaning of the Earl of Durham. They feel themselves equally bound to vindicate their fellow subjects of both classes. It is somewhat singular to find it represented that the Reformers of this Province complain of the existence or influence of "a Family Compact" composed of persons who are represented to be of the same origin with themselves; but whatever may be the opinion of others, your Committee believe, that the differences which have existed in the Province, have proceeded from political disagreements that have unhappily grown up in this, as in every other community; and not from envy of each others prosperity; and although true it is, that the ranks of the Reformers have been disgraced by men who have turned traitors to their Country, yet the great body of that class of persons profess to lament the circumstance with as much intensity of feeling as any other; and your Committee believe that however much they may feel gratified at finding their political sentiments on the subject of the internal Government of the Country, approved and recommended by the Earl of Durham, they hold themselves to be under no obligation to His Lordship, for endeavoring to raise up domestic dissensions, which can have no other effect than obstructing, or delaying the restoration of that social harmony, which once happily existed, and which all benevolent men, of every party, anxiously and earnestly desire to see re-established in the Province.

If Lord Durham had given himself the trouble to enquire into facts, and to consider them, he would have been convinced of the impropriety and injustice of designating, as he has done, the great body of the people

Vindication of both Classes.

Differences have arisen on political questions and not from envy of the other's prosperity.

No obligation to Lord D. for trying to raise up domestic dissensions.

Injustice in Lord D. designating the great body of the people a "Compact."

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of the country, as a "Compact" united to tyrannize over and oppress their less numerous and less powerful fellow subjects.

When the Constitution was conferred on the Canadas in 1791, and the first Governor, General Simcoe, assumed the administration of affairs, there were little more than 10,000 inhabitants in the Upper Province.

His Excellency was accompanied by personal friends who had served under him in the War of the Revolution. These, with few exceptions, were appointed to fill the various public offices in the Colony. There are few of these most excellent and venerated men now remaining, and none of them who are not superannuated or incapable of further labour.

Notwithstanding the natural and reasonable claims of their children and descendants to consideration, very few of them have been appointed to any situations of emolument, and none of them, as your Committee are aware of, have succeeded to their father's vacant offices.

The patronage of the Crown, even during the short period that has elapsed since the organization of the Government, has been widely and indiscriminately extended among all classes, and all denominations of Her Majesty's Subjects, without the slightest regard to family or hereditary claims; and so far from a monopoly of office or power being retained by these persons, it was at one time a source of much dissatisfaction and complaint, that they had been ungenerously overlooked.

But His Lordship, as if to meet this objection, that he probably apprehended might be raised to the part of his report to which these observations apply, has announced to Her Majesty and the British Nation, that the *third* party to whom reference has been made, viz:—The Emigrants from the United Kingdom, who have settled in the Province *since the last American War*, regard the entire of the original and

State of the Colony in 1791.

Those who came with first Governor filed various public offices. Few of these remaining.

And few of their children have been appointed to situations of emolument.

Patronage of the Crown extended to all classes.

Lord D. affirms that the third class consider the other two classes as a family compact, combined to exclude them from emolument or power.

His Lordship's credulity must have been imposed upon by some discontented person.

Three Gentlemen of the Committee, of the third class.

Col. Prince.

native population, *whether Reformers or others*, as a "Family Compact," combining to exclude them from the enjoyment of offices conferring emolument or power;—that this large and spirited class of people feel as aliens instead of citizens; and that they possess no greater right as British subjects than if they resided in the United States. Your Committee cannot suppose that Lord Durham has *imagined* such a state of Society—they are well convinced that some disappointed or discontented person has imposed upon his Lordship's credulity, and led him to promulgate an opinion, the tendency of which to great and permanent injury, cannot be easily counteracted.

No portion of the community can suffer more directly or seriously from the effects of this erroneous assertion, than the very persons, who it is alleged are labouring under the baneful influence complained against; and it is with no common satisfaction that your Committee find among their number three Gentlemen well known throughout the Province, the Representatives of three distinct constituencies, and who, being of the number of those who his Lordship states are regarded as aliens in this portion of their Sovereign's dominions, are best able to pronounce upon the accuracy of His Lordship's statements.

One of these Gentlemen, Colonel Prince, is an Englishman by birth, and was bred to the legal profession. He came to this Province six years ago, and brought with him a considerable sum of money, which he has expended in purchasing and improving real Estate in the Western District. On the first occasion of issuing a commission of the peace for that division of the Province, he was included in it; and at the next general election he was returned to represent the County of Essex, by a population almost exclusively *Canadian*; and the Legislature, to mark their sense of his gallant

conduct upon different occasions, in resisting the invasion of the country by Foreign Brigands, passed a law admitting him to practice as a Barrister and Attorney in all the Courts. The Lieutenant Governor soon after conferred upon him the rank of Colonel in the Militia, and intrusted him with the command of a Battalion embodied for actual service, and which is still on duty. The *second* is Mr. R. Rollo Hunter, a gentleman of independent property, and a native of Scotland.—He has resided in the Province six years; is in the Commission of the Peace, and has been elected as representative for the County of Oxford. The *third*, Mr. J. A. H. Powell, is an Irishman.—He came to the country since the last war; his father held the rank of Major in the Army; he sold his commission, and settled at Perth, in the District of Bathurst, of which he was appointed Sheriff.—Upon his death, his son (Mr. J. A. H. Powell) succeeded him, and has since been returned a member for the County in which he resides.

Mr. R. R. Hunter,

Mr. J. A. H. Powell.

That which has been above related of the reception these gentlemen have met with, and the total absence of all ground for considering that they have been treated or regarded as "Aliens," may be said of the whole body of British and Irish immigrants who have taken up their abode in this Province; and the three members of your Committee, to whom special reference has been made, conceive that they are bound in justice, calmly, but unequivocally, to deny that Lord Durham has been correctly informed with respect to the feelings of the original settlers in Upper Canada towards them; on the contrary, they know that if there be one matter more than another that they feel a deep interest in, and desire to promote, it is, emigration from the British Islands.—They are aware of the immense advantage the country has derived from this

The three Gentlemen above, deny that Lord D. has been correctly informed.

source, in general wealth, as well as in their social and political relations ; and it is universally considered that the check it has experienced from the recent difficulties in the two Provinces, is among the most serious, if not the very greatest, of the evils that have resulted from them. And as a proof of the anxiety of the Provincial House of Assembly here, to promote Emigration, and to remove every impediment to its increase, the members, at a time when the House was composed almost exclusively of persons of the first and second classes above alluded to, repeatedly and un-animously, called for the disallowance of an Act passed by the Legislature of Lower Canada imposing a tax upon British Emigrants landing at the Ports of Quebec and Montreal ; a tax which was regarded by them as odious,—injurious,—and unconstitutional.

The first and second classes have repeatedly promoted Emigration.

Those of the third class who hold places of honor and emolument.

With respect to the exclusion of British and Irish Emigrants from places of honor and emolument in the Province, it is sufficient to state that *the Vice Chancellor—the Master and Registrar of the Court of Chancery—the Receiver General—the Secretary of the Province—the Solicitor General—four out of five Executive Councillors—and twelve out of the twenty-nine Legislative Councillors appointed since Sir John Colborne assumed the Government of the country—two-thirds of the Clergy of the Church of England—a like proportion of District Schoolmasters—and the Principal and Masters of Upper Canada College, with one exception,—have been taken from that class of gentlemen ; and it may be confidently asserted that from among them, a large majority of Justices of the Peace, Militia Officers, Commissioners of the Court of Requests, and other local appointments have been made,—while it is a remarkable fact, that of the *sixteen* Battalions of Militia ordered to be embodied for actual service for the defence of the country, *ten* of*

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them are commanded by British or Irish gentlemen who have recently come to the Province, selected without reference to politics or religious creed, but purely on account of loyalty and ability.

Your Committee feel it unnecessary to pursue this subject further ; and while they are gratified in having it in their power to offer a complete, and, they trust, satisfactory refutation of opinions and statements, which, if true, would bring discredit and injury upon the Province, they cannot avoid repeating their concern that those statements and opinions should have been inconsiderately advanced by a person filling the high station conferred upon the Earl of Durham.

The High Commissioner having thus recorded his opinion of the different parties in the Province, proceeds to state various matters connected with the administration of Sir Francis Head, and the different departments of the Government, which your Committee will notice in their order, as briefly as possible.

It has happened, unfortunately for Lord Durham, that he employed Agents to procure information, or acquired it from Parties, evidently incompetent or indisposed to speak correctly upon the past political events of this Province ; since to this circumstance your Committee are bound to attribute the many inaccuracies contained in his Lordship's report, which, in themselves, are quite sufficient to cast general discredit upon it.

Thus, His Lordship affirms that Sir Francis Head, on assuming the Government of the Colony, *dismissed from the Executive Council some of the* members who were most obnoxious to the House of Assembly, and requested three individuals to *succeed* them. This is wholly incorrect.—Sir Francis Head did *not* dismiss any of the Council upon assuming the Government,—and of course he did *not* appoint others to succeed

Refutation of the opinions and statements of Lord D.

High Commissioner states various matters on administration of Sir F. B. Head.

Inaccuracies of Lord D.'s statements acquired from those who did not speak correctly.

The statement that Sir F. Head dismissed some Ex. Councillors not correct.

them ;—the appointments made by Sir Francis were in addition to the Councillors he found in office ; and they were in fact made in consequence of the representation of the latter gentlemen that an increase of their members was necessary for the transaction of the public business of the country.

The selection of the new Councillors was, very probably, made to conciliate the House of Assembly, but not at the instance of that body or at the suggestion of any one of its members.

The statement that among the first acts of Sir F. H. he appointed to some vacant offices those of the first class, not correct.

His Lordship next states, “ that among the first acts of the Governor, after the appointment of this Council, was, the nomination to some vacant offices, of individuals who were taken from the old official party, and this without any communication with his Council. These appointments were attacked by the House of Assembly, and the new Council finding that their opinion was never asked upon these or other matters, and that they were seemingly to be kept in ignorance of all those public measures which popular opinion, nevertheless, attributed to their advice, remonstrated privately on the subject with the Governor. Sir Francis desired them to make a formal representation to him on the subject ; they did so, and this produced such a reply from him, as left them no choice but to resign. The occasion of the differences which had caused the resignation was made the subject of communication between the Governor and the Assembly, so that the whole community was informed of the grounds of the dispute.”

And of which he had fully opportunity of knowing.

It is to be regretted that Lord Durham had not read the communication to which he refers in the last sentence quoted from his report, before he gave this account of the cause of the resignation of the Council, he would in such case have avoided the error into

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which he has fallen; he would have learned that no nomination to vacant offices of individuals taken from the old official party had been made *after* the appointment of the new Council, and therefore that they had not resigned for the reasons given by his Lordship, but because they aimed at a change in the mode of administering the Government, which it was deemed improper to concede, and which was therefore refused by Sir Francis Head.

A second inaccuracy occurs in that part of the High Commissioner's Report which relates to the proceedings of the New House of Assembly, in the case of Mr. Hepburne. His Lordship says, that in consequence of these proceedings, Sir F. Head succumbed to the Assembly, and persuaded Mr. Hepburne to resign his Office, and to take one of very inferior emolument; and that this was done to avoid collision with the Assembly, who are represented as having been influenced by exceedingly discreditable, if not base, motives in their proceedings against Mr. Hepburne. The truth of this case is simply this: that Mr. Hepburne did *not* resign his office for the reason mentioned, but retained it until within a few months of Sir Francis Head's departure from the country, and then voluntarily relinquished it, for appointments far more desirable than the one he gave up.

As Lord Durham has fallen into error upon mere questions of fact of recent occurrence, it will probably not be considered surprising that he should mistake those of more remote date,—but His Lordship has misapprehended one subject to which he has adverted in a manner somewhat remarkable, and which ought not to pass without notice. His Lordship states, that *a law was passed* immediately after the last War with the States, forbidding American citizens to hold land in the Province. In the first place, no such law was

His Lordship's inaccuracy in the case of Mr. Hepburne.

His Lordship's mistake respecting a supposed Law that passed forbidding Americans to hold land in U. C.

ever passed, and in the second, it was wholly unnecessary. Any one of the legal advisers of His Lordship could have told him, that an American citizen, unless naturalized, cannot by the laws of England, hold lands within the British Dominions. It is probable that in alluding to this subject, His Lordship has been misled by an inaccurate reference to an Act of a directly contrary tendency, which was adopted in 1828. This Act was passed and has the effect of confirming the titles of American citizens who had previously settled in the Province, under the impression, that they might legally hold lands. With respect to future settlers of this class, the law remains as it always has been, neither facilities nor obstructions being placed in their way. Of the policy of their admission, however, it would surprise no one, if His Lordship, after his experience in the Government of this Country, should have entertained great doubts; the reverse, however, appears to be his opinion, he seems to think the indiscriminate admission of the citizens of the neighbouring Republic, would be of advantage both to the Province and the Mother Country.

Clergy Reserves.

Your Committee will pass over particular notice of the opinions advanced by His Lordship, on the subject of the Clergy Reserve question, "of the policy towards the Catholics," and the "complaints of Orangeism"—not that abundant room does not exist for the expression of regret, that on subjects sufficiently calculated in themselves to produce excitement, His Lordship should have felt it right to appear as the partizan or advocate of either party, and to express favourable views as to one, and adverse opinions as respected the other. If mischief do not arise from so indiscreet a course, the Province will be indebted to the magnanimity of its inhabitants, rather than to the observations or advice of Her Majesty's High Commissioner.

His Lordship does not appear to have considered it necessary to recommend forbearance among parties, whose differences involve no great principles of government, but are confined to subjects of a social, rather than political character; but he prefers the attempt to cast aside, and disregard the wishes and pretensions of any portion of the community that happen not to be in accordance with those theories, for which he most plainly evinces a preference.

His Lordship evinces no disposition to recommend forbearance among parties.

The settlement of the question which has, undoubtedly, strongly agitated the public mind, with respect to the Clergy Reserves, has been an object of the most anxious solicitude among all parties in the Province, and nothing can more clearly prove that want of success in attaining this desirable end, is not to be attributed to illiberal or unchristian feelings, than that the various measures which have been introduced have met with conscientious objections among all classes of politicians.

Conscientious objections have stayed the settlement of the Clergy Reserve question.

Your Committee, however, earnestly hope that the forbearance and mutual concessions which have lately marked the proceedings of your Honorable House, will result in some measure that will prove acceptable to the great body of their fellow subjects, and put an end to further discussion upon a subject that involves the only point of serious dispute among them.

Hopes may be entertained that the question will be settled.

With respect to what His Lordship is pleased to designate the "policy towards the Catholics." Your Committee are well convinced, that no portion of the Inhabitants of the Province are more fully aware than the Catholics themselves, that no invidious policy has ever been designed or acted upon towards them, —and ungrateful would such conduct be, if ever attempted. No portion of the people of this Province have been more ready to fulfil the duties of faithful

"Policy towards the Catholics."

subjects, and none are more deserving of the protection and patronage of the Crown.

"Orangeists."

Desire in the community to live in peace.

The distinctions noticed by Lord Durham has no ill effect upon the loyalty of the people.

Lord Durham contrasts the physical condition of Canada with the United States.

As regards the statement respecting the existence of "Orangeism," as your Committee do not feel themselves at liberty to comment on particular associations in the Province, they will confine themselves to the expression of their conviction, that an universal desire exists amongst all classes of the community, to live in peace with each other, and that this desire will gradually but certainly put an end to distinctions that may be found to create dissensions, and in their opinion, nothing would be so certain to defeat this great object, as the application of violent or coercive measures, or the indiscreet interference of authority. The distinctions referred to by Lord Durham, were not found to damp the universal loyalty and good feeling of the people of this Province, during the last eighteen months of peril and invasion;—all parties laid aside their disagreements, and none more readily and willingly than Catholics and Orangemen, who were found fighting in the same ranks, side by side, in defence of their laws, their liberties, and their Sovereign.—Such men, actuated by such principles, cannot be estranged from each other; they must and will be friends as well as neighbours.

Lord Durham in his remarks on the physical condition of the Province, has considered it necessary to contrast the improvements that are going on in Canada, with those in progress in the neighbouring States, and to draw a comparison very disadvantageous to this Province. Your Committee would extend this Report to an unreasonable and unprofitable length, were they to enter into the discussion of the various statements and opinions of His Lordship. They will therefore content themselves with remarking that if it were admitted, that the contrast is correctly drawn by His

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Lordship, it ought not to surprise any one who would take the trouble to recollect the true cause to which it should be attributed. The improvements referred to in the adjacent States, have for their support the wealth of a country containing a population of **FIFTEEN MILLIONS OF SOULS**—Upper Canada, unsustained by any other than its own resources—cut off from a Sea-port by the unwise legislation of the Mother Country,—unable, from the same cause, to increase its revenues by duties on imports, and containing a population of *less than half a million*, might well rest satisfied that no just reproach could be cast upon it, if its inhabitants had abstained from all attempts at great and expensive works, and had confined themselves to the ordinary pursuits of Agriculture and Commerce. But the fact is otherwise; and notwithstanding the inference to be drawn from the High Commissioner's Report,—Upper Canada has undertaken, and gone far towards accomplishing works that would do credit to any NATION, and which, if they are not found superior in magnitude and usefulness, will bear an advantageous comparison with any in the neighbouring country. That they have not been rendered more complete and extensive, is not to be attributed to want of enterprise or of patriotism on the part of the people of Upper Canada, but to the mistaken policy already adverted to, which has left them without the means of developing the great natural resources of the country, and which can alone be remedied by the Imperial Parliament. But your Committee believe that the happiness and prosperity of a country does not altogether depend in forcing, after the manner of hot-bed vegetation, Public Works, or what are termed, Public Improvements.—These are of course useful in their way,—but unless accompanied by obedience to, and a just and impar-

The improvements in the States supported by the wealth of the whole country.

Those of U. C. supported only by its own resources, and unable to increase them:

Upper Canada has undertaken works that would be a credit to any nation.

That these works are not completed is not the fault of U. C.

The happiness and prosperity of a country are not assured by its public improvements unless accompanied by obedience to, and a just administration of, the laws.

In these U. C. may justly claim superiority over the U. S.

Lord D. has not discerned any faults or defect, in his favored people.

Opinion respecting Erie Canal &c. expressed by Committee of the Senate of New York.

The above opinion is sufficient proof that the Public "Improvements" in the States do not deserve the praise bestowed on them.

His Lordship's remarks on condition of Trade in U. C.

tial administration of the laws, insuring protection of life and property, and social happiness and contentment—they are of small value. In these important respects, the Inhabitants of Upper Canada may, with justifiable exultation, claim superiority over their republican neighbours:—But the Earl of Durham has not thought it necessary to advert to considerations of that kind; he does not seem to have had eyes to see, or ears to hear any of the faults or defects of those, by him, commended and admired people. It is possible, however, that it may detract something from the estimation in which they are held by him, when he peruses a Report of a Select Committee of the Senate of the State of New York, recently promulgated, which denounces the Erie Canal and other great "Improvements" so much lauded by His Lordship, as *infamous jobs*; that they were completed by *foreign* (British) capital; and, recommending that the debts contracted for their completion should be considered as having been *fraudulently incurred*, and *that they should never be paid*. This recommendation, sufficiently republican in its nature, may convince others, if it does not Lord Durham, that it is possible that the exhibition of the public "Improvements" in the United States, may not have been altogether so wise or so deserving of the unqualified praise that has been bestowed upon them—and that certainly it would have been more becoming, not to have undertaken them if the public (chiefly British) creditor is to be refused re-payment of the money advanced for their construction.

The High Commissioner appears to have given no very great attention to the condition of trade in Upper Canada,—He, however, slightly adverts to the want of a Port of entry from the Sea; and as a measure that would remove some of the embarrassments experienced from this cause, and from the disadvantages

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arising from the Saint Lawrence being closed by frost for a considerable portion of the year, His Lordship suggests that Merchants should be permitted to ship their goods from England, and land them at New York in bond, and from thence to bring them into Upper Canada, *free of duty*. Your Committee will not remark at any length, upon the objections which the Ship-owners and Merchants of England would probably raise to a measure of this description, but they are wholly unable to reconcile this suggestion or advice of His Lordship, with the recommendations wisely and patriotically urged upon Her Majesty's Government, in his letter addressed to Lord Glenelg, dated Niagara, 16th July, 1838, and which contains the following passages:—

“ Opposite to Fort Erie, immediately on the Lake, is the Town of Buffalo, the head quarters of the Robbers and Pirates who have so long infested this Country. Its extent and appearance are surprising; the size and respectability of the buildings, and the number of masts which I could discern in the harbour, prove the value of the Commerce, and the wisdom of the arrangements which have thus created, in about ten years, a City in the midst of the wilderness.”

“ This prosperity is owing to the Erie Canal, which commences at Buffalo, and thus makes it the depot of all the trade of the West, flowing to New York.

“ All these advantages might be ours, by the judicious application of not a large expenditure. The Welland Canal, which commences at the Grand River in Lake Erie, and strikes the Lake Ontario, a few miles West of Fort George, has great advantages over the Erie Canal; it is open three weeks earlier in the Spring, and connects the two Lakes by a short passage.”

Extracts from letter of Lord Durham, to Lord Glenelg, dated Niagara, 16th July, 1838.

Extracts, &c.

“ If this Canal was completed, and the Saint Lawrence Canal, the Water Communication by the Lakes, the Rideau Canal and the Saint Lawrence, to the Sea, by Montreal and Quebec, would be complete, and all that immense trade which now flows from the West by Buffalo, and Lockport, and the Grand Canals to New York, would pass through our Provinces, and enrich all the Towns and Districts through which it was carried.”

“ This is not a speculation of mine, but it is an admitted fact by the Americans themselves; the knowledge of which leads the Merchants of Buffalo to encourage these border inroads which disturb the peace of our Provinces, and prevent our attention being directed to objects which involve their complete ruin.”

“ I enclose Your Lordship an American paper, published at Oswego, in which you will find all these important considerations to which I have briefly adverted, treated at length. I quote it for the value and correctness of its Commercial anticipations, setting aside, all reference to the Military speculations which it contains.”

“ I feel so strongly the importance of this subject, both as a means of restoring tranquillity to the Canadas, and of blessing the North American Provinces, with a degree of prosperity which has never yet been afforded them, that I feel it my duty to press it on the immediate attention of Her Majesty’s Government.”

“ I would ask of them a grant of money to be issued on the same principles and securities, as those which regulate the assistance given to Harbours, Rail-roads, Canals, and other Public Works in England. The interest of the money advanced could be satisfactorily ensured, and I feel certain that the value of the

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"tolls would very soon be so great, that the principal
 "would be speedily repaid. I believe, my Lord, I am
 "not too sanguine, when I assert that such a step taken,
 "would at once put an end to all discontents and dis-
 "turbances in the Canadas. The Americans would
 "see that their chances of acquiring these Provinces,
 "by holding out the temptation of a prosperity, which
 "our supremacy does not afford the Canadians, were
 "at an end, and would discontinue their intrigues on
 "our frontiers, whilst the Inhabitants of our North
 "American Colonies would find in the increase of
 "trade and wealth, which must flow in, pursuits and
 "occupations which would leave them neither the lei-
 "sure nor the desire for political agitation, or traitorous
 "conspiracies."

"On our part, we should by the judicious applica-
 "tion of this loan, spare all the immense expense of
 "our army and fleet, and of the Volunteers and Militia."

"I again express my earnest conviction that the
 "measure I recommend is, for the reasons which
 "I have adduced above, founded on the best consi-
 "derations of economy, tranquillity and security for the
 "present and the future; and as such I humbly submit
 "it to the decision of her Majesty's Government."

When Lord Durham announced his having written
 this despatch, it was received throughout the Province
 with the highest possible satisfaction. He truly des-
 cribed it as a measure above all others best calculated
 to remove dissensions and to establish the prosperity
 of the Country. It would be impossible to over-rate
 the grateful feelings which such an act of munificence
 on the part of the British Government would excite
 among all classes:—but it is most singular that His
 Lordship should, when drawing up his final report,
 have overlooked the fact, that if his scheme of import-
 ing goods free of duty by the way of New York were

The above Des-
 patch gave great
 satisfaction in the
 Province, at the
 time it was written.

Our Canals would be rendered useless by the adoption of Lord Durham's scheme.

adopted, our magnificent canals would be rendered almost, if not entirely, useless, and the whole advantage arising from the transportation of our imports would be transferred to the boats and Canals of the State of New York.

Your Committee need not say how unequivocally they deprecate this unwise and destructive recommendation—nor do they for a moment believe that it will receive countenance in any quarter.

His Lordship described, truly the inability of U. C. to complete Public Improvements.

In referring to the great works undertaken by this Province, Lord Durham has truly ascribed the inability of the Province to complete them, to the impediments arising from the political condition of Lower Canada, and its unwillingness to contribute its aid in works in which they are equally interested: but your Committee regret that this statement should have been accompanied by most unmerited and ungenerous insinuations against the Gentlemen who have gratuitously, and at great personal inconvenience, acted as Commissioners in superintending the outlay of the public money. There is something so offensive and unbecoming in these passages of the Report as to induce the Committee, from that and other internal evidence, to believe that that portion of it which relates to Upper Canada was not written by and never received the careful revision of His Lordship.

Those passages in the Report respecting the Commissioners for our Public Works, exceedingly offensive.

Your Committee will now direct the attention of Your Honorable House to such parts of the High Commissioner's Report, as more particularly relate to the Executive department of the Government, and to the Legislature. In submitting to the consideration of Your Honorable House the observations they have to offer on this part of the subject, it is with pain they have to declare, that His Lordship appears to have adopted opinions of the most unjust and injurious description, upon information the most inaccurate, and without think-

The opinions expressed therein, respecting the Executive and the Legislature, most unjust and injurious.

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ing it necessary to seek the truth in those quarters where he was most certain to obtain it.

It is somewhat singular, that Lord Durham should have overlooked or disregarded the many obvious objections that existed to his making reference in the public manner he has done, or indeed in any other manner, to the course pursued by the Executive Government of this Province, in the administration of justice in relation to the Traitors and Brigands, whom it became a necessary but painful duty to prosecute. That the course pursued in Upper Canada did not harmonize with the policy of his Lordship, is not to be denied; but what was done here, was done in accordance with the known and established laws of the Province: trial by jury was not dispensed with, and no ex post facto enactments were passed to create unknown penalties against unconvicted offenders;—and no punishments were awarded that were not within the legal authority of the Crown. Although punishments more severe than Lord Durham had the power or the inclination to award, were inflicted in Upper Canada, his Lordship has no right to dispute their necessity; and he is wholly without grounds for asserting that his policy, if known and followed here would have been attended by any other consequences than resulted from it in Lower Canada where he was at full liberty to give it effect. In that Province, the general impunity which followed crime of the deepest malignity, was followed by renewed rebellion and increased outrage. Upper Canada has been spared that additional disgrace, and saved from the calamities of a second insurrection; whether this cause for satisfaction is to be attributed to that firm determination to vindicate the laws of the country which your Honorable House, without a dissenting voice, has thanked His Excellency the Lieutenant Governor for exercising, no one can confidently affirm,

His Lordship has overlooked the obvious reasons against making reference so publicly to the course pursued by the Executive in prosecuting the Brigands.

Comparison between the effects of the different policy pursued by Upper and Lower Canada.

In disposing of the prisoners the utmost mercy extended, compatible with safety.

but it is known to members of your Honorable House, that the painful duty of disposing of the numerous prisoners who had subjected themselves to the severest penalties known to our laws, was entered upon with the most earnest and anxious desire to extend mercy to the utmost limits compatible with the safety of the country, and that this desire was firmly adhered to, notwithstanding the strong feeling of an outraged and deeply injured community;—loudly and unequivocally demanding examples of the utmost severity, far more numerous than were inflicted.

His Lordship states that petitions were presented on behalf of Lount and Matthews, signed by 30,000.

Without the slightest mention of the grounds on which the two persons alluded to by his Lordship, as having suffered the extreme penalty of the law, but apparently purposely omitting any notice of them, his Lordship has stated that they unfortunately engaged a great share of public sympathy—and that their pardon had been solicited in petitions signed, it is generally asserted, by "*thirty thousand of their countrymen*"!—The making this statement, if strictly accurate, could answer no useful purpose, but quite the contrary; but to mark how incautious his Lordship is, in referring to facts, it is proper to state that instead of *Thirty Thousand* signatures there were not *Five Thousand* appended to the petitions presented.

Though there were not in fact 5,000.

The outraged feelings of the loyalists appear to have been overlooked.

In connection with this subject it cannot fail to attract the notice of every one, that Lord Durham appears to have altogether overlooked the outraged feelings and deep injuries done to the loyal people of this Province by the convicted Traitors. In no part of his Lordship's report does he exhibit sympathy for them—they are the objects of reproach—the guilty are the only parties for whom his Lordship expresses sympathy or compassion.

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Your Committee have with regret further to observe, that the High Commissioner, not content to limit himself to ungracious notice of particular acts of the Government with respect to the public prosecutions, has in addition given credit and currency to charges the most ungenerous, not only against the officers of the local Government and the Legislature, but also against a large portion of the loyal people of the country generally. His Lordship has represented to Her Majesty, that, "It certainly appeared too much as if the rebellion had been purposely invited by the Government, and the unfortunate men who took part in it deliberately drawn into a trap, by those who subsequently inflicted so severe a punishment on them for their error. It seemed, too, as if the dominant party made use of the occasion afforded it by the real guilt of a few desperate, and imprudent men, in order to persecute or disable the whole body of their political opponents. A great number of perfectly innocent individuals were thrown into prison, and suffered in person, property, and character. The whole body of Reformers was subjected to suspicion, and to harrassing proceedings, instituted by Magistrates, whose political leanings were notoriously averse to them. Severe laws were passed, under colour of which, individuals very generally esteemed were punished without any form of trial."

The High Commissioner has given credit to most ungenerous charges against the Government and the loyalists.

Extract from report relative thereto.

If one who was not clothed with the official character of Lord Durham, had promulgated the paragraph here quoted, he might justly be rendered personally liable for its publication; but although his Lordship is not responsible for his official acts, as Her Majesty's High Commissioner, to the Provincial Government and the people his observations so deeply and injuriously affect, yet a moral obligation rests upon him, as an honorable man, to declare to the world upon what

A private individual promulgating the above opinion would be personally liable therefor.

Notice of His
Lordship on admin-
istration of Justice
in these Provinces.

His Lordship's in-
sinnations on ad-
ministration of
Justice repudiated.

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

No facts adduced
in support of alle-
gations.

Referring to the Administration of Justice in this Province, Lord Durham remarks that, "it is true, it appears much better in Upper than in Lower Canada, Courts of Justice, at least, are brought into every man's neighbourhood, by a system of Circuits, *and there is still some integrity in Juries.*" Why His Lordship should have permitted this paragraph to appear in his Report, is altogether incomprehensible—your Committee do not believe that any man who had a regard for truth, was to be found in the Province, so reckless as to attempt to throw discredit on the integrity of the learned Judges of Her Majesty's Courts in Upper Canada; and the equivocal terms used in referring to the Juries, are as offensive as they are unjust. Those who are concerned in the administration of Justice, desire no praise for doing their duty honestly and conscientiously, and your Committee believe your Honourable House might safely defy the High Commissioner to point out any portion of Her Majesty's Dominions, where these duties are performed with greater uprightness, than in this distant Colony of the Empire.

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

As in the instance of the charges insinuated in that part of the High Commissioner's Report which relates to the insurrection, His Lordship adduces no fact in support of allegations, which your Committee are

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bound to declare have been unjustly made ;—while on the other hand, evidence which did not depend upon the mere assertion of your Honourable House, but which was established and confirmed by documents and facts that defied contradiction, were within His Lordship's reach, and would have prevented him, had he been disposed to consult them, from making the unfounded charges which he has rather chosen to give currency to, that: "in a number of instances, the Elections were carried by the unscrupulous exercise of the influence of the Government, and by a display of violence on the part of the Tories, who were emboldened by the countenance afforded to them by the authorities"—and that "the Tories succeeded in carrying more than one seat by means of the violence of the organized mob, (referring to Orange-men,) placed at their disposal." It will not be expected that your Committee should go over the evidence which has already been laid before the people of this Province and the British nation, repudiating these statements:—there is no necessity for doing so as regards the electors of Upper Canada, and Her Majesty will receive every necessary information from the Report adopted by your Honourable House, at its first Session, on the Petition of *Charles Duncombe*, addressed to the House of Commons.—It would seem, indeed, from a perusal of His Lordship's Report, that he had received and adopted, as true, the statements made by this, now, fugitive traitor, wholly disregarding the ample refutation they received in the Report referred to.—With respect to the degree of confidence that may be reposed in your Honourable House by your constituents, it becomes not your Committee to speak—but they feel a great satisfaction in knowing, that in whatever light their conduct may be viewed by those to whom they are responsi-

The Elections declared by His Lordship to have been carried by an undue exercise of Government influence.

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

ble, and before whom they must soon and are ready to appear, they have endeavoured faithfully to do their duty to their Sovereign and their Country, and they are well satisfied that the great bulk of the Inhabitants of Upper Canada, of all parties and creeds, will be ready and willing to shield them from unmerited calumny and reproach.

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

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

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

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

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

Lord Durham professes to submit to Her Majesty and the British Nation, a true and faithful account

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of the state and condition of this, as well as of the other British North American Provinces, and there is no doubt that it will be promulgated throughout the country, by those who are gratified at finding their political principles and theories advocated and sustained by His Lordship, that there is nothing in his Report that admits of contradiction, and that whatever discredit may be attempted to be cast upon it, must proceed from disappointment or vindictive feelings. In refutation of this attempt to pervert the truth, if it should be made, your Committee invite the attention of the Independent Yeomanry and hardy Husbandmen of Upper Canada to the following paragraph. Having first described the surpassing prosperity of the United States for the purpose of contrasting it with the poverty and inferiority of these Colonies, His Lordship proceeds to state; "On the side of *both the Canadas*, and also of New Brunswick and Nova Scotia, a widely scattered population—*poor and apparently unenterprising*—though hardy and industrious, separated from each other by tracts of intervening Forests, without Towns and Markets, almost without Roads, *living in mean houses, drawing little more than a rude subsistence from ill cultivated land, and seemingly incapable of improving their condition*, present the most instructive contrast to their enterprising and thriving neighbours on the American side."

Let the Farmers of all political parties residing in the Districts fronting on the St. Lawrence, the owners of the extensive, beautiful, and well cultivated lands on the Bay of Quinte—in the District of New-Castle—the Home, Gore, Niagara, London, and Western Districts, read this degrading account of them, and ask themselves whether they would feel perfectly safe in submitting their future political fate,

Antidote to the effect intended by His Lordship's Report—taken from the Report itself.

Lord Durham's contrasting picture of the British Provinces, and their American neighbours.

Appeal to the farmers residing on the St. Lawrence, on the truth of the above contrast.

and that of their children, to the dogmas of a man who has so grossly misstated their character and condition. If Lord Durham after travelling up and down the River St. Lawrence, and along the Niagara Frontier, seeing, as he must have seen, even within this limited field of observation, farms of unsurpassed beauty and fertility, occupied and excellently worked by Yeomanry, who enjoyed every comfort, and whose wealth and independence placed within their reach, almost every luxury that could be desired by man, could deliberately pen or promulgate, a paragraph such as has been just quoted from his Report, surely the people of the country may well hesitate, before they place implicit confidence in any statement or opinion that he may advance on any other subject.

Motives of High Commissioner in the above statements, not easily understood.

Nor is it easy to understand what could have been the motives which induced the High Commissioner, to give this character to the rural population of the country. Its inaccuracy could not have proceeded from ignorance or want of information; neither could His Lordship be insensible to the injury it was calculated to bring on this country, by diverting emigration to other shores:—perhaps to the highly and extravagantly admired shores of the neighbouring Republic! Your Committee, unwilling to entertain this opinion, will pursue the enquiry no further.

Having thus adverted to those portions of the High Commissioner's Report which appeared to Your Committee most obviously to require explanation and remark—they will bring the duty assigned to them by your Honorable House to a close, by briefly stating the plan recommended by His Lordship to be adopted, for the future Government of these Provinces.

It is this.—That the Provinces of Upper and Lower Canada be forthwith united under one Legislature, and that the act of the Imperial Parliament intended to effect this object should contain provisions by which any or all the other North American Colonies may, on the application of their Legislatures, be with the consent of the two Canadas, admitted into the Union.

Plan proposed for the future Government of these Provinces.

Representation to be settled according to numbers of the population.

The existing endowments of the *Catholic Church* in Lower Canada to be guaranteed.

Provision by law for the *Protestant Church* to be taken away, by a repeal of the clauses of the Constitutional Act which relate to the Clergy Reserves.

All the Revenues of the Provinces, except those arising from lands, to be at the disposal of the Legislature, upon condition of providing an adequate civil list.

The Revenues and disposal of the Crown Lands to be confided to the Imperial Authority.

The independence of the Judges to be secured by giving them the same tenure of Office, and security of income as exists in England.

In the practice of the Government His Lordship advises that no money votes should be allowed without the previous consent of the Crown: and that responsibility to the united Legislature of all officers of the Government, except the Governor and his Secretary, should be secured by every means known to the Constitution.

The Governor, as Representative of the Crown, to be instructed, that he must carry on his Government by Heads of Departments, in whom the United Legislature shall repose confidence; and that he must look for no support from home in any contest

with the Legislature, except on points involving strictly Imperial interests.

His Lordship recommends these changes to be made without referring to the Provinces previously.

And these several changes, His Lordship recommends should be forthwith made, and without any previous communication with this or the other Province.

The two main points have been already discussed in the Legislature.

If it were properly within the instruction of your Committee to discuss the several propositions of His Lordship for the future Government of Her Majesty's subjects in Canada, they would feel themselves in a great degree relieved from doing so. The two points of most importance, viz: 'The Legislative Union of the Provinces, and the responsibility of the Officers of Government to the Legislature, have already undergone the most careful investigation, and received the deliberate judgment of Your Honorable House. The *first* has, under certain specified conditions, been assented to—The *second* has been pronounced inconsistent with the dependence of these Provinces, as Colonies, upon the Mother Country. If, in disregard of your recorded opinions, these two measures should be proposed to, and receive the concurrence of Her Majesty and the Imperial Parliament, it would be of little consequence to attempt to resist, or even to discuss the other suggestions, which, whether they be objectionable or not, are comparatively of minor importance.

Committee have confidence, that England will not hastily adopt the opinions of Lord Durham.

Your Committee, however, are not willing to believe, that the great Nation to which these Provinces belong, and which has hitherto extended to them its powerful—its parental protection, will hastily, and without the most full and ample information, adopt the opinions and act upon the recommendations of any individual, however high his rank, or great his talents, that involve the future destinies of Her Majesty's faithful subjects in these Provinces.

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Your Committee, however, are well convinced, that some great change is about to take place in the system of Government in Upper and Lower Canada, but they do not believe that it will involve any departure from the principles of the British Constitution, so far as they can be made applicable to a Colony.

Your Committee submit with their report, the draft of an address to Her Majesty, which they beg to recommend to the adoption of your Honorable House.

Address to Her Majesty recommended.

All which is respectfully submitted.

C. A. HAGERMAN,
JOHN PRINCE,
HENRY SHERWOOD,
JOHN A. H. POWELL,
W. B. ROBINSON,
W. CHISHOLM,
R. ROLLO HUNTER.

COMMONS' HOUSE OF ASSEMBLY, }
the 30th day of April, 1839. }

(DRAFT OF AN ADDRESS TO HER MAJESTY.)

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN :

Address to Her
Majesty.

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg permission, respectfully, to approach Your Majesty, with the renewed assurance of our continued loyalty, attachment and devotion to Your Majesty's Person and Government.

We beg to express to Your Majesty, our most grateful sense of the support and protection which Your Majesty has been graciously pleased to extend to Your loyal and faithful subjects, against the unprovoked invasions of both the Provinces of Canada, on the part of the people of the neighbouring Nation. To that protection, and to the wisdom and foresight of our Rulers, aided by the never-failing loyalty and gallantry of Your Majesty's subjects, we are, under Divine Providence, indebted for the maintenance of our laws and liberties, and the preservation of our lives and properties, from the vindictive and wicked assaults of a depraved and savage Banditti.

The vast expense incurred by the British Nation, in maintaining the Fleets and Armies of Your Majesty, sent for our support, is cause of deep and serious concern to Your Majesty's faithful subjects: nor can they cease to express their grateful acknowledgments for the noble generosity thus evinced. It however, is a source of no small gratification to us, to have it in our power to say, that in Upper Canada, at least, this burthen has not been thrown upon the Parent State, from any necessity to maintain internal tranquillity, but merely to shield us from the

attacks of a people with whom we are professedly at peace—but who, nevertheless, are waging open war against the Crown and subjects of Your Majesty.

Address to Her Majesty.

There is but too much reason to apprehend, that should Your Majesty withdraw Your Forces from this Country, at the present moment, renewed invasions, and on a more extended scale than any that have hitherto occurred, would be speedily experienced. It is not for Your Majesty's subjects in these Colonies, to point out to Your Majesty the means that should be adopted to put an end to these outrages; but as the Representatives of the people of Upper Canada, we venture humbly, but confidently, to declare, that these outrages never will cease, until Your Majesty shall have announced to the Government of the United States, that Your Majesty holds it responsible for the conspiracies and invasions, formed and conducted by the Citizens of the Republic, to overthrow Your Majesty's Government on this Continent, and to murder and destroy Your Majesty's subjects, for no other reason than that they are loyal and faithful to their Sovereign's Person and Government.

We beg permission, further, most respectfully and earnestly, to draw Your Majesty's attention to the rightful claim of Your subjects to indemnity for the destruction of the "*Sir Robert Peel*" Steam-boat, while lying in the waters of the United States, in the peaceful pursuit of its ordinary business. This outrage, no less insulting to the British Nation, than injurious to the individuals who have suffered from it by the loss of their property, has never been in any way atoned for, and the consequences to the owners of the vessel, are of the most ruinous kind. We therefore implore Your Majesty to take such steps, for the relief of Your Majesty's injured subjects, as you may

Address to Her
Majesty.

in your wisdom think right. Neither do we imagine, that when Your Majesty shall have determined on the course proper for Your Majesty to pursue in reference to this particular case, that Your Majesty will overlook the claims which all Your Majesty's subjects, in both the Provinces, have for indemnity for the many and great injuries of a similar nature, inflicted on them by a Foreign Nation, and for which, unless reparation be in some way made, and security given for their future peace, consequences of the most painful character, and which it is feared cannot be prevented, may result from future collisions.

Since the commencement of the present Session of the Provincial Parliament, the final Report of Your Majesty's High Commissioner, on the affairs of British North America, has been received in this Country. In this Report, Your Majesty's faithful subjects find many statements deeply affecting the social and political relations and condition of Upper and Lower Canada, and recommendations of several important changes in the form and practice of the Constitution. It is with much concern that Your Majesty's faithful subjects find that Your Majesty's High Commissioner has strongly urged the adoption of these changes by Your Majesty and the Imperial Parliament, without waiting for the opinion that may be formed of them by the people, who are to be most deeply and immediately affected by them.— Under these circumstances, we have caused a Report to be drawn up, by a Select Committee of the House of Assembly, which contains matter referring to this subject, as well as to our relations with the people of the United States, which we respectfully submit for Your Majesty's consideration:—and, in the fullest confidence that Your Majesty and the Imperial Parliament, continuing to act on those noble principles

of Justice and Patriotism that have hitherto been manifested towards this portion of the British Empire, will discountenance and disallow every measure, that, in the most remote degree, has a tendency to weaken the ties which now unite the North American Colonies of Your Majesty to Your Majesty's Crown and Government;—we commit ourselves to that superintending Power, to which, as Loyal People we owe implicit obedience.

Address to Her Majesty.

Whatever measures Your Majesty may be pleased to approve and recommend to Your Imperial Parliament, we earnestly implore Your Majesty's especial attention to the financial difficulties that have occurred, to arrest the progress and completion of the great Public Works in which this Province has been engaged. These difficulties, we venture to assure Your Majesty, do not arise from any fault of the Government and Legislature of Upper Canada, but entirely from causes produced by Enactments of the British Parliament—by the dissensions in Lower Canada, and the unwillingness of that Province to aid in accomplishing undertakings, that are calculated to bring to both Colonies great and equal benefits. The remedy for the embarrassments, to which we refer, rests entirely with Your Majesty and Your Majesty's Imperial Legislature:—and we rejoice that it rests in such hands, well convinced that whatever measure of Relief can be accorded to us, will be generously and freely granted.

