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CANADA.

COPIES OR EXTRACTS

OF

CORRESPONDENCE

RELATIVE TO THE

AFFAIRS OF CANADA.

*Ordered, by The House of Commons, to be Printed,
6 June 1839.*

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CORRESPONDENCE

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AFFAIRS OF CANADA.

(PRESENTED TO PARLIAMENT BY HER MAJESTY'S COMMAND).

*Ordered, by The House of Commons, to be Printed,
6 June 1839.*

SCHEDULE.

- No. 1.—Copy of a Despatch from Major-general Sir George Arthur, K.C.H., to Lord Glenelg, dated Toronto, 30 March 1839; (one Enclosure) - - - - - p. 3
- No. 2.—Copy of a Despatch from the Marquis of Normanby to Major-general Sir George Arthur, K.C.H., dated Downing-street, 6 May 1839 - - - - - p. 4
- No. 3.—Extract of a Despatch from Major-general Sir George Arthur, K.C.H., to the Marquis of Normanby, dated Upper Canada, Toronto, 12 April 1839; (one Enclosure) - - - p. 5
- No. 4.—Copy of a Despatch from Major-general Sir George Arthur, K.C.H., to the Marquis of Normanby, dated Upper Canada, Toronto, 15 April 1839; (one Enclosure) - - - p. 5
- No. 5.—Extract of a Despatch from Major-general Sir George Arthur, K.C.H., to the Marquis of Normanby, dated Upper Canada, Toronto, 17 April 1839 - - - - - p. 6
- No. 6.—Extract of a Despatch from Major-general Sir George Arthur, K.C.H., to the Marquis of Normanby, dated Upper Canada, Toronto, 11 May 1839; (two Enclosures) - - - p. 6
- No. 7.—Extract of a Despatch from Major-general Sir George Arthur, K.C.H., to the Marquis of Normanby, dated Upper Canada, Toronto, 13 May 1839; (two Enclosures) - - - p. 31
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COPIES or EXTRACTS of CORRESPONDENCE relative to the AFFAIRS
of CANADA.

(No. 67.)

— No. 1. —

COPY of a DESPATCH from Major-general Sir *George Arthur*, K.C.H., to
Lord *Glenelg*.

My Lord,

Upper Canada, Toronto, 30 March 1839.

SINCE the opening of the present session of the Provincial Parliament, no business of much public importance has been transacted in either House, and nothing brought to a close, except a motion in the House of Assembly on the state of the province.

No. 1.
Sir G. Arthur to
Lord Glenelg,
30 March 1839.

On the 23d instant, the Assembly passed on this subject the following Resolutions:—

First. That the division of Canada into two provinces was an injudicious measure.

Second. That an United Legislature for the Canadas is indispensable.

Third. That one or more authorized agents, deputed by the House, should proceed forthwith to England.

On the 27th, it was further resolved, that the House is distinctly opposed to a Legislative Union, unless the conditions embodied in a series of fourteen Resolutions be fully carried out by the Imperial Parliament.

Of these Resolutions, I have the honour to transmit herewith a copy.

The sending of authorized agents "to represent the true interests and opinions of Her Majesty's faithful subjects," does appear to me to be a very unnecessary expense; as Her Majesty's Government have already before them all the information on the subject that can be desired.

The clergy reserve question is now under the consideration of the House, and I trust that in some way or other it will be disposed of.

I have, &c.

(signed) *George Arthur*.

Enclosure in No. 1.

RESOLUTIONS passed by the HOUSE OF ASSEMBLY and sent to the Honourable the LEGISLATIVE COUNCIL for their concurrence, on the subject of an Union of the Provinces of *Upper* and *Lower Canada*.

Encl. in No. 1.

Saturday, 23d March 1839.

Resolved,—That, during the last Session of the Legislature, a series of Resolutions was adopted by this House, attributing the chief causes of the evils under which these Provinces have suffered to the injudicious division of Canada into two Provinces, which, with an Address dated 26th February 1838, were transmitted to the Home Government, praying for the adoption of such measures as would carry the same into effect.

Resolved,—That the experience of the past year confirms this House in the opinions then expressed, and they are still of the same opinion, that an United Legislature for the Canadas, on the terms then proposed, is indispensable; and that further delay must prove ruinous to the best interests of the Canadas.

Resolved,—That as measures deeply affecting the future interests of this Province are now pending before the Imperial Parliament, it is of the utmost importance that one or more authorized agents, deputed by this House, should proceed forthwith to England to represent the true interests and opinions of Her Majesty's faithful subjects residing in Upper Canada.

Vide Papers relative to the Affairs of Canada, ordered to be printed 4 May 1838, No. 337, page 177.

Wednesday, 27th March 1839.

Resolved,—That in reference to the Resolutions of this House on the subject of a Legislative Union of the Provinces of Upper and Lower Canada, this House is distinctly opposed

to that measure, unless the conditions as embodied in the following Resolutions be fully carried out in any Act to be passed by the Imperial Legislature for that purpose :

1st. *Resolved*,—That in the event of the Union of the Provinces of Upper and Lower Canada, the seat of Government should be within the present boundary of Upper Canada.

2d. *Resolved*,—That that portion of Lower Canada lying East of the Madawaska, and South of the St. Lawrence, consisting of the Counties of Gaspé, Bonaventure and Rimouski, be attached to the Province of New Brunswick.

3d. *Resolved*,—That a proper qualification for Members of the Legislative Council and House of Assembly be fixed upon by the Act of Union.

4th. *Resolved*,—That the Act of Union not to make void any of the appointments of the present Legislative Council, in full confidence that future appointments will be made in such manner, from the different districts, as best to secure the commercial, agricultural and general interests of the Province.

5th. *Resolved*,—That the number of Members to be returned to serve in the House of Assembly be as follows :—

From Lower Canada—50 Members.

From Upper Canada as at present.

That the Elective Franchise in Counties be confined to those who hold their lands in free and common socage from and after a time to be settled by the Imperial Parliament, not later than the year 1845, and that it be strongly urged on the Imperial Parliament to pass immediate measures for facilitating the change of tenure in Lower Canada, so as to extend to them the exercise of the Elective Franchise with as little delay as possible.

6th. *Resolved*,—That a new division of Lower Canada into Counties be made by the Governor and Council of that Province, so as to provide for the election of such number of members as, together with the members from cities and towns, make up the number to be returned from Lower Canada.

7th. *Resolved*,—That the English language be spoken and used in the Legislature, Courts of Justice and in all other public proceedings.

8th. *Resolved*,—That Courts of Appeal and Impeachment be established within the United Province.

9th. *Resolved*,—That the surplus revenue of the Post Office, together with the casual and territorial, and every other branch of revenue, be placed under the control of the Legislature.

10th. *Resolved*,—That, until otherwise provided for by the Joint Legislature, the Courts and Laws to remain as at present.

11th. *Resolved*,—That the debt of both Provinces shall be chargeable on the revenue of the United Province.

12th. *Resolved*,—That the Local Legislature have power to originate duties, or reduce them from time to time, as they may deem necessary and advisable, subject however to restrictions similar to those of 42d section of 31st Geo. III., chap. 31, respecting certain Local Acts.

13th. *Resolved*,—That with the above exceptions, the principles of our constitution as contained in 31 Geo. III., chap. 31, remain inviolate.

14th. *Resolved*,—That there be two Commissioners appointed to proceed to England on the part of this House, and that Sir Allan N. MacNab, Speaker of this House, and William Hamilton Merritt, Esquire, M. P. for the County of Haldimand, be the said Commissioners.

(No. 40.)

—No. 2.—

COPY of a DESPATCH from the Marquis of *Normanby* to Major-general Sir *George Arthur*, K.C.H.

Sir,

Downing-street, 6 May 1839.

I HAVE the honour to acknowledge the receipt of your despatch of the 30th March, No. 67, reporting the resolutions which had been adopted by the House of Assembly of Upper Canada, in regard to the union of that province with Lower Canada, and the intention of the House to send agents to this country to communicate on the subject with Her Majesty's Government.

As soon as the measure which Her Majesty's Government have in preparation shall have been submitted to Parliament, I shall take the earliest opportunity of communicating it to you, and I beg to assure you that the representations which the delegates of the Assembly of Upper Canada may address to me, will receive from my colleagues and myself all the attention which the personal character of the delegates, no less than the public capacity in which they act, entitles them to claim.

I have, &c.

(signed) *Normanby*.

No. 2.
Marquis of Normanby to Sir G. Arthur,
6 May 1839.

(No. 87.)

— No. 3.—

EXTRACT of a DESPATCH from Major-general Sir *George Arthur*, K.C.H., to the Marquis of *Normanby*, dated Upper Canada, Toronto, 12 April 1839.

THE Resolutions of the House of Assembly, in favour of an union under certain conditions, having been referred to the Legislative Council, were rejected by that body, by a majority of ten votes to eight.

The Legislative Council have since transmitted to me the Resolutions, whereof a copy is enclosed, stating that they still adhere to the sentiments and remedies set forth in their report on the state of the province, and in their address to Her Majesty, bearing date respectively the 13th and 28th of February 1838.

Respecting the measure of sending Commissioners to England, the House of Assembly, retaining their former views, have passed a Bill, nominating as before, Messrs. M'Nab and Merritt to be their representatives, with leave to the Legislative Council to nominate a third member from their own body, and voting the sum of 3,000 £. to defray the necessary expenses.

This Bill is now before the Legislative Council, and will be decided on in the course of the ensuing week; but I do not expect that the Council will pass it in its present shape.

* * * * *

I have, &c.

(signed) *George Arthur*.

Enclosure in No. 3.

RESOLUTIONS of the LEGISLATIVE COUNCIL on the State of the Province.

Resolved.—THAT this House still adheres to the sentiments, opinions and remedies set forth in their report on the state of the province, and in their address to Her most Gracious Majesty The Queen, bearing date respectively the 13th and 28th days of February 1838, nor have any events happened since that time of a nature to induce them to depart from the principles or reasonings therein contained, or the measures therein proposed as necessary to restore peace and tranquillity to this as well as the sister province of Lower Canada, and to promote their peace, prosperity and happiness, and perpetuate their happy connexion with the British Empire.

Truly extracted from the Journal of the Legislative Council.

(signed) *J. Joseph*, Clerk.

No. 3.
Transmitted in my
Despatch, No. 67,
30 March.

No. 1.

Vide Papers relative to the Affairs of Canada, ordered to be printed 4 May 1838, No. 357, pp. 122-126.

No. 2.

Encl. in No. 3.

(No. 88.)

— No. 4.—

COPY of a DESPATCH from Major-general Sir *George Arthur*, K.C.H., to the Marquis of *Normanby*.

My Lord,

Upper Canada, Toronto, 15 April 1839.

WITH reference to my despatch to your Lordship of the 12th instant, No. 87, reporting the proceedings of the Provincial Legislature, I have now the honour to transmit a copy of Resolutions passed this day by the Legislative Council, whereby your Lordship will perceive that the Council, relying that an opportunity will be afforded to the Legislature of being heard, have rejected the Bill referred from the House of Assembly, for sending Commissioners to England to represent the state of the province.

I have, &c.

(signed) *George Arthur*.

Enclosure in No. 4.

Resolved.—THAT for the reasons set forth in the Resolutions of this House on the 4th instant, it is inexpedient to pass the Bill sent up from the House of Assembly, intituled, "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other

No. 4.
Sir G. Arthur to
the Marquis of
Normanby,
15 April 1839.

Encl. in No. 4.

other purposes therein mentioned," especially as the report and address to Her Majesty referred to in those Resolutions expressed the entire confidence of the Legislative Council that Her Majesty's Government would not carry into effect any measure deeply affecting the interest of this province, without affording to its inhabitants an opportunity of being heard on the subject.

Resolved,—That when Her Majesty's Ministers have made the Legislature of this province acquainted with the plan which it is proposed to submit to the Imperial Parliament for the restoration of peace and tranquillity to the people of Upper and Lower Canada, this House will take the same into consideration, and communicate its opinion thereon to Her Majesty, either by uniting with the House of Assembly in the appointment of a Commissioner or Commissioners for that purpose, or by address, as may seem most expedient, according to the circumstances of the case.

(No. 91.)

— No. 5.—

EXTRACT of a DESPATCH from Major-general Sir *George Arthur*, K.C.H., to the Marquis of *Normanby*, dated Upper Canada, Toronto, 17 April 1839.

No. 5.

Sir G. Arthur to
the Marquis of
Normanby,
17 April 1839.

I HAVE had the honour to receive Lord Glenelg's despatch marked "Circular" of 7th February last, wherewith his Lordship has transmitted for my information a copy of the Earl of Durham's Report to Her Majesty on the affairs of British North America, and also of part of the Appendix.

The Report, having already reached this province through the medium of the public journals, has been copied into many of the provincial papers, and read with the greatest avidity by all classes.

Her Majesty's Government will naturally be desirous to learn how it has been received by those most interested in its details and suggestions; and I have therefore delayed noticing it until the latest moment which would allow of my communication reaching New York to catch the "Great Western."

The members of both Houses, I find, generally consider parts of the report which refer to Upper Canada to be in many particulars incorrect; and a Committee of the House of Assembly has been consequently appointed to draw up a report upon the subject.

They regard the Earl of Durham's scheme for the future government of Canada as essentially the same as that which was advocated by Mr. Bidwell, Doctor Rolph and Mackenzie, and to which the great majority of the people of this province expressed their unequivocal dissent; that, in fact, it was on this point that the elections to the present House of Assembly turned.

The sensation produced by the Report has been almost instantaneous, and strongly expressive of the opposite feelings of the contending parties. On the one hand, Sir Francis Head was burnt in effigy; and, on the other, a Reform candidate having canvassed for the vacant seat in the third riding of this county, was most unmercifully beaten by a party of volunteers who had turned out to defend the country in November last.

* * * * *

In the course of a few days, I shall do myself the honour to address your Lordship more fully on the subject of the Earl of Durham's Report, but I think it right to submit to Her Majesty's Government without delay the few remarks which are contained in my present communication.

I have, &c.

(signed) *George Arthur*.

(No. 102.)

— No. 6.—

EXTRACT of a DESPATCH from Major-general Sir *George Arthur*, K.C.H., to the Marquis of *Normanby*, dated Upper Canada, Toronto, 11 May 1839.

No 6

Sir G. Arthur to
the Marquis of
Normanby,
11 May 1839.

I HAVE the honour to transmit to your Lordship, to be laid at the foot of the Throne, an Address from the House of Assembly, with reference to the report of the select committee appointed to report on the state of the province. This report is also transmitted herewith.

I have, &c.

(signed) *George Arthur*.

Enclosure 1, in No. 6.

To The QUEEN's most Excellent Majesty.

MOST GRACIOUS SOVEREIGN,

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 continual loyalty, attachment and devotion to Your Majesty's Person and Government.

Encl. 1, in No. 6.

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 of 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.

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 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 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 the 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.

Whatever measure 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.

Commons House of Assembly, }
11th day of May 1839. }

Allan N. MacNab,
Speaker.

Enclosure 2, in No. 6.

Encl. 2, in No. 6.

REPORT from the SELECT COMMITTEE of the HOUSE of ASSEMBLY of *Upper Canada*, appointed to report on the State of the Province.

To the Honourable the Commons House of Assembly.

The REPORT of the SELECT COMMITTEE on the State of the Province (unanimously adopted by the Committee.)

Reference to report of last session on the political state of the provinces.

Extract from report of last session.

A respectable military force necessary.

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

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 United States is capable of controlling its own citizens no longer problematical.

The fact of lawless invasion of other countries by freebooters, &c. from the United States, prove that their neighbours are not to expect security from their forbearance or the moral influence of their government, but from their own fleets and armies.

Committee would greatly desire to recall the above imputation.

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

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

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

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

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

In the report on the political state of the provinces of Upper and Lower Canada adopted by your honourable House during the last session of the provincial legislature, the following statement is recorded:—

“ The next suggestion to which your committee beg to draw the attention of your honourable House, is the necessity (now too painfully obvious) of keeping up a respectable military force within both provinces.

“ 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.

“ 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 honourable performance of treaties, solemnly entered into by it with foreign powers.

“ 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 steam-boats 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 honourable forbearance of the American people, or the efficiency or moral influence of their government.”

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 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 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 Amherstburg.

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.

On the 22d of February 1838, upwards of 400 American brigands assembled at a place called French Creek, in the state of New York, situate on the River Saint Lawrence, about 25 miles below Kingston, from whence they marched in military array, and took possession of Hickory Island, a few miles nearer Kingston within 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 Johnston 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.

About the same period from 300 to 400 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.

The next invasion of our territory was the occupation of the inhabited island called Pointe-au-Pelé, below Amherstburg, by a force estimated from 400 to 500 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, 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 30 out of about 90 of the brave soldiers of the 32d 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 70 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-Pelé, 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.

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 shown 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 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 neighbouring 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 are 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 outrages were committed by small parties of American citizens, to which it is necessary briefly to advert.

The first was the destruction of the "Sir Robert Peel" steam-boat. This vessel, quite new, and valued at 10,000 £, 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 St. 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

400 brigands from French Creek in state of New York took possession of Hickory Island, in the British territory. Headed by Van Rensselaer.

Fled at the approach of the militia.

300 to 400 men took possession of Fighting Island; dispersed by Colonel Townsend of the 24th regiment.

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

400 to 500 brigands land on Pointe-au-Pelé Island, headed by Bradley; imprisoned and robbed the settlers; opposed by a small detachment of regulars; the brigands killed and wounded 30 regulars, and killed one militiaman.

Brigands fled, having upwards of 70 killed or wounded. Colonel Prince captures the noted brigand Sutherland.

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

Confidence restored; business in general resumed, and the trade with the United States.

Traitors still lurking along the American frontier.

It was believed that our neighbours 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. Outrages committed.

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.

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 New 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 United States lost all confidence.

Since the above wanton attack it has been unsafe to enter their harbours 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.

Short Hills affair.

150 brigands attack a small detachment of provincial dragoons.

After defending themselves with great courage were subdued, not by the arms of the pirates, but by fire.

Dragoons robbed and stripped.

Farmers plundered.

Brigands attempt to retreat; 27 captured. Reasons assigned for this invasion.

The loyalty of the people of the province tried and established.

The result of this last attempt produced a cessation of further aggression.

The greater part of the militia disbanded.

The above policy questioned.

Attack on Sarnia.

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

Mr. Carey, a militia officer, shot.

An attempt to destroy the house of the sheriff of the Niagara district. Assassination of Captain Usher in the dead of the night.

The above outrages committed by American citizens living near Buffalo, who openly boast of the bloody deed.

of ladies) had retired to rest, she was boarded by a band of about 30 pirates, headed by a well-known freebooter. 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 every thing 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.

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 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 harbours; 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 honour, 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 affair of Short Hills, where a bandit of the name of Morreau headed a party of brigands, supposed to number about 150, who made a sudden 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, defended themselves with the greatest courage and fortitude, 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 gallant men into their hands they robbed them of their property and stripped them of their clothing, and having plundered the dwellings of some of the farmers and yeomanry in the neighbourhood, they attempted a retreat, but being pursued, 27 of them, including their leader, were captured. There is reason to believe that this invasion was undertaken and directed against the district of Niagara, under the expectation 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 disappointed; and as the loyalty of the great mass of Her Majesty's subjects had been so clearly and undeniably 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 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 defence of the country was left to the troops of the line.

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 50 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.

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 Usher. 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 Usher have openly boasted of their having perpetrated the bloody deed,

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.

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 :

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 :—

“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.

“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.”

At a later period, placards were posted up throughout the city of Detroit, offering a reward of 800 dollars for the dead body of the gallant and greatly calumniated Colonel Prince; and 1,000 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 honourable House would promptly discountenance and disallow the promulgation of any expression that would unjustly assail the integrity 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.

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.

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 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.

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

Instances of the above woful testimony.

A newspaper published at Buffalo which advocates these invasions.

Extract from the Buffalo paper.

Placards in Detroit offering 800 dollars for the dead body of Colonel Prince, and 1,000 dollars 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 United States.

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.

Events that preceded the last invasions.

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.

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 United States. Superior lodges at Rochester, Buffalo, Cleveland, Detroit and Cincinnati. Nine steam-boats on Lake Erie in use of pirates.

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.

Mr. Fox instantly called upon the United States government to vindicate its honour;

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

though his admonitions have been disregarded.

Discovery of the conspirators greatly disconcerted them.

An armed force enters Lower 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" steam-boat 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.

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; but had to surrender: 200 of them taken prisoners to Kingston.

This descent on Prescott, in concert with the movement of brigands in Lower Canada and in the west.

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 40,000; 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 steam-boats on Lake Erie, as well as of several on Lake Ontario, 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.

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 honour, 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 apprized 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 vigour, straightforward 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, in no respect diminishes his claim to our gratitude and thanks.

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 steam-boat 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 600, 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 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 Colonel Dundas of the 83d Regiment, and a detachment of American troops under Colonel Worth, from Sackett's Harbour, came down, which, with the small naval force under Captain 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 200 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 regard- less

less 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 steam-boat 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 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 83d 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 of slavery to one where he hoped long to enjoy British freedom, was cut down and slaughtered, because he refused to join the band of murderers who called upon him to assist in the destruction of his benefactors.

And these deeds of wickedness and deepest crime were 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 foregoing remarks, alluded to the participation, on the part of the citizens of the United States generally, in the conspiracy which resulted in the hostile expeditions against these provinces, and the inefficiency of the measures taken by the American general and state governments 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 protect us from future attacks; and thus prove the necessity 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 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 notoriously profligate portions of the community.

In the absence of more direct proof of the little credit that should be attached to these statements, it 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 1,000 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 steam-boats 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 the general and state governments, by justices of the peace and by citizens of all classes and denominations. Public meetings

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 General Brady, United States 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.

Lieutenant Johnston, 83d regiment, at Prescott.

Doctor Hume and a coloured man at the west.

These deeds of wickedness perpetrated by men claiming to be citizens of the most free and enlightened nation in the world.

The part taken by the citizens of the United States generally in these conspiracies and invasions.

Great pains have been taken to convince the world that only the lowest classes were engaged in these barbarous outrages.

Proofs to the contrary of such a notion.

The systematic arrangement of the brigands.

500 to 1,000 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.

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

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 postmaster.

A paper promulgated in Jefferson county, containing an appeal to the "patriots of the county," to desist from further aggression.

Extract from a paper published in Jefferson county.

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

Statement, &c.

From Winnegar's address to the court at his trial.

were called in many places, and attended by persons of the description mentioned, who haranged the populace, calling upon them to aid in overthrowing British authority in the colonies, and subscribing money to accomplish that object. 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.

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 steam-boat 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, postmaster and member of Assembly elect, who, however, did not think proper to avow his recantation, although he had declared his intention to do so, and he still, it is to be supposed, remains "a patriot."

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:—

"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."

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 candour than marked the account given of themselves by the other prisoners, does not materially vary from most of theirs.

"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 Millen'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 16th November 1838, when he was taken prisoner; 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 11 children; heard ministers of the gospel encouraging the people to support the patriot hunters; is in his 59th year."

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 30 years, what my general character is, but have nothing to prove connected 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 industry, and have been blessed with health to maintain them. Though a poor man, I have the same feelings as others, and my family are

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."

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-martial at Kingston, on the 28th December 1838, was called as a witness by George H. Kimball, and stated as follows:—

Statement of George Brown of Brownville, on the trial of Geo. H. Kimball.

"There is a brother of the prisoner (George H. Kimball) about 30 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 understood among us that he was a captain; John B. Kimball told me that General Shoultz had appointed 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. Kimball 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 societies to aid in the Canada cause. Great inducements were held out to young men to join. I believe numbers have been thus deceived and deluded. The secrecy of these societies prevented any person 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 going 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 opinion 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 Prescott, has never been prosecuted.

With respect to the measures adopted by the government of the United States, in reference to the hostilities which have been waged against Her Majesty's subjects by 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 nevertheless 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 means be so conveniently placed before them as in the report of your committee.

Measures adopted by the United States government not properly a subject for the consideration of the committee; still it is thought proper to advert to them.

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.

The confidence that may have been placed in the good faith of the United States government is well nigh destroyed.

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.

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.

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.

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

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 sympathizers' 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 sympathizers' meeting.

Mr. Buller's predilections in favour 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,

Mr. Buller's predilections in favour of republicanism.

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

A more careful inquiry 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.

Extract from a New York journal.

Considerations of our right to follow the brigands to their own country.

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

Occupation of Navy Island considered by Mr. Stevenson a case of civil war.

Consequence of such arguing.

No country affords more striking examples in point than the United States.

Pensacola and Barancas taken possession of by Americans in time of peace.

Their occupation justified by the American government.

Extract of President's message on the Seminole war.

people, having the most ample opportunity of informing himself correctly, 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 inquiry, 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 journal 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 attaché 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, 23 March 1839.

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.

The ground assumed by the American minister in London, in relation to the destruction of the "Caroline" steam-boat, 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 deny the fact; but admitting it, as he does, to be true, that the steam-boat 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 steam-boats lying at Buffalo, some 50 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.

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.

"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

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."

"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 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 authorized on the part of Spain to receive possession of it; and that St. Mark's 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, armed and organized in the United States, and marched in the presence of magistrates and public officers of the Union, without resistance or interruption into Upper Canada, for the avowed purpose of making war upon Her Majesty; and the steam-boat, Caroline, was openly and notoriously engaged in the service of, and aiding and assisting this invading force. As in the case of the Spanish government in Florida, the government of the United States either wanted the power or the inclination, it matters not which, to restrain their citizens from making war upon The Queen of England, and attempting the destruction of Her subjects and the overthrow of Her government; and the subjects and military force of Her Majesty had an undoubted right, not only to follow the steam-boat, Caroline, into the territory of the United States and destroy her there, but to enter into that country and destroy the preparations there making for their destruction, if it were seen that the American government either could not or would not do so themselves. That this right has not been acted upon by the people of Upper Canada before now, proves their sincere and anxious desire to preserve peace; but it would be folly to disguise the fact, that the repetition of aggressions, such as they have already experienced, may exhaust that disposition to patient forbearance which has hitherto controlled them.

It would probably be considered that your committee had not fully discharged their duty, while remarking on the case of the Caroline, if they permitted the opportunity to escape of contradicting on authority which they knew to exist, and of the most conclusive kind, the statements made by Mr. Stevenson of the cause and manner of her destruction, and of the wholly unfounded allegations, that a number of persons 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 steam-boat 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 on board at the time she was precipitated over the Falls.

The Spanish minister protests against the conduct of the United States.

Spanish government demands the punishment of the American General.

Justification of the act reiterated by the American government.

American government decline to inflict punishment or pass censure on General Jackson.

Eulogium on General Jackson's conduct.

America demands the punishment of the Spanish governors, for aiding the Indians.

No civil war existed in Upper Canada when the "Caroline" was burnt; no man in arms since but to repel invasion from the United States.

The armed force at Navy Island was a bona fide invasion, planned and armed by American citizens, and known to their magistrates and public officers.

The case of Florida is fully applicable on both sides respecting the Caroline;

and our forces had a full right not only to enter Schlosser and burn the "Caroline," but to enter the states and destroy the preparations making for the invasion under similar 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 Buffalo 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 Schlosser 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.

Your

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.

Repeated appeals have been made to the United States 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 and plainly apprized of American policy.

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

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 show 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 authorized to advance their individual opinions as those of your honourable 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 apprized 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 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 dispute is part of “the State of Maine,” leaving further argument or proof on the part of Great Britain wholly out of the question.

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 Robert Peel strongly urged.

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 connexion 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 honourable 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 protection 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 honourable 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 honourable 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

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 honourable 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 honourable 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 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.

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.

It is not for your honourable 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 unfavourably the respectful representation, that there are many reasons against employing, for any 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 entitled to, but are eminently deserving of the royal pledge thus given to them.

Declaration of Her Majesty.

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 propagated, that England would desert her trans-Atlantic possessions in their hour of difficulty and danger."

Observation of the Lieutenant-governor in his speech.

These false and pernicious opinions are now dispelled, as your honourable 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 honourable 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 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.

The false opinion that England would desert these colonies dispelled.

The people of this province have stood steadfast in their allegiance, though they have been misrepresented and allured.

When your committee were appointed by your honourable 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 charges 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

Report of Lord Durham.

Containing matter deeply affecting the social and political relations of Upper Canada.

Not time for full investigation of report. Vindication from charges against the people, government and legislature of Upper Canada.

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 apprehensions, 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, 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.

Apprehensions not less when his advisers were known.

Chief secretary known to advocate the opinions of Papineau and M'Kenzie.

Determination to receive Lord Durham with confidence.

No consequence what Lord Durham 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 Durham received on landing with enthusiasm.

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 connexion between the parent state and these important colonies; but the disturbers of the public peace, the violators 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.

Some baneful influence marred the resolutions of his Lordship.

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, contained in his proclamation,—that his acts would be 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 security to the Canadas: unhappily, however, 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.

From the date of his first proclamation no regard for restraints of law and constitution marked his public acts.

Distrust

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 England; 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.

Suspension of members of executive council, and appointment of new council.

This act brought his Lordship in much difficulty.

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 inquire into the land-granting department in Upper Canada, overlooking 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 unauthorized, 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.

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.

A further and somewhat ludicrous exhibition of his Lordship's assumed powers was evinced in the proclamation issued by him, offering a reward of 1,000*l.* 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 was determined to protect to the utmost of his power Her Majesty's subjects from insult and injury.

Lord Durham's proclamation, offering a reward for the apprehension of the pirates who burnt the Sir Robert Peel steam-boat.

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 honourable House. It is, however, unnecessary to refer to it here, for any other purpose than to show 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.

Lord Durham interferes with the course of justice in disposal of prisoners taken at the Short Hills.

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.

Transportation of traitors to Bermuda.

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 disapprobation, 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.

Proclamation of 9th of October.

Her Majesty's notice of that proclamation.

"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 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."

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 singularity, 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

Unsoundness of Lord Durham's judgment.

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 steam-boat, 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.

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.

The first of these, his Lordship (borrowing with questionable taste a newspaper *sobriquet*) designates as "the family compact," and he informs Her Majesty 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.

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 unfavourable 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 dishonourable 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 institutions 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 endeavouring 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 other's 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

His Lordship's personal acquaintance with Upper Canada.

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.

First class.

Second class.

Third class.

The standing of the first class.

His Lordship's reason why dissatisfaction has been created.

Lord Durham thinks that first class should be put down to make way for the second, notwithstanding their doubtful standing.

These opinions unfavourable to his Lordship as a statesman and an adviser of the Crown. First class acquired their influence by honourable means.

Quite inexplicable that the second class should supplant the first, considering their object.

Vindication of both classes.

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

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 endeavouring 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.

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

If Lord Durham had given himself the trouble to inquire 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 of the country as a "compact," united to tyrannize over and oppress their less numerous and less powerful fellow-subjects.

Injustice in Lord Durham designating the great body of the people a "compact."

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.

State of the colony in 1791.

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, that 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 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.

Those who came with first Governor filled 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 Durham 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.

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.

Three gentlemen of the committee, of the third class.

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 practise 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.

Colonel Prince.

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 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;

The three gentlemen above deny that Lord Durham has been correctly informed.

The first and second classes have repeatedly promoted emigration.

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 unanimously 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.

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

With respect to the exclusion of British and Irish emigrants from places of honour 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 12 out of the 29 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 16 battalions of militia ordered to be embodied for actual service for the defence of the country, ten of 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.

Refutation of the opinions and statements of Lord Durham.

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.

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

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.

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

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.

The statement that Sir F. Head dismissed some executive councillors not correct.

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 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. Head 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 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.

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

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

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 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.

His Lordship's mistake respecting a supposed law that passed, forbidding Americans to hold land in Upper Canada.

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 partisan 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 unanimity of its inhabitants, rather than to the observations and advice of Her Majesty's High Commissioner.

Clergy Reserves.

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

"Policy towards the Catholics."

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 18 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.

"Orangeism."

Desire in the community to live in peace.

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

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

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

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 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 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 impartial 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 repayment of the money advanced for their construction.

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

Those of Upper Canada 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 Upper Canada.

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 Upper Canada may justly claim superiority over the United States.

Lord Durham has not discerned any faults or defect in his favoured 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 Upper Canada.

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

Extracts, &c.

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 arising from the St. 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 headquarters 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 depôt 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.

"If this canal was completed, and the St. Lawrence Canal, the water communication by the Lakes, the Rideau Canal and the St. 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

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 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 disturbances 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 leisure nor the desire for political agitation, or traitorous conspiracies.

“ On our part, we should by the judicious application 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 considerations 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 described 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 importing goods free of duty by the way of New York were 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.

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.

Your committee will now direct the attention of your honourable 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 honourable 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 thinking 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.

The above despatch 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.

His Lordship described truly the inability of Upper Canada to complete public improvements.

Those passages in the report respecting the commissioners for our public works exceedingly offensive.

The opinions expressed therein respecting the executive and the legislature most unjust and injurious.

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.

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 honourable House, without a dissenting voice, has thanked his Excellency the Lieutenant-governor for exercising, no one can confidently affirm; but it is known to members of your honourable 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.

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

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

though there were not, in fact, 5,000.

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

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

Extract from report relative thereto.

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

From what source did his Lordship derive his information?

He should have guarded most cautiously against falling into any errors of facts.

No party in the province responsible for the consequences of his Lordship's acts.

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 "30,000 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 30,000 signatures, there were not 5,000 appended to the petitions presented.

In connexion 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.

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 harassing 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."

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 honourable man, to declare to the world upon what grounds he has asserted that "it 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"! By what authority has his Lordship stated that "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"? From whom did his Lordship learn, and who are the injured parties referred to in his statement, that "a great number of perfectly innocent individuals were thrown into prison, and suffered in person, property and character"? Who were the magistrates "whose political leanings subjected the whole body of reformers to harassing proceedings"? And lastly, what "severe laws were passed, under colour of which individuals very generally esteemed were punished without any form of trial"? The enormities here enumerated could not have been perpetrated without the grossest fraud and tyranny on the part of the government, the corrupt and guilty co-operation of the legislature, and the most malignant and wicked participation of the great body of the people. And surely, however great may have been the objections of his Lordship to those different parties, and however strong the sympathy with their political opponents, yet, charged as he was with the deeply-responsible and delicate office of Her Majesty's High Commissioner, the most important object of which was, if possible, to reconcile conflicting parties, and to restore peace and harmony to the country, remembering also his first promise to the people of these provinces that he would discharge his duty "without distinction of party, races or politics," he surely ought most cautiously to have guarded against falling into any errors of fact, and carefully abstained from uttering sentiments calculated to inflame the public mind, and to raise up new causes for dissension instead of allaying those that already existed.

But Lord Durham has, unfortunately, proved himself insensible to the propriety of this prudent and politic course. For the consequence of his Lordship's acts, no party in this province is responsible, and it will be the duty (and your committee trust that the patriotism of the people will lead them to perform it) of all parties to unite in averting the new dangers and difficulties they are likely to produce.

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

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

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

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.

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

His Lordship's insinuation on administration of justice repudiated.

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."

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

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

No facts adduced in support of allegations.

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

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

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

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

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

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

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

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.

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

Plan proposed for the future government of these provinces.

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

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

Lord Durham professes to submit to Her Majesty and the British nation a true and faithful account 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 Newcastle, 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, and that of their children, to the dogmas of a man who has so grossly mis-stated 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.

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 inquiry 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 honourable 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.

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.

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

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 honourable 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

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.

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.

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

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 honourable 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.

Committee Room, Commons House of Assembly,
the 30th day of April 1839.

(No. 107.)

— No. 7. —

EXTRACT of a DESPATCH from Major-general Sir *George Arthur*, K.C.H., to the Marquis of *Normanby*, dated Upper Canada, Toronto, 13 May 1839.

No. 7.

IN the last paragraph of my despatch, No. 91, of the 17th ultimo, I did myself the honour to inform your Lordship that it was my intention to submit to you some observations upon the Earl of Durham's Report.

Sir G. Arthur to the Marquis of Normanby, 13 May 1839.

I have deferred, however, this unpleasant duty from an extreme reluctance to touch the subject at all if I could avoid it; but I am compelled to do so, because in the Report the execution of the two persons convicted of treason is adverted to in terms highly distressing to my feelings; and whilst the course of policy strictly prescribed by the instructions of Her Majesty's Government has been openly impugned by direct implication, this government is reflected on for its adherence to it.

Before I left England, Lord Glenelg personally impressed very strongly upon me that the general tenor of Sir Francis Head's administration was entirely approved by her Majesty's Government. I was to make this known on my arrival in Upper Canada, and to explain that no change of measures was intended by the change of Governors. I was to pursue the same general line of policy as my predecessor, and to give my countenance to that constitutional party which had supported him, and by which the majority of the present House of Assembly had been returned. A strict adherence to the same system was also distinctly and emphatically prescribed to me, in the Secretary of State's despatch, No. 9, of the 29th of December 1837, to which I beg to call your Lordship's particular attention.

Accordingly, on my first assuming this government, I made it the rule of my duty to follow, with some modifications, the course of policy which my immediate predecessor had pursued, to the avowed entire satisfaction of Her Majesty's Ministers.

I lauded the conduct of the loyal constitutional party which had just triumphed over those who had endeavoured to subvert the institutions of the country; more especially on those occasions when I was required to express Her Majesty's gracious approval of the behaviour of the militia; while, on the other hand, I allowed no seasonable opportunity to escape me of reasoning with their opponents, and endeavouring to convince them, that the prosecution of their measures had been alike injurious to themselves and to the community at large.

Two only of the leaders in the insurrection, whose conduct had been marked by circumstances of peculiar atrocity, suffered the extreme penalty of the law. A limited number of culprits was selected for transportation; and the utmost plentitude of mercy that the executive government could yield, without exciting the dangerous resentment of the loyalists, was progressively extended to the rest of the offenders.

The result of this proceeding was that the constitutional party, though at the time much disappointed, was eventually satisfied, and the great body of those who had been concerned in treasonable practices expressed themselves most thankful and grateful for the extreme lenity and forbearance which had been manifested towards them. Except the ultra republicans, the parties, indeed, who had joined in the insurrection, became sensible that they had done their fellow-subjects a very great injury, by the extreme measures to which they had resorted; bringing, as they had brought, upon this beautiful and once prosperous province, repeated invasions from without, and extreme misery and desolation within.

On this view of the past, which I have endeavoured on all occasions strongly to impress upon those who were implicated in the unnatural rebellion, I have reposed my hope that a better and more kindly feeling would gradually display itself; and, to an extent, my expectations have certainly been realized.

* * * * *

Her Majesty's High Commissioner has taken, I observe, a view altogether different. His Lordship has evidently regarded the party whose practical loyalty has been so warmly eulogised by Her Majesty's Government to be politically the most culpable, and the unsuccessful faction to be the injured party; upon the treatment of the latter the Report, indeed, contains such strictures that those very persons who have hitherto considered themselves as the recipients of mercy must henceforward be expected loudly to declaim against the injustice to which they have been subjected, and, as an inevitable consequence, renewed bad feeling and angry struggles for political influence must speedily ensue.

I am quite aware that by some means or other the Report so got into circulation as to preclude the exercise of a discretionary power by Her Majesty's Government to preserve particular passages of it from the public eye; but I cannot avoid expressing how deeply I deplore the publication, among other parts, of those paragraphs in particular at pages 59 and 60, to which the marginal notes "difficulties of adjustment increased by late events," and "irritation excited," are respectively affixed.

Even were the statements contained in those paragraphs strictly correct, their circulation within this province would be much to be regretted; but, inaccurate as they really are, it is lamentable to consider the degree of mischief which is likely to result from their appearance.

It is not the imputation that the Lieutenant-governor of the province has unnecessarily deprived two fellow-creatures of life, in opposition, as the Report represents, to the general sympathy of a large body of the community, painful as the reflection is to my feelings, and to those of my friends in England, that will produce the worst mischief to be anticipated, but it is the impression that the government has deliberately sanctioned an arbitrary and reckless course of proceeding towards a class of persons whose political crimes have been so reviewed as to leave it doubtful to the reader of the Report whether they had been guilty of any real offence; or, at the worst, that they had been goaded into disloyalty and invited to rebellion; and that, consequently, the cause, if it did not justify, at least was some excuse for their violent proceedings.

Your Lordship will find in my despatch to Lord Glenelg, No. 4, of the 14th April 1838, a full report of the cases of the two men who were executed.

I did not mention in that despatch, but I may now with propriety do so, that just before his departure from Toronto, which took place a few hours after my arrival, Sir Francis Head informed me that the loyal people in the country required at the hands of the government that such examples should be made as would deter the disloyal from again bringing on the province a similar calamity to that which had occurred; and he was anxious I should understand that he had come to the determination, provided he should remain in the administration of the government, of allowing the infliction of capital punishment on seven or eight of the leaders of the rebellion.

Lount and Matthews were amongst the most active of the insurgents at the time when Colonel Moodie and George Smith were murdered. They were foremost in setting fire to Doctor Horne's and Mrs. Washburn's houses in the suburbs of Toronto, and in the attempt to destroy the Don bridge leading into the city; and both were most anxious to prevail upon their associates to rush into Toronto and set it in flames.

Such offenders were not likely to draw forth the compassionate sentiments of the bulk of the community which had defeated their designs, nor were such sentiments generally expressed in their behalf.

Instead

Instead of 30,000, as stated in the report, 4,574* was the actual number of petitioners who interceded that the lives of Lount and Matthews might be spared, as your Lordship will perceive by the accompanying certified statement from the clerk of the Executive Council; and when it is remembered that the criminals were among the most active of an extensive faction, which, in connexion with foreigners, had conspired to overturn the government, and that the petitions were in the course of circulation for some weeks, the number of the petitioners will be found to furnish ample proof that the manifestation of any sympathy which was really felt for them must have been limited to that class of excellent persons who are ever ready to intercede for the very worst criminals, to their personal friends, and to their immediate partisans in the rebellious enterprise.

* In my Despatch, No. 4, before referred to, it was erroneously stated that 8,000 persons had petitioned in favour of these men: the inaccuracy arose from my having been furnished with the aggregate number of petitioners in favour of all the prisoners then under sentence.

I have been the more surprised at finding the passage respecting Lount and Matthews in the High Commissioner's Report, from the circumstance that at my first interview with the Earl of Durham, in the presence of Sir John Colborne, his Lordship, when speaking of the ordinance which he had just before published, observed, "that the same course of proceeding which had been followed in the Upper Province could not be resorted to in Lower Canada, as they could get no juries to convict;" and I distinctly understood his Lordship to approve of what had been done; certainly he expressed nothing approaching to a different opinion upon the subject.

In regard to all the minor offenders, I took decisive measures, soon after my arrival in the province, for checking further committals, by causing it to be intimated to the law officers that it was my desire, unless in very flagrant cases, that they should file no further informations; and having, as quickly as possible investigated and considered the cases of all the parties who had been committed, I was enabled rapidly to reduce, in accordance with the advice of the Executive Council, the number of prisoners in confinement. My despatches at this period, and the minutes of Council which accompanied them, afford the fullest information upon this interesting subject.

Unquestionably the deepest excitement had existed in all parts of the province, and several individuals, it cannot be denied, were arrested upon the slightest evidence, and regarded as traitors. It was unfortunately a period when bad men of all parties could gratify base passions, and when good men of the triumphant party were too prone to demonstrate their loyalty by the measure of their zeal in the apprehension of real or supposed offenders; so that it would be by no means extraordinary that some unjust and irregular proceedings should have been the consequence. Nevertheless, upon a calm retrospect of the past, it has surprised me that the extent of mischief, in this respect, has been so limited as it has; and I sincerely believe that the occurrences of this nature which actually took place would have been forgotten at no distant period, had not the High Commissioner's Report revived past transactions, and placed the actors in them in a new and different relation towards each other from that which had previously been recognized.

From having made no special allusion to the subject, the Earl of Durham appears to have been less impressed than I should have expected with the hardships, the trials, and the sufferings of the loyal portion of this community, or, with the necessity imposed upon the government of maintaining a right feeling among them; for although, certainly, their views are in some respects too ultra, yet their energies, in the main, are rightly directed; and the High Commissioner must be aware that, if once this link of loyalty be broken, the provinces are lost to Great Britain.

* * * * *

As the High Commissioner adverts to the discontent said to obtain among Her Majesty's Roman Catholic subjects in this province, at their alleged neglect by the government, I beg to enclose, for your Lordship's perusal, an address promulgated in December last, by the Bishop of Regiopolis; to which it is only necessary for me to add my belief that the Roman Catholic population is sensible that it has been my desire to make no distinction, on religious grounds, in my treatment of the claims of different parties in the community.

I do not presume to assert that, in the administration of this government, I have taken throughout a course free from error; but I have the satisfaction to reflect, that I have pursued a successful one, in spite of the damage which Lord Durham's Report and Sir Francis Head's "Narrative" have done me just at the very heel of the session. Both Houses of the Legislature have expressed unanimously, in

the warmest addresses, their entire concurrence in my measures; all the schemes of the disaffected here, and of their co-adjutors in the United States, have been signally defeated; some advance has been made towards the restoration of public confidence in the province; and certainly there are at length some indications of those better feelings towards us on the frontier, which I have been unceasing in my efforts to produce among the more respectable class of citizens; while, on the other hand, that "wild any daring border population," to which the Earl of Durham alludes, has been thoroughly intimidated, at all events, for the present.

To the best of my judgment and ability, I have endeavoured under a most fearful responsibility, and under the most trying circumstances, to carry out the views of Her Majesty's Ministers, as I have understood them.

At the same time, I freely admit, that if the extreme sentence of the law has been unnecessarily carried into effect, in one single instance, my conduct merits condemnation; but, if the fact be otherwise, I am sure Her Majesty's Ministers will not suffer me to remain, without vindication, under the odious imputation of having needlessly allowed, and even in violation of public feeling, capital punishment to be inflicted.

It is possible, my Lord, that I may be too sensitive on this point; but could your Lordship be fully acquainted with the manner in which I have been exposed, through the violence of party prejudice, to the opposite charges of undue rigour and ill-timed clemency, you would cease to wonder at the soreness of my feelings at the Earl of Durham's comment on the case of Lount and Matthews.

Moreover, the proceedings of this government towards the brigands have attracted great attention in the United States; and it is of the utmost importance to myself, and I may truly add to the public interests of the country, that the opinion which has been formed and expressed by the respectable part of the American citizens, that justice has been administered with a great regard to mercy, should not be impaired.

Of the Earl of Durham's Report, in other respects, I will only state, that on many important points his Lordship has been much misinformed.

I have, &c.
(signed) *Geo. Arthur.*

Enclosure 1, in No. 7.

Encl. 1, in No. 7. MEMORANDUM of the Numbers of the PETITIONERS in favour of *Lount* and *Matthews*.

Isaac Webb, and 3,289 others, that a pardon may be extended to Samuel Lount	-	3,290
Ann Henderson, and 787 others	- - - - -	788
Jacob Gill, and 74 others	- - - - -	75
James M'Kay, and 66 others	- - - - -	67
Samuel Bentley, and 196 others, that a pardon may be extended to Peter Matthews	- - - - -	197
John B. Warren, and 156 others	- - - - -	157
TOTAL	- - -	4,574

Wm. H. Lee,
Senior and Confidential Clerk,
Executive Council.

By His Excellency Sir *George Arthur*, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-governor of the Province of Upper Canada, Major-general commanding Her Majesty's Forces therein, &c. &c. &c.

To all to whom these presents shall come, greeting.

THESE are to certify, That William Henry Lee, esquire, whose name is subscribed to the foregoing Memorandum, is senior and confidential clerk, duly appointed in the Executive Council Office of Upper Canada, and that full faith and credence are due and ought to be given to his signature and acts, in that capacity, in all places.

Given under my hand and office seal, at Toronto, in Upper Canada, this eleventh day of April, in the year of our Lord one thousand eight hundred and thirty-nine, and of Her Majesty's reign the second.

By his Excellency's command,
John Macaulay.

Geo. Arthur.

Enclosure 2, in No. 7.

THE ADDRESS of Bishop *Macdonnell* to the IRISH CATHOLICS of *Upper Canada*.

My dear Friends and Spiritual Children,

I THANK my God, and congratulate you and myself, that all the attempts and industry of the Radicals, disaffected, and the whole host of the enemies of the revered constitution of your country, and of your holy religion, to alienate your minds from the Government, and make you rebels, have been completely frustrated. How more prudent your conduct has been than that of your countrymen, who, in the years 1797 and 1798, allowed themselves to be deluded by cunning and designing men, who vainly thought to overturn the British Government in Ireland, and to climb up to power and distinction by the sacrifice of the blood and lives of their brave, but simple-hearted countrymen! No sooner did those wicked men find their chimerical plans impracticable, than they deserted the cause, and left their deluded followers to the mercy of a mercenary soldiery and a vindictive yeomanry.

Encl. 2, in No. 7.

Your loyalty and general good conduct, my friends, have obtained for you the approbation and confidence of Government, notwithstanding the attempt that was made to create a general prejudice and raise an alarm in the province, on the arrival of the first batch of Irish Catholic emigrants in the settlement of Perth. They were reported as riotous, mutinous, and what not. An application was made for a military force to put them down, and this report was sent to the Home Government.

Being at the time on the Continent, the Colonial Minister, Earl Bathurst, wrote to me to hasten my return to Canada, as the Irish Catholic emigrants were getting quite unruly. On coming to London, and calling at the Colonial Office, I assured Lord Bathurst that if fair play were given to the Irish Catholics, and justice done to them, I would pledge my life their conduct would be as loyal and as orderly as that of any of His Majesty's subjects. Mr. Wilmot Horton, the under-secretary, who happened to be in the office at the time, requested that I would give him that assurance in writing, in order to take it to the council, which was just going to sit.

Yes, my friends, I pledged my life for your good conduct; and during the period of 15 years which have elapsed since that pledge was given, I have had no cause to regret the confidence I placed in your honour and your loyalty.

At the last general election, you rallied round the government, and contributed in a great degree to turn out the avowed enemies of the British constitution, the major part of whom have become since rebels, and are now proscribed traitors by the laws of their country.

It is alleged that the loyalty and attachment to the British constitution of some of your fellow-colonists are but conditional; that is to say, they are loyal and submissive to the government so long as the government will befriend them and support their institutions; and it cannot be disguised that the protracted struggle for the clergy reserves has damped the ardour of many a loyal subject in the province; be that as it may, I am sure that your loyalty is uncompromising, and based on the principles of honour and the sacred obligations inculcated by your holy religion.

I am aware that the enemies of Catholicity will urge in contradiction to this assertion the Irish rebellion of 1798, and the Canadian rebellions of last winter and this fall; but if we consider who were the promoters of the Irish rebellion, we will be convinced that it was rather a Protestant than a Catholic rebellion, because it was devised, planned and concocted by Protestants. Napper Tandy was a Protestant, Hamilton Rowan was a Protestant, the Sheares, the Harveys, the Grogans, the Orrs, the Tones and the Emmets, who formed the secret committees and framed the machinery of the rebellion, were Protestants, and Lord Edward Fitzgerald, who was selected as the main spring of action, was a Protestant.

Those designing men knew well the enterprising, brave, but credulous character of their countrymen; they buoyed them up with the hopes of a speedy relief from the galling yoke of tithes and taxes, and other obnoxious burthens, under which the Catholics of Ireland groaned at the time; while the floggings, pickettings, pitch caps, and other cruelties exercised on them by the Beresfords, the Browns, the Trenches, the Clares, the Carhamptons and others, who expected a general confiscation of catholic property, determined them at once to throw themselves into the arms of those who promised to deliver them from such inhuman treatment; and certainly had not the clemency of the just and humane Cornwallis interfered, such of the Irish Catholics as would not have been exterminated would undoubtedly have been stripped of all their property and reduced to beggary. How different has been the conduct of the leaders of the Irish rebellion of 1798, from that of the present champion of Irish liberty! Observe with what care, although backed with seven millions of the stoutest hearts the world ever produced, he has prevented an appeal to arms, because, in his eyes, the life of an Irishman is of incalculable value. Fortunate would it be, for his fame, in the estimation of future ages, had he exhibited the same friendly feelings towards the liberty and religion of catholic Spain.

In exculpation of the Canadian rebellion little can be said: the Canadians had no real grievances to complain of; they paid no tithes but to their own clergy; no taxes or any other burden but what was imposed upon them by laws of their own making; their religion was not only free and uncontrolled, but encouraged and protected by the government, when threatened to be shackled by their own catholic assembly; parishes were multiplied by the consent of government, and subscriptions were raised by Protestants, and even by the representatives of His Britannic Majesty, to build their churches; in a word, the French Canadians lived freer, more comfortably, and more independently, than any other class of subjects,

perhaps, on the whole surface of the globe; and they were perfectly contented, and seemed quite sensible of the blessings they enjoyed under the British Government, until the folly and madness of irreligious Papineau, atheistical Giraud, and camelion O'Callagan, whose religion is as changeable as the colours of that animal, of the Protestant Nelsons, Browns, Scots and others of that kidney, who, taking advantage of the ignorance and simplicity of the unfortunate *habitans*, made them believe that they were groaning under a galling yoke, which they did not feel but in imagination, and succumbing under unsupportable burthens, which had never been laid upon them; that they were to found a glorious Canadian republic, which was to surpass those of Greece and Rome, and even the overgrown mammoth of our own days.

An unfledged gang of briefless lawyers, notaries and other pettifoggers, and a numberless horde of doctors and apothecaries, like the locusts of Egypt, spread themselves through the land, and by working upon their prejudices against the British, and flattering their vanity with the hopes of the distinguished situations which they were to occupy in the new republic, they unfortunately succeeded in seducing but too many of the credulous Canadians.

Had these infatuated people reflected for a moment that their intended republic (had they even succeeded in establishing it) could not be supported without an army, without fortifications and garrisons; that armies and fortifications could not be maintained without great expenses; that to defray those expenses and other appendages of government, money must be raised or extorted from them,—they would pause before allowing themselves to be thus led astray by their seducers, who, miserably poor themselves, for the most part, expected to become rich and great at their cost. They never took into their calculation the power and strength of Great Britain to keep in subjection a rebellious province, and they never penetrated the treacherous designs of an all-grasping and unprincipled people, who, like the tiger, or a monstrous boa-constrictor, crouch and hide themselves until their unsuspecting prey approach near enough to spring upon it. The most inexcusable part, however, of the conduct of the Canadians was, not to listen to the advice of their clergy, who knew well the intention of Papineau and his associates was to destroy their influence and extinguish the Catholic religion, which he publicly declared to be absolutely necessary before liberty could be established in Lower Canada.

Two causes contributed greatly to work into the hands of the leaders of the Canadian rebellion: the first was the abuse and reviling poured upon the Canadians by the ultra loyalists, and the utter contempt in which they were held by persons of different extraction. Jean Baptiste was hardly allowed to belong to the human species, and no animal was so vile and contemptible as he; but Jean Baptiste had his pride and his vanity like other mortals; and when smarting under the irritation of wounded feelings, he listened with pleasure to the harangues of the preachers of sedition and rebellion, and was delighted with those parts of their speeches which promised to expel all foreigners from the soil of Canada, and confine the entire possession of it to the children of the soil. (*Enfans du sol!*)

The second cause of the rebellion in both the Canadas was the system of economy which had been adopted. Had two or three provincial corps been kept on permanent duty in the disturbed parts of the country, they would have prevented most effectually the last outbreak that took place, and a few corps raised in Lower Canada, under loyal commanders, and employed in this province, would, with our own militia, have saved us from all the alarms, trouble and expense we have been at. Thus did the late Sir George Prevost, of much-injured memory, secure the attachment of the Lower Canadians, during the last war, by raising the *voltigeurs* and two other Canadian corps, whose loyalty and bravery were found and acknowledged to be of essential benefit.

I have said that your loyalty is based on the sacred obligations of your holy religion. The Apostle commands us to "obey and be submissive to the powers that be;" that is to say, under the government of a king, we must honour and obey the king, and give to Cæsar the things that are Cæsar's; and under a republican government, obey and be submissive to the laws and existing authorities of that government.

In searching, however, the records of antiquity, we find, that in the most powerful and flourishing republics that ever existed in the world, the duration of peace, happiness and tranquillity has been short, indeed, in comparison to that of turbulence, storms and hurricanes in which they have been at last overwhelmed, and finally swallowed up. And if we look at those which have sprung up in our own days, we find the picture truly disheartening and melancholy. Behold! the fruit of the much-boasted liberty given to South America! Travel through Mexico, Columbia, Guatemala, Buenos Ayres, Chili and Peru, and see if you can meet with that happiness and tranquillity which the treacherous phantom of Liberty had promised to the deluded inhabitants. On the contrary, you will meet with nothing but revolution succeeding revolution, one ambitious chief rebelling against and upsetting another, and he in his turn overcome and destroyed by his more daring and enterprising rival; and thus those ill-fated regions have become the scene of bloodshed, slaughter and desolation; even the grand paragon of perfect and uncontrolled liberty in our own neighbourhood, observe how fairly it verges towards confusion and anarchy; and what security does it hold out to life and property?

But let us, my friends, behold spectacles sufficiently wretched and pitiable nearer home. What heart-rending objects do the victims of delusion present to our eyes in a neighbouring province! Men who had every comfort around them, and did not know what want of any kind was, in search of the promised liberty and independence, have met with imprisonment, banishment, or the death of rebels, while their unfortunate wives and children have seen their
houses

houses reduced to ashes, their property plundered and destroyed, and themselves helpless and exposed to the severity of a Canadian winter, without shelter, food or raiment, perishing with cold, and starving with hunger.

It is by viewing and reflecting on the misfortunes and miseries that generally follow in the train of disloyalty and rebellion that we can best appreciate the happy effects and blessings of a peaceable and loyal conduct. It is no small cause of exultation to you and to your friends, that hardly a Catholic has been found among the agitators to rebellion, or in the ranks of the rebels, in Upper Canada.

I am aware that those who are not acquainted with the Irish character, or are prejudiced against it, indulge in representing it as riotous and rebellious; but, in order to refute this unjust and vile charge, I shall produce the testimonies of protestant gentlemen, who had the best opportunities of knowing the Irish character, and whose veracity is beyond suspicion.

Sir John Davis, who had been Attorney-general in Ireland, and afterwards Chief Justice of the King's Bench in England, says, "The Irish are more fearful to offend the laws than the English, or any nation whatsoever; in the condition of subjects, they will gladly continue as long as they may be protected and justly governed without oppression."

His Excellency Sir John Harvey, the present Lieutenant-governor of New Brunswick, (whose achievements at Stoney Creek, Lundy's Lane, Chrysler's Farm and other places in this province, have erected monuments to his fame, which will last as long as the British power will be acknowledged in the Canadas, and remain engraved on the hearts of Canadians to the end of time,) in answer to the address of the Society of St. Patrick, says, "Gentlemen, your address is truly Irish; it goes direct to the heart, from whence it evidently proceeds: though not an Irishman myself, I passed many happy years in Ireland, and the circumstances in which I was placed, during my residence in that country, gave me peculiar facilities for correctly appreciating the worth of the Irish character. I publicly said upon a former occasion, treat an Irishman with strict justice and a little kindness, and you will attach him to you with all the ardour of his warm-hearted nature. Justice, he, in common with all classes of Her Majesty's subjects, feels a well-founded confidence of receiving under the protection of our unrivalled Constitution, in every part of the British dominions; and kindness, when needed, he feels equally assured of experiencing from the Throne. Hence his ardent loyalty to the one, and his devoted attachment to the other." I will also mention to you the substance of a conversation which took place between a Texan general who visited Kingston last summer, and two gentlemen of this town. One of these gentlemen, who had been formerly acquainted with the general in the Mississippi, amongst other questions, inquired of him what had become of the catholic Irish colony which had been settled in Texas for several years, and had possessed a fine tract of land in that country. The answer was, that they had been almost annihilated, for they had been the most formidable enemies the invaders had to encounter, and fought most desperately for the Mexican government; and this tallies pretty much with the declaration of an American citizen, who asserted not many weeks ago, in the court-house of this town, when questioned by one of our magistrates, "that the sympathisers had many friends of different denominations in this province, who would readily join them in the cause of liberty, but as to the Catholics, they had no dependence on them."

Thus have Catholics established their character of loyalty and fidelity to every government under which they live, not by declarations of loyalty and loyal addresses which we see crowding the columns of the public prints of the day, but by their actions and the general tenor of their conduct. In testimony of this truth, we see that the catholic Canadians of the western district, free from the pestiferous delusions of seducers, and listening to the admonitions of their pastors, exhibit full as much loyalty and bravery in encountering the brigands and invaders of their country, as any portion of their fellow-colonists.

It will be no small satisfaction to you, my friends, to be assured, that in no class of Her Majesty's subjects in Upper Canada does his Excellency, our present just and impartial Lieutenant-governor, Sir George Arthur, repose more trust and confidence than in Catholics, as is evidently shown by the fact, that at this moment no fewer than nine regiments of militia and volunteers are under the command of Catholics, besides the great number of Catholics who are appointed to companies in other regiments, and to other situations of high trust and honour.

That you may always deserve and possess the confidence and favour of your country and your Sovereign, and receive the reward of your loyalty and fidelity, with the blessing of Heaven, is the never-ceasing prayer of your spiritual father, your affectionate friend, and devoted humble servant in our Lord Jesus Christ.

(signed) *Alexander Macdonnell,*
Bishop of Kingston.

Kingston, 1 December 1838.