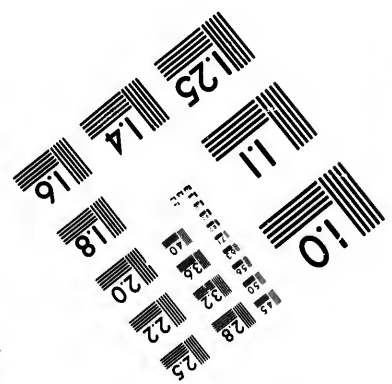
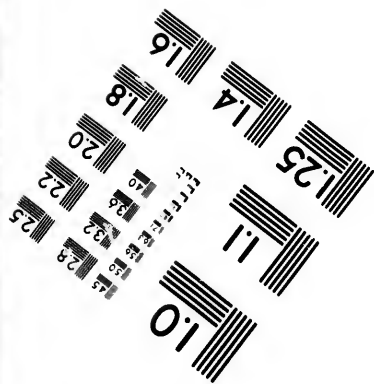
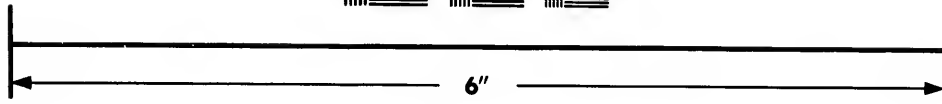
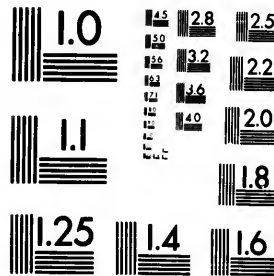


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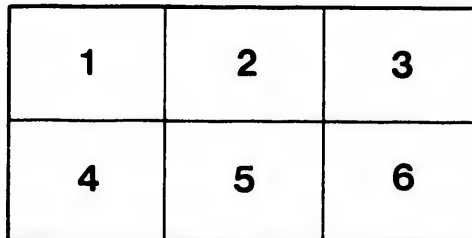
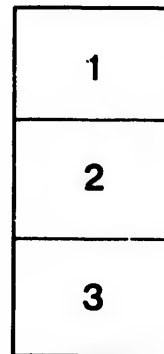
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284 *Politique, 11<sup>e</sup> 12*  
REVIEW

OF

**THE REPORT**

MADE IN 1828,

BY

**THE CANADA COMMITTEE**

OF THE

**HOUSE OF COMMONS.**

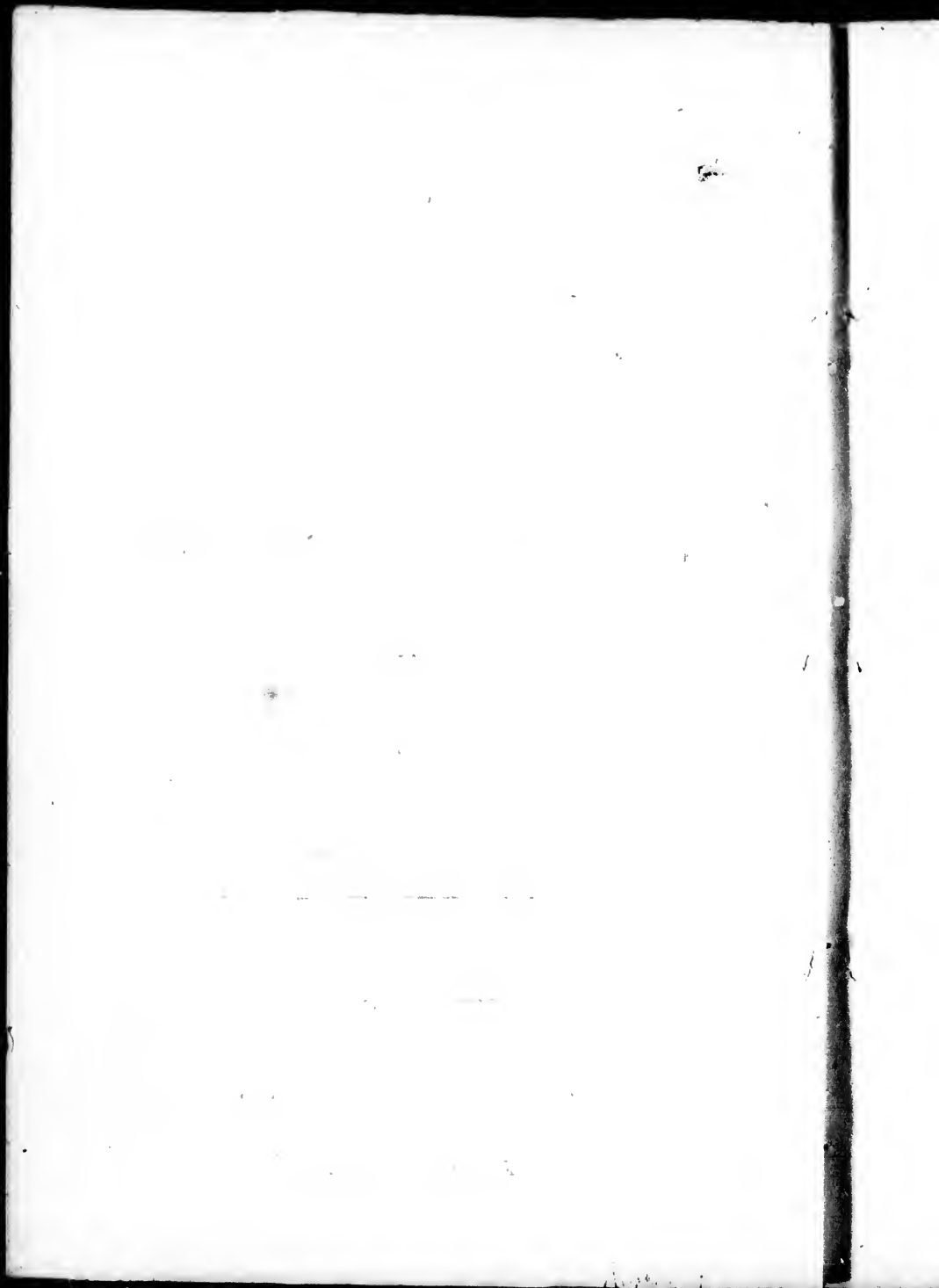
Originally published in the Montreal Herald.



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August, 1835.



ON THE  
CANADA COMMITTEE OF 1828.

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No. 1.

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INTRODUCTION.

The two provinces of Canada, at present distinguished by the names of Upper Canada and Lower Canada, do not now contain a twentieth part of the population that they are capable of supporting. These provinces, which previously formed one, under the name of the province of Quebec, were separated by act of the British Parliament, 31st Geo. III. by which act, also, a legislature, consisting of a governor, an assembly elected by the people, and a legislative council appointed by the crown, was assigned to each. Of that part of Upper Canada, which is at present settled, the inhabitants consist of an English population, of whom almost all are emigrants or the descendants of emigrants from Great Britain, Ireland and the United States; or, to say the same thing in other words, they are almost all of British and Irish origin or descent. Of that part of Lower Canada, which is at present settled, the inhabitants amounting in all to about 600,000, consist in part of French Canadians, and in



part of English Canadians, emigrants or descendants of emigrants, in like manner of British and Irish origin or descent. The former may at present compose about three-fourths of the population of the inhabited parts of Lower Canada; the latter from the recent and rapid increase of their numbers, resulting as well from immigration as from births, may now compose about one fourth of the population. By the possession of the Canadas and the great waters of the St. Lawrence, and the magnificent chain of inland lakes or seas, which are the fountains of that river, the commerce of Great Britain can have access to the very heart and centre of America, even to the fertile and boundless regions bordering on the valley of the Mississippi; regions, which during the existence of some now living, may contain 40 millions of men of English origin, and consume large portions of the merchandize and manufactures of Britain. No embargoes or prohibitory laws, while England shall retain possession of the Canadas and the exercise of her own industry, can prevent the diffusion and disposal of her commodities to any extent through the long line of a frontier of fifteen hundred miles, formed by the St. Lawrence and its tributary lakes.

To maintain possession of the Canadas ought to be an object of paramount interest to Great Britain, as well from the circumstance of their capacity to afford an asylum and a home to her surplus population, as from the advantages of the extended commerce with millions of inhabitants of other

states, of which the possession of the Canadas will, in a few years, give her the key and from the control exclusively of the benefit of her increasing commerce with the Canadas themselves. To retain possession of the Canadas, it is only requisite that the Parent State should be true to herself, to the language and characteristics by which the different members of the great English national family are distinguished among the nations of the earth. But such has not been hitherto the course of the British Government in regard to Lower Canada. She established there by Act of the 14th Geo. III. the French feudal laws in the French language, gave tithes to the French Roman Catholic Priests on condition, however, that they should not hold their possessions, which consisted of Fiefs and Seigniories, carrying with them the rights of banalité, mutation-fines and other odious preferences and privileges, by which the lands, not excepting even the sites of the chief cities, are held in thralldom. She thereby materially prevented or retarded the prosperity and advancement of the Colony. She, moreover, notwithstanding the condition, on which the tithes were granted, allowed the Romish Priesthood to retain the real estates in addition to the tithes. In the meantime, she has taken away from the Protestant Clergy, who do not receive tithes, much of the reserved lands, which were promised to them by statute. Far be it from us, however, to find fault with those proceedings, by which the reserves for the support of the Protestant Clergy have been, or may hereafter be, withdrawn from mortmain, and the lands

rendered unconditionally free and accessible to the community. We have alluded to the circumstance not with the view of censuring the conduct of England towards Protestants, but merely for the purpose of shewing the almost incredible difference in the measures meted out to her English subjects and her French.

She has besides thrown into the hands of the French House of Assembly the whole of the revenues, which, as there are no direct taxes, are nearly all levied from duties on the goods of English merchants imported into the colony, thus depriving herself of the means of exercising any control over funds levied from her own goods as well as of all means of paying the indispensable officers of her own appointment and of carrying on the government itself,—except in such a manner as shall suit a French House of Assembly, bent on establishing a French nationality and empire at British expense and on rendering Great Britain the instrument of her own dishonor;—for dishonorable as well as impolitic it must be, to rear up a colony to become the future enemy of her own descendants.

The conduct of Great Britain towards Canada has been, indeed, such as almost to evince an intention on her part to act as the French Canadians would desire, that is to say, in effect to rear up at British expense a French nation in North America, and to render one of her Canadian Colonies, and that one the nearest of access from the sea, unfit for the settlement of emigrants from Great Britain and Ireland. But no nation can reap advantage by want

of patriotism or by being treacherous to herself. The mother-country should not vainly strive to attain incompatible objects, or to render herself at the same time an English and a French power in North America, lest, by endeavouring to become a French power, she should induce her English colonists not to consider her as an English one.

But what effect has the course hitherto pursued by Great Britain produced on the French Canadians? Has their willingness to facilitate the admission of their English fellow-subjects into the country been increased by it? Has their desire to prevent the extension of the English language or of English characteristics in this colony been at all diminished by a long course of concession, indulgence and commercial advantages on the part of the Home Government? Is their aversion to amalgamation with their English fellow-subjects from Britain or Ireland or the sister colonies, in any degree lessened? Let the answer to these questions be sought in the ninety-two resolutions of the French majority of the House of Assembly of Lower Canada, in its efforts to destroy the Land Company, avowedly for the purpose of preventing the great increase of English immigrants, in its attempts to abolish the legislative council, the sole legislative bulwark of the English and commercial interests of the province; in fine, in the whole tenor, during several years past, of the periodical publications printed in the French language, wherein the object of constituting a separate and distinct people with a foreign French nationality is openly

avowed, and all the old prejudices and hostility of feelings between English and French are studiously endeavoured to be excited and renewed.

In referring to these circumstances and to the entire course, pursued by the French majority in the Assembly, a clear and unerring light will be shed on its ultimate views.

Generally, we must admit, when it desired to obtain new concessions of power from the Home Government, it has condescended to make use of the common phrases of loyalty and attachment; while at the same time, in Canada, it has not hesitated to designate the English as strangers and intruders "des étrangers et des intrus." The agitators have claimed and obtained power as **BRITISH SUBJECTS** to exercise it as **FRENCH ENEMIES**. On a British territory of far larger extent than Great Britain, they endeavour at British cost to lay the foundation of a French empire. What has France done for Great Britain, that the latter should at great expense of blood and treasure rear up a French empire in North America, instead of peopling the vacant territory with her own children?

The French Canadians are already greatly inferior in numbers to the English inhabitants of the North American colonies—an inferiority, which will continually increase. Even in Lower Canada, they may be considered to be only *temporarily* superior in numbers. In the measures to be adopted by Great Britain, it is not the hostile feelings of the Anti-English nationality of the temporary majority of the French Canadians, which

should be taken into consideration, but the permanent interests of the colony and its future millions, in connexion with the interests of the empire or, in other words, the greatest good of the greatest number for the longest time, which cannot be judged of by merely regarding Lower Canada as an insulated spot with reference to the present comparative numbers of the respective races, but which must be ascertained by considering it also with respect to what may be its future interests and in connexion with the interests of the adjoining sister colonies, of the English Empire to which it belongs, and of the English continent on which it is situated.

Such of the topics before mentioned as are immediately brought forward by the report of the Committee of the House of Commons are examined in detail in the following observations; and if these observations tend to open the eyes of the Commissioners or of His Majesty's ministers, our labor will have been neither useless to the public nor ungratifying to ourselves. It is from public motives alone, that we have undertaken the laborious task; for personal considerations, whether in regard to our own ease or the claims of the community on our aid, would rather impose on us perpetual silence.

## No. II.

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### GENERAL OBSERVATIONS—FEUDAL TENURE.

The Select Committee, out of the variety of matters, which the subject referred to it by the House of Commons might be supposed to bring under its consideration, has deemed it proper to deliver its opinions and offer its recommendations regarding LOWER CANADA, chiefly on the following topics—namely, the tenures act, the laws and their administration in the English tenures or townships, the seigniorial rights of the Crown, the representative system, the laws relative to appropriations of the revenue, and proceedings connected with the Sheriffs' Offices and Jesuits' Estates. In matters, which may be considered common to BOTH the provinces of Upper and Lower Canada, the remarks and opinions of the Committee relate to the state and composition of the Legislative Councils, to the proper mode of effecting the alterations, which may be requisite in the provincial constitution, to the distribution of the revenue between the two provinces, and to the Clergy Reserves which exist throughout Upper Canada, and in the townships of Lower Canada. In respect to those subjects, in which Upper Canada may be considered to be exclusively interested, the remarks of the Committee

seem confined to the charter for the establishment of the University of King's College and the Sedition Act. What, therefore, may be held exclusively to concern the province of Upper Canada in the report is of a description so limited, and the defects pointed out are of a nature so readily to admit, and so speedily likely to receive, an effectual remedy, that it could not, at any time, have been considered necessary to make any observations on that portion of the report. To do so now would be altogether unnecessary, as the Sedition Act has been repealed, and all parties, both here and at home, are disposed to amend the charter of the University. But on the other suggestions and opinions, contained in the report, namely those which concern Lower Canada, we shall take leave to offer such remarks as the subjects, in our opinion, seem to call for, and as may be consistent, as well with the respect due to the body from which the report emanated, as with the higher consideration, which the interests of futurity in the provinces are entitled to claim.—In so doing, we shall endeavour to advert to the different matters in the order in which the Committee has thought fit to treat of them, unless where a deviation from this course may seem advisable, in order to bring more into juxtaposition subjects connected together.

The first opinions, offered by the Committee, relate to the townships in Lower Canada and the Tenures Act respecting the free lands or those held in free and common soccage. The Committee recommends that the declaratory enactment of the



tenures act, which had tardily and imperfectly confirmed the solemn promises of his Majesty's proclamation of 1763 and of 14th Geo. III. in regard to the English tenures in Canada, should be retained, that mortgages should be special, that the simplest forms of conveyance on the principles of the law of England, such as those which prevail in Upper Canada, should be adopted, that a registration of deeds relating to the free lands should be established, as in Upper Canada, that a competent jurisdiction should be established to try and decide causes arising out of this description of property, and that courts should be constituted in the townships for the same purpose. The Committee is farther of opinion, that means should be found of bringing into effective operation the clause in the tenures act, which provides for the commutation of the feudal tenure into the English tenure of free and common soccage. Thus far the recommendations of the Committee are satisfactory and consistent. No benevolent and well informed Englishman would question the propriety of the measures proposed, or the necessity of bringing them speedily into operation. On the very page, however, which recommends bringing into effective operation the clause in the tenures act for the mutation of tenure, the Committee declares that, when the seigniories are fully occupied, if the descendants of the original settlers still retain their attachment to the feudal tenure, it sees no objection to other portions of unoccupied lands in that province being granted to them on that tenure, &c. In other words, after

recommending the conversion of all the old feudal grants into free tenures, the Committee, with singular inconsistency, recommends the making of new grants on the feudal tenure. Why this should be done, when it would be inconsistent with the tenures act, which they recommend to be retained, and when it could only create the necessity of afterwards effecting, by means of the same act, the conversion of these new feudal into free tenures, it is difficult to conjecture. This recommendation was not to be expected in the nineteenth century. It was not to be expected from a Committee of a British House of Commons. It was not, if there be merit in adherence to principle or consistency, to be expected from the very body, which had just before, even on the same page, recommended the conversion of the FEUDAL into the FREE. It was not to be expected, that the feudal tenure, now happily abolished in France itself, whence it was originally transplanted into Lower Canada, should be recommended by British Legislators to be extended by future grants in a British province in a new world.

It is obvious, that the extension of the feudal tenures in Canada, besides being a return to the practice of dark and barbarous ages, could only serve to perpetuate a code, not only foreign in objects and in language, but obsolete even in the country, whence it came, and to prolong and extend the distinctions and separation of English and French, already existing between the different portions of the population of Lower Canada, and between the

French portion of the inhabitants of that colony and the inhabitants of all the adjoining sister-colonies, as well as between those French inhabitants and all the other subjects of the mother country. It is well known that these distinctions and this separation generally form the latent and actual, even when they may not be the apparent and ostensible, causes of the differences in Lower Canada.—It must be obvious, that the interests, not only of the English inhabitants of that province, but the interests of all the adjoining English provinces and of the inhabitants of the Parent-Country itself, who are entitled to obtain, for their surplus population, an asylum and a home in the ungranted lands of Lower Canada, and not only these interests, but also the well considered interests of the French Canadians themselves, the interests of peace and humanity in coming generations, require, that these distinctions and this separation should be gradually effaced and removed, not strengthened and extended.

The French Canadians sometimes, strangely enough, after having been for 75 years colonists of England, venture to compare themselves to the inhabitants of Poland. The slightest exercise of their reason ought to dispel their injudicious national prejudices, and to show the folly of such a comparison; for the French Canadians have known no former ages of fame or of independence, they are not sunk from a higher to a lower state, they have never formed a distinct people or nation, they have not even obtained the most distant approximation to

such a character, they can have no national rank, reputation or glory, which can be injured or affected by assimilation with the mass of their fellow subjects. They are now adopted into the great English national family, and are surrounded by provinces of the same national family; an already numerous and rapidly increasing branch of the same national family also inhabits the same province with themselves; they do not even now exceed a third of the population of some counties in England taken singly; they are, as a people, in a state of infancy, inhabiting a country not as yet occupied, but to be for the most part hereafter settled; and the measures to be adopted in relation to them ought to be such, even were English interests to be put entirely out of the question, as should be consistent rather with their future benefit and advantage, than with the present views of their leaders as to their ultimately forming a separate French Nation.

Can it be consistent with justice or humanity in a colony of England not yet peopled, but to be hereafter peopled, and of which the population at a future period must be chiefly English, surrounded by other colonies wholly peopled with English inhabitants, to strengthen and extend the separation between the two races, which would be effected by making new feudal grants, seeing that these grants, as a consequence of the tenures, would be subject to a foreign code of laws in a foreign language.

The motive which influenced the Committee in making this recommendation, which is so utterly subversive of its previous one, was doubtless a feel-

ing of generosity, a pseudo-generosity, which sacrifices to the present prejudices and perverseness of a few, the important interests of extensive regions and of future millions,—the generosity of the weak parent, who gratifies the present waywardness of his child, at the cost of its future peace and prosperity. As those, who assume the name of liberals, may sometimes be found enlarging the bounds and power of every thing illiberal, so others with the name of generosity on their lips, and perhaps even its feelings in their hearts, may be sometimes discovered promoting objects, whose consequences would be real and lasting cruelty. Of this description, under the guise of present generosity to the French Canadians, would be the extension of those distinctions and of those foreign characteristics, by which they are separated from the national family, into which they have been adopted, of which they form a part, and with which almost exclusively they must, not for a term but for ever, in consequence of their local position, have connexion and intercourse.

No. III.

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FEUDAL TENURE.

*(Continued and Concluded.)*

It has been said in the House of Commons, that the inhabitants of Guernsey and Jersey have been left to the government of the old French laws. If this were meant as a comparison, from which inferences could be drawn to be applied to the French in Lower Canada,—and this circumstance has been more than once mentioned in this view—nothing could be more futile, inapplicable or injudicious. Guernsey and Jersey are little points in space, and fully peopled; no new and more numerous race could dwell there without driving off the old occupiers. They are islands of so minute dimensions as of necessity to be always feeble dependencies of some superior power. For them there is no additional growth; they can never become objects of dread or sources of injury to others. As they have been, they are and must continue, doomed to perpetual and unchangeable weakness, and incapable of exercising either a beneficial or a sinister influence to any extent or importance over others. In such cases, where the future can be but a resemblance of the past, where alterations could bring no

important, if any, accessions of numbers or power, there might be no motive or object for change or interference in a state of things peculiar to what must for ever continue an insulated, a trifling and a harmless community.

With regard to Lower Canada, the case is just precisely the reverse of all that has been just stated. Lower Canada is not a point in space, but a country of great extent ; not insulated nor capable of being considered by itself only, but joined and surrounded by other colonies of England, and to be of necessity considered in connexion with them. Instead of being fully inhabited, it remains to be peopled, and, in all human probability, unless grievous injustice and impolicy, exercised by Great Britain against her own children, shall prevent it, must ultimately be chiefly peopled by an English race. It cannot for ever continue in a dependent state. Its additional growth might be such, were foreign characteristics to be encouraged, as either hereafter to render it an object of dread or injury to British settlements in America, or a scene of internal contention and misery.

In order to render Lower Canada in the slightest degree an object of comparison with Guernsey and Jersey, it would be necessary not only to restrict it within the present limits of the seigniories, but also to render it impossible for French legislation or language to extend beyond these limits, which might be done by annexing all the rest of the territory to New Brunswick and Upper Canada. But even then, although the comparison would be

less improper than at present, it would still totally fail in most points, for the seigniorics, containing more than ten millions of acres, would neither form a small nor an insulated nor a peopled country. But the restricting of Lower Canada to the limits of the seigniorics, though they are not yet half settled, would certainly be far more just and prudent than to allow the French seigniorial House of Assembly to make laws for a seventh part of North America. What would be said of the conduct of Great Britain, supposing Portugal, Spain and France to be her territory, and to be waste countries with the exception only of some Russian settlements along the banks of the Tagus—containing, as Canada did at the conquest, about the twentieth part of the present population of Yorkshire or Middlesex—and with English settlements in the interior, were Great Britain nevertheless to rear up that territory to be to eternity a Russian instead of an English country?

To accommodate and adapt Lower Canada speedily to what may be necessary for the farther increase of its numbers and prosperity, for the preservation of future harmony and community of feeling, language and character amongst its inhabitants and between them and their fellow subjects of the sister-provinces, must be what a just and humane policy would prescribe; but these ends would be counteracted by the extension of the feudal tenure and of foreign laws in a foreign language, which are its legal concomitants in Lower Canada. Besides the evils already alluded to, the commercial advantages



of Great Britain in Lower Canada would also be diminished in proportion as the feudal tenures should be extended. The effects of the shackles and obstructions to enterprise and industry, arising from these tenures, are not only universally known in theory, but in Lower Canada have a real and visible existence in practice, rendered perfectly apparent from the fact, that, although the free tenures in both Canadas may contain as yet a somewhat smaller population than the seigniories, they already produce more than three fourths of the exports of those provinces; and their population, in the course of a year or two, must, from immigration, become equal, and subsequently greatly superior to that of the seigniories. In addition to the English population, settled in the seigniories—chiefly in the feudal cities of Quebec and Montreal—the freehold tenures in both provinces now contain nearly 500,000 souls. In 1791, the population of the freehold tenures in both provinces scarcely exceeded 25,000. Then too, the French Canadians could contribute nothing to the exports; and the number of vessels annually arriving at Quebec was then less than thirty, whereas now it is more than thirty times that number.

There was a time, when short-sighted individuals considered it a judicious policy on the part of Great Britain to endeavour to keep up national distinctions, and consequently the dissensions and jealousies, which are their inevitable and unhappy results, as a means of prolonging her dominion over all. Unfortunately this policy was adopted. Its first

operation was to accelerate and determine the event—namely, the separation of the United States from Great Britain—which it was intended to retard and prevent. Its subsequent effects have been to produce separation and enmity between the different races of His Majesty's Canadian subjects. Such a system is stern, cruel and unnatural. If the continued employment of an army of foreigners, as auxiliaries for purposes of internal defence, can be considered under any circumstances an impolitic and dangerous expedient, what must be said of the policy of raising up a race so as to constitute a nation of foreigners, in the midst of English inhabitants and provinces for such objects? Such a system must ultimately become as disastrous as it is unnatural. It must produce in America the reverse of the objects intended. A patriotic and straight-forward policy is as necessary to the permanent advancement of national as of individual character or interests. The nation, which, by its policy, sets the example of self-abandonment, cannot long expect the adherence of others. The Parent State must be true and faithful to itself and to its own characteristics, if it expect fidelity or affection from its colonial descendants. Great Britain cannot expect to reconcile inconsistencies, nor to be at the same time an English and a French power on the continent of North America. If she attempt to render herself a French power there, those of her own race must ere long consider themselves compelled not only to look on her as such, but to seek from the American branch of the na-

tional family, the means of protecting and extending the characteristics, laws and language of England, which the policy pursued by Great Britain in the case supposed would be calculated to subvert and endanger.

The recommendation of the committee to make future grants in the feudal tenure is indeed only conditional and contingent, but that it could, under any circumstances, or at any time be advisable to renew that system in the new world, and more particularly in British America, after its rejection in the old world, might be justly denied. By this recommendation the Committee has sinned against its own consistency, against the lights of the age, against the character and interests of the empire, and against the practice of every modern government possessed of free institutions. The "monument" may be "imperishable" but where are we to look for its "justice and wisdom"?

The report subsequently declares—"That the Committee entertains no doubt of the inexpediency of retaining the seigniorial rights of the Crown; that the sacrifice on the part of the Crown would be trifling in proportion to the benefit that would result to the colony from such a concession." Here again, if the recommendation be taken, in its widest sense, as applying to all feudal rights, the Committee appears to have been in error, arising from insufficient consideration or defective information. The King possesses, in fact, seigniorial or feudal rights of two descriptions in Lower Canada—one description in his capacity of Sovereign or

lord paramount over the seigniors in the province, by which he may be able to exert a beneficial influence over them in favour of the people and of a change of tenure; and the other description of rights the king possesses in the capacity of seignior, popularly so called, in those seigniories of which he is the actual owner or proprietor. Now the abandonment of the rights of the King as lord paramount over the seigniors would produce no change in the feudal rights of the seigniors over their tenants or censitaires. The abandonment of this description of rights could extend only to augment the property and power of some three or four dozen seigniors, by diminishing the revenue and power of the crown, without in the slightest degree lessening the dues or burthens imposed by the feudal tenure on the actual cultivators in favour of the seigniors. If such abandonment were made by the crown without any simultaneous or corresponding relinquishment of rights by the seigniors, it would be a useless and wanton sacrifice of revenue and power on the part of the crown, because it would operate, not for the advantage of the colony, but only of a few individuals, not for a public but for a private purpose. It must be self-evident, that the disadvantages, sustained by the inhabitants of the seigniories, which are the results of the burthens and restrictions, to which they are subject in favour of the seigniors, would not be in any respect altered or relieved, because the king should think fit to renounce his own rights in favour of the seigniors. In the royal seigniories, indeed, the bestow-

ing of the lands in free and common soccage, instead of conceding them under the feudal tenure, might be attended with unmixed public advantage, inasmuch as it would be a substitution of a free tenure for one subject to shackles and restraints, injurious to enterprise and industry. So far then as the relinquishment of the rights of the Crown can be made in favour of a better tenure, it may be expedient, and the crown is, by the tenures act, of which the assembly is now clamouring for the repeal, possessed of the power to effect it; but it would certainly seem inexpedient, as well as wholly inconsistent with the feudal institutions themselves, that the crown should renounce its rights over the seigniors, while the seigniors retain theirs over their vassals. Were this to be done, the crown would, in effect, throw away all its means of influencing the seigniors, and of contributing in the slightest degree to the establishment of a better state of things, or of a more favourable tenure in the seigniories than what now exists there.

## No. IV.

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### THE REPRESENTATIVE SYSTEM.

The report next adverts to the representative system of Lower Canada—Under the old system, which has been but recently and slightly altered, it was not in the power of the freehold tenures or of the English inhabitants to return a single member. The territorial extent, the diversity of tenures, the commercial classes, the varied population, the different interests were then actually and still are virtually unrepresented. The entire representative body was elected by the French Canadian Seignories. All laws tending to produce assimilation, to encourage immigration from the Parent country, to give facility and security to transfers of property, to bestow a just participation in rights or representation, had been almost uniformly rejected, not because the general advantages of such measures in promoting the settlement and improvement of the province were unperceived, but because such measures would augment English settlements, and thereby also lessen the influence of those, who have now all the representative power in their own hands. A favourite object with the majority of certain classes is, by upholding whatever is likely

to be an obstacle to English colonization, to keep the country waste even for generations to come, until the increase of their own population shall be sufficient to fill it, and to enable them to constitute a separate French nation. Hence accessions of British emigrants, which other English colonies and Foreign states labour to attract, and make sacrifices to obtain, are in Lower Canada considered and declared to be an evil. In the debate on the register-bill, which the assembly, of course, rejected, M. Berthelet gave, among other things, as a reason against the passing of the bill, that it would have the effect of causing more numerous settlements and purchases of lands by the English. The same motives, the discouragement and prevention of English settlements, have evidently operated in influencing the passage or the rejection of various other bills.

Could the objects of the leading agitators be accomplished, the country would be less than valueless to Great Britain, as it would not only fail to yield her any adequate commercial advantage, but would ultimately be the cause of disagreement between her and her other colonies on the continent of North America, where Great Britain, as we have already observed, cannot expect to reconcile inconsistencies, nor to be at the same time an English and a French power, and when the attachment of her own children must be far more necessary for the maintenance of her dominion, than that of any other portion of her colonists.

The Committee recommends for Lower Canada

a principle of representation similar to that existing in the province of Upper Canada ; namely, a system formed on the compound basis of territory and population. Such a change of the system in Lower Canada would no doubt be better than its present condition ; but it may be considered that no system of representation is so perfect as might be wished, unless it combine the varied interests of the people, arising from wealth and trade as well as other causes.

It is of great consequence to the colony and to the parent country, that its commercial interests should be represented as well as its territory and population, and means might probably be devised to have none of these interests neglected in the system to be adopted. It would seem, also, that Great Britain, holding all the ungranted lands, which constitute fully two thirds of the whole territory of the province, and annually expending in the province more than the amount of the entire annual revenues levied there, ought to have some means or mode of obtaining that weight in the provincial assembly, which, as is well known, it is essential for the government to possess in that body. The omission of all provision for this purpose places the government in a most unfortunate position, and leaves it wholly without influence in colonies, where it has never sufficient patronage to give it any real weight or authority. It cannot but be obvious, that every country, in which an assembly of representatives of the people, elected by universal suffrage, forms one of the constituent



parts of the legislature and holds the purse-strings, in which the government has no patronage, and in which neither official station, nor rank nor wealth possesses the power of causing the return of a single member to the representative body, is and must be ESSENTIALLY a Republic, nay more, a democratic Republic. The outward form and semblance of monarchical institutions, which may belong to the legislature from the circumstance of there being a governor to represent majesty, and a council to represent peers, is entirely delusive and unsubstantial. The whole real and efficient authority, if there be no separate and permanent provision for the support of the government, must exist in the democratic body—in that body, which can cause the return of those, who wield the power of the purse, namely the sovereign people. It is worthy of remark, that, in some particulars, this democratic branch of the colonial legislature is permitted to possess higher and more exclusive authority than is vested in the same branch of even the republican United States. No other branch, for instance, of colonial legislatures may presume to initiate or alter a money-bill; but, in those republican communities, the higher or aristocratic branch possesses and exercises a co-ordinate power.

That it can be wise for Great Britain and Ireland to establish such unchecked and unmitigated democracies; that it can be wise to be perpetually setting the example of almost universal suffrage in dependent parts of her dominions, might perhaps be doubted, even were these dependencies inhabited

solely by those of her own stock, and possessed of complete community of feelings, wishes, objects and characteristics. But every one must admit, that it would be most unwise to establish or maintain such a species of democracy, restrained by no sufficient admixture of British or Irish members for practical purposes, and withheld by no adequate check, in a colony, wherein a race of foreigners, having no community of feelings, objects or characteristics with the parent state, should be vested with the power of retaining the representative body, to the exclusion of all of English origin. A representative body, thus formed, cannot be many years in discovering, that it alone possesses all the substantial power, while the other branches are but cyphers or exhibitions, merely calculated to produce false appearances and conclusions, and to conceal under a specious disguise the real nature of the government, which, under a monarchical veil, is essentially republican and democratic.

Circumstances would also be rendered far worse, if the government of the parent country should diminish the influence, already too weak, of the higher branches of the legislature, by encouraging the democratic branch in its attempts to invade or usurp the constitutional rights and privileges of the others. In matters of difference, the support of the parent country would seem necessary for those branches of the legislature, which are more immediately connected with the parent country, and possess less strength, than what they ought to possess in our mixed constitution; and such support cannot, with-

out danger of subverting all balances and checks, be withdrawn from them and lavished on that portion of the legislature, which is already too powerful for its relative situation.

GRANTS OF LAND—CIVIL LIST.

The report subsequently notices, what it calls "the practice of making grants of land in large masses to individuals, who have held official situations in the colony." The only remark, necessary to be made on this portion of the subject, is that, if the Committee had thought it expedient to make adequate inquiry, it would have found, that it would be unjust to speak of such grants as the present practice—none such having taken place for many previous years, and all such being now prohibited.

The report proceeds to the consideration of difficulties relating to the public revenues. Out of these revenues the report admits, that the crown possesses the right of appropriating the sums levied under the act of 1774; but, notwithstanding this admission, the Committee expresses its opinion, that "looking to the circumstances of Lower Canada, to the spirit of its Constitution, to the position and character of the local government, and the powers, privileges and duties of the two branches of the legislature," the receipt and expenditure of the whole public revenues ought to be placed under the superintendence and control of the House of Assembly.

Even on the abstract principle, which has never been enforced to the fullest extent in any colony, that the assemblies should have the entire control without exception of all the monies levied on their constituents, the assembly of Lower Canada would not be entitled to dispose of all the monies levied at the ports of Quebec and Montreal, because duties are there levied on goods, which make only a transit through the province and are disposed of to the inhabitants of the United States. Those duties, if the American tariff be maintained at its present high rate of imposts, may be expected to increase to an enormous amount, as there are fifteen hundred miles—an extent equal to the whole Atlantic coast of the United States—of inland water communication along the boundary line between Canada and that country, through which goods may be introduced. Yet the duties thus paid on all British goods, which merely pass through Canada without being consumed there, are with all others to be placed under the control of the assembly, while the parent country is to have no funds at its disposal for the purposes of government, though it expends, or at the date of the report did at least expend, for colonial troops, fortifications, &c., four times the amount of the colonial duties.

Were the committee's recommendation carried into effect, it would place in the hands of representatives, from whom no qualification whatever of property is by law required, who are elected only by one portion of the people, who have been, and, if the law remains unaltered, may again be, common la-

bourers and persons unable to read or write, who are often imbued with feelings of national aversion to their British fellow-subjects, who to these feelings not unfrequently add prejudices conceived to be of a higher and more sacred character, and who, to effect their objects, have on different occasions shown themselves wholly reckless of consequences, the power of annually subverting or suspending the government, should the government refuse compliance with their wishes. But why do we put the case hypothetically? The committee's recommendation has been carried into effect. The imperial statute, which did carry into effect the committee's recommendation, has already nearly produced the subversion of the government, and, if not repealed or counteracted, must soon wholly subvert it.

Among the modes, in which the French-Canadian Assembly has sought to cause its power to be more sensibly felt and to be perpetually in undiminished agency, as well as to increase its already too dangerously extensive authority, may be mentioned the systematic adoption of a course of temporary enactments not restricted to pecuniary or temporary objects, but extending almost to every regulation civil or criminal. Bills for short periods, continually expiring or requiring constant renewal, are almost universally substituted in the place of permanent legislation; as if to reduce almost all the concerns of life and intercourse, to which other countries have deemed it requisite to give stability, into absolute and precarious dependence on the will of an elective body, whose mem-

bers have sometimes not scrupled to avow, that their object in adopting the system was the attainment of more complete power.—Persons better acquainted than the Committee “with the circumstances of Lower Canada, the position and character of the local government and the powers, privileges and duties of the two branches” would probably have come to conclusions diametrically the reverse of the recommendations of the committee, which, however plausible they might appear in relation to some colonies, would in others become absolutely destructive.

From what has been previously stated, and from reflections obviously arising, it will be readily seen, that the circumstances of Lower Canada are not similar to those of other English Colonies,—that the position of the local government is unlike that of other local governments,—that the real character of the constitution in its operation is widely different from its apparent character,—that, what is called the representative body, is returned almost wholly by constituents of one race, who neither form nor lead nor regulate public opinion, but who are themselves led, and receive on trust the views of the leaders of this body,—that, while its constitution shall remain unchanged, this body can set at defiance all public opinion and judgments, whether those of the entire British community, or of the other branches of the legislature, without the fear of losing a single future election,—that, in consequence, it can act with the ambition and determination of a body of permanent rulers, instead of

finding it necessary, like other elective bodies, to consult or to humour any views or inclinations but its own,—and that to mention the powers of the two branches, as if they existed on an equal, a British or a proper footing in Lower Canada, would amount to absolute misrepresentation.

Under circumstances such as these, the Committee recommended, that the salaries of the Governor, the members of the Executive Council and the judges should be the only salaries independent of the annual votes of the Assembly,—that the control of funds then legitimately belonging to the Government, whose means and influence were confessedly too little, should be bestowed by a new law, which has since been passed, on the democratic branch, whose practical weight and authority were confessedly too great, and which, constituted as that branch then was and still is, could not fail to be exercised to most injurious purposes against the nationality of the empire and the colonies. The report, which has in one part represented the task of Government in Lower Canada as a difficult one, has recommended in another part, with the view, it must be presumed, of rendering that difficult task more easy, that the Government should be divested of the powers over a portion of the revenue, which legally belonged to it, in favor of the body, from whose attempted encroachments all the difficulties of the Government had proceeded !

This might, indeed, be submission to one and the stronger branch of the Legislature, which some might be pleased to designate by the softer, more



popular and more ambiguous appellation of concession; but it was despoiling the other and the weaker branch of the little weight, which it possessed; and it was preposterous to imagine, that the task of government would be likely to become more easy thereafter with less, than it had previously been, with greater power—particularly in a colony, where the representation has so little community of feeling and object with the mother country and the neighbouring colonies.—In truth, it was wholly unnecessary and at the same time absolutely unsafe and dangerous to deprive the government of the very moderate revenue formerly at its disposal, and which constituted nearly all its means even for the establishment of courts and other essential objects, when there might be reason to fear, that the provincial assembly would be unwilling to contribute any aid. But even supposing the Committee to have been right, instead of being totally mistaken, as it was, in relation to the real “circumstances,” “position,” “character,” “powers,” &c. of the respective branches of the legislature, all these would be no justification, while the statute of the British Parliament remained unrepealed, for setting it aside in practice. If statutes may be violated on the allegation of such vague grounds, there would be an end of all certainty and authority in legislation, and the measures of the Imperial Parliament would become a nullity and a mockery, as often as they might displease such leaders, as should choose to employ against them the potent sounds of “circumstances,” “position,” “character,” and “powers.” Such leaders would al-

ways assume to themselves the right of determining to what cases words so portentous should be applied. But it must be evident, that if their application of them were constantly right, instead of being, as it almost universally would be, to promote their own political views, it could only have shewn the propriety of rescinding the imperial law, not of violating it, while it existed.

Where civil officers are indispensable and permanent, it would seem, that, in monarchical governments, the salaries ought also to be permanent.

There are various permanent and indispensable civil offices in Lower Canada, besides those of the governor and the judges, among which latter the members of the executive council ought to be included instead of being separately mentioned, because their trifling salaries of £100 per annum, each, are paid to them as judges of the Court of Appeals. The government ought to possess the means of defraying the salaries of the other permanent and indispensable civil officers, for it would be cruel, unsafe and impolitic to subject them to the capricious annual votes of an assembly so constituted. It would, in effect, render the assembly so far the executive, and double the power of the former to disturb and destroy the legitimate rights and influence of the latter. The influence of the executive is in some degree the influence of the Home Government, by which it is appointed and controlled. That influence was not then, by any means, so great as it should be even for the purposes of general political superintendence and control;

and, so far from suffering diminution, as was recommended by the committee, the interests and peculiar situation of the colony required rather that such influence should be increased.

The Committee next adverts to the employment by the authority of government, of £140,000 of the money which the representatives of the people were entitled to appropriate; a measure, which, the committee says, nothing but the most extreme necessity could justify. Of the manner, in which the people were pretended to be represented, the committee does not here speak, although it must be obvious, that the appropriations, which the representatives might be willing to make, must, in no small degree, depend on the composition of the assembly. On the actual existence of the necessity alluded to, the committee pronounces no opinion. Yet since it allowed itself to employ an expression which might induce suspicion that censure was merited, it ought, in justice, to have investigated both sides of the question, and seen, whether the necessity had or had not occurred. Had the committee done so, it would have found, that the local administration had acted under the sanction of the Home Government, and that what was done, was required by the most urgent necessity for the preservation of public faith, for the administration of public justice, and for the prevention of confusion and anarchy.

The committee, subsequently in relation to the offices of Receiver General and Sheriff, recommends, and apparently as if it were a new course

of proceeding, that steps should be taken by efficient security, to prevent losses to the province. If the committee had made more ample inquiries, it would have discovered, that, what it recommended, would not be the establishment of a new practice, although it might lead to the improvement of the course previously adopted.

JESUITS' ESTATES—CLERGY RESERVES.

The Committee next recommends, that the proceeds of the estates of the extinct order of the Jesuits should be applied to the purposes of general education. The most judicious application, perhaps, which could be made of these estates for such purposes, would be to bestow part of them on a corporation, which is already established by law in Lower Canada by virtue of a Provincial Act under the name of the "Royal Institution" for the advancement of learning. This corporation is composed of a number of the most respectable characters in the province, belonging to different religious persuasions. Another part of these estates might be most beneficially bestowed for the more ample endowment of M'Gill College.

As these articles are intended principally for the use of the Commissioners, who cannot be supposed to know the more minute details of even the most important provincial affairs, we subjoin a tolerably full account of the origin of that university.

A worthy member of the Council in Lower Canada, the late Honorable James M'Gill, bequeathed a small estate near Montreal, on condition that a university or college to be called "M'Gill College" should be erected on it. There is as yet no British

University practically established in Lower Canada for the purposes of general education, though there are five French Ecclesiastical collèges or seminaries in the province, where laymen also receive a French education. It is a matter of much moment, that this deficiency of a British Collegiate Institution in the extensive province of Lower Canada should be speedily supplied; and Montreal may be considered the most convenient situation for such an establishment; as the settlements in that district are more extensive than in other parts of the province. But the property bequeathed by the benevolent and patriotic Mr. M<sup>c</sup>Gill was originally far too small to suffice for the intended object; and, small as it was, it has hitherto been prevented from being available by the refusal of Mr. M<sup>c</sup>Gill's heirs to deliver it up for the purposes of the bequest. A more useful or laudable employment of the estates of the late order of the Jesuits could not be suggested than to apply a portion of them for the purpose of supplying the deficiencies and giving full accomplishment to the objects of the patriotic bequest of the late Mr. M<sup>c</sup>Gill, and for the promotion of the measures of the Royal Institution for the advancement of learning. It would seem also, that the sooner these estates are disposed of the better, seeing that the measure would silence clamour and put an end to dissensions on the subject.

In order to connect together matters of similar import, we next come to the Committee's recommendation in regard to the Clergy Reserves.

On the subject of the reserved lands, the Com-

mittee remarks, that it "entertains no doubt that the reservation of these lands in mortmain is a serious obstacle to the improvement of the Colony," and subsequently adds, that it is "fully persuaded that the lands thus reserved ought to be permanently disposed of." It might be difficult to find any impartial person acquainted with the situation of the Colony, who would not concur in these sentiments of the Committee. But if it be right, that these reserved township lands should be withdrawn from mortmain in the hands of a Protestant Clergy, can it be right that nearly a seventh of the extent of the seigniories, including the most wealthy city in Canada and numerous villages, should remain by sufferance in mortmain in the hands of Romish Ecclesiastical bodies? If while the Committee was making inquiry into the claims of the Protestant Clergy in Canada, it had thought proper to examine also into those of the Romish Clergy, it might have discovered, that, although the Protestant Clergy are not entitled to tythes, yet the Romish Clergy are by law entitled to dues of that description while, at the same time, they are nevertheless allowed by sufferance to retain possession of estates amounting to almost a seventh of all the seigniories notwithstanding that the British Act of 14th Geo. 3, which confirmed their right to tythes, declared, most probably for that very reason, that the religious communities should not hold estates. This provision of the law has never been enforced, as the following table, which after all is incomplete, abundantly testifies.

	<i>Sq. Miles.</i>
1 Seigniory of the island and city of Montreal, about ... ..	200
2 Do. of the Lake of Two Moun- tains and augmentation, ... ..	140
3 Do. of St. Sulpice, ... ..	110
(These three belong to the Semy. of Montreal.)	
4 Do. of Chateauguay (Grey Sisters)	54
5 Do. of Isle-Jesus,	50
6 Do. of Cote de Beaupre, } (Semy.	900
7 Isle aux Condres, } of Quebec)	10
8 Seigniory of St. Jean, (Ursul. of Three Rivers) ... ..	2
9 Do. of St. Augustin, (Religieus- es de l'hop. of Quebec) ... ..	34
10 Do. D'Orsanville, (Religieuses)	4

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1522

Besides all the above mentioned estates, amounting to nearly a million of acres, these and other ecclesiastical bodies possess property of great value in Quebec and Montreal and elsewhere.

If it would be proper and beneficial to the community, and it probably would be so, that the Protestant Clergy, who have no tythes, should be divested of the lands, to which the law has entitled them, would it not likewise be proper that the Romish Clergy, who have tythes, should cease to retain the estates, which the law has declared that they shall not hold? Or while the laws are to be repealed in order to reduce the rights of the former, ought they to be violated to increase the rights of the latter? Corporations are bodies, whose legal



existence can only be established by the sovereign or legislative power of the state, in which they exist. It cannot be right to allow Corporations established by foreign powers to hold estates in our colonies, where they can have no legal existence. If any exceptions as to holding estates are to be made in favor of Romish ecclesiastical communities, which are bodies or corporations emanating from a foreign power, it is evident that the exceptions ought to be confined to such convents of females or nunneries as now exist; as the peculiar class and character of these last-mentioned institutions may furnish grounds for peculiar indulgence.—In addition to revenues from real property, held by sufferance against the intention of the statute, and to tythes, to which they have a legal right, the Romish Clergy also legally obtain large sums in other modes, and contributions quite different from any that are paid to a Protestant Clergy. In thus briefly advert-  
 ing to the opinion of the Committee on property reserved for the maintenance of religious establishments, we do not entertain any wish to see a superiority given to one establishment over another. Our object is merely to shew, that such superiority does already powerfully exist in favor of the Romish Clergy, and that the recommendations of the Committee in this matter being all on one side, or rather against one side, namely protestantism, must tend greatly to increase the inequality and to excite extraordinary reflections regarding the views of a liberal Committee of the House of Commons, whose love of liberality might be suspected of prompting the utterance of hasty and partial opinions.

No. VII.

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LEGISLATIVE COUNCIL—REFORM OF THE CONSTITUTION.

The Committee is pleased to take under its consideration the state of the Legislative Councils in the Canadas, and to recommend that a "more independent character" should be given to these bodies, and that measures should be taken "to connect that branch more immediately with the interests of the colonies." If a conjecture may be hazarded on the latent meaning of the terms here employed by the Committee, we may presume, that by a "more independent character" was meant a character more likely to submit to the dictates of an assembly returned by the suffrages of only one portion of the people, a character more likely to allow the Upper House to serve merely as a chamber of registry for the purpose of enregistering the decrees of the Lower House. If the conduct of the Legislative Council were fairly investigated instead of being taken, as the Committee took it, solely on the evidence of accusers, it would be found to exhibit few symptoms of dependence, unless the refusal to acquiesce against their better judgments in the partial or injudicious enactments of a democratic body should be so considered. The Legislative Council, even as then composed, was far more intimately

connected with the general and prospective interests of the colony and the parent country than the Assembly itself. If the Committee really desired to connect the branches of the Legislature with the interests of the colony, the first and most essential requisite would be to alter the composition of the Assembly.

The exclusion of Judges from the Legislative Council is also recommended. Such an exclusion was not only a deviation from the usage, which obtained in every other part of his Majesty's dominions, where the practice was less necessary; but it was also likely, for many reasons, to be extremely injurious in Lower Canada, where the measures of the Assembly were, and still are, wholly guided by lawyers and notaries, and where, on account of the complication of the laws derived from the codes of three different nations, the weight and learning of Judges were more absolutely required in the Legislative Council of Lower Canada than in that of any other colony. The Legislative Council is at present the only branch, and it was nearly so then, of the Provincial Legislature, possessing members intimately connected in principles and feelings with the government and interests of the mother-country. If Canada be deemed valuable to the British Empire, the Imperial Government ought not, by its own act, to diminish the weight and influence of those principles and feelings in the province.

The Committee next records, what it is pleased to call the *principle*, which should be applied to any

alterations in the constitution of the Canadas, namely, "to limit the alterations to such points as can only be disposed of by the paramount authority of the British Legislature, and to carry into effect all other changes by the local legislature in amicable communication with the local government."—

The whole tendency of the report was to weaken and destroy the authority of the Home Government and of the Parent Country over the province by weakening and destroying the weight and influence of the local government and the Legislative Council, and to increase on the ruins of all other authorities the already nearly uncontrollable power of the democratic branch, returned by only one portion of the population. The amicable communication, then, between the local government and the local legislature could only consist in the full submission of the former to the dictates of the Assembly. The report, therefore, which recommends various alterations, amounting to CONSTITUTIONAL changes in the assembly, leaves them to be effected by the seigniorial legislators, whose predominance would be thereby diminished; as if, unlike every other body, on which undue authority had been conferred, that body was to be entrusted with the delicate task of divesting itself of its too extensive powers in favor of others of whose participation in rights it has shewn itself jealous, and with the duty of effecting changes to which it has declared itself inimical. It was in effect turning the party aggrieved back again to seek redress of grievances from those who

had already repeatedly refused it, and of whose power, partiality and injustice complaints were made. What would be said of any other tribunal, which, on proceedings for the establishment or restoration of rights, instead of determining the difficulty, should turn the plaintiffs out of court with injunctions to look to the defendants for the determination of their claims and to be content with such measure of justice as it should please the parties complained against to mete out in their own cause? The weakness, not to say cruelty or injustice, of such a course could require no comment. It is indeed a course, which may have been safely adopted in relation to the West-Indian slaves; but the committee ought to have reflected, that those, who petitioned against the Assembly, were Englishmen, who did not consider themselves the property of the French Seigniorial Assembly, who resided in a different vicinity from the West Indies, and who knew, that, if a just share in the representation, a restoration of rights and a redress of grievances, were to be obtained at all, they could be effectually obtained only through physical resistance or the interposition of the Imperial Parliament.

No. VIII.

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PARTIALITY OF THE COMMITTEE TOWARDS FRENCH  
CANADIANS,—FATAL CONSEQUENCES OF SUCH PAR-  
TIALITY,—NECESSITY OF ASSIMILATING THE FRENCH  
CANADIANS TO THEIR FELLOW SUBJECTS OF THE BRITISH  
EMPIRE.

After having generally endeavoured to follow the Committee in the order, in which it chose to deliver its opinions, we shall offer some general observations of considerable importance.

The Committee, in various passages of its report, expresses an extreme anxiety for the preservation and even the extension of those peculiar institutions and characteristics, by which the French Canadians are distinguished from all their English fellow subjects, and almost recommends means to be taken to render unalterable those legal provisions, which may be considered most calculated to give perpetuity to differences of national feeling. This even by itself must appear somewhat extraordinary; but the appearance is at the same time rendered more striking by the marked indifference of the Committee with respect to the preservation of those characteristics, which are common to all of English origin. A sympathy so determined and exclusive, so bent to place beyond the reach of change the laws and peculiarities of one portion of a colony,

while those of the other are intentionally left to be operated on by every influence, and exposed to all the alterations, which time or chance or exclusive representative power can produce, must not only be expected to occasion surprise, but is also naturally calculated to excite inquiry into the causes, which could justify the rendering of a foreign and obsolete code as unalterable as the laws delivered from the Mount, and also into the results which would be likely to follow the practical adoption of such opinions.

The peculiar pretensions to sanctity of the old French laws, and their claims to an inviolability beyond what it would be deemed proper to demand for the laws of England, however dear they may be to excessively liberal minds in Great Britain, have yet to be taught before they can be understood or admitted beyond the sphere of the French Canadian leaders; and we may conjecture, that the grounds of such powerful sympathy in a liberal Committee of the House of Commons are hardly to be referred to a conviction of the superior wisdom of the "Custom of Paris" after its expulsion from the seat of its former empire, or to a belief, that what was too antiquated to suit the condition of an ancient and artificial state of society in the old world, would be found best suited to infant establishments in the new. The sympathy of the Committee could only be referred to views favourable, in the absence of adequate consideration, to the establishment or continuance of the French Canadians as a separate and distinct people,—to views the re-

verse of those entertained in common even by the rival statesmen, Pitt and Fox,—to views the reverse of those, which the interests of Great Britain, of her colonies and of humanity imperiously demand.

The Committee declares that "The French Canadians should in no degree be disturbed in the enjoyment of their religion, laws and privileges." As to their "religion," seeing that it was not a subject of complaint, that their church is the dominant one, that it is the most fully established, the only one legally entitled to tythes and the only wealthy one in Canada, and is in addition to all this the only one allowed to maintain possession of extensive estates AGAINST law,—it might either seem to have been a word unnecessarily introduced, or to have been united and combined in the same sentence with "laws and privileges" for the sake of effect, in order to give an equally sacred and inviolable appearance to whatsoever related to the French Canadians in all matters ecclesiastical or lay, as if they formed inseparable parts of the same whole. Their "religion" was not brought into question; and, with respect to "laws and privileges," as the French Canadians had then, as they have now, the whole power in their own hands, the Committee might reasonably have spared itself any alarm on the subject. But the Committee did not think fit to make any such declaration in favour of the "laws and privileges" of the English inhabitants of the colony, who having no effective share in the representation might not unnaturally be supposed to be most in danger of seeing the subversion



of their "laws and privileges," which from their circumstances and situation in American dependencies of the British Empire, and as being the most suited to free institutions, they not unreasonably consider as those, which alone it can be politic or important to maintain and extend to all.

It is the increase of English institutions and of the English inhabitants of the Canadas, which, as facilitating commercial intercourse, as augmenting growers and consumers, and as tending to assimilate the language and usages of the Lower Canadians to those of the Parent Country and of the mass of English Colonists, must chiefly contribute to render Lower Canada and the neighbouring provinces really valuable to Great Britain. As we have already mentioned, it is on the attachment of the English inhabitants of those colonies, that the continuance of the dominion of Great Britain must chiefly and ultimately depend. Lower Canada being one link of a chain of colonies is not to be viewed by itself, as if it were a foreign country, but ought to be considered in connexion with those sister-colonies and the Parent Country. As well might Yorkshire, whose population is thrice as numerous as the French portion of that of Seigniorial Canada, be considered by itself and allowed, supposing a majority of its inhabitants to be of French origin, to maintain a separate and exclusive legislature adapted for the establishment or maintenance of a French Government. A part only of Lower Canada is now peopled; and it is peopled by English and French. If the two races are not to be

enemies, it is necessary for them to become one people. If harmony and good feeling are ever to subsist, national distinctions in civil matters must cease, and assimilation take place. For what will be ultimately necessary, it must be wise to provide betimes, when the requisite measures may be adopted with comparatively little difficulty. When countries are new, and for the most part to be hereafter peopled, it must be more easy to impress on them the national character that they ought to carry down to after times, than if the measures necessary for this end be deferred to later periods. One of the highest duties of government and one of the first obligations of humanity would seem to be to diminish, as far as possible, future causes or grounds of collision and bloodshed; but more especially must it be the duty of a government to remove all national separations and causes of enmity among its own subjects. The inconsistent recommendations of the Committee in various instances would, if followed, have an exactly opposite effect, and would extend those national distinctions, as perennial sources of future discord.

## No. IX.

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RECOMMENDATIONS OF COMMITTEE WOULD EXTEND TO LOWER CANADA THE RELIGIOUS DIFFERENCES OF IRELAND—INCONSISTENT CONDUCT OF THE ASSEMBLY IN REGARD TO THE COMMITTEE'S REPORT—COMPARISON OF LOWER CANADA AND IRELAND.

In some of the published parliamentary debates, gentlemen expressed their hopes, that Lower Canada, notwithstanding existing jealousies, would not ultimately present an aspect of internal divisions and differences similar to that of Ireland. Religious dissensions are, indeed, unknown in Canada, because no church as yet has much power here—although the Romish Church has been hitherto allowed to retain, even beyond its legal rights, far the greatest proportional means. But, if the recommendations of the Committee as to extending the seigniorial territory and French characteristics were to be carried into effect, its intended LIBERALITY would hereafter produce national differences of as disastrous a character as any ILLIBERALITY can have occasioned in Ireland. The Committee would thus produce the very result which it desired to avert. By yielding to the political views of a few French Canadian demagogues, who would be separatists from the English national family, the Committee could not, in an infant

colony, inhabited already in part by English races and surrounded by English colonies, be doing otherwise than sowing and increasing the seeds of future misery to the very race, of whose leaders it would gratify the prejudices and the ambition.

That the Committee's report did gratify the prejudices and the ambition of those leaders we most certainly know. The assembly of Lower Canada, in its answer to Sir James Kempt's opening speech, which called for no opinion on such a topic, declared the Committee to have exhibited "a striking combination of talent and patriotism, uniting a general knowledge of public and constitutional law to a particular acquaintance with the state of both the Canadas," and to have made "a report," "an imperishable monument of their justice and profound wisdom." The extreme warmth of these encomiums of the leaders of a party might, among reflecting readers, suggest doubts as to their intrinsic value. Their subsequent conduct has put an end to all doubts, for they have desired the alteration of the constitution, the abolition of the legislative council, the confiscation of the lands sold by the government to the Land Company, &c.

The only part of this "monument," although it be "of profound wisdom," which these leaders, as they have since shown, would desire to remain "imperishable," is that which is hostile to English feelings, and that, which they have chosen to construe into a declaration, that they ought to possess the sole and sovereign power, and that Great Britain has no right to legislate for Canada, unless

at their solicitation and under their direction. This is apparent from their having shortly afterwards declared, that they must get rid of the Canada Tenures Act, and from their having refused to pass a bill sent down by the legislative council, lest, as they stated, they should seem by so doing to assent to the Tenures Act; and thereby to sanction the right of the Imperial Parliament to legislate for Canada—The French Seigniorial Assembly of Lower Canada to sanction the right of the Imperial Parliament to enact laws for a British possession! This was, indeed, the first time, that the presumption of the leaders of the “Grande Nation”, ventured to speak of such a sanction—and to render their conduct the more strikingly inconsistent, the Canada Tenures Act was recommended to be retained by the “imperishable monument,” of “justice and profound wisdom.”

Our desire of exposing the inconsistency of the French faction has led us away from the comparison of Lower Canada and Ireland. Any comparison between Ireland, an old nation, and Canada, a young colony, or inferences drawn from the condition of the former to that of the latter, which some have endeavoured to put forward, must be just as erroneous and inapplicable in respect to futurity, if there be any wisdom and foresight in the conduct of government towards Ireland, as the comparison and the inferences regarding Guernsey and Jersey have been shewn to be and for nearly the same reasons. It can scarcely be contended, that it would be right or safe, that even the affairs

of Ireland should be considered solely and entirely with reference to themselves and to the momentary state of things in that country. But nevertheless Ireland being separated by its insular position from other countries and being fully inhabited might therefore, as to its own internal concerns, be at all events held to be in a far more fit situation to be considered by itself and in relation to time present, than a country, which, yet principally remaining to be peopled, cannot be considered solely or chiefly in relation to its actual state, and which, forming only one of several colonies inseparably united by local position, must be considered in connexion with them,—a connexion, which indispensably requires, that resort should be had to every legitimate means of diminishing instead of augmenting the foreign aspect and character of the inhabitants and the representation of that portion which differs from all the others. If it were even to be held, that the inclinations only of the majority are to be consulted, we might answer, that all the colonies in America, save one, are wholly English, that even in that one, a part is now, and the majority must hereafter be, English, and that all of English race must be adverse to French national distinctions, separations and consequent enmities, which various recommendations of the Committee would tend to promote.

## No. X.

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### NATIONAL MOTIVES FOR REARING COLONIES—SUCH MOTIVES NEGLECTED BY GREAT BRITAIN IN RE- GARD TO LOWER CANADA.

States, founding or rearing up colonies, must be presumed to have in view one or both of two great objects, namely national advantage and national honor.

National honor would be attained by establishing over waste and extensive regions the foundation of future empires, destined to convey to future ages in language, arts and characteristics the resemblance of the Parent State. Were this resemblance to be established by conquest over fully peopled countries, the guilt of bloodshed and the misery of millions would destroy all pretensions to glory in the result. But where the object is attainable by redeeming the desert from waste, by peopling regions chiefly uninhabited and by substituting the advantages and improvements of civilized life for the wild and wandering condition of savages, the honor may be considered unalloyed.

National advantage may consist in the possession of territories to furnish an asylum and a home for the surplus population of the Parent State, and in the benefit and profit to be derived from their productions and commerce.

Supposing these views to be not wholly devoid of truth or justice, and supposing them to be applied to Lower Canada, they will shew the course of policy, which Great Britain, as if she were a French power, has of late years adopted in relation to that province, to be inconsistent with her own honor and interests and fraught with future injury to herself and to her colonists, both English and French. During more than a century and a half succeeding the first settlements in America, Great Britain involved herself in frequent wars and vast expense to prevent the establishment of a French Empire in North America. During the last forty years and upwards, she has been, perhaps unconsciously and certainly without weighing consequences, promoting what in all the preceding generations of her colonial system she sacrificed an infinity of blood and treasure to prevent. Of these totally opposite courses the one or the other must probably be wrong. We shall, therefore, offer a few observations on each.

In the first place, it is evident, that what has been mentioned as one great object of rearing colonies, namely national honor, cannot be attained by the course recently and still pursued by Great Britain. Instead of advancing this object, the natural tendency of her general proceedings, and still more the tendency of some of the recommendations of the Committee, must be to establish at British expense the foundations of a French Empire on a continent, where, but for this Anti-English policy, no such foundations of future French dominion



would be laid ; and it has been remarked by some of the French Canadian leaders, with more truth and complacency than delicacy, that Rome rose from smaller beginnings than "La Nouvelle France," a name by which as well as by the appellation of "La Nation Canadienne" the nascent ambition of these leaders is often pleased to designate Lower Canada.

In the second place, reason and experience concur in shewing that the other great object, namely national advantage, must be rather counteracted than advanced by maintaining Lower Canada a French colony in fact and an English one only in name. Reason would readily suggest, that the foreign appearance and legislature of the colony would influence most emigrants against establishing their abode here and induce them to seek an asylum elsewhere ; and experience has proved, that of the English emigrants, who come to settle in Lower Canada, but few choose to remain here, the majority preferring to seek a home in other colonies or even in THE UNITED STATES AS A LESS FOREIGN COUNTRY. Nor is the loss of settlers, thus occasioned, confined to those who first abandon the refuge they looked for in a British colony, but extends to all their relations, connexions and friends, whom their example induces to follow them. Reason would also suggest, that profits arising from productions and commerce would be less likely to be obtained in a country, where a burdensome and anti-commercial foreign code prevails, and where the feudal tenures oppose obstructions to industry

and improvement, than where such shackles on trade and industry do not exist; and experience, sanctioning the suggestion also, has proved, as we previously stated, that three fourths if not nine tenths of the exports and of the supplies for the shipping of the Canada Trade are always furnished from Upper Canada and the free or English tenures in Lower Canada, although the inhabitants of the free tenures are, in both provinces, not equal in numbers to the occupiers of the feudal tenures; and, were they even equal, they could not be expected, *ceteris paribus*, to furnish an equal proportion of surplus productions, because their settlements are new, and farther removed from the advantages of uninterrupted navigation. In fact, it is undoubted, that, if the benefits to be derived by England from the Canada trade were limited to the exports drawn from the seigniories or feudal tenures and from French-Canadian industry, the whole would afford no equivalent for a third of the outlay annually made for the maintenance of troops and for other expenses in the colony. It is true, that so large an amount of duties is levied at Quebec and Montreal, cities in seigniorial Canada, as might induce the supposition, that the commerce of the seigniories of Lower Canada is very important. But we must consider, that the duties are levied at Quebec and Montreal, not only on what is imported for the seigniories, but also on all commodities imported for Upper Canada and for the townships, to whose inhabitants, from their English tastes, English manufactures must become

more particularly necessary, and also on all commodities sent, as we have already stated, through both Canadas to the United States. All the duties, raised from all these different sources, excepting the share of Upper Canada, are left at the disposal of the French-Canadian House of Assembly elected almost exclusively by the seigniorial part of Lower Canada, whose employment of the funds under its control has been occasionally to pay for gaols, court-houses, additions to the buildings of nunneries, loans for the purchase of seed-wheat and other local objects, which might have been provided for by local assessments, but has far more rarely been for any object of general improvement and never for any measure intended to induce emigrants to settle in the province, which in the English colonies has always been a subject of extreme interest and continual attention. The feelings, policy and course of proceedings of the French Seigniorial Assembly regarding English institutions as well as English settlements, which are virtually excluded from all influence in the House of Assembly, are too well and too generally known to require any farther notice from our pen.

Could it have been to raise into existence a French Nation, to give being to a French Trans-Atlantic Empire, at the expense of Great Britain instead of France, that Great Britain expended British treasure and British blood on the acquisition of Canada? So far from incurring expense and burthening her subjects with taxes to obtain and hold that waste and unsettled region, it could

not be supposed, that Great Britain would even have accepted the cession of the territory as a gift, if coupled with the condition of rearing Lower Canada to maturity as a French Empire. If such a condition would never have been tolerated, can it be right to act as if it had been agreed to? What has France done for Great Britain, that the latter should, at great expense of blood and treasure, rear up a French nation in North America? If that be the object, why is not the country immediately given up to France, that Great Britain may neither be burthened with present expenses nor exposed to the future wars in which the maintenance of Lower Canada as a French Colony would involve her. If to rear up a French nation in North America be not the object, must it not then be grievous injustice nay even cruelty towards coming generations, to extend the limits and increase the strength of a separation producing enmity and leading to collision and bloodshed between the different subjects and colonies of the same Parent Country?

It seems, on the whole, clear, that neither the honor nor the advantage of Great Britain nor of her colonies nor even the interests of humanity in these new countries can be consistent or compatible with the extension of the foreign and antiquated French laws and tenures now abolished in France itself or with the establishment of a French nation at British cost in North America.

OBJECTIONS AGAINST ASSIMILATION OF THE FRENCH  
TO THE ENGLISH ANSWERED—CONCLUSION.

It being then clear, that, in order to prevent lasting collision, there must be assimilation; and equally clear, that it can only be of what is French to what is English; we shall now make a passing remark on an opinion sometimes urged by well meaning individuals from want of due reflection on the subject, but always eagerly seized and supported by the Canadian leaders, namely, that the Canadians must be kept French in order to prevent the Canadas from falling into the hands of the United States. It has been assigned by the Canadian demagogues in various publications, as a reason against the diffusion of the English language in that province, that they disliked the Americans on account of their foreign tongue, and that if the English language came into use amongst the French Canadians, they might become attached to the Americans, as people naturally like those, whose language they understand.

Such reasoning, if it contains any truth, would decidedly prove attachment to France; but in other particulars, if it proves any thing, it proves too much, since the ignorance of the English lan-

guage must be as good and as just a cause for French Canadian dislike towards their English fellow subjects as towards the Americans; unless it be maintained, that the same causes, which produce hatred to one, will generate attachment to another.

It is not by trials of one description only, that the different properties of an object can be known, but tests of various kinds are requisite to ascertain the entire character. Pure spirit and pure water may look alike; but the one will extinguish, and the other will increase a flame. Gold and baser metal to the touch and to the sight may appear the same; to determine the difference we must have recourse to closer investigation and less ambiguous proofs.

Canada has not yet been invaded by France. That the Canadians dislike the Americans, they have constantly declared, although, within the last two years, they have expended on them many expressions of sudden and unexpected regard. But it will hardly be contended, that the ancient dislike of the Americans, even supposing it still to exist, is, by itself, conclusive proof of attachment to Englishmen. As hatred to one class does not of necessity prove affection to another, it might have been desirable to have some additional evidence, some further test by which the sincerity of the Canadian's regard for Britons might have been shown. Such further evidence of attachment towards Englishmen has not only been wanting, but abundant proofs of the contrary have been repeatedly furnished, in the various proceedings of the

leaders and their followers—in the cry of “*A bas les Anglois,*” so frequently raised amongst them—in the pleasure so often manifested at the success of Revolutionary or Imperial France, and at Buonaparte’s projected invasion of England\*—in their dislike expressed to any numerous English immigration, lest the Canadian or French character should be “*noyé dans une population étrangere*”—in their endeavours to establish such a system of representation as would effectually exclude Englishmen from ever acquiring influence in the Assembly—in their successful attempts to change the English names of counties into French ones—in their refusal to pass laws regarding registers and transfers of estate on the avowed declaration, that such laws would facilitate purchases and settlements by the English—in their former refusals to establish courts for the administration of English laws in the townships—in their desire to overthrow the rights of the English in the free soccage tenures and to extend French laws over those lands and over all the waste territory of the crown in that extensive province—in their incessant contentions with the other branches of the legislature and with His Majesty’s government, imperial as well as pro-

\* We have been assured by a gentleman that, about the time of Buonaparte’s projected invasion of England, songs composed in France, representing the conquest and pillage of England, &c., were, with other literary productions, brought to Lower Canada, whose ephemeral as well as permanent literature is drawn from France and will continue to be so, while England acts as a French power. These songs were highly popular with both sexes in Lower Canada. Our informant had himself heard them sung and listened to by the Canadians with a high relish.

vincial—in their attempts to destroy the Land Company, because, as is alleged, it will introduce great numbers of English and Irish immigrants—in their endeavours to abolish the second branch of the legislature or to render it elective—and last, though not least, in their famous ninety-two resolutions, as well as in numberless other instances, all evincing that, if the present undue power continue in their hands, nothing less than the prostration of all authority but their own and the establishment of Lower Canada as a French dominion can permanently satisfy them.

In case of the invasion of that province by France, England could with certainty count only on the fidelity of her English subjects. But her English subjects, even including those who have emigrated from the American Union, have shown that they may also be relied on against the United States. They have shown, that it is not necessary for them to be foreigners in language in order to be true to their allegiance to Great Britain. Such an idea is most unfounded and unreasonable and has been fully and practically refuted. It might as well be said to be necessary to render the other North American colonies French for the same reason. During the last war, almost all the battles were fought in Upper Canada and both the Canadas were almost wholly defended by the Upper Canadians composed of settlers from the United States as well as from Britain and Ireland, and by the English troops; and every American division, that was captured, was taken by these joint forces. It is doing great



injustice to our English fellow subjects, and is highly absurd to assert, that Lower Canada, in order to be kept British, must be reared up French.

If it were equally practicable, patriotic and humane for Great Britain to rear it to futurity as an English or as a French country, the final difference would amount to this, that, when it should please England to permit Canada to take its separate station among the nations of the earth, it would in one case be for ever an English and in the other a French nation. If Canada, that it may be retained by Britain, must continue French, it would be better, as we have already shewn, to abandon it altogether, for without the advantages or parental honor of rearing an English colony, there will be far more than its usually attendant difficulties, losses and warfare in rearing a French one.

The interests of the Canadas and those of the United States are essentially different, and would remain so, although all civil distinctions should be merged in one common English character. The Romish priests well know, that they would inevitably lose their present legal rights to tythes, if they belonged to the United States. Under the government of those states, there could be no compulsory payment of tythes to priests of any description. The priests, therefore, would be too much alive to their own interests and influence, to desire a union with the American republic. In short, the Canadas are, in almost every point, rivals of the United States in interest. Upper Canada, in particular, grows almost the same kind of productions

as the neighbouring states of the union ; and both provinces have the benefit of all the encouragement in trade, which it is in the power of the most commercial nation on earth to bestow. Possessed of these advantages it is not likely that the English inhabitants of Upper and Lower Canada, supposing them even to be devoid of all filial attachment to Great Britain, can feel an inclination to coalesce with the United States and to sacrifice advantages which they fully appreciate—unless driven to that course by the Anti-British policy of England, which, instead of endeavouring to assimilate her subjects to each other, interposes between the English portion and their intercourse with the mother country a race of inhabitants adverse to assimilation, for whom England, not content with sanctioning, in violation of her own plighted faith, their separate institutions in the present seigniories, was advised by the committee to establish other seigniorial territories, and on whom she has conferred the power of legislating for British navigation, British settlements and the whole of the ungranted country, and thereby the power of extending foreign laws and language over an immense territory in America as yet unoccupied.

The indifference of the members of the committee, which might with great equanimity under the name of liberality encourage, beyond the reach of their own fire-sides and at a distance of three thousand miles, the increase of establishments hostile to the extension of English settlements and character, cannot and must not meet with feelings of corres-

ponding indifference from those, who, residing in the colonies, must be sensible, that they themselves or their posterity would be involved in the national dissensions, which such excess of misnamed liberality would ultimately and most unnecessarily occasion.

When those, who influence the counsels and measures of a state, become indifferent to the extension of the language and characteristics, by which its inhabitants are distinguished, there is nothing to be expected from their patriotism; and when the indifference is general among the people, instead of being confined to the rulers, it is said to mark the want of energy and public feeling, which usually precedes the decline of nations.—

Whether such indifference exist either in the rulers or in the people of Great Britain, it is not our purpose to enquire. But this much is certain, that there is now a French power rising into existence in America, not however raised up fairly and openly in its true colours as such, for, if so, it would ere this have excited just and general alarm,—but in fact, in the process of being called into life, and advanced towards the full strength of maturity under the specious guise of a British colony!

When this veil of disguise shall be removed, and distant but unavoidable consequences fully, and fairly exposed (and soon must this be done) the effects of such exposure on the feelings of our colonies and indeed all America, it may be more easy to anticipate than to remedy. Such policy

would be then characterised as an abandonment of National and Parental duty, as inconsistent with honor and interest, as unprecedented in principle, as dangerous in operation, as fraught throughout with disgrace and disaster. It would not fail to be anew recollected, although it has been forgotten for a time, that it was this policy—originating in vain fears, partially developed in the act of 1774, and recommended for extension by the committee, which, violating the faith solemnly pledged as well as due without any pledge towards its subjects universally, was one of the chief causes of the perpetual separation of a vast portion of the empire—the cause that finally fixed and determined the declaration of independence, which all the previous grounds of discontent would otherwise have been insufficient to produce. The flame, which was then first lighted on this subject, and whose embers are now glowing, would be kindled anew, never to be extinguished until the Canadas were lost. Those, who from the continued perseverance of government in an Anti-British system have now the means of exciting universal feeling on the subject, may be yet for a time withheld by their attachment to Great Britain, in the lingering hope, that she may at length be just to herself. But their forbearance cannot endure, if the evil be much farther prolonged, and if the results, which they have reason to dread, continue, under the support or the acquiescence of government, to be urged onwards towards their final accomplishment.

We have now completed our voluntary task of re-

viewing one "imperishable monument" of "justice & profound wisdom"; and, in closing the series, we boldly & proudly ask every man, be he friend or foe, whether the Herald has not contributed its mite of time, of talent and of expense for the information of the Commissioners and of His Majesty's Government, and whether it has not nobly discharged with usurious interest the CLAIMS of professed constitutionalists on the GRATITUDE of its conductors.

The gratitude, it is true, has preceded the claims; but, whether the claims follow or not, we can assure all those, whom it may concern, that one of those conductors, so far as his own interest is at stake, unhesitatingly prefers the consciousness of moral superiority, which the existing contrast inspires, to the concentrated patronage of all the constitutionalists in Montreal.

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