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CORRESPONDENCE

RELATIVE TO THE

AFFAIRS OF CANADA.

1848.

Presented to both Houses of Parliament by Command of Her Majesty

LONDON:

PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1848.

SCHEDULE.

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CORRESPONDENCE

RELATIVE TO THE

AFFAIRS OF CANADA.

(No. 8.) Confidential.

No. 1.

CANADA.
No. 1.

COPY of a DESPATCH from Governor the Right Hon. Sir C. T. METCALFE,
Bart., G.C.B., to LORD STANLEY.

Kingston, June 27, 1843.

(Received July 24, 1843.)

MY LORD,

YOUR Lordship is aware that there were circumstances connected with the union of the two provinces of Canada, at which the French Canadian party were dissatisfied, as well as, at the time of its accomplishment, with the union itself.

2. One of these was the clause in the Union Act which prescribes the use of the English language exclusively in legislative records. This is resented as one of the supposed attempts to destroy their nationality and Anglicise them by force.

3. If this were altered, either by rescinding the clause in the Imperial Act, or by allowing me to consent to an Act here giving equal validity to documents and records, whether in the French or English language, the effect would, I think, be good, as removing a cause of discontent, which, as long as it exists, will excite bad feeling, and be made use of by designing men for that purpose.

4. Taking this view of the matter, and being insensible of any great practical advantage in the present restriction, I have thought it right to submit the subject to your Lordship's notice.

5. I have little doubt that the question will be agitated in the Legislature if left in its present state.

I have, &c.

The Right Hon. Lord Stanley,
&c. &c.

(Signed) C. T. METCALFE.

(Confidential.)

No. 2.

No. 2.

COPY of a DESPATCH from LORD STANLEY to Governor the Right Hon.
Sir C. T. METCALFE, Bart., G.C.B.

SIR,

Downing Street, August 18, 1843.

I HAVE had the honour to receive your confidential despatch, No. 8, of the 27th June, in which you bring under my notice the expediency of proposing to Parliament to rescind that clause of the Act for the re-union of Upper and Lower Canada, which enjoins the exclusive use of the English language in the legislative records of the Provincial Parliament, or of permitting you to consent to an Act of the Provincial Legislature giving equal validity to documents and records whether in the French or English language.

It appears to me that the second of these two objects could only be attained by the adoption of the first, and whatever might be the views of her Majesty's Government on the question were it presented in the form of an original proposal for the enactment of such a provision as that which is contained in the Imperial Act, the difficulty of entertaining a proposition for its repeal would be very serious.

The avowed purpose of the enactment was to promote the amalgamation of the French and English races. Its repeal therefore would, I think, be viewed in no other light than as an abandonment of that purpose, and would, I apprehend, be so considered by the British population.

CANADA.

Her Majesty's Government are unfeignedly anxious to preserve all their rights and privileges to the French population of the Canadas; and to avoid any measure which may shock their prejudices or abruptly violate their feelings of nationality; but they do not attempt to conceal their opinion that, so far as it can be accomplished consistently with these views, it is of great importance that Canada should gradually become an essentially British province; and well knowing the effect which language must have upon such a result, they would, under any circumstances, be unwilling to take a course which could be understood as affirming an opinion on their part that such an amalgamation could not be hoped for.

Your despatch of a later date respecting the probable desire for a rupture of the Union, affords an additional reason for taking no step of which the tendency could be in any degree to keep up the distinctions which now separate the two races who occupy the respective divisions of the now united province. They can have no doubt but that such would be the tendency of a repeal of that portion of the Imperial Act which introduces a common language for all legislative purposes; and with this feeling they would earnestly deprecate the agitation of such a question in the Provincial Legislature; but should it, as you anticipate, be unavoidable, and an address in favour of the change be presented to you in consequence, I have to request that you will inform the House in answer that you are precluded by your instructions from giving any encouragement to the expectation that her Majesty's Government could take upon themselves the responsibility of recommending to the Imperial Parliament the legislative measures which would be requisite in order to give effect to the alteration proposed.

I have, &c.

The Right Hon. Sir C. T. Metcalfe, Bart.
&c.

(Signed)

STANLEY.

&c.

No. 3.

(No. 227.)

No. 3.

COPY of a DESPATCH from LORD METCALFE, G.C.B., to LORD STANLEY.

Government House, Montreal, March 8, 1845.

(Received April 14, 1845.)

MY LORD,

I HAVE the honour to transmit herewith a joint address to the Queen from the Legislative Council and Legislative Assembly of Canada, praying for the repeal of the 41st clause of the Act of Union relating to the French language, which I beg leave earnestly to recommend to Her Majesty's gracious consideration.

This address was carried unanimously in both Houses and in the Legislative Assembly with acclamations, in which the several parties vied with each other.

I have, &c.

The Right Hon. Lord Stanley,
&c.

(Signed)

METCALFE.

&c.

Encl. in No. 3.

Enclosure in No. 3.

To the QUEEN'S Most Excellent MAJESTY.

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's dutiful and loyal subjects, the Legislative Council and the Legislative Assembly of Canada, in Provincial Parliament assembled, most humbly beg leave to approach Your Majesty for the purpose of renewing the expression of our faithful attachment to Your Majesty's Person and Government, and of representing,

That, sensible of the advantages we enjoy from Your Majesty's care and protection, and which we trust may long be continued to us under Your Majesty's parental sway, it is at all times our duty to submit for Your Majesty's most gracious consideration such matters as may have a tendency, with any class of Your Majesty's subjects, to diminish that contentment which we are well assured Your Majesty desires should exist in every portion of Your dominions.

That the French is the native language of a very large class of Your Majesty's subjects in this province; of this class the great mass, indeed, speak no other language. In it the largest portion of their laws and the books on their system of jurisprudence are written; and their daily intercourse with each other is conducted; it is the language in which alone they can invoke the blessings of heaven on themselves, and all that is dear to them. A language indispensable to so many of Your Majesty's faithful people cannot, they will believe, be viewed by their Sovereign as foreign when used by them.

That Your Majesty's Royal predecessors placed the languages spoken by the two great classes of Your Majesty's subjects in this province on the same footing, affording, in this respect, equal justice and equal facility to all.

That this principle was never departed from until the Act re-uniting these provinces was passed.

That we do not question that the best intentions and designs influenced the minds of those who enacted the provision which declared,—

“That all writs, proclamations, instruments for summoning and calling together the Legislative Council and Legislative Assembly of the province of Canada, and for proroguing and dissolving the same, and all writs of summons and election, and all writs and public instruments whatever relating to the said Legislative Council and Legislative Assembly, or either of them, and all returns to such writs and instruments, and all journals and entries, and written or printed proceedings of what nature soever of the said Legislative Council and Legislative Assembly, and of each of them respectively, and all written or printed proceedings and reports of Committees of the said Legislative Council and Legislative Assembly respectively, shall be in the English language only.”

But that in the very first Session of the Legislature, under that Act, it was indispensable to translate into French every public record and document. That the debates were not, and could not, unless a portion of the representatives of the people were silenced, be carried on without its use; that in Courts and judicial proceedings it was found equally necessary as before the union, and for every other practical purpose it is as much used as it ever has been.

That the only distinction which exists, then, is, that the French is not permitted to be the legal language of Parliamentary records,—a distinction of little value, perhaps, in itself, one which cannot produce any beneficial result on the feelings or habits of the people using it, while it gives rise to a feeling among them injurious to the peace and tranquillity of the province, namely, that this limited proscription of their language conveys, however undesignedly, an imputation of unfavourable distinction towards themselves.

That, desirous that the hearts of all men in this province may be joined in unity in their attachment to, and support of, Your Majesty's Person and Government, we humbly pray Your Majesty to endeavour to remove this cause of discontent, and to recommend to the Imperial Parliament the repeal of that portion of the law which has given rise to it, assuring Your Majesty that such a course will be hailed by Your Majesty's loyal Canadian people as an additional mark of Your Majesty's solicitude for their welfare.

Attest, CHARLES DE LÉRY, Clerk Assistant,
Legislative Council.

(Private.)

No. 4.

No. 4.

COPY of a DESPATCH from EARL CATHCART, K.C.B., to LORD STANLEY.

Government House, Montreal, December 19, 1845.

(Received January 16, 1846.)

MY LORD,

I conceive it to be my duty to intimate to your Lordship, that a member of the Executive Council of this province has applied to me to lay before that body your Lordship's communication marked Private of the 19th of May last to Lord Metcalfe, relating to the Address of last session from the Local Legislature to the Crown, praying for the repeal of that clause of the Act of Reunion of Upper and Lower Canada, which enjoins the exclusive use of the English language in the Legislative Records of the Provincial Parliament.

It would seem that Lord Metcalfe considered it right to communicate privately to the Executive Council the sentiments entertained by your Lordship upon this important, and, to the French Canadian Councillors especially, interesting subject; but that Lord Metcalfe did not officially lay before the Council your Lordship's letter, it being of a private and confidential character; for the same reason I have declined to comply with the request that has been preferred.

It is not probable that your Lordship will overlook this question; but it appears to me to be proper to inform you that the Executive Council are of opinion that it would be very desirable if the Governor General were authorized by your Lordship to communicate on the opening of the approaching session of the Provincial Parliament, a favourable reply to the Address, and I therefore venture to solicit your Lordship's early consideration of the subject.

I have, &c.

The Right Hon. Lord Stanley,
&c. &c.

(Signed) CATHCART.

CANADA.

No. 5.

(No. 20.)

No. 5.

COPY of a DESPATCH from the Right Hon. W. E. GLADSTONE to EARL
CATHCART.

MY LORD,

Downing Street, February 3, 1846.

I HAVE laid before the Queen the joint Address of the Legislative Council and Assembly of Canada, on the subject of the alteration of the Act for the re-union of Canada, so far as respects the use of the French language. I have also laid before the Queen your despatch of the 8th March, 1845, No. 227, which transmits the above Address.

From regard to the wishes thus expressed by her loyal subjects, Her Majesty is inclined to entertain the prayer of that Address, and authorises you to make a communication accordingly to the legislative bodies at the opening of the Session.

Inasmuch, however, as it would not be practicable to obtain from Parliament with convenience the change which is required in the Act of Re-Union, so early as to take effect upon the proceedings of the coming Session in Canada, and as it is obviously far from desirable that reiterated applications should be made for the alteration of a constitutional statute of so much importance, her Majesty's Government do not propose to take any step of that nature until I shall have become acquainted with the proceedings of the provincial Legislature, and shall have learned whether they may give occasion for inserting in one and the same amending Bill, together with a provision relating to the exclusive use of the English language, another modification of the provisions of the Act of Re-Union, which might possibly become necessary under the powers conveyed to your Lordship in my Despatch of this date relating to the Civil List.

The Earl Cathcart,
&c. &c

(Signed)

I have, &c.,

W. E. GLADSTONE.

No. 6.

(No. 22.)

No. 6.

COPY of a DESPATCH from the Right Honourable the EARL of ELGIN and
KINCARDINE to EARL GREY.

Government House, Montreal, March 2, 1848.

(Received March 27, 1848.)

MY LORD,

I BEG leave to refer to the correspondence noted in the margin respecting the joint address of the Legislative Council and Assembly of this province praying for the repeal of the 41st clause of the Act of Union relating to the French language.

Mr. Gladstone, in conveying to the two Houses her Majesty's answer to this address, stated that her Majesty's Government would take no steps for procuring the requisite amendment in the Union Act until they should be apprised of the further alterations that would be required in it by the proceedings which it was anticipated would take place in the Canadian legislature on the subject of the Civil List, in order that both measures might be included in one and the same amending Bill.

The Imperial Parliament has since, on the solicitation of this legislature, passed an Act relating to the Civil List, while the pledge given by her Majesty's Government on the subject of the French language appears to have been overlooked. Under these circumstances I bring the subject under your notice, as it is one on which a very strong and general feeling exists here.

I have, &c.

(Signed)

ELGIN and KINCARDINE.

The Right Honourable Earl Grey,

&c.

&c.

Lord Metcalfe,
March 8, 1845.
Lord Cathcart,
December 19, 1845.
Mr. Gladstone,
February 3, 1846.

(No. 217.)

No. 7.

COPY of a DESPATCH from EARL GREY to the Right Honourable the EARL of
ELGIN and KINCARDINE.

MY LORD,

Downing-street, May 27, 1848.

I HAVE had the honour to receive your Lordship's Despatch (No. 22) of the 2nd of March last, in which you call my attention to the joint address from the Legislative Council and Assembly of Canada to the Queen (enclosed in Lord Metcalfe's Despatch, No. 227, of March 8, 1845), and to Mr. Gladstone's Despatch (No. 20) of February 3, 1846, on the subject of rescinding that part of the Act for the re-union of the provinces of Upper and Lower Canada, which enjoins the exclusive use of the English language in the legislative records of the provincial Parliament.

I have to assure your Lordship that her Majesty's Government were not unmindful of this address of the legislative bodies of Canada, or of the pledge conveyed in the Despatch of my predecessor above referred to, when the Civil List Bill was under their consideration last year; but as it appeared that in the passage of that Bill through the Provincial Legislature the objection to the exclusive use of the English language was not adverted to, I was induced to hope that a further experience of the existing law might have led to the conclusion that it might be allowed to continue unaltered without any serious inconvenience, and as I cannot disguise from your Lordship that it is not entirely without reluctance that her Majesty's present advisers will propose the desired alteration in the Re-union Act, I willingly availed myself of the silence of your Lordship and of the Provincial Legislature to omit doing so when the amendment of the Act with respect to the Civil List was brought before Parliament. As, however, it now appears that the wishes of the Provincial Legislature and the inhabitants of Canada are unaltered and unanimous in favour of the proposed change, and as the subject is one exclusively of internal and domestic concern, her Majesty's Government feel that whatever may be their own opinion as to what would be really best for the permanent interests of the province, they could not with propriety offer any objection to the accomplishment of an object so generally desired by the inhabitants at large, and which has been recommended by your Lordship as well as by both your predecessors in the Government. A Bill will therefore be forthwith submitted to Parliament to repeal so much of the Act of Re-union as relates to the disuse of the French language in the legislative records of the province.

The Right Hon. the Earl of
Elgin and Kincardine,
&c. &c.

I have, &c.
(Signed) GREY.

(No. 51.)

No. 8.

No. 8.

The Right Honourable the EARL of ELGIN and KINCARDINE to EARL GREY.

MY LORD,

Government House, Montreal, May 3, 1848.

(Received May 23, 1848.)

I HAVE much satisfaction in calling your Lordship's attention to the gratifying representation of the state of public feeling in this province contained in the enclosed extract from the Presentment of the Grand Jury of the Court of Quarter Sessions held in this city at the close of the last month.

I have, &c.

The Right Hon. Earl Grey,
&c. &c.

(Signed) ELGIN and KINCARDINE.

S CORRESPONDENCE RELATIVE TO AFFAIRS OF CANADA.

CANADA.

Enclosure in No. 8.

Encl. in No. 8.

Le Grand Jury ne peut s'empêcher de manifester le bonheur qu'il éprouve de voir le pays jouissant d'une paix et d'une tranquillité profonde, tandis que les peuples de la vieille Europe se trouvent engagés dans les troubles et le feu des révolutions. Cette paix dont jouit notre pays, qu'il sait apprécier, et qu'il saura maintenir, est due à la forme de notre Gouvernement, et surtout à la sagesse, à l'habileté, et la fermeté des hommes qui ont été appelés par le représentant de notre Souveraine à le faire fonctionner. Avec de tels hommes à la tête des affaires, soucieux comme ils le sont des intérêts de tous sans distinction, le pays ne peut que prospérer et jouir de cette paix si nécessaire au déploiement de son industrie et de son commerce.

Le Grand Jury est donc persuadé que cette paix, si nécessaire au bonheur du pays, ne sera jamais troublée; le Gouvernement pouvant compter sur la sympathie et l'appui cordial et sincère de tous ses habitants.

(Signé)

DUNCAN McMARTIN,
CHARLES GAREAU,
PIERRE BEAUJEU,
WILLIAM HANNAH,
ROBERT MOLLE,
FRANÇOIS PAUL,
ROBERT AIRD,
JAMES DAVIDSON,
R. BRADFORD,
ROBERT ELLIOT,
JACQUES DELISLE.
F. X. DUFAULT, Président.

Chambre du Grand Jury, Montréal, Avril 29, 1848.