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UPPER CANADA.

COPY of a Despatch addressed by the Secretary of State for the Colonies to the Lieutenant Governor of *Upper Canada*, dated 8th November 1839, on the subject of PETITIONS from the People of that Province for the REMOVAL of his Excellency, the DISSOLUTION of the LEGISLATURE, and the REMEDY of certain alleged GRIEVANCES; and of any ANSWERS to His Majesty from the Legislative Council, or from other Inhabitants of the Province, agreed to in consequence of the said Despatch.

(Mr. Hume.)

Ordered, by The House of Commons, to be Printed,
20 August 1839.

250 cc

UPPER CANADA.

RETURN to an Address of The Honourable The House of Commons,
dated 18th July 1833;—for,

COPY of a DESPATCH addressed by the Secretary of State for the Colonies, to the Lieutenant-Governor of *Upper Canada*, dated 8th November 1832, on the subject of PETITIONS from the People of that Province, for the REMOVAL of His Excellency; the DISSOLUTION of the LEGISLATURE, and the Remedy of certain alleged GRIEVANCES; and of any ADDRESSES to HIS MAJESTY from the Legislative Council, or from other Inhabitants of the Province, agreed to in consequence of the said Despatch.

Colonial Department,
Downing-street,
20 August 1833. }

JOHN LEFEVRE.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
20 August 1833.

SCHEDULE.

- No. 1.—Copy of a Despatch from Viscount Goderich to Major-General Sir John Colborne, dated Downing-street, 8 November 1832 - - - - - p. 3
- 2.—Copy of a Despatch from Major-General Sir John Colborne to Viscount Goderich, dated Upper Canada, 16 February 1833, enclosing Addresses from the Legislative Council and House of Assembly - - - - - p. 14
- 3.—Address to His Majesty from the Inhabitants of Lenox and Addington - p. 21
- 4.—Address to His Majesty from the Inhabitants of Coburgh - - - - - p. 21

COPY of a DESPATCH addressed by the Secretary of State for the Colonies, to the Lieutenant-Governor of *Upper Canada*, dated 8th November 1832, on the subject of PETITIONS from the People of that Province, for the REMOVAL of His Excellency; the DISSOLUTION of the LEGISLATURE, and the Remedy of certain alleged GRIEVANCES; and of any ADDRESSES to HIS MAJESTY from the Legislative Council, or from other Inhabitants of the Province, agreed to in consequence of the said Despatch.

—No. 1.—

COPY of a DESPATCH from Viscount *Goderich* to Major-General
Sir *John Colborne*.

Sir,

Downing-street, 8th November 1832.

DURING several months past I have been in occasional communication with Mr. William M'Kenzie, upon the subject of the grievances said to exist in Upper Canada, and for redress of which various petitions have been addressed to His Majesty.

As Mr. M'Kenzie has been the bearer of those petitions to this country, I have gladly availed myself of his residence here to obtain such information as it is in his power to give respecting the opinions and wishes of that portion of the inhabitants of the province by whom he has been deputed to act; and although I have adhered to the general rule of declining to explain the views of His Majesty's Government, on questions of Canadian policy, to any person except the Governor of the Province, I have been anxious to afford Mr. M'Kenzie the most ample opportunity of doing justice to the case which he laid before me.

From the voluminous mass of that gentleman's correspondence, I have selected three documents which profess to embody the entire substance of that case, as it affects the present condition of Upper Canada; of these documents I have the honour to enclose copies for your information.

I propose in this despatch to follow Mr. M'Kenzie through those parts of his statement respecting the representation of the inhabitants in the House of General Assembly, which appear to me essential to the consideration of the practical questions he has undertaken to agitate. But confining myself to what I consider as really relevant, I shall necessarily pass over in silence some details which have been introduced, with no perceptible tendency to elucidate the subjects in discussion, and much invective and sarcasm which would have been far more conveniently spared. It is with no intentional disrespect to Mr. M'Kenzie that I remark, that he has adopted a style and method of composition singularly ill adapted to bring questions of so much intricacy and importance to a definite issue. But however discursive may be his papers, or however acrimonious their tone, I am not on that account disposed to withhold my attention from any useful suggestions they may contain for the public good.

I am the more induced to devote to this discussion such leisure as I can command, because I am solicitous that the comparatively small body of persons whom Mr. M'Kenzie represents should have no reason to think that their complaints had been overborne by the contrary declarations of the much more numerous bodies opposed to them. Mr. M'Kenzie, indeed, would have himself understood as speaking the sentiments of the entire population of Upper Canada, excepting only a few public functionaries, whose interests are opposed to those of the people at large. It is not, however, necessary to have a very long experience of public controversies of this nature, to be aware of the levity with which such pretensions are continually advanced upon the slightest and most inadequate grounds.

Almost all complaints, the most opposite and contradictory not excepted, which reach this office, are nearly as a matter of course preferred in the name of the collective society; and it becomes necessary to distinguish carefully in such cases between mere rhetorical embellishments, and statements made in the cautious and

measured tone of truth. Now in the present instance, I find that Mr. M'Kenzie's views are supported by 44 petitions, which have been signed on the whole by 12,075 persons; on the other hand, I have before me no less than 33 petitions, from the different counties, districts, towns and townships of the province, signed by 26,854 persons, who concur in expressing their cordial satisfaction in those laws and institutions which the other set of petitioners have impugned. Such a body is far too numerous, and many of the individuals composing it are far too considerable in their station and character, to justify the supposition that they can be in a state of dependence on the local government, or controlled by any unworthy influence in their public conduct. I am driven to the dilemma of either supposing this great mass of the people of Upper Canada ignorant or corrupt, or of concluding that a very small minority of the whole population concur in Mr. M'Kenzie's views. The former supposition is as improbable as it is offensive: the latter, however contradictory to Mr. M'Kenzie's assertions, is verified by many of the particular facts which he has advanced or admitted. But though I conceive this gentleman's constituents to be opposed by the general current of public opinion, I do not in the slightest degree mean to dispute their collective or individual respectability; and there is no class of the Canadian people, however small, nor any individual amongst them, however obscure his station, to whose petitions His Majesty does not require that the most exact and respectful attention should be given.

I shall in the first place advert to the Paper to which Mr. M'Kenzie has given the title of "Observations on the State of the Representation of the People of Upper Canada, in the Legislature of that Province."

In performing this task, however, I must decline to pursue the discussion into those redundant and misplaced details with which Mr. M'Kenzie has encumbered it. Thus, for example, I shall pass over in silence whatever is stated respecting the case of Mr. Stuart, the attorney-general of the adjoining province, and the state of the borough of William Henry, for the representation of which in the Assembly Mr. Stuart was a candidate. Neither shall I inquire into the justice of the reproaches with which Mr. M'Kenzie assails the conduct of former Administrations, both in this kingdom and Upper Canada, upon occasions which have long since passed away, and questions now become wholly obsolete. I can address you only for some practical purpose; nor is there any measure suggested by the petitioners, or their agents, with a view to which such a retrospect seems to me either necessary or desirable. I must add, that if it were fit to review the past history of the Province, it would be impracticable to assume Mr. M'Kenzie's paper as the basis of such an inquiry, since it is drawn up in an utter disregard of method; and in such a manner, as to render the difficulty of distinguishing between assertion and proof, deliberate statements and the exaggerations permitted to an advocate, almost insuperable. I shall limit myself to the single consideration, whether he has brought to light any grievances for which His Majesty, in the legitimate exercise of the authority or influence of His Government, can be called upon to remedy.

The great object of Mr. M'Kenzie's censure is the Election Law, which was passed by the Lieutenant-governor, Council and Assembly of Upper Canada, in the year 1820. I might perhaps, not without reason, raise a preliminary objection to the discussion of that subject at all. If the election laws of the province require amendment, the change must originate, not with the executive government, but with the popular branch of the local legislature. Any interference of the Ministers of the Crown would be reprobated, probably by Mr. M'Kenzie himself, and certainly by his brother journalists, as an unconstitutional encroachment. If, therefore, I advert to the question at all, it is because in the prospect that such a discussion will be provoked by the petitioners, I think it fit that you should be apprised of the views which His Majesty's Government entertain on this subject, that you may not be destitute of a rule for your guidance in the acceptance or rejection of any Bill which may be passed by the Legislative Council and Assembly for the amendments of the election laws.

If I have found occasion to lament the redundancies, I cannot less regret the deficiencies of Mr. M'Kenzie's documents. He has travelled through this protracted discussion without finding himself called upon to notice, still less to refute, the arguments by which it has been usual to vindicate the constitution of the Provincial House of Assembly; yet it is impossible that he can be ignorant of them, nor credible that he should regard them as deficient, at least in plausibility.

bility. An ignorant reader of his papers might be left with the impression that the question was altogether new, and that the existing constitution had never been vindicated on the principles and on the example of the most free and independent governments. How utterly remote this is from the fact, is clear to every man whose attention has been given to the affairs of Upper Canada for the last few years. Mr. M'Kenzie has therefore imposed on me the necessity of drawing a general outline of that defence of the law of 1820, which he has passed over in silence, but which is far too important to be disregarded by any fair and impartial inquirer.

It is a fact familiar to all who are conversant with the legislative history of North America, either in the United States or in the British Possessions, that a problem of no light difficulty has continually arisen respecting the distribution of the elective franchise amongst the inhabitants resident in different parts of the same state or province. The surface of the country is generally divided, for political purposes, into sections of nearly equal areas; but those counties or townships which are in the immediate vicinity of the capital, or which are intersected by great navigable streams, or bounded by lakes, are peopled with far greater rapidity than the more remote districts. Hence it has repeatedly happened that a single metropolitan or trading county has contained a population exceeding in wealth and number many newly-settled counties of similar dimensions. Accordingly when capital and numbers have been made the exclusive basis of the representation, one portion of the state or province has acquired an influence in the Legislature which has reduced to comparative insignificance the weight of all the other divisions of the country. The favoured district has thus been able, through its representatives, to throw upon the less fortunate sections a most unequal weight of taxation, and to refuse to them a fair participation in the benefits of the judicial and other institutions, to the support of which the revenue was applied; local interests have predominated over the general interest, and discontents have been engendered, threatening the stability of the government, and tending to an abrupt severance of one part of the state or province from the rest.

In the state of Maine, as I am informed, this difficulty was so sensibly felt, as to have led to the introduction of the system adopted in Upper Canada in the year 1820. In apportioning the elective franchise amongst the inhabitants, the Legislature did not confine its attention exclusively to the question of property and of numbers, but introduced a new element into the calculation; they considered that a small number of persons occupying one county might reasonably claim as large a share in the representation as a much larger and wealthier body occupying another county of equal dimensions; by this method members were drawn from every part of the province, the local wants of every part were explained, and the interests of each vindicated. In a densely-peopled country, like Great Britain, possessing such internal communication as to secure the immediate diffusion of intelligence from one end of the kingdom to the other, this precaution might be the less necessary, since no part is so remote or inaccessible as not to be rapidly reached by information of every projected law, or as to be destitute of the means of making an early protest against any measure injurious to its welfare. Yet even in this kingdom, where the subject has within the last two years undergone the most public and rigid scrutiny, no one, so far as I am aware, has seriously advanced the opinion, that the representation of the metropolis should bear to that of the country at large, the proportion which the wealth or population of London bears to that of England collectively. Such a principle would have given to the metropolitan districts between 40 or 50 members, a scheme which, I need scarcely say, would have been rejected by the entire body of the people as altogether unequal, though resting upon a foundation of the most perfect nominal equality.

It appears, however, to have been perceived by the Upper Canadian Assembly, in the year 1820, that by simply adopting the rule to which I have referred, they might extricate the province from one difficulty at the expense of another yet more considerable. A county might contain a very inconsiderable body of persons for some time after it was first redeemed from the wilderness, and thus a choice of members might virtually be committed to a very few electors, who might themselves be subject to some unworthy influence. It was, therefore, required that no county should be represented in the Assembly by a distinct member until the inhabitants numbered 1,000 at least. But with the foresight which is perceptible in every part of this law, it seems to have been perceived, that there was considerable danger in leaving any body of new settlers wholly unrepresented;

and to obviate that inconvenience, the inhabitants of each county, whilst yet below the required number, were authorized to vote in the least populous adjoining county.

Thus, without being betrayed into a sacrifice of the substance of good government by a superficial attention to a merely nominal equality, the legislature of Upper Canada, in the year 1820, justified the confidence reposed in them by the constitution. They were too conversant with the real business of life to suppose that a great social system could be practically carried on without advancing a little beyond the most obvious and elementary maxims, or that the inevitable intricacy of the public affairs of the province could be met without some degree of complexity in its political institutions. They, therefore, embraced in their law provisions for the protection of all classes, however obscure and remote from the notice of the local government, for the control of that undue influence which mere wealth and density of population would otherwise have exercised, and for the gradual enlargement of the representative body as the constituency should itself increase.

I cannot suppose that a gentleman who has taken so active a part in the affairs of the province as has fallen to the share of Mr. M'Kenzie, should have been really unapprised of considerations so familiar to every man acquainted with the subject as those to which I have adverted, though, as a controversial writer, he may perhaps have not consulted ill for the momentary success of his argument, in suppressing all allusion to them.

I proceed to the next objection which Mr. M'Kenzie has made to the Act of 1820, which in his own language is, that it created a "borough interest." In less invidious terms, the fact appears to be, that it gave one member to every town in which the quarter sessions of the district might be holden, and which contained at least 1,000 inhabitants. Those towns were, therefore, placed in precisely the same predicament as the counties of the province. Now if Mr. M'Kenzie's principle, that wealth is the proper criterion, be just, this civic representation was wisely established; for it can scarcely be denied, that 1,000 persons inhabiting the same town will generally be the proprietors of a larger collective capital than a rural population of the same extent. If the principle of numbers be correctly assumed by Mr. M'Kenzie, then also it follows that the towns were rightly enfranchised, since it is in the towns that the most rapid enlargement of population usually takes place; and since, if members had been refused to them on the ground of paucity of numbers, a similar refusal must have been extended to all the newly-settled counties. But I greatly understate the argument. A town possessing 1,000 inhabitants will yield a much larger number of actual voters than a county equally populous, supposing the qualification to be in either case of equal amount. In the one case the franchise is exercised with the greatest facility, and in the other at an expense of time and labour, which comparatively few will incur. Nor can I forget, that in every part of the world, a civic population is more intelligent and more disposed to watch over public interests, than a rural population of equal numbers; because the first enjoy the constant advantage of mutual intercourse and co-operation in public affairs, of which the latter are in a great measure destitute.

It is not at all surprising that so enlightened a people as are the great body of the inhabitants of Upper Canada should have expressed, in very strong terms, their dissent from the views which Mr. M'Kenzie thus advocates; or that a people so conspicuous for their zeal for civil liberty should be so decidedly opposed, as by their petitions they appear to be, to plans which would sacrifice its substance to a very superficial theory.

It is further objected, that the law of 1820 placed the projected university in the list of constituent bodies; and, from the terms of the charter subsequently issued, it is inferred that the university was to become what is termed "a nomination borough under the especial patronage of Church and State." I should scarcely have anticipated that any man, and least of all a man devoted to literary pursuits, would have denied the propriety of giving a representative to the principal seat of learning in the province. It would be superfluous to expatiate on the importance of institutions for the education of youth in literature, science and religion, especially in a newly-settled country; and I am well assured that neither in the Council or Assembly could a single gentleman be found who would not gladly receive as a colleague, a person representing the collective body of literary and scientific men in Upper Canada, or who would not gladly support, by that distinguished honour, the cause of sound learning. You will observe that I do not here

refer

refer to an university constituted in the manner proposed by the original charter of incorporation. Every man in Canada knows, nor could Mr. M'Kenzie have been ignorant, that so far from any anxiety having been felt by the King's government to maintain that charter against the wishes of the great majority of the people, every possible measure has been taken to refer to their representatives the decision of the question, in what form and upon what principles the college should be founded. It is indeed Mr. M'Kenzie's fortune to be opposed to a large majority of the House of Assembly; but it can scarcely be expected that, in deference to any individual, or to the small though respectable minority for whom he acts, the King's government should entertain the slightest distrust of the wisdom or fairness of the resolutions which it may be the pleasure of the Assembly to adopt on this or any other subject.

It is next made the subject of complaint, that the law, as interpreted by the Court of King's Bench, entitles the county members only to wages, and that the efforts of successive Houses to ensure a certain degree of pecuniary independence to the new village representation has been rendered ineffectual by the Legislative Council. On what grounds the objections of the Council may rest, I am not distinctly apprised. I might indeed conjecture their reason to have been, that counties could with difficulty find representatives within themselves on other terms, while towns will always possess commercial and other inhabitants to whom a temporary residence at the seat of government would be attended with no inconvenience. I have no right to interfere with the deliberations of the Council, but I am able to signify to you His Majesty's pleasure, that you should not oppose any objection to any law which may be presented for your acceptance, for placing the town and the county representatives on the same footing in this respect.

It is made a subject of complaint, that in the year 1821, attempts were made, first, to deprive the landholders of the power of assessing themselves to pay their members' wages; and, secondly, to establish the right of voting in persons possessing a licence for the occupation of Crown lands, without having actually received a grant; and, that the last of these schemes was revived in the year 1827. I will not pause to investigate the propriety of measures which were never carried beyond an ineffectual attempt. It is enough for me to know that, upon subjects strictly within their cognizance, the House of Assembly adopted a decision by which any such projects were frustrated. Whether they were well judged or otherwise the King's Government are not in any sense responsible for them, and the discussion of public affairs would be utterly interminable if every unsuccessful motion, made several years ago, in either house of the Provincial Legislature, were to be made the subject of censure and inquiry at any distance of time.

The remark, that various religious bodies are excluded from the elective franchise, because their members cannot conscientiously take an oath, raises a question which well deserves serious consideration. You will call upon the law officers of Upper Canada to report what is the law on this subject, and you will have the goodness to acquaint me whether you perceive any practical objections to placing the various denominations of Christians, mentioned by Mr. M'Kenzie, on the same footing in this respect as the Society of Friends. I shall be happy to introduce a bill into Parliament for amending this part of the Constitutional Act of 1791, unless there should appear to be some difficulty in that measure which does not occur to me at present.

Mr. M'Kenzie then objects to the law which requires, that every member of the House of Assembly should possess an unencumbered estate, in lands, assessed at 80 *l.* or upwards. This regulation he attributes to the officers of the government. On what grounds they are entitled to the credit, or responsible for the discredit, of having originated this law, does not appear, nor does that question seem to myself of much importance. I will not digress into the discussion of the great general principle involved in this enactment. Should any bill for the amendment of it be reserved for His Majesty's consideration, I can only state, that the most careful attention will be bestowed upon the subject.

It is, however, not to be overlooked, that the government are said to have retained in their own hands the possession of all the uncleared territory, that they might thus avail themselves of the last mentioned law, and qualify a favourite wherever it might be deemed expedient. I might, perhaps, not unreasonably, express my surprise that Mr. M'Kenzie, acting as the delegate of so many persons in Canada, should have passed over in silence the fact, that His Majesty had been graciously pleased, upon my humble advise, to interdict the gratuitous dis-

posal of the Crown lands, and to render them all the subjects of public competition, to the utter exclusion of any such favoritism as is thus deprecated.

If the law which disqualifies any British subjects from voting at elections till the expiration of seven years after their return from a residence in a foreign country be still in force, I subscribe to Mr. M'Kenzie's opinion, that it cannot be too soon repealed, and you will adopt all constitutional means in your power for promoting the repeal of it. On this subject I concur in Mr. Kenzie's reasoning, however much I may be disposed to think that the weight of his arguments would have been enhanced had he confined himself to the use of language more in accordance with the ordinary tone of official communications than that which he has chosen to employ.

I must entirely decline as perfectly irrelevant to any practical question, the inquiry whether, at a comparatively remote period, prosecutions against the editors of newspapers were improperly instituted or not. It is needless to look beyond Mr. M'Kenzie's journal to be convinced that there is no latitude which the most ardent lover of free discussion ever claimed for such writers, which is not at present enjoyed with perfect impunity in Upper Canada.

The law of 1818 which prohibited public meetings, is again made a subject of remonstrance, although it was repealed two years afterwards. To what end such complaints are preferred I am wholly at a loss to surmise. Yet it is not unimportant to remark, that the Assembly which repealed this statute was, if I mistake not, the same which enacted the Election Law, and that the zeal which they avowedly exhibited for the liberties of the people in one case is scarcely consistent with the imputations made by Mr. M'Kenzie against their motives in the other.

It is not a little singular, that in the present year I should receive a lengthened repetition of the complaints upon the alien question, which came before me in the year 1827, when I formerly held the seals of this department. Mr. M'Kenzie describes the instructions which I then issued as "just and equitable," and as having "removed one grand cause of discontent." I do not feel, therefore, that after the adoption of a measure so characterized, I can be again required to enter upon a detail of the very grievances for which it is admitted that an effectual remedy has been provided.

In following the order adopted by Mr. M'Kenzie, I next reach a statement, that the local government encourage dependent persons, holding offices at pleasure, and "debarred by the laws of England from being concerned at elections, to use the great influence attendant upon office to secure seats in the representative body, in order that its voice may be wholly under executive control," although, adds Mr. M'Kenzie, "it is an undoubted truth, that the interests of the local authorities, and those of the colonists, are separate and distinct." As a writer habitually engaged in political controversies, Mr. M'Kenzie may not be fully alive to the injustice of advancing charges against the servants of the public, unsupported by distinct evidence of their truth; but it is my duty to refuse credit to such imputations as I have quoted, unless they should be clearly substantiated by evidence. For widely as I dissent from the assertion so confidently made, that the interests of the local government are distinct from those of the inhabitants at large, I admit that an abuse of the influence attendant upon office for the purpose of exercising an improper control over elections, would justly expose to the heaviest censure those to whom it could, with truth, be imputed. On this subject, however, in the absence of any more definite statements, I can only instruct you, that His Majesty expects and requires of you neither to practice, nor to allow on the part of those who are officially subordinate to you, any interference with the right of His subjects to the free and unbiassed choice of their representatives.

It is represented, that with a view to raise up and multiply the friends of arbitrary and exclusive principles, persons in authority in and out of the Assembly, resist all plans of general education, and that places of learning are established only for the children of those who hold government offices, and a few other wealthy and influential individuals. It is not easy altogether to repress the expression of those feelings with which I cannot but receive such unworthy imputations upon the character of so many upright and enlightened men, unsupported by any proof whatever, except a general reference, which I am unable to verify, to a report said to have been made on some occasion by the present chief justice of the province, on the case of Mr. Osgood.

Even assuming, what is most improbable, that Mr. Robinson really obstructs, to the utmost of his power, the advance of general education and knowledge, from the base motives so lightly imputed by Mr. M'Kenzie, I utterly deny that the King's Government, either in this country or in Upper Canada, are responsible for the opinion which Mr. Robinson may some years ago have advocated in the House of Assembly. It is, however, not unimportant to advert to this subject, because Mr. M'Kenzie cannot assert more peremptorily than I deny, the existence of any such narrow and preposterous policy as that of consigning the children of the yeomanry to ignorance, lest knowledge should render them independent in action or in thought. On the contrary, there is no one object, connected with every part of His extensive dominions, which His Majesty has more at heart than the general diffusion of sound knowledge, in the legitimate and most enlarged sense of that term. This is not merely the first and highest interest of society, but is essential to the right use and peaceable enjoyment of every other civil and social privilege. The Legislature of Upper Canada have already been invited to consider in what manner the University can be best constituted for the general advantage of the whole society, and His Majesty has studiously abstained from the exercise of his undoubted prerogative of founding and endowing literary or religious corporations, until he should obtain the advice of the representatives of the people for his guidance in that respect. In the same spirit, His Majesty now directs me to instruct you to forward, to the very utmost extent of your lawful authority and influence, every scheme for the extension of education amongst the youth of the province, and especially amongst the poorest and most destitute of their number, which may be suggested from any quarter, with a reasonable prospect of promoting that great design. All minor distinctions should be merged in a general union for this important end, and at the head of that union the local government should be found encouraging and guiding, and, to the utmost of its power, assisting all the efforts which may be made to create or to foster a taste for intellectual enjoyments and pursuits. A large portion of the unappropriated wilderness has already been set apart for this purpose. If any other system of local assessment for the building of school-houses and the maintenance of teachers should be thought desirable, your assent will of course be cheerfully given to any such law; or if the provincial legislature should be of opinion that such funds would be more advantageously raised by a general duty, of which they would retain to themselves the specific appropriation from year to year, I should hail with the utmost satisfaction the enactment of a statute of that nature. This, however, is a subject involving so many and minute local details, that it is of course impossible for me to advance beyond the expression of a general, but most earnest solicitude, for the furtherance of the cause of education in its most comprehensive sense in Upper Canada. Confident in your own concurrence, and in that of the members of the Legislature, in those views, I cheerfully remit to you and to them the office of originating the necessary plans for reducing the general principle into a definite shape, requiring of yourself, in the first instance, only that you should quicken the attention of the Legislative Council and Assembly to this subject, should you have reason to apprehend that it is in danger of being overlooked or forgotten.

Mr. M'Kenzie announces his design to deliver separate papers respecting the organization of the Legislative Council, and in the meantime assails that body with charges in the highest degree derogatory from their character, though too vague to admit of any precise discussion. Amongst these general charges, I however find a statement, that "the Government has annually supplied itself with the revenues of the province, utterly disregarding every resolution of the Assembly in the tenth parliament to correct the evil. Information even (he adds) as to the objects to which the people's money is applied, is annually refused, in respect to a great part of the funds of the colony, by the colonial governors, to unanimous addresses of successive Assemblies, the Royal instructions being the plea of such refusals." To whatever facts the writer may in this passage refer, I am happy in an occasion of stating to you, that if the Royal instructions are supposed to forbid the most unreserved communications, to the House of Assembly, of the manner in which the public money of the province, from whatever sources derived, is expended, such a construction is foreign to His Majesty's design. There is no portion of the Royal revenue, whether the proceeds of Crown lands or from whatever other source derived, of the employment of which the House of Assembly should not have the most ample and particular information which they may at any time

think proper to call for. Nothing is gained by concealment upon questions of this nature, and a degree of suspicion and prejudice is not rarely excited, which, however ill founded, often appears in the result to be incurable.

Mr. M'Kenzie condemns the present House of Assembly not less vehemently than the Local Government and the Legislative Council, representing that they were chosen by the people in a state of dejection and despondency as to the reform of abuses. To sustain his argument, he is thus compelled to draw a picture of the Canadian character, in which I am confident he does His Majesty's subjects at large great injustice. I am well persuaded that no people on earth are less likely to yield themselves to the unmanly weakness of despairing of the public good, and of betraying their own most sacred duties in so pusillanimous a spirit; and in truth Mr. M'Kenzie must have persuaded himself that a degree of ignorance exists in this country respecting the affairs of Canada, which would be absolutely ludicrous, if he can really expect credit for the statement, that in the year 1830, an utter despair of vindicating the public liberties had taken possession of the minds of the inhabitants.

I deeply regret that in some parts of his papers Mr. M'Kenzie should have left in much obscurity the simple matters of fact which it might have been really important to consider. Thus he speaks of "preachers taught to meddle in the political quarrels of factions and parties, and of their leaders being accommodated with seats in the political councils of the state," and of the government "keeping in pay a political priesthood." It would have surely been as impressive, and more useful, to have stated, that the bishop and the archdeacon are both on the list of the Legislative Council, but that it is expected of those gentlemen that they should altogether abstain from interference in any secular matters which may be agitated at that Board. Whether, even under this restriction, their holding such seats is really desirable, is a question upon which I am fully prepared to listen with the utmost attention to any advice which I may receive from yourself, from the House of Assembly, or from any other competent authority. I have no solicitude for retaining either the bishop or the archdeacon on the list of councillors; but am, on the contrary, rather predisposed to the opinion, that by resigning their seats they would best consult their own personal comfort, and the success of their designs for the spiritual good of the people. But any such resignation must be voluntary, since the office is held for life; and were it otherwise, no consideration could induce me to advise His Majesty to degrade the bishop or the archdeacon from the stations they occupy, except on the most conclusive proof of misconduct. But even Mr. M'Kenzie does not impute any violation of duty to them. With respect to the charge of showing an undue preference to teachers of religion belonging to the Established Church of this country, it is so utterly at variance with the whole course of policy which it has been the object of my despatches to yourself to prescribe, that I cannot pause to repel it in any formal manner.

Much complaint is made of the expense of elections; and it is said, that public officers are enabled, by their superior affluence, to overpower by a lavish and corrupt expenditure, those who have no other recommendation than their personal character. If there is the least foundation for this complaint as to the expense of elections (which I have not the means of ascertaining), you will signify to the legislative bodies, that it is the earnest desire and recommendation of His Majesty, that every practicable method should be taken for correcting what would be so great an evil, by reducing the cost of elections within the narrowest possible limits. I cannot, however, omit observing, that even if it should turn out to be true, that the cost of elections is as great as it is represented to be, the official return of the civil establishment of the colony sufficiently shows, that it is quite impossible that the salaries received by public servants can enable them to avail themselves of this circumstance in the manner which has been alleged.

Mr. M'Kenzie states, that an inquiry into the state of the representation was instituted by the present House of Assembly on his own motion, and he has transcribed the resolutions adopted by the Committee; but he adds, that "such propositions were not suitable to the majority in the present Assembly;" that they appointed a new committee, which reported that no alterations were required in the existing laws, except by giving the County of York one additional member, and that on receiving this report, the House, instead of giving York a member, took one from it, and, as I understand, increased the number of members for the district of Bathurst. It suits the present views of this gentleman to call upon
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the executive government to censure and dissent from the resolutions of the representatives of the people, adopted after two solemn inquiries, and supported by a body of petitioners far exceeding in numbers those for whom he acts. In what language, however, such an interference of government would be denounced by Mr. M'Kenzie himself, on any occasion on which he concurred with the majority of the House, it is not difficult to conjecture. It cannot be expected that any decision of the Legislature, upon a subject of so much general interest as the Election Laws, should escape without the most vehement and unmeasured censure from the parties unfavourably affected by it. Looking, however, not to individuals, but to general interests, not to excitement of any dissatisfied party, but to permanent principle, I must positively refuse, upon a question so peculiarly within the cognizance of the House of Assembly, to place the King's Government in hostility with that body. I have every reason to suppose that the course they adopted was wisely taken, and even if I thought otherwise, their authority would compel me to distrust my own judgment.

Mr. M'Kenzie has concluded this paper by predictions of bloodshed and civil war, and a dissolution of the connection between Upper Canada and this kingdom. He may well suppose that such a prospect would be regarded by His Majesty's Government with a degree of concern and anxiety to which it would be difficult to give any adequate expression. But against gloomy prophecies of this nature, every man conversant with public business must learn to fortify his mind; they have ever been the resource of those who endeavour to extort from the fears of the Government, any concessions in favour of which no adequate reasons could be urged. I will not adopt the injurious opinions which Mr. M'Kenzie seems to entertain of the people of Upper Canada. I reject as a libel on that loyal and enlightened race of men, the supposition that they would violate their sworn fidelity to the King, and desolate their native land with blood, because His Majesty defers to the judgment of His faithful Commons in provincial parliament assembled, supported by large bodies of the most respectable and numerous petitioners, rather than to the opinions of a far less numerous, though probably a highly respectable proportion of His subjects. I will not for a moment speculate upon the probabilities of such a revolt: it is a subject which it would be utterly indecorous to agitate. The people of Upper Canada have the highest claims to the attachment of their Sovereign and of the British Nation; and whatever efforts may be made to excite discontents among them, they will, I am persuaded, believe that His Majesty and the Parliament of this kingdom, in common with the entire mass of the population of Great Britain and Ireland, cherish towards them no other sentiments than those of the most profound respect for their constitutional rights, and the most earnest desire for their social welfare. In that spirit, His Majesty's Ministers are, and have ever been, prepared to refer to the provincial legislature, the consideration of every question directly or remotely affecting the interest of the province, and even to anticipate their probable wishes, as far as is consistent with the discharge of those executive duties which the constitution has devolved upon the local government and its various functionaries. I am unconscious of a solitary instance in which my colleagues and myself have sanctioned any attempt to derogate from the privileges of the provincial parliament, or the rights of any class of His Majesty's Canadian subjects; and in the consciousness of having acted under the constant guidance of these principles, we can cheerfully appeal to the public at large, for that just appreciation of the measures of Government, which, if I could credit Mr. M'Kenzie, I might suppose was not to be expected.

I proceed to the second paper, intituled, "An Argument intended to show that it is expedient to dissolve the present Provincial Parliament of Upper Canada, and summon a new one."

After enumerating the various topics embraced in the former paper, Mr. M'Kenzie proceeds to state, that the metropolitan county condemned the conduct of the majority of the present Assembly, first by his own election in January 1832, and secondly by his election in February last; he adds, that the decision of the county of Grenville, in rejecting Mr. Jones, and choosing Mr. Norton, testified by their concurrence in his views. For the reasons already explained, I must be permitted to believe, that the electors for the metropolitan county, enlightened and worthy of all respect as they certainly are, cannot be considered as perfectly impartial judges upon the question of representation. The proposed change would invest them with an influence, of which the counties remote from the seat

of government would have the strongest reason to complain; nor is the voice of the county of Grenville entitled to outweigh the decision of many other counties and towns which are obviously opposed to it.

It is then said that the present House should be dissolved, because it is manifest that the great body of the people are justly dissatisfied with their proceedings. It is easy to make such assertions, but not so easy to substantiate them. I must, upon such a question, give more weight to the recorded opinions of the 26,854 persons who have expressed their dissent from Mr. M'Kenzie's views, than to that gentleman's declaration, supported only by 12,075 similar attestations.

The writer then enumerates various acts of misconduct which he attributes to the present Assembly. These are, the rejection of bills for regulating township offices, for education, and for amending the jury laws. They also are charged with having granted a permanent civil list, without stipulating for the independence of the judges, and this measure is said to have been passed, both by the Assembly and the Councils, in an unusual and indecent haste. Respecting judicial independence, it must have been known to Mr. M'Kenzie, that without waiting any solicitations from the province, His Majesty had, long before the date of this paper, directed you to suggest the enactment of a bill for that purpose. His Majesty would rejoice to give his assent to such a bill, and doubts not that it will speedily be enacted. The indecorous haste which is said to have occurred in granting the civil list, seems to be very harshly ascribed to the House. The King had, without any request from them, placed at their disposal the revenues of which the law had vested the appropriation in himself; and if in a courteous and respectful acknowledgment of so frank a concession, the ordinary forms of business were dispensed with, it is surely neither wise nor gracious thus to censure a proceeding intended and calculated to strengthen the bonds by which the Sovereign and his people are happily united. The questions of juries and township offices, are precisely such as to admit an infinite diversity of opinion respecting each specific measure proposed to the House, and no unprejudiced person would assume that a dissent from his own views on such topics implied any failure of zeal for the public good.

This paper proceeds to accumulate a body of charges against the Assembly, into the justice of which it is utterly impossible that I should enter. Whether their appropriations of public money have been prudent; whether Mr. M'Kenzie himself was properly expelled; whether a reduction of fees ought to have been made; whether the term "misguided individuals" was correctly applied to Mr. M'Kenzie and others, in the address of the House to His Majesty, are topics on which I conceive it to be the duty of the King's Government rather to defer to the judgment of a body enjoying the most extensive means of local information, than to oppose to them conjectural opinions of their own.

The same conclusion is next urged on the ground of the "angry and excited state of the public mind." I should have thought that, assuming the accuracy of this statement, anger and excitement were precisely those tempers of mind in which men would be least qualified to exercise a wise and dispassionate judgment on the great question which it is proposed to refer to their determination.

The recent dissolution of Parliament in this kingdom, is quoted as a precedent in favour of a similar proceeding in Upper Canada. I will not discuss the accuracy of the analogy which it is thus attempted to draw between the two cases; but content myself with saying, that I believe no impartial man will deny, that no real similarity exists between them. However well adapted such a topic may be for popular effect, it would be at variance with all sound principles to accept it as a ground for a great political measure.

Mr. M'Kenzie appears to have foreseen that a very numerous body of petitioners would protest against his recommendations. It is satisfactory to find, that in his attempt to repel their effect by anticipation, he has no specific statement to make, or argument to urge, but that, in his opinion, such petitions would show "the follies of the advisers of the Government, and their own inexperience." With what propriety "folly" is thus freely attributed to a body of between twenty and thirty thousand persons, or "inexperience" to those who are in the same breath condemned for having exercised an improper authority from the very infancy of the province, it were needless for me to state.

The House themselves, it appears, refused to concur in an address for their own dissolution; in favour of the motion 18 members voted, and 27 against it; the two parties, it is said, each representing populations numerically equal; but, it is
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added; that 19 of the majority were persons holding offices or places at the pleasure of the Crown. Upon what grounds Mr. M'Kenzie makes this assertion, I am at a loss to conjecture. I have before me a list of the majority who voted upon the occasion referred to, and on comparing it with the annual return of the civil establishment of the colony for 1830, I cannot discover that it includes more than six gentlemen holding any public employment; of these six, one fills a situation of which the emolument is little more than nominal, being only 9*l.* a year; of the remaining five, two are the law officers of the Crown, whom I presume Mr. M'Kenzie can scarcely hold it to be desirable to exclude from the Assembly. If it could be shown that the Crown really possessed an undue influence in the provincial legislature, His Majesty would not hesitate to assent to any law which might be passed for the purpose of limiting the number of persons holding offices at pleasure who should be permitted at one time to sit there. I cannot, however, believe that any such undue influence could possibly be exercised; the popular system of election which exists in Upper Canada would enable the inhabitants speedily to dismiss from the Assembly any representative who might be capable of betraying his duty to his constituents by supporting a line of policy injurious to their interests, for so paltry a consideration as 50*l.* or 60*l.* a year, which seems to be the amount received by some of the persons to whose presence in the Assembly Mr. M'Kenzie objects. If the majority of the electors of any town or county think fit to return as their representative a gentleman who is in the public service, this only proves that the general policy of the government by which he is employed is in their opinion entitled to approbation; nor if so, can I see the slightest objection to such a choice; on the contrary, I think the presence in the Assembly of a certain number of gentlemen holding official situations, and able to explain the views and objects of the government on the different subjects which come under discussion, is calculated very much to promote the public interest.

Mr. M'Kenzie further contends, that the petitions of which he is the bearer should be credited as expressive of the general opinion of the province, because they accord with the votes of the House of Assembly of Lower Canada; because they are in harmony with the views of the last Assembly of Upper Canada; because this present Assembly has vacillated in some of its measures; because the present House have sanctioned resolutions, bills, and addresses negatived by the Council, or rendered ineffectual by yourself; because they correspond with the petitions presented to the House; because they are in co-incidence with certain petitions approved by the Assembly in 1828, with others presented in the House of Commons in 1831, and with another address to yourself in December last; and, finally, because they are supported by a mass of facts and testimony. These statements do not, as far as I perceive, invalidate the inference which I am bound to draw from the fact, that Mr. M'Kenzie and his constituents are opposed by a body of petitioners who very greatly outnumber themselves. Desirous to attribute to popular opinion, when deliberately formed and calmly expressed, the weight which it is indeed impossible to deny it, I am, by that very consideration compelled to believe, that in acceding to the prayer for a dissolution of the House, His Majesty would be acting, not in countenance with the judgment of the people, but in opposition to it. I must believe myself better informed than Mr. M'Kenzie respecting the affairs of Lower Canada, as I have much more ample sources of information, and I therefore deny that the cases of the two provinces are so parallel or alike that the resolutions adopted in the one could with any propriety be transferred to the circumstances of the other. I cannot assume that the ninth provincial Assembly, were it now sitting, would retain the opinions it held in a former and different period. The changes of opinion in the present House of Assembly rather prove that that body are attentive to the wishes of their constituents than the reverse, and certainly afford no argument to show that they have lost the public confidence. The "facts" and the "testimonies" to which reference is made, I have considered in the former part of this despatch.

The dissolution of the House is again urged upon His Majesty, because the same principle of extending the representation to meet the increase of the population was recognized in the Lower Canada Bill of 1829; because His Majesty assented to a reformed representation in this country; because it is desirable to conciliate the people of Upper Canada; because the Canada Committee of 1828 advised a conciliatory and constitutional system of government to be observed in the Canadas; and because Mr. Hume had, on some occasion which is not explained

excited expectations in the province which the refusal of a dissolution would disappoint.

I answer, that for whatever language Mr. Hume may have employed, that gentleman alone is responsible; and His Majesty's Government cannot be called upon to answer for any disappointment which they have had no share in producing. I further answer, that the advice to conciliate the Canadas by a constitutional system of government has been constantly borne in mind by my colleagues and myself, but that I know not what principle of the constitution calls upon us to advise His Majesty to oppose the decided voice of the House of Assembly, and the voice of the great apparent majority of the people. To retain their affections is the great object of His Majesty's policy, but how am I to suppose that this object would be promoted by thwarting the declared wishes of so preponderating a majority of them? The Royal assent to the Reform Bill in this kingdom proceeded on no principle which could be applied to the present question; and the reference to Lower Canada and the election law of that province of 1829, proves only how very imperfectly Mr. M'Kenzie is acquainted with the real history of that law.

I have thus pursued the two first papers laid before me by Mr. M'Kenzie in the most ample detail. If it should occur to you that I attach to them more importance than can fairly be claimed for the views of a single man, writing under the irritation of personal resentment, I would reply, that I have always felt it to be my duty to consider any representation which may be laid before me upon important public questions, with reference to the intrinsic merits of the questions themselves, rather than to any matter personal to the individual from whom they may immediately proceed; and in this case, I have received these documents from Mr. M'Kenzie, not merely as expressing his own opinion, but also as explanatory of the views of those who have deputed him to represent what they consider their grievances to His Majesty. To them the utmost possible respect is due; and although they have not succeeded in satisfying me that their opinions are right, and their views correct, I have been anxious at least to prove, that they had undergone the most careful scrutiny which it was in my power to bestow upon them. The only object which His Majesty's Government can have in view is the improvement and welfare of the province; and it is highly gratifying to them to believe, from all accounts which reach this country, that whilst upon some question of internal policy, and the state of the law in certain respects, differences of opinion may prevail, the prosperity of the province is rapidly advancing, in a manner calculated to draw closer the bonds of attachment by which the people are united to the mother country. It is the duty of His Majesty's Government at home, and of his representative in the province, to keep these great objects steadily in view, relying with confidence upon the good sense, the right feeling, and the warm loyalty of the people at large. It is by such a course that errors may best be amended, imperfections removed, abuses, if such there be, corrected, and all the sources of public good developed and enlarged.

Having written this despatch with a view to publicity, you have my authority to make it public in whatever manner you may think it most convenient.

I have the honour to be, Sir,

Your most obedient servant,

(signed) GODERICH.

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COPY of a DESPATCH from Major-general Sir John Colborne to Viscount Goderich; enclosing Addresses from the Legislative Council and House of Assembly.

MY LORD,

Upper Canada,
York, 16 February 1833.

I HAVE the honour to acquaint your Lordship, that being persuaded much inconvenience might arise from delaying to promulgate your Lordship's despatch of the 8th of November last, I took an early opportunity of laying this despatch, and the voluminous documents to which it referred, before the Legislative Council and House of Assembly.

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The documents were the occasion of a very angry discussion in both Houses ; and I beg leave to transmit to your Lordship the accompanying Addresses which I have received, respecting the several allusions in your Lordship's observations, which the two Houses have considered themselves called on to notice.

Under the circumstances of the case, and with reference to the petitions carried home by Mr. M'Kenzie, having been received by the House of Assembly last session, I have no doubt that your Lordship will approve of the course which I have pursued in giving publicity to your Lordship's despatch.

I have, &c.

(signed) J. Colborne.

TO His Excellency Sir John Colborne, Knight, Commander of the Most Honourable Military Order of the Bath, Lieutenant-governor of the Province of Upper Canada, and Major-general commanding His Majesty's Forces therein, &c. &c. &c.

May it please Your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg leave to express our thanks to your Excellency for laying before us an original despatch, written to your excellency by the Right Honourable the Secretary of State for the Colonies, on the 8th of November last, containing his Lordship's observations, at great length, upon a variety of statements made to him by Mr. William L. M'Kenzie, an inhabitant of this town. Having perused this despatch, we comply with your Excellency's desire in returning it to your Excellency, taking it for granted that the only reason for laying it before the Legislative Council was the direction contained in the despatch that it should receive publicity.

The statements upon which these comments have been framed, have also been laid before us by your Excellency ; but without entering into any particular consideration of their contents, with which the Council had little desire to become acquainted, enough appears in the tenor of his Lordship's observations, to make it manifest that those statements have been made with a very unusual disregard of truth, and in a spirit of wanton and intemperate hostility to the legislative and executive authorities in this province. If sufficient internal evidence of this character did not present itself to His Majesty's Secretary of State, in all such parts of those documents as relate to the affairs of this colony, we must infer, from the observations of his Lordship, that it was abundantly displayed in the principles, motives and conduct ascribed to His Majesty's Ministers in England, upon which his Lordship has necessarily the means of forming a correct opinion.

We cannot say that it may not possibly give satisfaction to some persons in this province to observe the condescending and respectful manner in which representations of so peculiar a description, proceeding from an individual, have been received and replied to, notwithstanding it is evident that they were outrageously insulting to all the constituted authorities of this colony, and scarcely less so to the people at large, in imputing to them sentiments and feelings by which they never have been, and we are convinced never will be, actuated. It is not in the nature of things, however, that the Legislative Council, or that any portion of the people in this province, of sound hearts and understandings, having the truth under their view, can regard such statements, as compose Mr. M'Kenzie's voluminous correspondence with His Majesty's Secretary of State, in any other manner than with the most unqualified contempt; a contempt which, upon every principle on which character is acquired or lost, we think it must be more conducive to the public interests and honour, and to all the ends of good government, to avow than to disclaim ; so far, therefore, as the despatch of His Majesty's Secretary of State is to be considered as a reply to those statements, or as a commentary upon information derived from the same source, we cannot regard it as calling for the serious attention of the Legislative Council ; but it is scarcely necessary to say, that in any other point of view, this expression of the sentiments of His Majesty's Government, upon several of the matters discussed by his Lordship, must be received by us with the greatest interest. Upon some of these matters it may become the duty of the Legislative Council to address themselves respectfully to their Gracious Sovereign, because they deeply concern the permanent interests of this province ;

2d February 1833.
9th February 1833.

province ; but we think that we shall best consult the respect due to the other branches of this legislature, as well as to ourselves, by forbearing to enter into any discussion upon them in connection with these documents.

We appeal, however, to the intimate knowledge of this colony which your Excellency has acquired during a residence of four years, for a confirmation of our remark, that upon several of the questions which in this despatch are most elaborately discussed, no dissatisfaction or difficulty prevails, or ever has prevailed ; that no person living here ever heard, or imagined before, that they were seriously talked of or thought of as grievances ; and that the minds of the people are so far from being disquieted by them, that it is probable not a word would be heard upon them in travelling from one extremity of the province to the other, and in mingling with its industrious population throughout every portion of it. We appeal also to your Excellency for a confirmation of the statement, that from the day on which the author of those abusive papers left this province to the present hour, the people of Upper Canada have pursued their avocations as contentedly and as happily, with as kind and liberal a confidence in the justice of their government, and as respectful a submission to the laws, as can have prevailed throughout the same period in any part of the dominions of the Crown, not excepting the most peaceable county that could be pointed out in either of the United Kingdoms.

It cannot but be highly gratifying to the Legislative Council to observe how rightly His Majesty's Government estimates the sincere and ardent attachment which binds the great body of this people to the person and government of their Sovereign, and to the constitution under which they live. It would indeed be folly to expect, that in so large a population, there may not, at any time, be found some individuals who desire to disturb the existing order of things, from the same motives, and for the same purposes, which have prompted to similar attempts in all ages and countries, and under all forms of government.

And it is not strange that there should be, among 300,000 persons, a very considerable number who, from want of information, or of sufficient reflection, or from dispositions unfavourable to candid inquiry, may be too easily deceived, and brought to unite, for a time, in measures which they would not and could not approve of, if the truth could be brought clearly under their view. But in respect to our fellow-subjects in Upper Canada, speaking of them collectively as a people, we do them sincerely the justice to believe, that it is not necessary to conciliate their good will by overlooking, upon any occasion, the broadly-marked distinctions between truth and intentional mis-statement, between honour and dishonour, patriotism and sedition.

Upon the manner in which His Majesty's Government might choose to notice the petitions of any number of the inhabitants of this province upon public or private grievances, expressed, as we must conclude they would be, in the ordinary language of serious remonstrance or complaint, it would be presumptuous in us to offer any remark ; but the documents before us are the productions of an individual, supplied and reasoned upon as matters of information, upon the general policy of this Government, and the conduct of its officers ; and they consist, in a great measure, of extracts from articles that have, from time to time, appeared in the columns of a newspaper, and which cast unmerited insults upon the representative of His Majesty in this province, upon both branches of the legislature, upon members of each House individually and by name, and upon some of the most worthy and irreproachable inhabitants of the country. These strung together with little order or connection, and bearing upon the face of them the most palpable marks of a reckless mind, have been unscrupulously thrown before His Majesty's Government, in disregard of the respect due to the high authority to which they were addressed, and in violation of the official form and decorum which constitute, in general, some protection against contumely and abuse.

It has been painful to the Legislative Council to see, that in a discussion founded upon these documents, the office of Lieutenant-governor of this Province, and the names of some of the most responsible of the King's servants, are even hypothetically connected with imputations, which no one can easily tolerate to find associated with his name.

We confess it has not been without some degree of alarm, that we have observed the great stress laid by His Majesty's Secretary of State, in the course of his discussions, upon the fact, that the petitioners, who, it seems have supported by their signatures some of the statements advanced by Mr. M'Kenzie, are very
much

much outnumbered by the signers of petitions avowing opposite opinions. The Provinces of Canada are a most valuable portion of the British Empire, and their rapidly growing importance well justifies the anxious interest, and the minute attention, with which the welfare and the wishes of their people are consulted by our paternal government; but for the sake of the very numerous population which now inhabits this portion of the King's dominions, and for the sake of the millions who at no very distant period will be comprehended within their limits, we earnestly hope, that the stability of those institutions upon which our social happiness depends, is so far secure, that there are some points which, from their vital importance, will be firmly and inflexibly maintained, and for reasons more satisfactory and conclusive than an accidental preponderance in the number of petitioners on one side or the other; and that the government of our mother country will feel it to be an indispensable duty to uphold them with constancy against any unfounded prejudice or complaint, however supported. The Legislative Council feel it right also in candour to declare to your Excellency, that they have perceived in various parts of his Lordship's despatch, and not without extreme regret, that to the complaints urged against the executive government of this colony, and its officers, charging them with actual misconduct, or with culpable indifference to the interest of the colony and the happiness of its people, it seems to have been thought material, if not satisfactory, to reply in substance, that if indeed such imputations could be truly made, no blame can attach to His Majesty's Government in England, either because these abuses occurred in times that are past, or because the responsibility rests wholly with the persons inculpated; and in some instances a degree of colour is given to the complaint, by an express direction to your Excellency not to practice or to suffer any such abuse in future, or to give your utmost attention to the particular subject in discussion, which it might from thence be supposed has thus been brought, for the first time, under the attention of His Majesty's Government.

The Legislative Council trust they may be permitted to remark, that if the many faithful subjects of His Majesty in this country, whose knowledge of the truth, and whose sentiments led them justly to appreciate the acts and intentions of His Majesty's Government, had always contented themselves with vindicating them in the same spirit against aspersions unsupported by evidence, and advanced for the sole purpose of weakening the respect which should be felt for them, there might have been found somewhat less of that confidence in the government of the mother country, which every good man has felt it to be his duty to maintain and cherish.

And they cannot but think it much to be deplored, that on some most interesting public questions, whatever the Government and the Legislature of this colony have done, and are doing, in the zealous discharge of their duty, seems to have been unfortunately for the time lost sight of, so much as to leave ground for the inference, that it was necessary to quicken attention even to the obvious duty of promoting the religious and moral instruction of the people, by enforcing the suggestions of an individual, who unhappily employs the education he has received in misleading public opinion, and in sowing discontent among a happy and loyal people. We have not failed to remark, that in the observations which His Majesty's Secretary of State has made upon the subject of the Legislative Council, it seems not to have been present, at the moment, to his Lordship's recollection, although it must, of course, have been familiarly known to his Lordship, that that branch of the Legislature is not composed here, as in many chartered governments, of the same body which constitutes the executive council of the governor. It is therefore, as we most respectfully suggest, not accurately spoken of as "a board," being in fact a deliberative assembly, distinct from the executive department, constituted by a British Act of Parliament, and composed of members from various districts of the province who hold their office for life, whose duties are exclusively legislative, and in which all that is done is openly and publicly discussed, and proceeded in according to the same formalities as are observed in the representative branch of the legislature. Under this constitution, which created and preserves them an independent body, the Legislative Council has, for a long series of years, and for many successive parliaments, proceeded in a spirit of perfect harmony with the House of Assembly, with but one interruption, occasioned by a discussion on a point of privilege, in which each branch doubtless maintained those principles which it thought essential to its just independence.

However different may have been the opinions formed in the two Houses upon the principles or details of particular measures, neither has manifested the inclination to deny to the other the free exercise of their judgment upon all questions, and they have constantly proceeded in a spirit of cordial co-operation in the advancement of objects and undertakings, by the aid of which this province is making the most rapid and satisfactory progress, and is attaining to great importance as an agricultural and commercial country. It is the very intention of our constitution that the several branches of the Legislature should act as mutual checks upon each other, in order to prevent the too hasty adoption of measures of doubtful expediency; but when this check is interposed and felt, it is not unlikely to happen that persons of impatient and impetuous tempers look thenceforward with an unfavourable eye upon the barrier which obstructs the fulfilment of their wishes, and exert unscrupulously every effort to undermine or overthrow it.

For a just and steady support against every such attempt, the Legislative Council had always relied with a natural and habitual confidence upon the consideration and prudence of the parent state; but they confess with pain that this confidence was in some degree impaired when they found a committee of the House of Commons, a few years ago, in the course of an inquiry into the affairs of the provinces of Canada, proposing to such individuals as happened to be at hand a variety of questions apparently framed for the very purpose of drawing forth expressions of dissatisfaction with the manner in which the Legislative Councils were constituted, and really pressing upon them, as it were, to give a sanction by their voice to the opinion, that the councils should be rendered elective; a change which we are convinced no portion of the people of this province had ever to that moment contemplated, and which we venture to say is one of the very last changes which any friend to the best interests of these colonies would desire to see adopted.

To lead, however, to this conclusion, a variety of questions were proposed relative to the conduct of the Councils in rejecting or amending bills, and these were proposed to individuals in no measure responsible for the acts of the Council, nor competent in any degree to account for or explain them.

It could not be otherwise than that, by such a proceeding, an injury must be inflicted upon the character of the Council, by which its efficiency might be more or less impaired, a consequence certainly not to be desired, and of which the prospect was the more painful to this Council from the consciousness that no conclusion to their prejudice would have been drawn by candid men after that explanation of their proceedings, which alone could make them intelligible, and which the gentlemen conducting the inquiry were wholly without.

The Legislative Council feel it necessary also at this time, after perusing the despatch of His Majesty's Secretary of State, to declare, with what disappointment and regret they perceive that in an official communication which is directed to be made public, and which has been elicited by the extraordinary representations alluded to, His Lordship has thought it necessary to make express and particular reference to individual members of the Council, commenting upon the profession to which they belong, declaring the line of conduct which His Majesty's Government has enjoined upon them while they continue to be members, and intimating His Lordship's preference that they should resign their seats.

In respect to the part which the members alluded to shall take in the measures and deliberations of the Legislative Council, it is well known to the Council, that nothing could have been less called for than the injunction which has been thus publicly announced, and it is much to be regretted that the expression of this injunction upon such an occasion, and in such a manner, should now render it difficult for those gentlemen to persevere in a line of conduct into which their own inclination and convenience had led them, but which they could not honourably have consented to adopt either upon compulsion or upon any other suggestion than that of their own judgment.

The Council takes this occasion to remonstrate respectfully, but earnestly, against this assumed right of influencing the conduct or controlling the attendance of individual members.

They claim to be regarded as a perfectly independent branch of the Legislature; they feel it to be their duty to the people of this province, no less than to themselves, that they should really maintain that character; and they are painfully sensible that the honour of the Council collectively, and of each member of it individually,

individually, is concerned in their asserting to the full the privileges which the constitution has vested in them.

They observe, with pleasure, the declaration of his Lordship, in one part of his despatch, that His Majesty's Government has no right to interfere in the proceedings of the Council; and they should have felt most happy if the same conviction which dictated that declaration had also suggested, that no individual member can constitutionally be instructed upon the part which he may take in those proceedings. If, instead of being appointed to the Council for life, the members of that body had held their seats at the pleasure of His Majesty, it would seem but a reasonable consequence, that either that pleasure should be conclusively expressed, by absolutely removing the member, or that he should be left to be freely governed by his own discretion in respect to the frequency of his attendance in his place, as well as the extent to which he may participate in the acts and deliberations of the House.

The Legislative Council observes, that His Majesty's Secretary of State adverts in the despatch to a statement that Mr. Hume had excited expectations of certain measures in regard to this colony, which expectations ought not to be disappointed. Upon this point it is not unimportant, in the opinion of the Council, to observe, that if reliance could be placed on the same source of authority on which most of those assertions rest which have occupied so much of the attention of His Majesty's Government, Mr. Hume would indeed be responsible in no small degree for any discontent which may in time be produced in this province in respect to its constitution and government; but the Council sincerely trusts that it is not with truth represented that the measures beginning to be introduced into this prosperous colony for establishing political unions, which threaten alike the peace and the liberty of the people, are pursued under his recommendation; the Council, indeed, are bound at present to discredit it. It would be difficult to conceive what motives would justify, or what feeling could impel, any one of our fellow-subjects in England to such a proceeding. The people of Upper Canada are at this moment among the most favoured on earth; they enjoy peace, liberty, security and abundance, on a fertile soil and in a healthful climate, with an almost total exemption from burthens of any kind, and they enjoy these at a time when distress, tumults, and the prospect of war, occasion suffering and anxiety in most countries of the world.

If under these circumstances there can be any considerable number who are really not contented with their lot as inhabitants of Upper Canada, the only cause of their unhappiness must be, that they have not the disposition to be thankful.

The Legislative Council, after a perusal of this despatch of His Majesty's Secretary of State, has thus frankly expressed to your Excellency those sentiments which, if they had forborne to give them utterance, must nevertheless have remained impressed upon their minds. It is their earnest hope that they will not be thought to have departed, on this occasion of unusual delicacy, from that respect to His Majesty's Government of which they are conscious that the Legislative Council has never been unmindful. They do not entertain the thought that a Minister of the Crown can ever apply himself to the affairs of this colony with any other wish or intention than to do good, and they recognize in the voluminous despatch which has been placed before them the most anxious desire to place in their true point of view some questions to which the attention of His Majesty's Government had been called, not merely, as the Council is aware, by the representations of an individual, but by the petitions of a number of His Majesty's subjects in this province. For the desire thus shown, the Legislative Council cannot be otherwise than thankful; and they lament the more, that in a document in which an anxiety to allay prejudice is, on the whole, so manifest, occasion should have been given for the expression of deep regret at the impressions which some of its passages are calculated to produce. The Council, with the greatest deference to His Majesty's Government, beg further to add, that although they are far from thinking that no importance should be attached to the respectability of the source from whence information upon the public affairs of this colony, or the conduct of its government, is sought and derived, yet with respect to various opinions expressed, it would have seemed to the Council to evince a departure from all former usages, almost equally to be regretted, to have found His Majesty's Government involved in public discussions upon the com-

position and proceedings of the Legislative Assemblies of this colony, in consequence of the representations of any one of its most respectable inhabitants.

Your Excellency having transmitted to the Legislative Council the despatch and documents referred to, as the only method which we feel could have been consistent with the dignity of the Government for giving to them the publicity required by His Majesty's Minister, we have thought it the more regular and respectful course to address to your Excellency our unanimous sentiments upon them, under the expectation, however, that your Excellency will deem it proper to transmit a copy of this address to His Majesty's Secretary of State for the Colonies.

Legislative Council Chamber, }
2d day of February 1833. }

John B. Robinson, Speaker.

TO His Excellency Sir John Colborne, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-governor of the Province of Upper Canada, Major-general commanding His Majesty's Forces therein, &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, return our thanks for your Excellency's message of the 12th day of January last, transmitting a despatch of the Right honourable the Secretary of State for the Colonies, in answer to certain letters and documents addressed to his Lordship for the purpose of proving that the people of this happy and prosperous colony are oppressed and burthened with grievances, and have become so discontented, that there is danger of revolt and bloodshed unless those alleged burthens and grievances are removed and redressed.

We most readily concede that the noble Secretary of State was actuated by the best motives in framing the despatch in question, but we cannot refrain from expressing our great regret, that it did not occur to his Lordship, that allegations thus deeply affecting the character of His Majesty's subjects of Upper Canada rested on no better testimony than that of an individual who had been twice expelled this House, and who, in consequence of his having fabricated and reiterated libels of the grossest description, had been declared unfit and unworthy a seat in the Assembly during the present Parliament. If this fact had occurred to his Lordship, it is reasonable to suppose that he would not have felt himself at liberty to recognize the author of this additional calumny on the people of this province, as the agent or as speaking the sentiments of any portion of the loyal inhabitants of the province of Upper Canada, and would therefore have considered it utterly unnecessary to enter into so elaborate an examination or refutation of anything advanced by him.

The House of Assembly are unwilling to occupy your Excellency's time or attention by commenting on the details of the despatch, or on the different matters referred to in it, as constituting grounds of complaint on the part of a few of the people of this province; they will merely remark, that the remedy for any ills alleged to exist is placed in the hands, and is within the constitutional power, of the legislature of the colony; and the noble Secretary of State does the people of this province but justice in believing, that there are no people on earth who are less likely to yield to the unmanly weakness of despairing of the public good, and of betraying their most sacred duties in a pusillanimous spirit. Acting upon principles and feelings diametrically opposite to those imputed to them, we are confident that they will take care to exercise their rights as freemen and British subjects, in such a manner as will ensure the election of representatives who will maintain our excellent constitution, guard our rights, and with the concurrence of the other branches of the legislature, adopt such measures as may appear necessary for removing any just ground of complaint.

Commons House of Assembly, }
9th day of February 1833. }

(signed) *Arch^d M'Lean,*
Speaker.

— No. 3. —

ADDRESS to His Majesty from the Inhabitants of *Lenox* and *Addington*.

To the King's Most Excellent Majesty,

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal subjects, inhabitants of the counties of Lenox and Addington, in the midland district and province of Upper Canada, beg leave humbly and respectfully to tender our most hearty and sincere thanks to Your Majesty, for the consideration which Your Majesty has been pleased to bestow upon the representations and petitions of Your Majesty's subjects in this province, as evinced by the despatch of Lord Goderich, Your Majesty's Secretary of State for the Colonies, dated 8th Nov. 1832, and transmitted by His Excellency the Lieutenant-governor Sir John Colborne, to the House of Assembly, during the recent session of our provincial parliament. Trusting, as we do, that the paternal care manifested in that despatch, and a free, unrestrained and direct communication between Your Majesty's Government and the people of Upper Canada, will be the means of perpetuating the bonds of loyalty, affection and gratitude which bind us to Your Majesty's person and government, and believing that the various measures of reform mentioned in the despatch, many of which have long been most anxiously desired by a large majority of the people of this province, if adopted, cannot fail to render Your Majesty's faithful subjects more prosperous, contented and happy.

(signed) *Henry Lather.*
(And 1,604 other Signatures.)

— 4. —

ADDRESS to His Majesty from the Inhabitants of *Cobourg*.

To the King's Most Excellent Majesty,

May it please Your Majesty,

WE, Your Majesty's dutiful and loyal subjects of the town of Cobourg and its vicinity, beg leave to renew the pledges of our fidelity and loyal attachment to Your Majesty's person and government, and to express our unfeigned gratitude for the interest Your Majesty has always taken in the welfare of this province, and especially for Your Majesty's benevolent concurrence in the liberal suggestions contained in the despatch of Your Majesty's Colonial Secretary, the Right Honourable Lord Viscount Goderich, bearing date the 8th of November last.

It has occasioned no less surprise than regret, that this wise and conciliatory act of Your Majesty's Government, which reflects the highest honour on their justice and liberality, and which has called forth the grateful feelings of Your Majesty's loyal subjects in Upper Canada, has not been met with corresponding sentiments by our local legislature.

We owe it to Your Majesty, and to Your Majesty's Government, as well as to ourselves, to give our unhesitating assurance, that the sentiments of gratitude thus conveyed are in common with those of the great body of the people, and that Your Majesty's condescending kindness has thereby strengthened the bond which unites both countries together.

That Your Majesty will continue to pay a parental regard to the just complaints of Your Majesty's Canadian subjects, and that Your Majesty's Government will always consult the prosperity and happiness of the province, we confidently anticipate; and we pray that Your Majesty may long reign over a prosperous, united and happy people.

(signed) *Geo. Boswell.*
(And 595 other Signatures.)